

**RULES AND REGULATIONS OF CHATEAU DIJON TOWNHOMES
OWNERS ASSOCIATION, INC. CONCERNING
THE USE OF FIREPLACES IN BUILDINGS 7707 and 7711**

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

WHEREAS, the Chateau Dijon Townhomes Owners Association, Inc., (hereinafter **“Association”**), is charged with administering and enforcing those certain covenants, conditions, and restrictions contained in the Declaration for the Association;

WHEREAS, Article 14(s) of the applicable Declaration empowers the Association, acting through the Board of Directors to adopt Rules and Regulations concerning the management and administration of the Project for the use and enjoyment of the owners;

WHEREAS, Section 82.102(a)(7) empowers the Association, acting through the Board of Directors to adopt and amend rules regulating the use, occupancy, leasing or sale, maintenance, repair, modification, and appearance of units and common elements, to the extent the regulated actions affect common elements or other actions;

WHEREAS, Section 82.102(a)(12) empowers the Association, acting through the Board of Directors to impose reasonable fines for violations of the declaration, bylaws, and rules of the association if notice and opportunity to be heard are given in accordance with Section 82.102 Subsection (d);

WHEREAS, Section 1(a) of the applicable Declaration defines “Townhome” in relevant part as “Each Townhome is numbered as shown on the Plan, and the Boundaries of each Townhome shall be and are the interior surfaces of the perimeter walls, floor, ceiling and the exterior surfaces of balconies, patios, and terraces; and a Townhome includes both the portion of the building so described and the airspace so encompassed;”

WHEREAS, Section 1(f) defines “Common Elements” as “all of the Property except for the Townhomes;”

WHEREAS, Section 9 of the Declaration states “Except for those portions of the Townhome, if any, which the Board is required to maintain and repair hereunder, each Co-Owner shall, at his sole costs and expense, maintain and repair his Townhome, keeping the same in good condition;”

WHEREAS, Section (7)(j) of the Declaration empowers the Association, acting through the Board of Directors to maintain and repair any Townhome, if such maintenance or repair is

reasonably necessary in the discretion of the Board to protect the Common Elements or preserve the appearance and value of the Property, and the Co-Owner or Co-Owners of said Townhome have failed or refused to perform said maintenance or repair within a reasonable time after written notice of the necessity of said maintenance or repair delivered by the Board, and the Board shall levy a special assessment against the Townhome of such Co-Owner or Co-Owners for the cost of said maintenance or repair;

WHEREAS, the contractors responsible for rebuilding the Association's common areas following the tornado in February, 2017, observed that the fireplaces in Buildings 7707 and 7711 may require maintenance and repair to ensure the safe operation of such fireplaces; and

WHEREAS, the Chateau Dijon Townhome Owners Association, Inc., desires to hereby establish rules and regulations related to the responsibility for the maintenance, upkeep, and repair of fireplaces in buildings 7707 and 7711 and to additionally provide clear and definitive guidance to the Co-Owners.

NOW THEREFORE, the Board has duly adopted the following Rules and Regulations related to the responsibility for the maintenance, upkeep, and repair of fireplaces and to additionally provide clear and definitive guidance to the Co-Owners:

I.

Policy

1. Fireplaces shall be maintained, repaired, and replaced at the sole expense of the Townhome's Co-Owner(s). The Association shall have no responsibility to maintain, repair, or replace fireplaces within a Townhome;

2. Prior to the use of any fireplace within a Townhome in building 7707 or 7711 the Co-Owner(s) of such Townhome shall have the fireplace inspected by a certified fireplace/chimney company to ensure safe and proper operation of the fireplace. Written evidence of such inspection and the safe and proper operating condition of the fireplace shall be delivered to the Association's management office prior to use of any fireplace within a Townhome in building 7707 or 7711;

3. Co-Owner(s) that use a fireplace within a Townhome in building 7707 or 7711 without first providing written evidence of such inspection and the safe and proper operating condition of the fireplace shall be fined the sum of \$500.00 per occurrence;

4. Prior to levying the \$500.00 fine, the Association shall provide written notice to the offending Co-Owner(s) that:

- a. describes the violation and states the amount of the proposed fine;
- b. states that not later than the 30th day after the date of the notice, the unit

owner may request a hearing before the board to contest the fine;

- c. allows the unit owner a reasonable time, by a specified date, to cure the violation and avoid the fine unless the unit owner was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months;
- d. The Association may give a copy of the notice to an occupant of the Townhome; and
- e. The Association shall give notice of a levied fine to the Co-Owner(s) not later than the 30th day after the date of levy.

5. Given the nature of the violation of this Policy concerning fireplaces, if a Co-Owner is observed violating the Policy, the notice required by Section 4 hereinabove, shall state the date of the violation and advise the Co-Owner(s) that the next observed violation of the Policy shall result in the imposition of a \$500.00 fine. Each subsequent violation of this Policy for a period of 12 months from the date of the notice shall subject the Co-Owner(s) to additional fines of \$500.00 for each occurrence;

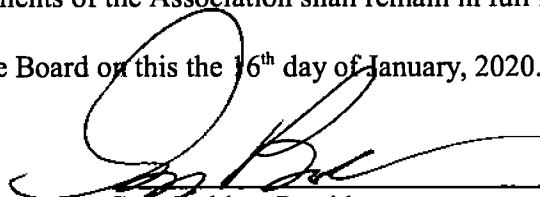
6. Nothing herein shall prohibit the Association from, in addition to and/or in conjunction with the imposition of fines, exercising its rights pursuant to Section 7(j) of the Declaration by having a fireplace inspected and repaired or maintained, if necessary, and levying a special assessment against the Co-Owner(s) of such Townhome for the cost of such inspection, maintenance, or repair.

II.

Supplement

These rules and regulations related to the responsibility for the maintenance, upkeep, and repair of fireplaces in Buildings 7707 and 7711 may be supplemented from time to time by the Board of Directors of the Association. These rules and regulations are effective upon recording in the Official Public Records of Bexar County, Texas, and shall control over any policy regarding the maintenance, upkeep, and repair of fireplaces in Buildings 7707 and 7711, which may have previously been in effect. All other provisions contained within the Association's Declarations, Bylaws, and Rules and Regulations concerning the maintenance, upkeep, and repair of fireplaces in Buildings 7707 and 7711, or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this the 16th day of January, 2020.


Greg Bolden, President

Chateau Dijon Townhomes Owners Association,
Inc.

STATE OF TEXAS

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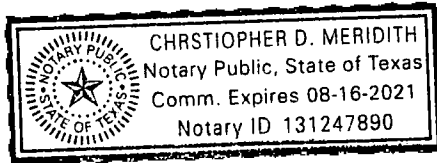
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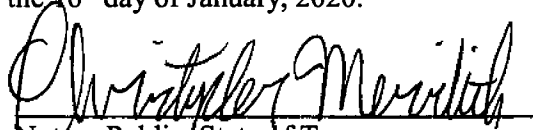
COUNTY OF BEXAR

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Before me, the undersigned authority, on this day personally appeared Greg Bolden, President of Chateau Dijon Townhomes Owners Association, Inc., a Texas non-profit corporation, known to be the 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 state.

Given under my hand and seal of office this the 16th day of January, 2020.




Notary Public, State of Texas

Christopher D. Meridith
Printed Name

My commission expires: 08/16/2021

File Information

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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: 1/16/2020 1:41 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk