

SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS
for
MISSION TRACE HOMEOWNERS ASSOCIATION

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

The undersigned, being the authorized representative of Mission Trace Homeowners Association (the "Association"), a property owner's association as defined in Section 202.001 of the Texas Property Code, hereby supplements the "Notice of Dedicatory Instruments for Mission Trace Homeowners Association" recorded in the Official Public Records of Real Property of Bexar County, Texas under Clerk's File No. 20180140046 (the "Notice"), which Notice was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association:

- **Fining and Towing Policy for Mission Trace Homeowners Association relating to Vehicles and Parking.**

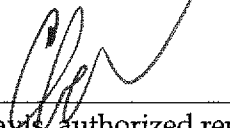
A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Bexar County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copy of the Dedicatory Instrument attached to this Notice is a true and correct copy of the original.

Executed on this 30th day of July, 2018.

MISSION TRACE HOMEOWNERS
ASSOCIATION

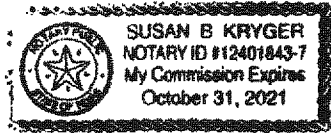
By:



Cliff Davis, authorized representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 30th day of July, 2018 personally appeared Cliff Davis, authorized representative of Mission Trace Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.





Notary Public in and for the State of Texas

**FINING AND TOWING POLICY
FOR
MISSION TRACE HOMEOWNERS ASSOCIATION
RELATING TO
VEHICLES AND PARKING**

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

I, ELAINE A. HARTLE, Secretary of Mission Trace Homeowners Association (“**Association**”), do hereby certify that at a meeting of the Board of Directors of the Association (“**Board**”) duly called and held on the 17th day of JULY, 2018, with at least a majority of the members of the Board being present and remaining throughout, and being duly authorized to transact business, the following Fining and Towing Policy was duly approved by a majority vote of the members of the Board.

RECITALS:

WHEREAS, Mission Trace is a residential community in Bexar County, Texas with private streets owned by the Association;

WHEREAS, the Declaration of Covenants, Conditions and Restrictions (“**Declaration**”) applicable to Mission Trace was recorded in the Official Public Records of Real Property of Bexar County, Texas on in 1973 under Volume 6991, Page 193 and has been added to and amended on multiple occasions;

WHEREAS, the Articles of Incorporation of the Association provide in Article VI, Section (g) that the Association shall have and exercise all powers, rights, and privileges which a non-profit corporation organized under the laws of the State of Texas may have and exercise;

WHEREAS, the Texas Business Organizations Code, Section 2.101, provides the Association may adopt and amend governing documents for managing the affairs of the Association subject to applicable law, and take other action necessary or appropriate to further the purposes of the entity;

WHEREAS, the Bylaws of the Association recorded in the Official Public Records of Real Property of Bexar County, Texas under Clerk’s File No. 20180140046 (“**Bylaws**”) provide in Article VI, Section 1 that the Board of Directors has the power to adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

WHEREAS, Article II, Section 3 of the Declaration provides the ownership of each lot shall entitle the owner or owners thereof to not more than two automobile parking spaces which shall be incorporated in the dwelling unit situated upon said lot, together with the right of passage over the driveway to and from said parking spaces;

WHEREAS, Article VI of the Declaration provides, in part, that no lot owner may alter or maintain any alteration in his garage in any manner that will prevent the parking of two (2) automobiles therein;

WHEREAS, Article VII, Section 1(n) provides that no truck, boat, recreational vehicle or trailers may be kept on a lot unless it is concealed from public view, nor can they be kept upon common property or the streets within the properties;

WHEREAS, Article X, Section 1 of the Declaration provides that the Association has the right to enforce all restrictions, conditions, covenants, reservations, liens and charges imposed by the Declaration;

WHEREAS, the Board of Directors of the Association has adopted a that policy entitled, "Controlled Access: Security, Vehicles and Parking," recorded in the Official Public Records of Real Property of Bexar County, Texas under Clerk's File No. 20180140046 ("Access Policy") to clarify the requirements related to vehicles and parking within Mission Trace; and

WHEREAS, the Board of Directors of the Association desires to adopt a policy to enforce the provisions in the Declaration and Access Policy relating to vehicles and parking within Mission Trace by imposing fines and towing after requisite notice is provided.

WITNESSETH:

The Board hereby adopts the following policy related to fining and towing:

I. FINING

A. A fine may be levied by the Association for a violation of the Declaration or Access Policy related to parking of vehicles.

B. Notice must be provided in accordance with Article II of this Policy before a fine is imposed.

C. Any fine imposed against an owner will be the personal obligation of the owner.

II. NOTICE

A. The first violation of the Declaration or Access Policy relating to parking requirements will result in a citation only.

B. The second violation of the Declaration or Access Policy relating to parking requirements will result in a citation and a courtesy letter sent to the owner.

C. Upon the third violation of the Declaration or Access Policy related to parking requirements, the Association will send written notice to the owner. The notice will be sent by certified mail, return receipt requested, and must:

- (1) describe the violation that is the basis for the fine; and

- (2) inform the owner that the owner:
 - i. is entitled to a reasonable period to cure the violation and avoid the fine unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months;
 - ii. may request a hearing on or before the thirtieth (30th) day after the date the Owner receives the notice; and
 - iii. may have special rights or relief related to the enforcement actions under federal law, including the Servicemembers Civic Relief Act (50 U.S.C. app. Section 501 et. seq.) if the owner is serving on active military duty.

D. Upon the fourth violation and subsequent violations of the Declaration or Access Policy related to parking requirements, a fine of \$100.00 will be imposed and the vehicle may be towed. The fine is payable within thirty (30) days. If the fine is not paid within thirty (30) days and the violation still exists, the vehicle may be towed.

