

**THE RICCHI LUXURY CONDOMINIUM ASSOCIATION, INC.  
FINE & TOW POLICY**

Doc# 20220064470 03/14/2022 3:57PM Page 1 of 5 Lucy Adame-Clark, Bexar County Clerk

THE STATE OF TEXAS     §

COUNTY OF BEXAR         §

I, Mario Crosswell-Estefan, President of the Board of Directors of The Ricchi Luxury Condominiums Association, Inc. ("Association"), do hereby certify that at a meeting of the Board of Directors ("Board") duly called and held on the 1<sup>st</sup> day of April, 2020, 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 unanimous vote of the members of the Board.

**RECITALS:**

WHEREAS, The Ricchi is a residential community in Bexar County, Texas;

WHEREAS, the Residential Condominium Declaration ("Declaration") applicable to The Ricchi was recorded in the Official Public Records of Real Property of Bexar County, Texas on April 4, 2013 under Volume 16034, Page 515, being Document No. 20130066462 and has been added to and amended on multiple occasions;

WHEREAS, the Articles of Incorporation of the Association recorded on March 13, 2013 provide that the Association shall have and exercise 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 Document #20130068303, Page 28 recorded on April 8, 2013, ("Bylaws") provide 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 personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

WHEREAS, Article VII, Section 7.15 of the Residential Bylaws provides that the Association has the right to enforce all restrictions, conditions, covenants, reservations, liens and charges imposed by the Governing Documents;

WHEREAS, the Board of Directors of the Association desires to adopt a policy to enforce the provisions of the Governing Documents relating to the fining policy of the Association

WITNESSETH: The Board hereby adopts the following policy related to fining:

I. FINING POLICY:

- a. Fines of \$100 will be imposed for any violation of the rules and regulations of the Association, only if and when either video or photographic evidence of such violation is provided to the unit owner, or if 2 or more residents of separate units witness and report such violation.
- b. Any fine imposed against an owner will become the personal obligation of the owner.
- c. Late fees of \$25 will be applied if the fine is not paid within 30 days, and for each subsequent 30-day period that the fine remains unpaid.
- d. While a fine is pending payment, no resident or guest of that unit may use the amenities of The Ricchi.
- e. A unit owner who has been issued a fine may request a hearing with the Board of Directors on or before the thirtieth

(30<sup>th</sup>) day after the date the owner receives the notice of such fine; and

- f. may have special rights or relief related to 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.
- g. If an owner requests a hearing in writing, the Association must hold a hearing not later than the thirtieth (30<sup>th</sup>) 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 (10<sup>th</sup>) day before the date of the hearing.

## II. TOWING POLICY:

The Texas Occupations Code, or successor statute (the "Code") provides specific guidelines that the Association must follow to tow vehicles parked in violation of the stated parking rules. 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:

- a. Is parked in or obstructs a vehicular traffic aisle, entry or exit of the parking facility;
- b. Prevents a vehicle from exiting a parking space in the facility;
- c. Is in or obstructs a fire lane marked according to the Code;
- d. Is parked in or obstructing another owner's assigned parking space, or
- e. Is a vehicle which is unauthorized to park in the parking facility; i.e., RV, boat, commercial truck, trailer, etc.

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

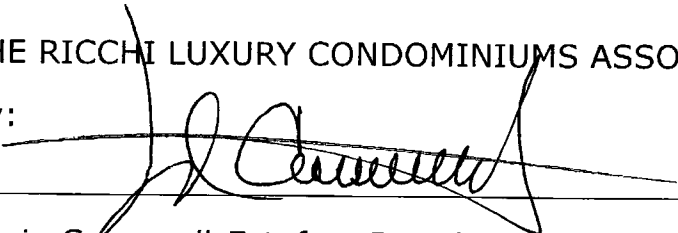
signs prohibiting unauthorized vehicles or parking be in place for at least the preceding twenty-four (24) consecutive hours and remain in place at the time of the towing.

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 of the Board of Directors as set forth above and now appears in the books and records of the Association and has been filed for recording in the Official Public Records of Real Property of Bexar County, Texas.

TO CERTIFY which witness my hand this 1<sup>st</sup> day of April, 2020.

THE RICCHI LUXURY CONDOMINIUMS ASSOCIATION, INC.

By:

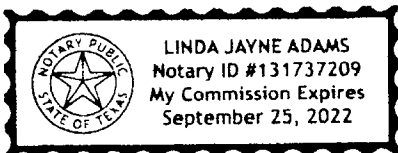


Mario Crosswell-Estefan, Board President

THE STATE OF TEXAS §

COUNTY OF BEXAR §

BEFORE ME, the undersigned Notary Public, on this 1<sup>st</sup> day of April, 2020, personally appeared Mario Crosswell-Estefan, President of the Board of Directors of The Ricchi Luxury Condominiums Association, Inc. 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.



 4-1-2020  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

**File Information**

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

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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: 3/14/2022 3:57 PM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk