

Cameron County
Sylvia Garza-Perez
County Clerk
Brownsville, TX 78520



70 2016 00029997

Instrument Number: 2016-00029997

Recorded On: August 22, 2016

As
Real Property

Billable Pages: 6
Number of Pages: 7

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Real Property	56.00
Total Recording:	56.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

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Recorded Date/Time: August 22, 2016 04:10:34P
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User / Station: D Jacinto - Cash Station # 5

Record and Return To:

CHARLES WOODWORTH
132 MADELYN ROSE BLVD
LOS FRESNOS TX 78566



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Official Public Records in Cameron County, Texas.

Sylvia Garza-Perez
Cameron County Clerk

MADISON GROVE OWNERS' ASSOCIATION RULES AND REGULATIONS
AMENDED WASTE (TRASH, RUBBISH, GARBAGE, LANDSCAPE TRIMMINGS, ETC.)
AND BUILDING MATERIAL POLICY AND PROCEDURE

STATE OF TEXAS
THE COUNTY OF CAMERON

WHEREAS, THE MADISON GROVE OWNERS ASSOCIATION (HEREINAFTER "ASSOCIATION") IS CHARGED WITH ADMINISTERING AND ENFORCING THOSE CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE DECLARATION FOR THE ASSOCIATION; AND

WHEREAS, THOSE CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS SPECIFICALLY CHARGE THE ASSOCIATION TO IMPLEMENT AND ENFORCE THE ABOVE BY WAY OF RULES AND REGULATIONS PUBLISHED AND ACTIONS TAKEN BY THE BOARD OF DIRECTORS AND/OR THE DESIGN REVIEW BOARD; AND

WHEREAS, THE BOARD OF DIRECTORS, TO BETTER FULFILL THAT MANDATE, HAS CHOSEN TO ALTER, REVISE AND/OR AMEND THE PREVIOUS TRASH, RUBBISH, GARBAGE, LANDSCAPE TRIMMINGS, AND BUILDING MATERIALS POLICY AND PROCEDURE, A REGULATION FILED WITH THE CAMERON COUNTY CLERK ON SEPTEMBER 15, 2015.

NOW, THEREFORE, THE BOARD HAS DULY ADOPTED THE FOLLOWING POLICY AND PROCEDURE IN LIEU OF THAT PREVIOUS DOCUMENT.

A. PURPOSE

PROPER DISPOSAL WASTE (RUBBISH, TRASH, GARBAGE, LANDSCAPE TRIMMINGS (CUTTINGS AND CLIPPINGS) ETC.) AND STORAGE OF BUILDING MATERIALS OUT OF SIGHT OF MADELYN ROSE BLVD KEEP THE SUBDIVISION LOTS IN HARMONY WITH ONE ANOTHER , REDUCE RISK OF LEGAL ACTION, HELP MAINTAIN PROPERTY VALUES AND THE SUBDIVISION IN A SATISFYING STATE OF APPEARANCE TO THE OWNERS,GUESTS, AND POTENTIAL BUYERS. THIS POLICY AND PROCEDURE ADDRESSES SEVERAL WAYS OF IMPLEMENTING AND ENFORCING THE CCRS IN THESE AREAS. ADHERENCE TO THIS POLICY IS THE RESPONSIBILITY OF EVERY PROPERTY OWNER WHILE ENFORCEMENT RESTS WITH THE BOARD OF DIRECTORS AND THE DESIGN REVIEW BOARD.

B. POLICY:

METHODS OF DISPOSAL: NO PHASE 1 MADISON GROVE OWNER'S LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND OR STORAGE AREA FOR WASTE

(TRASH, RUBBISH, GARBAGE, OR LANDSCAPE CUTTINGS) EXCEPT FOR:

(1) A SINGLE PIECE OF GROUND HOUSING ONE 10'X10'X6' HIGH OR SMALLER LATTICE ENCLOSED STRUCTURE TO STORE TRIMMINGS (CUTTINGS AND CLIPPINGS) USED EXCLUSIVELY TO DEVELOP COMPOST SUBJECT TO DESIGN BOARD APPROVAL, AND

(2) ONE 6 FEET IN DIAMETER AND LESS THAN 30" HIGH BURN PILE HOMEOWNER LOT (NO BURN PILES ON VACANT LOTS), AND

(3) TWO SANITARY CONTAINERS PLACED ON THE STREET ABUTTING THE CURB PARALLELING THE OWNER'S LOT LIMITED TO DAYLIGHT HOURS ON THE DAY OR DAYS WHEN GARBAGE PICKUP IS SCHEDULED.

C. PROCEDURE: CURE BY THE BOARD

(1) IF, FOLLOWING THE LAPSE OF 30 DAYS (EXCEPT FOR LOT MOWING BEING A PERIOD OF 10 DAYS) FROM MAILING A NOTICE TO CURE BY THE BOARD OF DIRECTORS TO AN OWNER , THE OWNER HAS NOT REMOVED WASTE (TRASH, RUBBISH, GARBAGE OR EXCESS LANDSCAPE TRIMMINGS), MOWED A LOT WITH ANY GRASS OR WEEDS OVER 8" HIGH, OR TRIMMED NEW OR DEAD GROWTH FROM SHRUBS, BUSHES OR TREES AND IT BECOMES NECESSARY IN THE OPINION OF EITHER THE BOARD OF DIRECTORS OR THE DESIGN REVIEW BOARD TO

(a) HAUL AWAY WHAT IS DEEMED BY EITHER AS WASTE (TRASH, RUBBISH, GARBAGE OR EXCESS LANDSCAPE TRIMMINGS (CUTTINGS AND CLIPPINGS)),

(b) MOW AND TRIM A PROPERTY OWNER'S LOT WHERE GRASS OR WEEDS ARE OVER 8" IN HEIGHT, AND /OR

(c) TRIM BUSHES, SHRUBS, AND/OR TREES BEFORE, DURING OR AFTER ANY CONSTRUCTION PERIOD THEN

1 THE EXPENSE INCURRED, INCLUDING BUT NOT LIMITED TO HAULING, EQUIPMENT RENTAL, LABOR AND/OR LANDFILL FEES ,SHALL BE PAID BY THE OWNER TO THE ASSOCIATION AS AN ASSESSMENT AGAINST THE LOT IN QUESTION.

(2) IF THESE FEES ARE UNPAID BEYOND THIRTY (30) DAYS OF THE INVOICE MAILING DATE, THE ASSOCIATION MAY, UNLESS A FORMAL HOA PAYMENT PLAN IS OFFERED AND ENTERED,

a EMPLOY FORMAL COLLECTIONS AT THE OWNER'S EXPENSE

b HAVE A LIEN PLUS PAYMENT OF 10% INTEREST, AND/OR

c REQUIRE PAYMENT OF OTHER FINES AND ATTORNEY'S FEES BY THE OWNER

(3) REPEATED VIOLATIONS WITHIN THE SAME 6 MONTH PERIOD MAY EACH BE ASSESSED BY THE BOARD AND ACCORDING TO THE FINES POLICY AND PAYABLE TO THE ASSOCIATION.

(4) THERE SHALL BE NO LIABILITY OF THE REMOVING PARTY TO ANY OWNER OR CONTRACTOR FOR THE VALUE OF OR DAMAGE TO ANY MATERIALS

REMOVED FROM THE LOT.

D. PROCEDURE: CURE BY THE OWNER

(1) WASTE(HERE,LOT TRIMMINGS (CUTTINGS AND CLIPPINGS))

INTENDED AS EVENTUAL COMPOST AND CONTAINED IN NOT MORE THAN ONE 10'X10'X6' HIGH LATTICE ENCLOSURE IN AN OWNER'S BACKYARD AREA AT LEAST 5' FROM ANY SUBDIVISION SHARED PROPERTY LINE AND UNSEEN FROM MADELYN ROSE BLVD AND/OR PLACED IN A SINGLE 6'DIAMETER X 30" OR LESS HIGH BACKYARD BURN PILE AT LEAST 5' FROM ANY SUBDIVISION SHARED PROPERTY LINE AND UNSEEN FROM MADELYN ROSE BLVD. ARE PERMISSIBLE.

ALL OTHER WASTE (LOT TRIMMINGS IN EXCESS OF THE ABOVE) MUST BE REMOVED WITHIN 48 HOURS OF CUTTING FROM THE OWNER'S LOT

(2) DUMPING AREA: ENTRY TO THE NEAREST DUMPING OPTION IS FOUND IN THE SUBDIVISION ITSELF AT THE NEAR END OF THE DIRT ROAD RUNNING SOUTH 100 YARDS FROM THE BARRICADE AT THE TERMINATION OF CREIGHTON LANE. (THIS IS THE DEVELOPER'S PRIVATE PROPERTY AND ANYONE DUMPING TRASH, RUBBISH, GARBAGE, PAPER PRODUCTS, BUILDING MATERIALS, STONE, BRICK, PLASTICS OR ANY MATERIAL OTHER THAN LOT LANDSCAPE TRIMMINGS (CUTTINGS AND CLIPPINGS) SHALL BE BANNED AT THE DISCRETION OF THE DEVELOPER FROM FURTHER USE OF THIS AREA. ALL CUTTINGS AND CLIPPINGS MUST BE TAKEN TO THE MOST SOUTHERN POINT OF THIS DUMP AREA BEFORE BEING UNLOADED DURING WEATHER WHEN RISING WATER PRECLUDES DUMPING IN THE AREA DESCRIBED, EXCESS CUTTINGS AND CLIPPINGS MUST BE TAKEN TO A LANDFILL OUTSIDE THE PHASE 1 OR PHASE 2 LAND.

E. PROCEDURE: BURNING EXCESS TRIMMINGS

(1) BURN PILES ARE DISCOURAGED BUT, IF PRESENT, WILL BE

(a) LIMITED TO ONE PER HOMEOWNER LOT (NO BURN PILES ON LOTS WITHOUT HOUSES)

(b) PLACED IN BACKYARDS ONLY AND AT LEAST 5' FROM ANY SHARED SUBDIVISION PROPERTY LINE

(c) OUT OF SIGHT FROM MADELYN ROSE BLVD,

(d) UNDER 6' IN DIAMETER AND LESS AND 30" OR LESS IN HEIGHT,

(e) IGNITED EXCLUSIVELY IN NO-WIND CONDITIONS,

(f) WITHIN 15 FEET OF A FUNCTIONING GARDEN WATER HOSE OR CONTAINER(S) CONTAINING A MINIMUM OF 10 GALLONS OF WATER.

(g) ATTENDED BY THE OWNER OR HIS REPRESENTATIVE.

(2) NOTIFICATION OF LOCAL AUTHORITIES AND ADHERENCE TO ALL APPLICABLE LOCAL TOWN OF BAYVIEW OR CAMERON COUNTY RESIDENTIAL ORDINANCES, BURN SAFETY PROCEDURES (NOTIFYING LOS FRESNOS FIRE DEPARTMENT PRIOR TO A BURN), AND BAYVIEW PERMITS ARE TO BE FOLLOWED BY ALL HOMEOWNERS PRIOR TO, DURING AND FOLLOWING IGNITION OF A BURN PILE.

F. PROCEDURE: BUILDING MATERIALS IN THE OPEN. ONCE APPROVED BY THE DESIGN REVIEW BOARD, BUILDING PROJECTS ARE EXPECTED TO BE COMPLETED IN A TIMELY FASHION. BUILDING MATERIALS AND TOOLS

(1) MAY BE IN SIGHT DURING THE ACTIVE BUILDING PHASE OF ANY PROJECT BUT

(2) MUST BE STORED UNDER COVER AND OUT OF SIGHT FROM MADELYN ROSE BLVD. WHILE

a ANTICIPATING CONSTRUCTION,

b DURING DELAYS,

c AND AFTER COMPLETION OF THE PROJECT.

G. HOMEOWNER TRASH COLLECTION AND LOT OWNER MOWING SERVICE

(1) THE BOARD SHALL HIRE OR CONTRACT INDIVIDUAL(S) OR INDEPENDENT CONTRACTOR(S) TO

a COLLECT EACH HOMEOWNER'S TRASH, RUBBISH AND GARBAGE BUT NO LANDSCAPE TRIMMINGS OR BUILDING MATERIALS ONCE PER WEEK AT THE CURB AND

b MOW, TRIM, AND CLEANUP CUTTINGS FROM EACH LOT OWNER'S PROPERTY ACCORDING TO THE MADISON GROVE OWNERS ASSOCIATION PUBLISHED STANDARDS UP TO 26 TIMES PER YEAR PER LOT.

