

RESOLUTION
of
BOARD OF DIRECTORS
for
DEERFIELD PARK COMMUNITY ASSOCIATION, INC.
regarding
FINING AND DEED RESTRICTION ENFORCEMENT POLICY FOR
DEERFIELD PARK COMMUNITY ASSOCIATION, INC.

At a regular meeting of the *Board of Directors* (Board) for the *Deerfield Park Community Association, Inc.* (Association), said meeting being properly called and a quorum being present, came to be heard the matter of imposing fines against those responsible for violations of the Association's Dedicatory Instruments [as that term is defined in Chapter 202.001(1) of the *Texas Property Code* or its successor statute] on properties under the jurisdiction of the Association.

WHEREAS, the Deerfield Park Community Association, Inc. has jurisdiction over the property described in the *Declaration of Covenants, Conditions, Restrictions and Easements for Deerfield Park*, recorded in the Real Property Records of Harris County, Texas at Harris County Clerk's File No. X487136, of the Deed Records of Harris County, Texas as amended and/or supplemented (all such documents collectively referred to herein as the "Declaration");

WHEREAS The Board of Directors for Deerfield Park Community Association, Inc. ("Board") is charged with the responsibility of maintaining the common areas and amenities of the Association, and enforcing the deed restrictions. In order to fulfill those duties, the Board has adopted the following Fining and Deed Restriction Enforcement and Policy:

FINING POLICY

1. Each Owner (as that term is defined by the Declaration) is responsible for assuring that Owner's tenant(s), occupant(s), guest(s) and invitees comply with the provisions of the Dedicatory Instruments. In the event an Owner, tenant, occupant, guest or invitee of an Owner violates any of the provisions of the Dedicatory Instruments [as that term is defined by Chapter 202.001(1) of the *Texas Property Code* or its successor statute], the Association's Board shall have the authority to impose a fine as described below upon the Owner and/or occupant of a property.
2. The Management Company will provide periodic deed restriction inspections as provided in the management contract. Managers will note violations and take the appropriate action described below.

If a Member of the Association (complainant) wishes to register a complaint regarding a violation caused by an Owner (violator), and that violation would result in the Owner (violator) receiving a certified notice proposing fines from the Association, the Member complainant must provide fair and concise documentation of the violation. The documentation should specify the violation and note the date, time and degree of the violation, if applicable. Complaints that are received without documentation and which cannot be independently

observed and documented by a representative of the Board of Director or the Management Company will not be acted upon.

3. A homeowner who receives notice of a violation may request a hearing relating to the violation on or before the thirtieth (30th) day from the date the notice was mailed to the owner. Requests for a hearing must be made in writing and delivered to the property manager within the time described herein. Upon receipt of a valid request, the manager will advise the requesting owner of the date, time and place of the hearing no less than ten (10) days before the hearing.
4. When violations are observed or reported as described in paragraph 2 above, the Association will send written notices to the Owner advising of the violation as follows:

First Letter: Courtesy Letter; Owner has 30 days from the date of the letter to cure the violation.

Second Letter: Fines Begin as described in paragraph 5 below; Letter shall be sent by regular mail and certified mail, return receipt requested.

Additional Letters: After the second demand letter, the Association may, at its discretion, choose to send additional demand letters or proceed with litigation. Any additional letters are subject to fines as described in paragraph 5 below.

The Association, at its discretion, may include multiple violations in each letter or may send a separate letter for each violation individually. Each letter shall describe each violation it contemplates individually and reasonably advise the Owner that each is a separate violation that will be fined separately according to the schedule below.

5. After the initial courtesy letter is sent, fines will begin to accrue as follows:

Violation: Up To \$50.00 per violation; per day

Violations will be considered single occurrences or separate occurrences as determined at the sole discretion of the Board. The Board may assess fines for any violation that continues and for which the Owner has been duly notified any time within the preceding twelve (12) month period.

No fine will be assessed unless and until the thirty day period for an Owner to request a hearing has expired; or a hearing has been held and the Board of Directors still considers the issue a violation of the Restrictions.

6. The Board is hereby authorized at its sole discretion to impose a lesser fine or no fine at all for a violation of the Dedicatory Instruments. Any adjustment to the Fine Schedule by the Board shall not be construed as a waiver of this Fine Schedule or the Dedicatory Instruments.

7. Nothing herein shall be considered a condition precedent to filing suit and the Board is hereby authorized at its sole discretion to forego all or any number of steps in the policy described above and proceed immediately with litigation as provided in the Dedicatory Instruments and/or Texas law.
8. This Fining Policy is in addition to any other remedy the Association may have to pursue a violation of the Dedicatory Instruments and in no way limits or estops the Association from pursuing any other remedy to enforce the Dedicatory Instruments.

ADOPTED by affirmative vote of the Board of Directors this _____ day of _____, 2017

Deerfield Park Community Association, Inc.

By: _____
Secretary

CERTIFICATION

I, the undersigned, am the duly elected and acting Secretary of Deerfield Park Community Association, Inc., a non-profit corporation, and do hereby certify that:

The foregoing *Resolution of Board of Directors for Deerfield Park Community Association, Inc. Regarding Fining Policy for Deerfield Park Community Association, Inc.* was properly adopted as of the ____ day of _____, 2017.

Deerfield Park Community Association, Inc.

By: _____
Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned, a Notary Public in and for the State of Texas, hereby certify that _____ Secretary of Deerfield Park Community Association, Inc., signed to the foregoing instrument, and being authorized and empowered to do so, acknowledged before me on this day that, being informed of the contents of said instrument, he/she executed the same voluntarily for the uses and purposes and considerations stated therein.

Given under my hand and official seal this the ____ day of _____, 2017

Notary Public - State of Texas