

# **Red Oak Ranch (ROR)**

## **Property Owners Guide For Lot Use And Maintenance**

This guide was developed to provide assistance to property owners in understanding how the ROR Declaration of Covenants, Conditions and Restrictions (Deed Restrictions) are interpreted and enforced by the ROR Property Owners' Association (Association). The guide describes the process used to document and cite violations and clarifies the standards and expectations for lot use and maintenance.

### **Standard Process for the Enforcement of the Deed Restrictions**

1. **Monthly Inspection:** A monthly visual inspection of each lot in the community is completed by a member of the Association's Board of Directors (Board) and a representative of the Association's management company.
2. **Initial Finding Response:** When a violation has been noted for the first time, the property owner is normally contacted via telephone or email and reminded of the requirements under the Deed Restrictions. The property owner is then given approximately one month (based on the regular monthly inspection schedule) to remedy the violation.
3. **First Letter:** If contact was not made following the initial noting of the violation, or if the violation has not been remedied by the following inspection, a formal notification letter is sent. The property owner is given 21 days to remedy the violation.
4. **Second Letter:** If the violation has not been remedied by the following inspection (but no sooner than 21 days from the first letter), a second formal notification letter is sent. The property owner is given 21 days to remedy the violation and is notified that he/she will be responsible for any expenses incurred by the Association, including the cost of sending certified letters and/or the cost of undertaking action to remedy the violation should the Association choose to do so.
5. **Third Letter:** If the violation has not been remedied by the following inspection (but no sooner than 21 days from the second letter), a third formal notification letter is sent. The property owner is given 30 days to remedy the violation and this letter indicates what type of penalty, if any, will be imposed by the Board should the violation not be remedied. The property owner is also notified that they have the right to a hearing before the Board.
6. **Impose Penalties:** If the violation is not remedied by the end of the 30 day period from the third letter, the Board will proceed with imposing the appropriate penalty.
7. **Repeat Violations:** As a general rule but at the Board's discretion, property owners who have repeat violations for the same deed restriction item will be subject to the process outlined above but the process will start at the point at which the previous violation concluded. For example, if the previous violation concluded after a second letter, the current violation will start with the second letter. If the last violation concluded after the imposition of a fine, the current violation will start with resumption of the fine.

## Penalties Available to the Association

The following penalties/actions are available to the Association in the enforcement of the deed restrictions:

1. **Levy fines:** Levy fines per the approved Fine Schedule. A current copy of the Fine Schedule can be found on the Red Oak Ranch website ([www.redoakranch.org](http://www.redoakranch.org)).
2. **Remedied by Association:** (a) Enter the property and remedy, fix or repair the violation as necessary and (b) levy assessment on property owner for the reimbursement of costs relating to the remedy, fix or repair of the violation performed by the Association.
3. **Legal Action:** (a) Commence legal action against the property owner and (b) levy assessment on property owner for the reimbursement of costs relating to any legal or attorney's fees.
4. **Exclusions:** As applicable, exclude the property owner from use of any recreational facilities for up to 60 days or as long as violation continues.

## Standards and Expectations

All sections of the Deed Restrictions are considered as part of the monthly community inspection. The primary focus, however, is on Article III Use Restrictions with the most commonly cited section being Section 3.17 Lot Maintenance.

Generally, the intent is to ensure that the community remains a neat, attractive, pleasant and healthy environment for everyone. While the monthly inspection is from the road, property owners should ensure that their lot is maintained such that it also remains neat, attractive and pleasant when viewed from neighboring properties.

The following lists the primary topics addressed by the Deed Restrictions as related to the monthly community inspection. The Association's interpretation including expected standards and expectations are summarized for each Deed Restriction topic.

### *Improvements*

Lot maintenance not only includes landscaping, grass, shrubs and trees but also any structures on a lot, including houses, garages, outbuildings, fences, lighting fixtures, signs, mailboxes, driveways and sidewalks. These are all considered improvements. Any improvements, excluding landscaping but including any re-grading of lots, require approval from the Architectural Control Committee and no project may commence prior to approval by the ACC. Refer to the "Property Owners Guide for Property Improvement Projects" (located on the Association's website) for the application requirements for improvement projects.

