

Relative Timeline for D/R Pursuit Under Chapter 209 of the Texas Property Code

- a. All lots in the community are physically inspected from public streets on 2-week intervals. Except for time-sensitive violations, alleged violations are logged with no contact to the owner of the property for at least two weeks. Running accumulated elapsed time = 2 weeks.
- b. For violations which persist, notice of violation is sent to owner (and tenant, if applicable). Running accumulated elapsed time = 4 weeks.
- c. For violations which continue to persist, notification is sent via certified mail. Running accumulated elapsed time = 6 weeks.

It is at this point that Chapter 209 injects what amounts to a lengthy holding period. Specifically, the Association may make no further contact until at least 30 days after either: (1) the signed, certified green card is returned; or (2) the certified mail is returned refused or unclaimed. USPS makes 3 attempts to deliver certified mail, and this process takes on average 6 weeks before unclaimed mail is returned. Running accumulated elapsed time (worst case) = 6 weeks prior + 6 weeks for returned mail + 4 weeks mandatory hold = 16 weeks.

- d. For violations which persist, the dispute is presented for Board authorization to involve an attorney for further pursuit. The attorney demand is ordered and mailed by the attorney. Current average elapsed time is about 2 weeks. Running accumulated elapsed time (worst case) = 18 weeks.
- e. Cure period after attorney demand letter is effectively 30 days. Running accumulated elapsed time (worst case) = 22 weeks.
- f. For violations which persist, the dispute is presented for Board action at a Board Meeting for authorization to file a lawsuit. Depending on timing, the matter could wait 3+ weeks for the next Board Meeting. Lawsuit order is conveyed to attorney. Running accumulated elapsed time (worst case) = 26 weeks.
- g. At this point, pursuit is totally dependent on the legal system. The Original Petition is drafted and filed (1 wk. est.); after the Petition is signed by the court (? wk. est.), it must be served on the Defendant (6 wk. est.); the Defendant should file an answer to the suit (2 wk.est.); the judge sets a hearing date (ranges from 2 months for JP Court to 2 years for Civil Court). Defendant can also file legal Motions, which if approved by the judge, could put off the hearing date.

Note: Deviations on this timeline are not only possible, but also probable, due to ownership disputes / updates, due to "performance intervals" given when an owner pledges his intention to comply, and due to 30-day "performance intervals" which are recommended for pursuit which has escalated to attorney involvement levels.