



This is notice to all Members of the Gabriel's Overlook Property Owners' Association Inc. (the "Association") to advise of the next regular meeting of the Board of Directors of the Association, as follows:

**DATE: July 20, 2023**  
**TIME: 8:00 PM**  
**LOCATION: Georgetown Public Library**  
**402 W. 8<sup>th</sup> Street, Hewlett Room**  
**Georgetown, TX 78626**

A general description of the subjects to be discussed and voted on at the meeting are set forth below in the Agenda for the meeting.

**AGENDA FOR July 20, 2023 REGULAR BOARD MEETING**  
***Of***  
**Gabriel's Overlook Property Owners' Association, Inc.**

- I. Open Session
  - a) Establish quorum
  - b) Approve minutes from May 9, 2023 Meeting
  - c) Report Board approvals outside the regular Board meetings
  - d) Financial Report
  - e) Committee report – 2 minutes per committee
    - (1) ACC
    - (2) Roads
    - (3) Landscape
    - (4) Front Gate
    - (5) Website
    - (6) Social
    - (7) Waterway
  - f) Old Business
    - (1) Report on Special Members' Meeting regarding the 2024 Special Assessment
    - (2) Report on Road repair plans and process
    - (3) Report on the Front Area Fencing Project
  - g) New Business
    - (1) Approve Revision of GO Fine Policy (see attached)
      - a. Increase general fine amounts
      - b. Add provision for fines for failure to receive ACC approval for projects
      - c. Add provision for fining construction projects not completed within prescribed time limit
    - (2) Report on Project to Provide Front Gate Notice of significant GO events and collect current member contact data.
- II. Member Comments (limited to 2 minutes)
- III. Adjourn

FINE POLICY FOR  
GABRIELS OVERLOOK  
P.O.A., INC.  
(D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.)

**Introduction**

In order to encourage compliance with the architectural, use and environmental standards governing our community, the Board has established a General Schedule of Fines for uncorrected violations of the Declarations governing the Gabriels Overlook subdivision. These fines are in addition to other legal remedies available to the Association under its governing documents and state law, including but not limited to the right to file suit, to levy fees or charges for delinquent payments, and to seek reimbursement for legal fees or property damage repair expenses. Typically, the Association will issue violation notices and fines according to the General Fine Schedule. However, the Board reserves the right to vary from the General Fines Schedule, including as to which notice will be sent and the amount of any fine, as it deems appropriate on a case-by-case basis, excepting that an owner will always be entitled to a 30-day cure period in the event of a First Violation.

**General Fine Schedule**

First Violation -- warning letter. An owner is charged with a First Violation when neither the owner nor any person for whom the owner is responsible has committed the same or a similar violation in the preceding six months. In the event of a First Violation, a warning letter will be sent to the owner giving notice of the violation and requesting that it be cured within 30 days of the date on the notice or, in the case of a violation that is a one-time event, requesting that it not be repeated. No fine will be assessed in conjunction with a warning letter, but the notice may clarify that the owner will be subject to a fine if the violation is not cured in a timely manner.

Second Violation -- ~~\$50.00~~100.00. An owner is charged with a Second Violation when the owner has already been charged with (i.e., held responsible for) a First Violation that is the same or a similar violation and the related cure period has lapsed. In the event of a Second Violation, a fine of \$50.00 will be levied. The owner shall be provided a reasonable opportunity to cure the violation and avoid the fine if (i) required by state law; or (ii) the Board, in its sole discretion, decides to grant the owner that opportunity.

Third Violation -- ~~\$100.00~~200.00. An owner is charged with a Third Violation when the owner has already been charged with (i.e., held responsible for) a Second Violation that is the same or a similar violation. In the event of a Third Violation a fine of \$100.00 will be levied, and the owner will be warned that any continuation or repeat of the violation will subject the owner to a fine of \$100.00 or more and potential legal action by the Association.

Fourth Violation -- ~~\$100.00~~200.00 or more and Legal Action. An owner is charged with a Fourth Violation when the owner has already been charged with (i.e., held responsible for) a Third Violation that is the same or a similar violation. In the event of a Fourth Violation, a fine of \$100.00 or more will be levied and the issue will be turned over to an attorney for appropriate legal action, with all reasonable attorney's fees being charged to the owner.

**Failure to Acquire Architectural Control Committee (ACC)**

**Approval**

If an owner initiates or completes a project that is subject to ACC approval in accordance with Gabriels Overlook Conditions, Covenants, Easements and Restrictions (CCERs), Bylaws or other Rules and such project comes to the attention of the ACC through direct observation or other means, the owner shall be subject to fines as described in this section. Such fines shall be distinct from and not subject to the General Fine Schedule outlined above except that late fees may be assessed per standard GOPOA provisions.

Once an unapproved project is discerned, the owner shall be provided with a notice providing the owner the opportunity to retroactively seek ACC approval or to dismantle or otherwise remove or remedy the unapproved project.

If, upon receipt of notice of an unapproved project, within 30 days of receipt of such notice, the owner submits appropriate documentation as required by the ACC or otherwise provides information satisfactory to the ACC that the unapproved project meets ACC standards for approval and the ACC concurs or if the owner dismantles or otherwise removes or remedies the unapproved project and provides evidence of such to the ACC, the owner shall be fined \$100.00 for failure to properly receive prior approval for the project which shall be deemed to be late if not paid within 30 days of the ACC's approval or the removal or remediation of the unapproved project.

If, upon receipt of notice of an unapproved project, the owner a) fails to respond to the ACC within 30 days of such notice with information seeking retroactive approval, b) is unable or unwilling to dismantle or otherwise remove or remedy the unapproved project and provides notice of such to the ACC, or c) submits information to the ACC requesting retroactive approval which is subsequently denied, the owner may be fined up to \$1,000.00, the amount of the fine subject to the sole discretion and determination of the ACC depending upon the degree to which the unapproved project offends CCER provisions or appropriate community standards. Such fines shall be deemed late if unpaid 30 days after the owner was provided notice of the amount of the fine. If the ACC determines that the unapproved project must be dismantled or otherwise removed or remedied and the owner fails to comply, the owner will be assessed for any legal fees incurred by the ACC and/or GOPOA for pursuing appropriate legal action in addition to any assessed fine.

#### **Failure to Complete Construction Projects on a Timely Basis**

Gabriels Overlook CCERs require construction projects, upon approval by the Architectural Control Committee (ACC), to be completed within strictly defined time periods. Failure of an owner to complete approved construction projects within the prescribed time limits may subject the owner to weekly fines up to \$500.00 per week, such amount to be determined by the ACC at its sole discretion. Weekly fines may be reviewed periodically for prolonged construction delays and incrementally increased. Such fines shall be distinct from and not subject to the General Fine Schedule outlined above except that late fees may be assessed per standard GOPOA provisions except that late fees may be assessed per standard GOPOA provisions. .

#### **Other Provisions**

State law applies. All fine notices and procedures will be in compliance with state law, including Section 209 of the Texas Property Code. To the extent that this Fine Policy may conflict with state law, state law shall control.

Opportunity to cure and avoid fine. As provided in Section 209 of the Texas Property Code, if a fine is levied against an owner, the owner must be given a reasonable period of time to cure the violation, and thereby to avoid having to pay the fine, unless the owner was given notice and opportunity to cure a similar violation within the preceding six months. Given that the General Fine Schedule calls for initial warning letters (with no fines) that provide notice of the violation and a 30-day opportunity to cure, a subsequent violation (i.e., a Second Violation) occurring within six months will not trigger any legal right to cure the violation and avoid the fine. The Board may, however, as it deems appropriate, provide an opportunity to cure and avoid any fines, in spite of no legal obligation to do so. (Note: If a violation carrying a legal right to cure and avoid a fine is a one-time event -- i.e., by its nature, not on-going or repeating, and thereby not technically "curable" -- then the notice should provide that the fine is suspended unless and until the same or a similar violation is committed by the owner or someone for whom the owner is responsible.)

Hearings. Owners shall be notified of their right, if any, to request a hearing before the Board to discuss and verify facts concerning a violation and fine, as further provided in Section 209 of the Texas Property Code. Such a request must be submitted in writing to the Board care of the property manager within the timeframe provided by state law (i.e., within 30 days of receipt of the notice of violation).

Due dates. Fines and/or property damage charges are due and payable on the date provided in the notice, on the date by which a hearing must be requested, or upon the vote of the Board to uphold any levied fine or charges, whichever is later.

Ongoing violations. For ongoing violations, each day, week, or other stated period of time that the violation continues, may be treated as a repeat violation subject to an additional fine.