

## **RULES AND REGULATIONS**

### **RECITALS**

WHEREAS Falcon Pointe Subdivision, Phase Two (hereinafter, "Falcon Pointe") is a residential community in McLennan County, Texas formed and organized under a document entitled Declaration of Covenants and Restriction of Falcon Pointe Subdivision (Phase 2) (hereinafter, the "Declaration") executed on August 7, 2009 and recorded in the Official Public Records of McLennan County, Texas on August 10, 2009;

WHEREAS Falcon Pointe – Waco Homeowners Association, Inc. (hereinafter, the "Association") was formed on June 11, 2009 to serve as the homeowners association for Falcon Pointe;

WHEREAS the Association's bylaw were entitled Bylaws of Falcon Pointe – Waco Homeowners Association, Inc. (hereinafter, the "Bylaws") and were adopted on December 3, 2012;

WHEREAS the Declaration and Bylaws called for the formation of a Board of Directors (hereinafter, the "Board") to manage the Association as set forth in those instruments;

WHEREAS the Board has continued to serve in that capacity continuously – exercising the powers and responsibilities set forth in the Declaration and Bylaws – and has ratified and adopted the prior actions of the Association and the Board;

WHEREAS Paragraph 24 of the Declaration and Articles 7 and 15 the Bylaws – among other provisions – grant authority to the Board to carry out and enforce the purposes and duties of said corporation, subject to certain enumerated limitations which are not applicable herein;

WHEREAS the Declaration and the Bylaws authorize and do not prohibit the Board from adopting rules and regulations for the governance of certain aspects of Falcon Pointe;

NOW THEREFORE it be ADOPTED by the Board, the following Rules and Regulations:

#### **Rules and Regulations**

##### ***1. Enforcement; delegation of authority; non-waiver; calculation of time.***

- a. The Board has authority to enforce the violations described in these Rules and Regulations.
- b. The Board may delegate its authority to one or more individuals for purposes of enforcement provided such delegation of authority is in writing. All references to the Board described herein include those persons acting under the delegation of authority of the Board.
- c. The non-enforcement or delay of enforcement of a potential violation in one or more circumstances does not constitute a waiver of the Board's authority to enforce a potential violation in another circumstance. Additionally, the imposition of a fine

less than the amount set forth in these Rules and Regulations does not constitute waiver of the Board's authority to impose a full fine amount in another circumstance.

d. Time periods are listed in terms of days which are intended to correspond with exact hours. For example, a warning to remedy a violation in three (3) days means that the violation should be remedied within seventy-two (72) hours.

2. *Overgrown lawns.* Lawns should be maintained by property owners, and an overgrown lawn which is visible from the street constitutes a violation. The Board may enforce such violations as follows:

a. Upon a first violation, the Board will send a written warning to the property owner advising of the overgrown lawns and requesting that it be remedied within five (5) days.

b. If the owner fails to remedy the overgrown lawn within five (5) days, then the Board may issue a second warning to remedy the overgrown lawn within three (3) days.

If the owner fails to remedy the overgrown lawn within three (3) days, then the owner will be fined up to \$50.00 by the Association. In addition, at this point the Association may mow the lawn itself and assess an additional \$50.00 charge for the cost of mowing.

c. The City of Waco considers 12 inches to be an overgrown lawn. However, the Board has discretion to determine what constitutes an overgrown lawn and is not limited by the policies of the City of Waco or any other municipal governing authority.

3. *Trash, clutter, or debris.* Owners should maintain their properties so as to avoid the collection of trash, clutter, or debris visible from the street. The failure to do so constitutes a violation. The Board may enforce such violations as follows:

a. Upon a first violation, the Board will send a written warning to the property owner advising of trash, clutter, or debris and requesting that it be remedied within three (3) days.

b. If the owner fails to remedy the trash, clutter, or debris within three (3) days, then the Board may issue a second warning to remedy the overgrown lawn within one

(1) day. If the owner fails to remedy the trash, clutter, or debris within one (1) day, then the owner will be given a third warning to remedy the trash, clutter, or debris within one (1) day. If the owner fails to remedy the trash, clutter, or debris within one (1) day of the third warning, then the owner will be fined up to \$50.00 per day.

c. The Board can assess fines up to \$250.00 within a calendar year for trash, clutter, or debris for a given property.

d. The Board has discretion to determine what constitutes trash, clutter, or debris.

*4. Inoperative vehicles; impermissible vehicles.* The presence of inoperative or impermissible vehicles can constitute a violation as set forth below.

a. An “inoperative vehicle” means a vehicle or trailer, which is inoperative, wrecked, dismantled, discarded, or which does not have (i) a lawful license fixed there too, (ii) an unexpired, license plate or plates, and (iii) a valid, motor vehicle safety inspection certificate or record.

b. An “impermissible vehicle” means a truck or van with more than two axles, a service vehicle (including, but not limited to, those containing multiple tool boxes, ladder racks, welding equipment, construction equipment, or other similar equipment or accessories), boat, trailer, motor home, mobile home, house, trailer, or recreational vehicle.

c. The Board may issue a warning when an impermissible vehicle is parked on the street in front of a property for two (2) days during the work week. If the vehicle is not removed within such time period, the property owner is subject to a fine up to \$50.00.

d. The Board may issue a warning when an inoperative vehicle is parked anywhere on a property which is visible from the street for two (2) days during the calendar week. If the vehicle is not removed within such time period, the property owner is subject to a fine up to \$50.00.

e. These provisions do not limit the Board’s authority under Paragraph 16 of the Declaration to tow – at the owner’s expense – vehicles which are in violation of the provisions described therein. Notably, an inoperative vehicle parked in view from

the street may be subject to towing after three (3) days with or without a warning issued.

f. The Board can assess fined up to \$250 within a calendar year for violating section 4 as it pertains to inoperative vehicles; impermissible vehicles.

*5. Owners responsible.*

a. Regardless of whether a property owner actually resides in the house which he or she owns in Falcon Pointe, it is the responsibility of property owners to ensure that their renters or guests are aware of these Rules and Regulations as well as any other restrictive covenants which may affect a renter or guest's use and enjoyment of the property.

b. Likewise, it is no defense to the provisions of these Rules and Regulations that an owner of a property did not receive actual notice of a communication from the Board because such communication was only received by a renter or guest. It is the responsibility of owners to ensure that their renters or guests are diligent to advise them of any notices or communications from the Board relating to these Rules and Regulations.

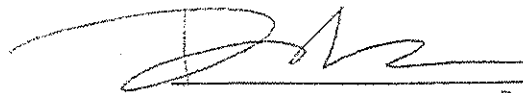
*6. Communications with owners.* The Board may communicate warnings or notices of fines to property owners by posting notices on the front door of a house, by first class mail, or by e-mail if the e-mail address has been confirmed by the property owner as an acceptable method of communication. The Board may communicate warnings or notices of fines related to vehicles by securely affixing such notices to the vehicle.

*7. Other rules.* These Rules and Regulations do not supersede or replace the Declaration or Bylaws but are promulgated under the authority of the Declaration and Bylaws. Property owners should be aware that there are rules, requirements, restrictions, and restrictive covenants applicable to the property owners and their properties. These Rules and Regulations only address some of the matters

*8. Amendment.* These Rules and Regulations may be amended from time to time by the Board. Such amendments will be made available to the property owners by publication on the Falcon Pointe website or social media page and may be distributed to the property owners

9. *Amendment.* These Rules and Regulations may be amended from time to time by the Board. Such amendments will be made available to the property owners by publication on the Falcon Pointe website or social media page and may be distributed to the property owners by mail or e-mail. Property owners are responsible for keeping apprised of any changes, additions, or amendments to these Rules and Regulations.

These RULES AND REGULATIONS were adopted by the Board of Directors for Falcon Pointe – Waco Homeowners Association, Inc. on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.



Brandi Reeves, Secretary  
Board of Directors of Falcon Pointe – Waco  
Homeowners Association, Inc.