### *Neat and Attractive*

Property owners must keep their lots neat and attractive. While specific topics are discussed below, neatness and attractiveness also includes the general appearance of the property. Therefore, such items as lawn and garden furniture, sports & play equipment and waste containers etc. must be stored such that a neat appearance is maintained.

### ***General Maintenance***

All exterior fixtures and mechanical facilities, such as lighting etc., are to be kept in good working condition. Any improvements on the property, including buildings, must be kept in good condition - including repairing any damage in a timely manner - and repainting when necessary.

### ***Fencing***

Property owners must keep all fencing in good repair and must ensure white vinyl fencing is kept clean. In winter there is generally a moratorium on fence cleaning, unless they are particularly unsightly, until after the end of pine pollen season in the spring.

### ***Storage Areas***

All yard equipment or storage piles must be screened from the road and neighboring properties. Furthermore, the storage of any materials or equipment that is not residential in nature is prohibited. This means that materials or equipment related to a business or commercial operation may not be stored on any lot within the subdivision.

### ***Recreational Vehicles***

The storage of recreational vehicles is permitted provided they are not commercial or business related. All recreational vehicles must be located behind the front line of the house. It is recommended that these types of vehicles be stored inside a garage, barn or outbuilding whenever possible. This includes horse trailers and boats.

### ***Burn Piles***

The burning of garbage, trash and rubbish is prohibited. Burning, if necessary, must follow the TCEQ outdoor burning requirements and guidelines and cannot take place during county burn bans. A copy of the TCEQ Outdoor Burning guide is posted on the ROR website.

### ***Maintenance of natural areas***

Natural vegetation areas of a lot are the un-cleared portions. Mowing and tree and shrub pruning is not required in these areas, however, the removal of fallen trees and branches is required if they can be seen from the road. This includes the removal of large root balls or stumps of trees that have been partially pulled out of the ground.

### ***Mowing and trimming***

Regular lawn mowing in cleared open areas is required. This includes the trimming of grass and weeds along driveways, sidewalks and underneath/around fencing. The Association hires a landscape company to mow/trim all of the roadside ditches and easements, but only to within one foot of a property's fence - to prevent any damage to private property. It is, therefore, the property owners' responsibility to mow/trim the remaining portion up to and beneath the roadside fences. Lawn and garden areas must be kept alive, free of weeds and attractive.

### ***Trees and Shrubs***

Trees and shrubs must be kept neat and pruned, as appropriate. No structure or landscaping may encroach into the recreational easement adjacent to the road, such that it detracts from its use or attractiveness. This includes ensuring that no vegetation grows beneath or through roadside fences and that any trees and shrubs overhanging the easement be trimmed to a height of 10 feet.

***Offensive Activities***

No noxious or offensive activity of any sort is permitted. Loud noise from speakers, horns, vehicles, etc. is not permitted. The Association has the sole/absolute discretion to determine what constitutes a nuisance or annoyance.

***Junked Motor Vehicles***

Abandoned/junked motor vehicles (i.e. without current inspection sticker or license plate) are prohibited. Vehicles that are not in regular use must be located inside a garage or outbuilding.

***Animal Husbandry***

Household pets and horses (one per acre) are permitted in the community, provided they do not become a nuisance or threat to other property owners and they are not kept, bred or maintained for commercial purposes. However, livestock or poultry of any kind is strictly prohibited, with the exception of animals being kept for 4-H or FFA projects. Under no circumstances (including 4-H and FFA projects) are pigs, hogs, emus, peacocks, ostriches or reptiles permitted.

***Waste/Hazardous Materials***

Prompt removal of litter, trash, refuse and other waste is required. All waste must be stored in sanitary containers prior to removal. No garbage, trash or rubbish may be burned within the community. No hazardous substances may be brought onto any lot.