



*Laura Richard*  
Laura Richard, County Clerk  
Fort Bend County Texas  
Pages: 6 Fee: \$ 36.00



**UNCURABLE VIOLATION REPORTING POLICY FOR  
DISCHARGE OF FIREWORKS**

**Sienna Community Association  
Sienna Residential Association**

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND §

**I.     PURPOSE**

The purpose of this Uncurable Violation Reporting Policy for Discharge of Fireworks (this “*Policy*”) is to provide guidance to members of the Sienna Plantation Residential Association, Inc., sometimes doing business as Sienna Residential Association (the “*SRA*”), and of the Sienna Plantation Community Association, Inc., sometimes doing business as Sienna Community Association (the “*SCA*”), regarding reporting violations of the Dedicatory Instruments (as that term is defined by the Texas Property Code) caused by the discharge of fireworks within Sienna (defined below).

**II.    APPLICABILITY**

This Policy pertains to the following entities restricted by the Declaration and the Covenant (defined below):

1.     Sienna Residential Association, as referenced in the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sienna Plantation (Sienna Plantation Residential Association, Inc.), recorded under Clerk’s File Number 2012104699 in the Official Public Records of Fort Bend County, Texas, as same has been or may be amended from time to time (the “*Declaration*”), which Declaration encumbers the Sienna Plantation subdivision and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the SRA; and
  
2.     Sienna Community Association, as referenced in the Sienna Plantation Amended and Restated Master Covenant (Sienna Plantation Community Association, Inc.), recorded under Clerk’s File Number 2019035843 in the Official Public Records of Fort Bend County, Texas, as same has been or may be amended from time to time (the “*Covenant*”), which Covenant encumbers the property described in Exhibit “A” to the Covenant and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the SCA.

Any reference in this Policy to “*Board*”, “*Boards*”, “*Association*”, or “*Associations*” applies to each of the above-mentioned entities, as the context may require. Any reference in this Policy to “*Member*” or “*Members*” means those members of SRA and SCA, as the context may require. Any reference in this Policy to “*Sienna*” means that property encumbered by the Declaration and the Covenant, as the context may require.

Each Board is authorized by its respective Dedicatory Instruments to adopt policies and rules pertaining to the governance of the Association that it serves.

The Boards adopt this Policy, which runs with the land and is binding on all Owners and Lots within Sienna. This Policy is effective upon the recording of same. After the effective date, this Policy replaces any previously recorded or implemented policy that addresses the subjects contained in this Policy.

Invalidation of any one or more of the covenants, restrictions, or provisions contained in this Policy will in no way affect the other covenants, restrictions, conditions, or provisions, which remain in full force and effect.

### **III. UNCURABLE VIOLATION REPORTING POLICY FOR DISCHARGE OF FIREWORKS**

The discharge of fireworks is considered a violation of the Dedicatory Instruments governing Sienna, and any such violation may be enforced in accordance with Texas law, the procedures set forth in this Policy, the Residential Dedicatory Instrument Enforcement, Board Hearing, and Fine Policy recorded under Clerk’s File Number 2022022742 in the Official Public Records of Fort Bend County, Texas, as same has been or may be amended from time to time (the “*Enforcement and Fine Policy*”), and any other applicable Dedicatory Instrument. Pursuant to the Dedicatory Instruments, the Board has the authority, without the obligation, to pursue enforcement related to the discharge of fireworks by a Member or a Member’s guest(s) on property within Sienna.

#### **A. Fireworks Observed by a Member**

The following procedures must be followed to file a complaint with the Association regarding the discharge of fireworks by another Member or a Member’s guest on property within Sienna:

1. If a Member observes the discharge of fireworks by another Member or a Member’s guest(s) on property within Sienna, the Member who directly observed the discharge of fireworks must contact the Association and provide the following:
  - a. A written statement, including the address of the property where the fireworks violation was observed;
  - b. A general description of the fireworks violation;
  - c. The date and time the fireworks violation was observed;

- d. A minimum of 1 additional written statement from another adult Member or a copy of a police or insurance report that corroborates the reporting Member's observation of the fireworks violation; and
  - e. Photo(s) or video(s) of the fireworks violation, if possible, or note in the written statement that photo(s) or video(s) were not possible to obtain.
2. The Association must receive all of the above-listed information before an uncurable deed restriction violation letter ("*Uncurable 209 Demand Letter*") may be sent to the Member reported to have committed an uncurable violation of the Dedicatory Instruments by discharging fireworks on property within Sienna.