E. If the owner is entitled to an opportunity to cure the violation, the owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the issue. A request for hearing must be submitted by the owner in writing and it must be submitted on or before the thirtieth (30th) day after the date the owner receives the Association's notice.

E. If an owner timely requests a hearing in writing, the Association must hold a hearing not later than the thirtieth (30th) day after the date the Board receives the owner's request for a hearing. The Association must notify the owner of the date, time and location of the hearing not later than the tenth (10th) day before the date of the hearing. The Board or the owner may request a postponement and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties.

F. All violations remain on the active record for a period of six (6) months.

III. TOWING POLICY

In the event of a violation of the above-referenced Parking Policy, the Association hereby has the authority, but not the obligation, to enforce the following Towing Policy:

A. The Texas Occupations Code, or successor statute, (the "Code") provides specific guidelines that the Association must follow to tow vehicles parked within the streets and parking areas in violation of the Declaration and Access Policy. Pursuant to §§2308.252(a)(4) & 2308.251 of the Code, the Association may, without the consent of the owner or operator of an unauthorized vehicle, cause the vehicle and any property on or in the vehicle to be removed and stored at a vehicle storage facility at the vehicle owner's or operator's expense if the vehicle:

- (1) is in or obstructs a vehicular traffic aisle, entry, or exit of the parking facility;
- (2) prevents a vehicle from exiting a parking space in the facility;
- (3) is in or obstructs a fire lane marked according to Subsection (c) of the Code; or
- (4) does not display the special license plates issued under Section 504.201, Transportation Code, or the disabled parking placard issued under Chapter 681, Transportation Code, for a vehicle transporting a disabled person and is in a parking space that is designated for the exclusive use of a vehicle transporting a disabled person.

(5) is in or obstructing a portion of a paved driveway or abutting public roadway used for entering or exiting the facility.

B. Other than under the above-referenced circumstances, before the Association may tow an unauthorized vehicle at the expense of the owner or operator of the vehicle, §2308.252(a)(1) of the Code requires that a sign or signs prohibiting unauthorized vehicles be in place for at least the preceding twenty-four (24) consecutive hours and remain in place at the time of the towing. The specific requirements for the necessary signage may be found at §2308.301- 305 of the Code.

C. If the Association does not place the required towing signs, pursuant to §2308.252(a)(2) of the Code the Association may tow the vehicle if the owner or operator of the vehicle has received *actual* notice from the Association that the vehicle will be towed at the vehicle owner's or operator's expense if it is in or not removed from an unauthorized space.

D. If the Association is unable to effect actual notice to the violating owner or operator, it may use the notice procedure under §2308.252(a)(3) of the Code, as follows:

The Association is considered to have given notice under §2308.252(a)(3) of the Code if:

(1) a conspicuous notice has been attached to the vehicle's front windshield or, if the vehicle has no front windshield, to a conspicuous part of the vehicle stating:

(a) that the vehicle is in a parking space in which the vehicle is not authorized to be parked;

(b) a description of all other unauthorized areas in the parking facility;

(c) that the vehicle will be towed at the expense of the owner or operator of the vehicle if it remains in an unauthorized area of the parking facility; and

(d) a telephone number that is answered 24 hours a day to enable the owner or operator of the vehicle to locate the vehicle; and

(2) a notice is mailed after the notice is attached to the vehicle as provided by Subdivision (1) to the owner of the vehicle by certified mail, return receipt requested, to the last address shown for the owner according to the vehicle registration records of the Texas Department of Transportation, or if the vehicle is registered in another state, the appropriate agency of that state. The notice must:

(i) state that the vehicle is in a space in which the vehicle is not authorized to park;


(ii) describe all other unauthorized areas in the parking facility; (iii) contain a warning that the unauthorized vehicle will be towed at the expense of the owner or operator of the vehicle if it is not removed from the parking facility before the 15th day after the postmark date of the notice; and (iv) state a telephone number

that is answered 24 hours a day to enable the owner or operator to locate the vehicle. The mailing of a notice is not required if after the notice is attached to the vehicle if the owner or operator of the vehicle leaves the vehicle in another location where parking is unauthorized for the vehicle according to the notice.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Fining and Towing Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Bexar County, Texas.

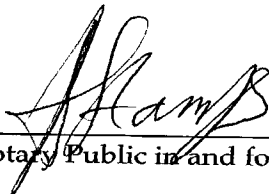
TO CERTIFY which witness my hand this the 24th day of JULY, 2018.

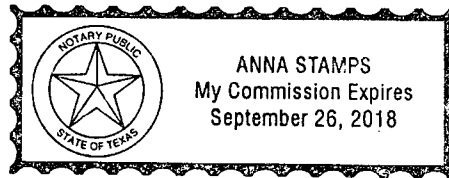
MISSION TRACE HOMEOWNERS ASSOCIATION

By: 
ELAINE A. KARTLE
Secretary

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned notary public, on this 24 day of July, 2018 personally appeared Elaine Kartle, Secretary of Mission Trace Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.


Notary Public in and for the State of Texas



File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
GERARD C. RICKHOFF, BEXAR COUNTY CLERK**

Document Number: 20180148832
Recorded Date: July 30, 2018
Recorded Time: 4:37 PM
Total Pages: 8
Total Fees: \$50.00

**** THIS PAGE IS PART OF THE DOCUMENT ****

**** Do Not Remove ****

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 7/30/2018 4:37 PM



Gerard C. Rickhoff
Gerard C. Rickhoff
Bexar County Clerk