(2) THE BOARD SHALL BUDGET AND COLLECT FROM EACH OWNER ANNUAL DUES TO FUND COLLECTION OF HOMEOWNERS' TRASH AND THE MOWING AND TRIMMING OF LOT OWNER' LOTS.

(3) HOMEOWNERS WHO CHOOSE TO CARRY THEIR OWN TRASH, RUBBISH OR GARBAGE OR LOT OWNERS TO MOW AND TRIM THEIR OWN LOTS ARE FREE TO DO SO BUT SHALL IN NO WAY BE EXEMPT FROM THE ASSOCIATION'S ANNUAL ASSESSMENT, ITS PAYMENT OR THE HANDLING OF DELINQUENCIES BY THE BOARD ASSOCIATED WITH NONPAYMENT OF DUES.

(4) THE OWNERS' ASSOCIATION SHALL NOT BE REQUIRED TO COLLECT AND CARRY TRASH, RUBBISH, GARBAGE, LANDSCAPE TRIMMINGS (CUTTINGS AND CLIPPINGS) FROM ANY LOT OWNER'S PROPERTY NOR MOW, TRIM AND CLEANUP ANY HOMEOWNER'S PROPERTY OTHER THAN WHEN AN OWNER'S PROPERTY IS DEEMED BY THE BOARD OF DIRECTORS OR THE DESIGN REVIEW BOARD AS

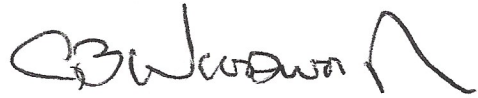
a NOT MEETING ASSOCIATION STANDARDS AND,

b A 30 DAY NOTICE (10 DAY FOR MOWING AND TRIMMING) SENT BY THE BOARD BY CERTIFIED MAIL TO THE OWNER TO CURE HAS EXPIRED.

H. ADHERENCE AND ENFORCEMENT. THE BOARD SHALL ADDRESS REASONABLE DEMANDS FROM ANY PROPERTY OWNER TO SATISFY ANY VIOLATION OF OR FAILURE TO FULFILL ANY POLICY REQUIREMENT BY ANY SECOND PRIVATE PROPERTY OWNER OR THE BOARD ITSELF REGARDING ANY PROPERTIES OR COMMON AREAS AND WITHIN 60 DAYS OF A COMPLAINT SENT BY CERTIFIED MAIL TO THE BOARD.

THIS POLICY AND PROCEDURE IS A LOCAL REGULATION AND MAY BE MODIFIED

AND CONSIDERED BINDING AT ANY TIME BY BOARD MAJORITY VOTE WITH NOTARIZED SIGNATURES AND FILING WITH CAMERON COUNTY. IT IS THE BOARD'S RESPONSIBILITY TO KEEP ALL REGULATIONS CURRENT, RETAINED ACCORDING TO THE HOA'S RETENTION POLICY, AND FILED WITH THE CAMERON COUNTY CLERK IN ACCORDANCE WITH THE TEXAS PROPERTY CODE.



CHARLES B. WOODWORTH, PRESIDENT

DAVID PRIVETT, SECRETARY



ALLISON MUSSER, TREASURER

DATE: 07/29/16

APPROVED AND ADOPTED BY THIS BOARD ON THE 22 DAY OF August 2016

Charles B. Woodworth
CHARLES B. WOODWORTH, PRESIDENT

STATE OF TEXAS
COUNTY OF CAMERON

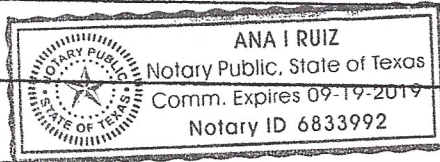
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CHARLES B. WOODWORTH, PRESIDENT OF THE MADISON GROVE OWNERS' ASSOCIATION, A TEXAS NON-PROFIT CORPORATION, KNOWN TO BE PERSON AND OFFICER WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE HAD EXECUTED THE SAME AS THE ACT OF SAID CORPORATION FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 22 DAY OF Aug 16

SIGNATURE Charles B. Woodworth

PRINTED NAME _____

MY COMMISSION EXPIRES _____



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By
David Jacinto
Sylvia Garza-Perez, County Clerk
Cameron County