**B. Fireworks Observed by Association Staff**

If an Association staff member observes the discharge of fireworks by a Member or a Member's guest(s) on property within Sienna, the Association may send an Uncurable 209 Demand Letter in accordance with the Enforcement and Fine Policy.

<b>Policy Name</b>	<b>Approved/Finalized</b>	<b>Revised</b>
Uncurable Violation Reporting Policy for Discharge of Fireworks		August 2 and August 4, 2022
Uncurable Violation Reporting Policy		November 1, 2018
Uncurable Violation For Fireworks	October 17, 2016	

[SIGNATURE PAGES FOLLOW]

**CERTIFICATION**

I certify that, as secretary of the Sienna Plantation Residential Association Inc., the foregoing Uncurable Violation Reporting Policy for Discharge of Fireworks was approved on the 2<sup>nd</sup> day of August, 2022, at a meeting of the Board of Directors at which a quorum was present.

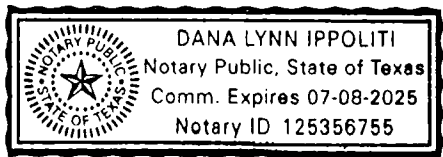
DATED, this the 2<sup>nd</sup> day of August, 2022.

By: Derek Goff  
Print Name: Derek Goff  
Title: Secretary

STATE OF TEXAS §  
COUNTY OF Fort Bend §

BEFORE ME, on this day personally appeared Derek Goff the secretary of the Sienna Plantation Residential Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and in the capacity expressed in this Policy, and as the act and deed of said corporation.

Given under my hand and seal of office, this 2<sup>nd</sup> day of August, 2022.



Dana Ippoliti  
Notary Public – State of Texas

CERTIFICATION

I certify that, as President of the Sienna Plantation Community Association Inc., the foregoing Uncurable Violation Reporting Policy for Discharge of Fireworks was approved on the 4<sup>th</sup> day of August, 2022, at a meeting of the Board of Directors at which a quorum was present.

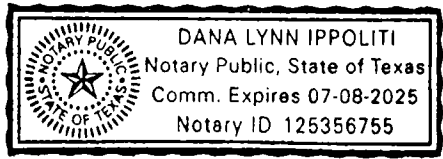
DATED, this the 4<sup>th</sup> day of August, 2022.

By: [Signature]  
Print Name: Jimmie F. Jenkins  
Title: President

STATE OF TEXAS §  
  §  
COUNTY OF Fort Bend §

BEFORE ME, on this day personally appeared Jimmie F. Jenkins the President of the Sienna Plantation Community Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and in the capacity expressed in this Policy, and as the act and deed of said corporation.

Given under my hand and seal of office, this 4<sup>th</sup> day of August, 2022.



[Signature]  
Notary Public – State of Texas

APPROVAL BY TOLL-GTIS PROPERTY OWNER, LLC

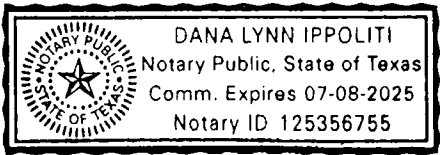
APPROVED, this the 4<sup>th</sup> day of August, 2022.

TOLL-GTIS PROPERTY OWNER, LLC, a Texas limited liability company

By: [Signature]  
Printed Name: Jimmie F. Jenkins  
Title: Authorized Representative

THE STATE OF TEXAS §  
COUNTY OF Fort Bend §

This instrument was acknowledged before me this 4<sup>th</sup> day of August, 2022, by Jimmie F. Jenkins, Authorized Rep. of Toll-GTIS Property Owner, LLC, a Texas limited liability company, on behalf of said company.



[Signature]  
Notary Public – State of Texas

After Recording Return To:  
Lisa L. Gambrell  
Isabella L. Vickers  
Roberts Markel Weinberg  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, Texas 77056