

NHE Deed Restriction Policy

Effective May 2021

1. The deed restrictions that apply to NHE will be strictly and impartially enforced by NHE Civic Club Association.
2. The NHE Civic Club Association will engage the help of an attorney or law firm to enforce the neighborhood deed restrictions.
3. The purposes of enforcing deed restrictions are to maintain property values in the subdivision and to protect the esthetic appearance of the neighborhood.
4. Every homeowner should receive a copy of the restrictions when buying their home. The welcoming committee should help to ensure that this is the case and supply a copy of the deed restrictions to any homeowner who does not have one. The Civic Club will provide a link to the deed restrictions or a paper copy to any homeowner who requests it.
5. All communications with homeowners with deed restriction violations will be done in writing. The Deed Restrictions Committee will forward an electronic copy of each letter that they send to the Board President, Board Vice President, Board Secretary, Board Treasurer, and all Board members. It should be noted that verbal conversations with residents or home occupants regarding deed restriction violations are to be avoided,
 - a. as such conversations could be prejudicial to litigation, should it ensue, and
 - b. conversations are more likely to result in misinterpretations or discrepancies in what is remembered.
6. The process of enforcing deed restrictions will proceed as follows:
 - a. The Deed Restrictions Committee will inspect the neighborhood at least once per month.
 - b. Violations will be noted per address without exception and photos will be taken.
 - c. All violations should be noted on a spread sheet with updates shared to keep all the Board abreast of ongoing violations situations.
 - d. A first courtesy letter from the Board of Directors of the NHE Civic Association will be sent to the owner of record of each house with a violation (see template, Exhibit A) requesting a resolution within 30 days.
 - e. If the deed restriction is appealed by the property owner, the matter shall be considered at the next Board of Directors meeting, or as required by Texas law. It is not the prerogative of the Deed Restrictions Committee nor any of the board Directors to waive a deed restriction violation without a vote from the Board.
 - f. If the deed restriction violation is not resolved within 30 days, a second courtesy letter from the Board of Directors of the NHE Civic Club Association will be sent to the owner of record stating that if the restriction is not cleared within 30 days, that the case will be referred to the Civic Club's law firm for action. This letter should specify that legal fees incurred going forward will be borne by the property owner. Suspension of any voting rights in Civic Club matters for a homeowner in violation will also be enforced at this point.
 - g. If the violation is not cleared within 30 days, then the case will be referred to the law firm representing the Civic Club in deed restriction violation matters.

- h. An attorney first demand letter will be sent to the property owner by the law firm representing the Civic Club in deed restriction violation matters. This letter will state that legal fees relative to the deed restriction violation matter will be the responsibility of the homeowner insofar as allowed by Texas law.
- i. If the matter is not cleared as specified by the NHE attorney, then a second attorney demand letter will be sent to the property owner. This second letter will stipulate that a lawsuit against the property owner will be filed as the next step. It will restate that the reimbursement of all fees incurred by the Civic Club due to the deed restriction violation must be reimbursed to the Civic Club from the homeowner, as provided by law.
- j. Note: The Board, by special action, based on the urgency of any specific case, reserves the right to bypass the two notices procedure either for letters from the Civic Club or from the Civic Club's attorney.
- k. Before a lawsuit is pursued by the Association's lawyer, the violation should be addressed by all board members and voted on by the Board. (Past experience shows that without full Board approval, unwanted and unanticipated problems can arise.)
- l. After an affirmative vote, a lawsuit will be filed.