

ROSEHEART HOMEOWNERS ASSOCIATION

1600 N. E. Loop 410, Suite 202
San Antonio, Texas 78209
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MEMORANDUM

DATE: June 16, 2010
TO: Roseheart Family Members
FROM: Board of Directors
SUBJECT: New Damage Deposit Requirement

Under the current Roseheart policy, there is no damage deposit required for homeowner projects approved by the Architectural Control Committee. The Board of Directors felt that there are situations where certain projects, because of their size, have the potential to damage common area property. Therefore, the Board has adopted the attached Damage Deposit Policy in order to protect common property. This policy applies to large projects that require heavy equipment to traverse common area property.



ROSEHEART HOMEOWNERS ASSOCIATION

**Policy Resolution of the Board
Architectural Control Committee (ACC) Damage Deposit Policy**

WHEREAS, the Board of Directors of the Roseheart Homeowners Association is empowered to establish rules, and also to make and enforce compliance with such reasonable rules, pursuant to Article IV of the Bylaws of the Roseheart Homeowners Association, and

WHEREAS, there is an inherent need to establish specific guidelines to help protect the common areas, streets, and walking trails from damage due to a construction contractor's negligence, and

WHEREAS, it is the intent of the Board that this rule shall apply to all owners, tenants, guests, invitees, or any others who may be living within the boundaries of the Roseheart master planned community, who may wish to improve their lots. This rule shall remain in effect until otherwise rescinded, modified, or amended by a majority vote of any subsequent Board of Directors, and

NOW, THEREFORE BE IT RESOLVED THAT the following policy applies in regards to the submission of a damage deposit, which must be submitted to the ACC prior to construction beginning, and which is hereby unanimously adopted by the Board of Directors:

Roseheart ACC Damage Deposit Policy

The Roseheart Homeowners Association Board of Directors (BOD) has determined that the common areas, streets, and walking trails are particularly sensitive to damage during homeowner requested construction projects that are larger in scope.

A larger construction project is one defined as requiring heavy, multi-axle vehicles using the streets and/or vehicles of any size that may have need to travel on the walking trails, i.e. concrete trucks, gravel trucks, concrete pump trucks, trucks delivering excavations equipment, gunite trucks, and any other vehicles so deemed by the ACC.

Effective February 1, 2010, the following policy shall be in force and effect

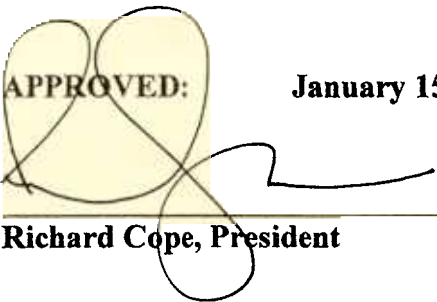
A \$1,500 damage deposit will be required on all large construction projects as determined by the ACC (a \$2,000 damage deposit will be required for trucks with outriggers). This deposit can be a personal check (member must be in good standing with the Association), cash, or cashiers check made payable to the Roseheart Homeowners Association, and must accompany the owners ACC request.

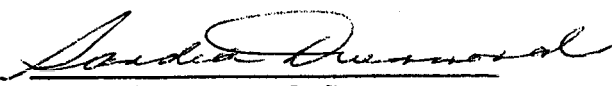


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Policy Resolution - ACC Damage Deposit
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Assuming there is no damage resulting from the construction project, eighty-five percent (85%) of the deposit will be refunded within thirty (30) days of the homeowners request for return of the deposit. Such request shall be in writing, and submitted to the Association offices. Fifteen percent (15%) of the deposit is non refundable, and will be retained by the Association for deposit into the reserve fund to facilitate wear and tear on the common elements and to fund any unforeseen damages that may have resulted from the construction project.

In addition, before a project can be approved, the contractor must submit a written statement/plan, outlining the steps he will take to protect the common elements of the Association. Photos will be taken to document the affected areas, both prior to, and upon completion of construction.

APPROVED: **January 15, 2010**

Richard Cope, President



Sandra Drummond, Secretary

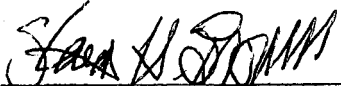
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on the 15th day of January, 2010 by Richard Cope, President, and Sandra Drummond, Secretary of the Roseheart Homeowners Association, a Texas non-profit corporation, on its behalf, who stated before me that the foregoing was true and correct to the best of their knowledge and belief.


STEVEN H. BROWN
Notary Public
State of Texas
Comm. Exp. 10-02-2012


Notary Public, State of Texas

AFTER RECORDING, RETURN THIS INSTRUMENT TO:

Association Management Services
1600 N. E. Loop 410, Suite 202
San Antonio, Texas 78209

**Roseheart Homeowers Association
Policy Resolution of the Board
Architechtural Control Committee (ACC) Damage Deposit Policy**

Doc# 20100038437 Fees: \$24.00
03/08/2010 4:24PM # Pages 3
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

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 FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

MAR 08 2010



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS