

VILLAGE AT MASON CREEK TOWNHOME ASSOCIATION, INC.

PRESIDENT'S CERTIFICATE


I, the undersigned, do hereby certify:

(1) I am the duly elected and acting President of Village at Mason Creek Townhome Association, Inc., a Texas non-profit corporation (the "Association"), and,

(2) Attached hereto is a true and correct copy of Village at Mason Creek Townhome Association, Inc. Fining Policy.

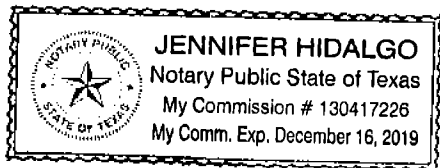
IN WITNESS WHEREOF, I have hereunto subscribed my name on this 7 day of September, 2016.

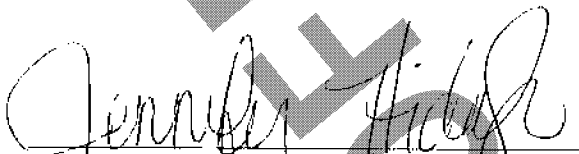
Village at Mason Creek Townhome Association, Inc., a Texas non-profit corporation


Abigail Crookson, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this 7 day of September, 2016, by Abigail Crookson, President of Village at Mason Creek Townhome Association, Inc., a Texas non-profit corporation, on behalf of said corporation.




Notary Public, State of Texas

WHEN RECORDED, RETURN TO:

Hoover Slovacek LLP
5051 Westheimer Rd., Suite 1200
Houston, TX 77056

RP-2016-418099

**VILLAGE AT MASON CREEK TOWNHOME ASSOCIATION, INC.
FINING POLICY**

PREAMBLE

Village at Mason Creek Townhome Association, Inc., a Texas non-profit corporation (“Association”), is authorized to enforce the Association’s Articles of Incorporation, the Association’s Bylaws, the Declaration of Covenants, Conditions, Restrictions and Easements for The Village at Mason Creek Townhomes, and any rules or regulations which the Association may adopt from time to time (collectively referred to as the “Governing Documents”), as well as any amendments or supplements adopted thereto.

To more uniformly and effectively enforce the provisions of the Governing Documents, the Board of Directors of the Association (“Board”) has adopted this Fining Policy. The Fining Policy will address current needs and conditions of the subdivision and establish uniform procedures for enforcing the restrictive covenants, use restrictions, and rules and regulations contained in the Governing Documents. Therefore, pursuant to the Governing Documents and Texas law, the Board adopts this Fining Policy, effective as of the date set forth below. To the extent necessary, this Fining Policy shall be considered as Rules and Regulations of the Association.

NOTICE AND PROCEDURE

1. **Violations.** An action may be initiated under this Fining Policy when a member of the Board, management company, or a resident notices a violation of the Governing Documents. Written notices of violations from residents sent to the management company will be investigated and, if appropriate, an enforcement action will follow. The management company is authorized to send a violating owner any or all of the notices described in this Fining Policy.
2. **Nature of Violation (Curable or Uncurable).** A violation is considered curable if it is of an ongoing nature and can be remedied by affirmative action. A violation is considered uncurable if the violation has occurred but is not a continuous action or condition capable of being remedied by affirmative action. A violation is considered a threat to public health or safety if the violation could materially affect the physical health or safety of an ordinary resident. The nature of the violation is solely within the Board’s authority.
3. **Initial Notice.** The Association may send a written notice by regular mail (“Initial Notice”) advising of the violation and the curative measure(s) that need to be undertaken. If the Board decides that the violation requires expedited handling, the Board may immediately proceed with the Certified Notice or legal action. The Association is not required to send the Initial Notice for an uncurable violation or a violation that is a threat to public health or safety.
4. **Second Notice.** If the noted or similar violation has not been fully cured to the satisfaction of the Association after a reasonable time from when the Initial Notice is sent, the Association may send a second written notice by regular mail (“Second Notice”) advising of the violation and the curative measure(s) that need to be undertaken. If the Board decides

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that the violation requires expedited handling, the Board may immediately proceed with the Certified Notice or legal action. The Association is not required to send the Second Notice for an uncurable violation or a violation that is a threat to public health or safety.

