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**HOMEOWNERS ASSOCIATION OF WEST FORK, INC.**

**AMENDED POLICY RESOLUTION: RULES ENFORCEMENT PROCEDURES**

WHEREAS, Section 3.50 of the Covenants, Conditions and Restrictions of the Homeowners Association of West Fork, Inc. empowers the Board of Directors to adopt rules and regulations, and to establish fines, levies and enforcement provisions as deemed necessary;

WHEREAS, Section 3.6 of the Covenants, Conditions and Restrictions of the Homeowners Association of West Fork, Inc. empowers the Association to enforce the provisions of this Declaration and the Rules and Regulations of the Association and to take such action as necessary or desirable to cause such compliance by each Member and each Related User.

WHEREAS, Section 209.006 of Chapter 209 of the Texas Property Code (the "Code") defines notice requirements before enforcement actions.

WHEREAS, there is a need to establish procedures for the equitable and uniform enforcement of the provisions of the recorded Covenants, Conditions, and Restrictions and the Rules and Regulations adopted by the Association as filed of record in the Official Public Records of Real Property of Montgomery County, Texas affecting property located within West Fork.

NOW THEREFORE be it resolved that the Homeowners Association of West Fork, Inc., acting through its Board of Directors, hereby adopts the following procedures:

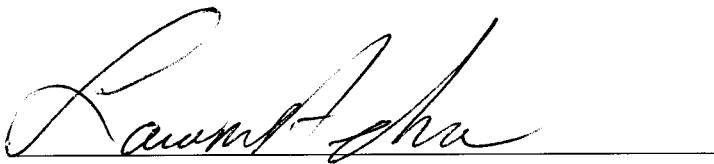
1. The managing agent or designee shall periodically inspect the community and note those items and/or conditions that do not comply with the deed restrictions.
  - 1.1. The first notice to a property owner of a violation shall be a reminder letter asking the property owner to take appropriate steps to comply with the deed restrictions
2. Should a second letter be necessary, such shall be sent by certified mail, return receipt requested, to the violator
  - 2.1. describing the violation;
  - 2.2. stating the amount of the proposed fine if the violation is not corrected;
  - 2.3. informing the Owner that he or she is allowed a reasonable period by a specified date to cure the violation and avoid the fine (provided, however, if the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) month period, the fine may be levied immediately without giving the Owner a reasonable time within which to cure the violation); and
  - 2.4. informing the Owner that not later than the thirtieth (30<sup>th</sup>) day after the date of the notice, (or late date provided by §209.006(b)(2)(B) of the Code or successor statute), the Owner may request a hearing before the Board of Directors to contest the fine.
3. If the request for an opportunity to be heard is received by the Association from the Owner within thirty (30) days from the date of the written notice, a hearing shall be scheduled before

the Board. Such hearing shall take place within thirty (30) days at the date and time set by the Board. The Owner shall be notified of the date, time, and place of the hearing not later than the tenth (10<sup>th</sup>) day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested a postponement shall be granted for a period of not more than ten (10) days.

4. After an affirmative decision by the Board or after the expiration of the written notice, the Association may enforce compliance by any one or more of the following means: (CC&R 3.6)
  - 4.1. Levy and collect reasonable and uniformly applied fines and penalties from the Member or Related User, as set forth in Exhibit "A" to this Resolution.
  - 4.2. Levy and collect an assessment against any Member for any costs incurred by the Association in connection with the breach.
  - 4.3. Take action to cure or abate such violation and to charge the expenses thereof, plus any attorney's fees incurred, to Member in violation.
  - 4.4. Instruct the Association's attorney to send a letter of demand and, if necessary, proceed to file suit. Provided, however (as required by Section 209.008 of the Code), prior to turning a violation over to the Association's attorney, the owner will be sent a written notice that attorney's fees and costs will be charged to the Owner if the violation continues after a date certain. Any legal expenses and fees incurred shall be assessed to the Owner.
  - 4.5. Exclude any Member or Related User from use of any recreational facilities within the Common Areas, during and up to sixty (60) days following any breach, unless the breach is a continuing breach, in which case the exclusion shall continue for so long as such breach continues.
  - 4.6. Take such other action as may be appropriate.
5. Cases justifying immediate action shall include and shall not be limited to damage to Common Property or Facilities.
6. Damage assessments against an Owner will be assessed against the Owner's Lot. The Owner will be responsible for the actions of all residents, guests and invitees of the Owner and any fines or damage assessments against such residents, guests and invitees will also be assessed against the Owner' Lot. Provided, however, prior to charging an Owner's Lot for damages (in accordance with Section 209.006 of the Code) the Owner must be sent a written notice by certified mail, which notice must describe the property damage and advise the Owner that he or she may request a hearing before the Board in accordance with the procedures set forth above under Sections 1 (iv) and 2.

7. The notice provisions of Sections 1(iv) and 2 (as allowed by Section 209.007(d) of the Code, do not apply if the Association is seeking a temporary restraining order or temporary injunctive relief.

**This Policy Resolution was adopted by the Board of Directors on the 27th day of September, 2013.**

A handwritten signature in cursive script, appearing to read "Lawrence A. Shu", is written over a horizontal line.

President

**Exhibit "A"**  
**To**  
**Policy Resolution: Rules Enforcement Procedures**

**HOMEOWNERS ASSOCIATION OF WEST FORK, INC.**

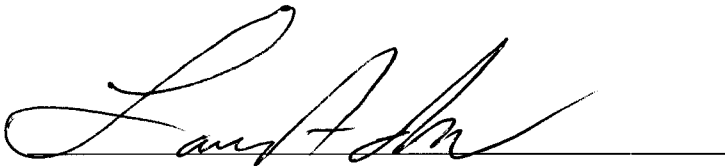
**SCHEDULE OF FINES FOR VIOLATIONS OF THE DEDICATORY  
INSTRUMENTS**

**All initial fines shall become due 30 days after the expiration of the written notice or hearing.**

Lot maintenance violations,	\$100 per month
Building maintenance violations,	\$100 per month
Temporary structure violations,	\$100 per month
Trash Receptacle Removal violations,	\$50 per violation
Pet or other animal violations,	\$100 per violation
Offensive activity violations,	\$100 per violation
Non-Submittal of ACC request violation,	\$100 per month (until submitted)
ACC related violations,	\$200 per month
Other violations,	\$50 per month; or, \$100 per violation as appropriate

The Homeowners Association of West Fork through its Board of Directors, is hereby authorized to impose lesser fines, no fine at all, or impose fines for other violations of the Declaration and Rules and Regulations of the Association as determined by the Board of Directors in its sole and absolute discretion.

**This Policy Resolution was adopted by the Board of Directors on the 27<sup>th</sup> day of September, 2013.**



President

CERTIFICATON

“I, the undersigned, being the President of the Homeowners Association of West Fork, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors.”

By: *Laurie Anderson*, President

Print Name: Laurie Anderson

ACKNOWLEDGEMENT

STATE OF TEXAS                   §  
  §  
COUNTY OF MONTGOMERY       §

BEFORE ME, the undersigned authority, on this day personally appeared Laurie Anderson, President of the Homeowners Association of West Fork, Inc., and known by me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 27 day of September, 2013.

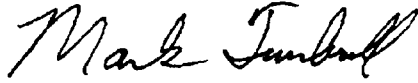
*Ronnda Jorgensen*  
Notary Public, State of Texas

**RETURN TO:**  
Holt & Young, P.C.  
9821 Katy Freeway, Suite 350  
Houston, TX 77024



**FILED FOR RECORD**

10/04/2013 11:14AM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number  
sequence on the date and at the time stamped herein  
by me and was duly RECORDED in the Official Public  
Records of Montgomery County, Texas.

**10/04/2013**



County Clerk  
Montgomery County, Texas