

# Community Educational Series – June 2022



We hope you are enjoying this monthly Community Educational Series. If you haven't had an opportunity to read our previous articles, please check out our [April article](#) on the Homeowner's Association website and the [May article](#) on Governing Documents.

So, having reviewed the general function of the HOA and the governing documents in our previous articles, this is a good point to jump right into **deed restrictions** (aka restrictive covenants). Let's first acknowledge that the term itself can be a little off-putting. No matter how it's referenced...it means the HOA codified things an owner must do a certain way, or cannot do at all. An Owner's home is their castle, right?

Let's define exactly what "restrictions" means in reference to your HOA. [Texas Property Code, Title 11, Chapter 201](#) states "Restrictions means one or more restrictive covenants contained or incorporated by reference in a properly recorded map, plat, re-plat, declaration, or other instrument filed in the county real property records, map records, or deed records." Translated....they're in your HOA's governing documents and filed with the county. See our [May article](#) for more information on governing documents.

To further articulate how these restrictions affect the homeowner "[Deed Restrictions](#) are written agreements that restrict, or limit, the use or activities that may take place on property in a subdivision. These restrictions appear in the real property records of the county in which the property is located. They are private agreements and are binding upon every owner in a subdivision. All future owners become a party to these agreements, when they purchase property in deed restricted areas."

Deed restrictions are powerful tools to help preserve the character of a subdivision or neighborhood. A primary purpose of most deed restrictions is preserving the desired character of a subdivision by creating a **community-wide standard**. In other words, even though an Owner's home is their castle, the Owner is still obligated to abide by deed restrictions, if that home is in a common interest development with restrictive covenants.

Shadow Creek Ranch is one such development. You may obtain copies of the governing documents for Shadow Creek Ranch Maintenance Association and your Village directly from the County Clerk at a nominal fee; however, copies are also available **for free** online at [ShadowCreekRanchHOA.com](#). [Click here](#) to see a map of the Villages, if you are unsure of yours. You can also click on the following links to the Shadow Creek Ranch website to view the governing documents for the Villages of [Biscayne Bay](#), [Diamond Bay](#), [Emerald Bay](#) and [Reflection Bay](#).

We encourage you to pay particular attention to the **Declaration of Covenants, Conditions and Restrictions** Article V.- Maintenance, Article VII – Architectural Approval, Article VIII. - Architectural Restrictions, Article IX.- Use Restrictions, and Article X. - Covenants for Assessments for some of the most commonly encountered restrictions. Architectural modifications in particular are where many of our owners stumble, so please take the opportunity to familiarize yourself with your governing documents.

That brings us to inspection and enforcement of deed restriction violations. Per the Texas Residential Property Owners Protection Act ("TROP") [Chapter 209](#) the HOA is required at a minimum to conduct regular property and financial inspections, and to notify owners of a violation, including a cure period, by certified mail. At Shadow Creek Ranch, property and financial compliance inspections are conducted monthly, along with weekly compliance inspections and follow up on violations reported by owners.

Standard operating procedure for addressing deed restriction violations at Shadow Creek Ranch:

- **Friendly Reminder Letter/First Notice** – regular mail to the home and owner billing addresses
  - Mailing fee billed to the owner for collections letters
- **Second Notice** – regular mail to the home and owner billing addresses
  - Only sent for property violations
- **"TROP" (209) Letter** – certified letter to home and owner billing addresses
  - Mailing fee and letter fee billed to the owner
- **Final Demand/Attorney Referral** – certified letter to home and owner billing addresses
  - All attorney and ancillary costs are billed back to the owner until resolution

- **Lien Filed**
- **Petition for Foreclosure**

*NOTE: There are no actual fines levied in this process. All charges are related to administration, late fees, finance charges or attorney fee bill back.*

Lastly, when in doubt, check your governing documents, or give us (property management) a call or email with any questions at (713)436-4563 or [help@shadowcreekcranchhoa.com](mailto:help@shadowcreekcranchhoa.com). We are happy to clarify deed restrictions or offer options for you to gain more time to cure a property or financial violation. Let us know, if you need help.

Please read on for information on the Architectural Review process.

## Seasonal Topic: ARC

It's that time of year to start knocking out those projects you've been planning around your property! Making any modification to the outside of your property such as landscaping, painting, adding a new structure, and many repairs is highly encouraged, and requires approval from the Architectural Review Committee (ARC):

1. The first step is to review the [Architectural Review Committee Guidelines](#) (aka Community-Wide Standards).
2. If you believe your project falls within the standards, you will submit an [ARC Application](#).
3. When receipt of your application is confirmed, your application is valid for 30 days.
4. The management team will work with you to ensure you have the necessary back-up documentation, if needed. The Committee meets bi-weekly on Fridays to review all applications, so it is important to ensure your application is as complete as possible, when submitted.
5. Once the application is determined to be complete, it will be submitted to the ARC and you will be advised of the date for review.
6. If your project is approved or denied, a letter and email advising you will be sent within 2-3 business days of the Committee's decision.
7. If it is denied, you do have the ability to resubmit your application with any needed modifications, if applicable. You also have the ability to appeal the denial with the Committee, and ultimately to request a hearing with your Board of Directors.

Feel free to reach out to onsite property management with any questions about your project at [help@shadowcreekcranchhoa.com](mailto:help@shadowcreekcranchhoa.com).

***GARDENING BY THE  
MOON  
HEAT AND DROUGHT  
SUMMER IN TEXAS!  
Dr. Robert E. Moon  
July, 2022***

## Gardening by the Moon

Each month our very own Shadow Creek Ranch horticulturalist, Dr. R.E. Moon, prepares a custom newsletter for our community with valuable tips and tricks for keeping your landscaping in tip-top condition. [Click here](#) to view the June and July newsletters that offer some great information on summer gardening tips to beat the heat and managing the looming drought conditions.

## Deed Restriction Topic: Fence Maintenance

Are there any element of your fence that are warped or broken? If your fence is wooden, does it need to be sealed? If it's wrought iron, is there rust around the welded joints? How are the gate hinges and latches? Are the support posts firmly planted?

Fencing systems in disrepair are a potential deed restriction violation. We encourage you to regularly invest just a few minutes to examine the entire fence system to stay ahead of repairs and prevent small jobs from becoming big jobs.

Tips to aid in maintaining your fence:

- Inspect it entirely and regularly for the start of issues that could potentially damage it, like rust, mildew, termites, rot or broken support pieces
- Cleaning and/or touching up your fence system regularly enhances its appearance and provides opportunity to note any potential issues
- Pull weeds, wild vines and grass encroaching or growing on your fence as it can degrade the integrity of the system
- Prune overhanging tree branches that may sway or detach in a storm and damage your fence

Many repairs to fencing systems and all replacement project require ARC approval. Be sure to check the with onsite management.