5. **Certified Notice.** If the violation is not cured pursuant to the Initial Notice or the Second Notice (or if the Association has elected not to send the Initial Notice or Second Notice), the Association shall send a written notice by certified mail (“Certified Notice”). The Certified Notice will describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the Association from the owner. If the violation is of a curable nature and does not pose a threat to public health or safety, the Certified Notice must specify the date by which the owner must cure the violation. The Certified Notice must also inform the owner that the owner:
 - i. Is entitled to a reasonable period to cure the violation and avoid the fine or suspension, if the violation is of a curable nature and does not pose a threat to public health or safety;
 - ii. May make a written request for a hearing on or before the 30th day after the date the notice was mailed to the owner, and
 - iii. May have special rights or relief related to the enforcement action under federal law, including the *Servicemembers Civil Relief Act* (50 U.S.C. App. Section 501 *et seq.*), if the owner is serving on active military duty.
6. **Fining Schedule.** The fine for an uncurable violation or a violation that is a threat to public health or safety is \$100 per occurrence, unless otherwise adjusted by the Board. The initial fine for a curable violation \$50, unless otherwise adjusted by the Board. Thereafter, additional fines of \$25 will be imposed each month that the curable violation remains uncured, unless otherwise adjusted by the Board. If the violation is of a curable nature and the owner cures the violation within the reasonable period to cure outlined in the Certified Notice, the fine will not be assessed for the violation; however, fines will be immediately imposed for an uncurable violation or for a violation that is a threat to public health or safety. The fines listed herein are general guidelines. The amount of fines are solely within the Board’s discretion. The Board reserves the right to increase or decrease fines, as it deems appropriate in its sole discretion, depending upon the circumstances and nature of the violation.
7. **Hearing.** The purpose of the hearing is to discuss and verify facts and resolve the matter in issue before the Board or a committee appointed by the Board. If the owner is entitled to a hearing and makes a timely written request for a hearing, the Association shall notify the owner of the date, time, and place of the hearing within 30 days of the written request. The scheduled hearing shall take place even if the owner fails to attend. The Board or the owner may request a postponement for a period of not more than 10 days.
8. **Notice Address.** All notices described in this Fining Policy shall be sent to the owner at the owner’s last known address as shown on the association records.

9. **Notice and Opportunity to Cure Not Required.** The notice and opportunity to cure provisions of this Fining Policy do not apply, and the Association may immediately proceed with all remedies, including the imposition of fines, if:

- i. The Association has given the owner notice and a reasonable opportunity to cure a similar violation within the preceding six months;
- ii. The Association files a suit seeking a temporary restraining order or temporary injunctive relief; or
- iii. The Association temporarily suspends a person's right to use the Common Area if the temporary suspension is the result of a violation that occurred in a Common Area and involved a significant and immediate risk of harm to others in the subdivision.

10. **Reservation of Rights and Remedies under Governing Documents.** In addition to, or in lieu of, any fines outlined in this Fining Policy, the Association reserves all rights and remedies for enforcement granted in any of the Governing Documents. This Fining Policy shall in no way limit the Association's rights and remedies under the Governing Documents or at law. Furthermore, the Association reserves the right to turn any violation matter over to its attorney for handling.

11. **Guests or Tenants.** Owners are responsible for the actions of their guests or tenants and may be fined for conduct committed by such individuals. Owners should inform their guests and tenants of the provisions of the Governing Documents and this Fining Policy.

12. **Fines Collected.** The fines collected by the Association under this Fining Policy will be used to offset the cost of management and enforcement of the Governing Documents.

EXECUTED as of the 7 day of September, 2016.

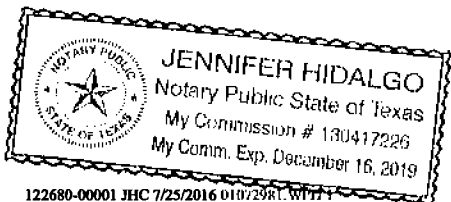
Village at Mason Creek Townhome Association, Inc., a Texas non-profit corporation

By: [Signature]
Abigail Crookson, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 7 day of September, 2016, by Abigail Crookson, President of Village at Mason Creek Townhome Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

[Signature]
Notary Public, State of Texas



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UNOFFICIAL COPY

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Pages 5
09/16/2016 02:52 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$28.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS