

Denton County
Juli Luke
County Clerk

Instrument Number: 110634

ERecordings-RP

RESTRICTIONS

Recorded On: September 04, 2019 04:23 PM

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" Examined and Charged as Follows: "

Total Recording: \$38.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

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STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

RESOLUTION

TIMBERVIEW ESTATES WEST HOMEOWNERS ASSOCIATION

Fining Policy

Past August 12, 2019 / replaces prior

WHEREAS, Section 8.01(m) of the By-Laws and 3.2(e) of the Covenants, Conditions, and Restrictions grant s the Board of Directors the authority and power to enforce the Covenants, Conditions, and Restrictions, which may include the establishment of a system of fines and/or penalties enforceable as a specific assessments, and;

WHEREAS, the Board finds there is a need to establish orderly procedures for the enforcement of the other provisions of the Declaration and the rules promulgated there under in order to encourage owners to comply with the Associations governing documents; and

WHEREAS, the Board also desires to establish a system of fines as a means to enforce compliance with the Association's governing documents;

NOW, THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the enforcement of the provisions of the Declaration and for the elimination of violations of the Declaration and the rules promulgated there under.

1. **PROCESS OF NOTIFICATION** - Prior to imposing a fine, the Board must give an owner a written notice of violation and an opportunity to cure the violation. The following steps must be followed with supporting documentation kept on file in order to impose a fine:
 - a. First Notice - As soon as a violation is discovered, the Association's management agent ("Management") shall make the owner and resident, if different than the owner, aware of the discovered violation by First-Class Mail. included in the First Notice will be a reference to the provision of the CC&R's or adopted rules, which contains the violation, what specifically must be done to cure the violation, and a statement that no later than fourteen (14) days from the date of the Notice the violation must be cured.
 - b. Second Notice - If the owner fails to correct or eliminate the violation within the initial fourteen (14) day compliance period. Management shall notify the owner and the violator, if different than the owner, by First-Class Mail and Certified Mail that the violation previously noted in the 'First Notice' has not been resolved. The second notice shall contain the following information:
 - i. A description of the violation and what specifically must be done to cure the violation;
 - ii. A statement that not later than fourteen (14) days from the date of the Second Notice the violation must be cured.
 - c. Third Notice - If the owner fails to correct or eliminate the violation within the initial twenty eight (28) day compliance period. Management shall notify the owner and the violator, if different than the owner, by First-Class Mail and Certified Mail that the violation previously noted in the First and Second Notices has not been resolved. The third notice shall contain the following information:
 - i. A description of the violation and what specifically must be done to cure the violation;
 - ii. A statement that not later than fourteen (14) days from the date of the Third Notice the violation must be cured.

- d. Additional Notices will be sent every 14 days until the violation is cured.
 - i. A description of the violation and what specifically must be done to cure the violation;
 - e. TROPA Notice - Where management has observed the violation uncorrected and not received a Notice of Intent to Correct (whether written or verbal) within the allotted forty two (42) or more day covered by the initial three notices then Management shall have the option to initiate a TROPA Notice in compliance with section 209 of the Texas Residential Owners Protection Act. This notice shall state:
 - i. The nature of the violation
 - ii. That the owner or violator, if different than owner, no later than thirty (30) days from the date of the TROPA Notice, must cure the violation;
 - iii. That their common area privileges may be suspended;
 - iv. That a fine for non-compliance may be applied against the owners account for not curing the violation within the specified period of time contained in the TROPA notice;
 - v. A statement that the owner may present a written request to the Board of Directors for a hearing within 30 days from the date of the TROPA Notice.
 - f. Notice of Fine Application - Where management has observed the violation uncorrected and not received a Notice of Intent to Correct (whether written or verbal) within the allotted thirty (30) day period noted in the TROPA Notice, Management shall notify the owner and the violator, if different than owner, by First Class Mail that a fine is being applied to the owner's assessment obligation and their Common Area privileges have been suspended. The Notice of Fine Application shall contain the following information:
 - i. The nature of the violation;
 - ii. The amount of the fine and the date the fine has been imposed;
 - iii. A statement that the owner may present a written request to the Board of Directors for a hearing within thirty (30) days from the date of the Notice of Fine Application'
2. **APPEAL PROCESS** - The following steps should be provided in the case where a homeowner has been given appropriate notice of a violation and has submitted to the management company a written appeal to the application of a fine within the specific period of time :
- a. Response to Request for Hearing - if the owner timely requests a hearing to challenge the proposed action, a hearing before the Board of Directors shall be held in executive session affording the owner a reasonable opportunity to be heard. The Board shall send notice to the owner of a mutually agreed time, date, and place of a hearing with an invitation to attend and produce any statements, evidence, and witnesses in support of the owner's challenge to the proposed fine application or violation. The minutes of the meeting shall contain a written statement of the owner's reason for non-compliance and the results of the hearing (whether the fine is applied or not). The decision of the Board will be made in executive session after the homeowner has been excused from the meeting.
 - b. Notification of Hearing Decision - within ten (10) days of the appeal hearing the Board shall send notices as to their decision providing a support response for their decision. Any reasonable extension of time required by the Board shall also be noted in the response.
 - c. Waiver of Fines (correspondence) - contained within any correspondence sent to a homeowner where a fine is applied, will be a notation to the homeowner that they may request waiver of the fine by appealing to the Board of Directors in writing after the violation is cured.

3. FINES AND OTHER FEES

Fining Schedule - the imposition of fines per incident type will be on the following basis:

- a. First fine - \$50.00 per incident type.
- b. Additional fines - \$50.00 per inspection where the violation per incident type has not been cured.
- c. Aggregate limit - there is not a limit to the number of fines that can be applied to each separate violation.

4. CURE OF VIOLATION DURING ENFORCEMENT - an owner may correct or eliminate a violation at any time during the procedure prescribed by this policy. Upon verification that the violation has been corrected or eliminated, the violation will be deemed to no longer exist. Unless the proper appeal process is followed and fines removed, the owner will remain liable for all costs and fines under this policy, which costs and fines, if not paid upon demand will be referred to a 3rd Party for collection.

5. ONE TIME COURTESY WAIVER OF FINES - at any time during the process, the Board of Directors consents to a one-time waiver of fines upon request of the owner, provided that all violations have been adequately cured. This one-time waiver shall be granted only once, and any subsequent violations or fines shall not be eligible for waiver.

**TIMBERVIEW ESTATES WEST
HOMEOWNERS ASSOCIATION, INC.**

RESOLUTION

The Board of Directors for Timberview Estates West Homeowners Association, Inc. resolves to adopt the attached Firing Policy.

EXECUTED as 4th day of September, 2019

Name: _____

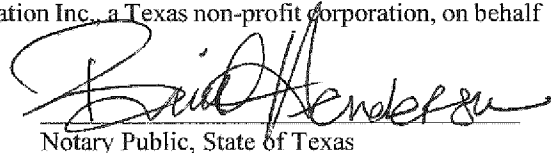
Title: President Timberview Estates West HOA

Date: September 4, 2019

STATE OF TEXAS

COUNTY OF Denton

This instrument was acknowledged before me on this date 4th day of September, 2019, by William Jander, President of Timberview Estates West Homeowners Association Inc., a Texas non-profit corporation, on behalf of said corporation.


Notary Public, State of Texas

