

AMENDMENT #7: ENFORCEMENT

The Whispering Oaks Homeowners Association shall be authorized to enforce Restrictive Covenants within the Unit below (as shown on ballot).

Why was this amendment proposed?

Expanded enforcement options provide two primary benefits:

- 1) Residents are understandably reluctant to confront neighbors regarding Covenant violations. Historically, a homeowner could authorize WOHA to intervene on his behalf, but his identity would be disclosed on any resulting court documents and thereby expose him to potential liability or retaliation. The amendment averts such risks by allowing an insured non-profit corporation to act independently and discretely.
- 2) Every homeowner is legally empowered to insist upon Covenant compliance, but only within his Unit. He can't demand remedy of a violation in a nearby Unit even if it directly undermines his property value or enjoyment. He has to rely upon neighbors within the nearby Unit to take action, which may not transpire. The amendment creates an alternative strategy to resolve a serious lingering problem.

Can property owners still pursue Covenant violations on their own?

Yes. The amendment does not inhibit this longstanding right.

Is WOHA obligated to pursue any Covenant violations?

No.

Who decides if WOHA will pursue a Covenant violation?

In accordance with the organization's By-Laws, the Board would decide via vote if WOHA's limited resources should be used to resolve a serious violation.

How can residents participate in WOHA's process?

Membership is open to all households. Members can attend the Board's frequent meetings. Members can also pursue election to the Board.

How can I be reassured WOHA won't misuse this power?

Remember that homeowners within your Unit have always had the right to pursue you in court for a Covenant violation or authorize WOHA to do so on their behalf if the Board was amenable. But either scenario has happened only rarely in the subdivision's multi-decade history. WOHA encourages neighbors to resolve issues amicably and provides tempered guidance to both parties to avert escalation.

Why should I be concerned about Covenant violations in other Units?

Many properties are bordered by other Units. Some properties border multiple Units to their side or rear. But these homeowners have no legal standing to pursue violations in those adjacent Units. The amendment can help alleviate this dilemma when necessary.

Which Units ratified this amendment?

The amendment and its supporting documentation are accessible to the public via Bexar County Property Records. The WOHA website also provides a summary of approvals by Unit.

How is this Covenant enforced?

Please refer to the Violations page posted on whisperingoaks.org