

**RESOLUTION OF THE  
HOMEOWNERS ASSOCIATION OF CREEK VALLEY IN GARLAND, INC.  
BOARD OF DIRECTORS  
REGARDING THE  
NOTICE AND FINING POLICY**

**WHEREAS**, the Homeowners Association of Creek Valley in Garland, Inc., (the "*Association*") keeps correct and complete books and records of account and minutes of the proceedings of its members and Board of Directors (collectively, the "*Association Records*"); and,


**WHEREAS**, the members of the Board of Directors per Article 5, Section 5.13 of the Bylaws assign the right of the Board to take any action in the absence of a meeting which could take at any meeting by obtaining the written approval of all the Directors. Such action may be evidenced by electronic mail sent by any Director. Any action so approved shall have the same effect as though taken at a meeting of the Directors; and

**WHEREAS**, Article 5, Section 5.13 was fulfilled as is attested to by the signatures of all Board Members below.

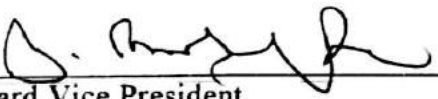
**WHEREAS**, it is deemed to be necessary and desirable to impose certain reasonable procedures on the notice and fining process;

**NOW THEREFORE BE IT RESOLVED**, that the Notice and Fining policy attached hereto as Exhibit A are hereby established for the Notice and Fining policy and procedures of the Association:

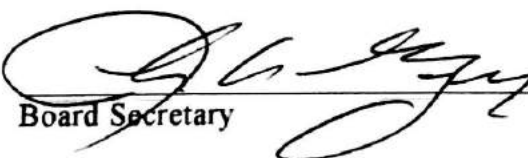
Signed this 23 day of January, 2017.

  
\_\_\_\_\_  
Board President

Romy Kwong  
\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Board Vice President

Yise Mulugeta  
\_\_\_\_\_  
Print Name

  
\_\_\_\_\_  
Board Secretary

John Grimley  
\_\_\_\_\_  
Print Name

The Homeowners Association of Creek Valley in Garland, Inc.  
Notice and Fining Rules and Procedure

The Board of Directors feels that establishing a notice and fining schedule by which the Association or its Managing Agent may notice and levy fines against an Owner for violation of the Governing Documents is necessary to maintain rule compliance within the community.

WHEREAS, Article 5, Section 5.02 of the Bylaws set forth the Association's right, acting through its Board of Directors, to promulgate and amend, from time to time, a policy setting forth procedures by which violation fines are to be levied for violations of the Declaration, any Design Guideline or Architectural Standards Bulletin, rule or regulation of the Association; and

WHEREAS, Article 6, Section 6.1 of the Declaration of Covenants, Conditions, and Restrictions establishes remedies for breach of the Documents which are cumulative and not exclusive, and it is the Association's intention, acting through its Board of Directors, to establish a Notice and Fining Policy which shall set procedures and practices for the enforcement of violations of the Governing Documents, and

NOW THEREFORE, the following procedures and practices for "noticing" an Owner of a violation shall be as follows:

No Owner shall perform, fail to perform, or permit anything to be done or not done on such Owner's Lot which would violate any laws, statutes, ordinances, rules or regulations of any kind or character. No Owner shall perform or permit anything to be done that can be considered a nuisance or safety hazard to the surrounding neighbors or the community. If an Owner leases his home, the occupant / tenant shall be required to adhere to all governing documents, rules and regulations. It shall be the responsibility of the Owner to ensure the occupant / tenant is aware of all restrictions, rules and regulations. Violation infractions committed by an occupant / tenant, resident, guest or invitee will be the responsibility of the Owner to cure / abate. If a fine for non-compliance is levied, the Owner will be responsible for the payment in full of all fines, self help remedies, or cost of repairs which may be incurred by the Association.

(i). First Notice: Also to be known as a courtesy notice citing the specific violation(s) and requesting correction of said Infraction(s) within five (5) days.

(ii). Second Notice: A "Fine Warning" notice identifying the violation(s) as still existing and providing an additional five (5) days in which Owner may correct the infraction(s). This notice must include the amount of the fine to be levied to the Owners account should Owner fail to correct the violation along with a description of the violation and the section of the Declaration or rules and regulations that are being violated. Notice must also include verbiage that advises the Owner of his/her rights to request a hearing before a Hearing Committee or the Board of Directors in the absence of a Hearing Committee.

(iv). First Fine Notice: A notice informing the Owner that a fine will be levied for failure to correct a violation(s). The amount of fine to be levied for First Fine is \$50.00. This notice will include the

nature of the violation, the amount of the fine to be levied, and shall provide the Owner an additional five (5) days to correct the violation(s) or be subject to a second fine. The amount of the second fine (\$100.00) may also be listed in the notice. This notice must include verbiage that advises the Owner of his/her rights to request a hearing and shall be sent certified and regular U.S. mail.

(v). Second Fine Notice: A notice informing the Owner that a Second Fine in the amount of \$100.00 will be levied for failure to correct a violation(s). This notice will include the nature of the violation, the amount of the fine to be levied, and shall provide the Owner an additional five (5) days to correct the violation(s) or be subject to a third fine. The amount of the third fine (\$150.00) may also be listed in the notice. This notice must include verbiage that advises the Owner of his/her rights to request a hearing and shall be sent certified and regular U.S. mail.

(vi). Third Fine Notice: A notice informing the Owner that a Third Fine will be levied for failure to correct a violation(s) in the amount of \$150.00. This notice will include the nature of the violation, the amount of the fine to be levied, and shall provide the Owner an additional five (5) days to correct the violation(s) or be subject to a fourth fine. The amount of the fourth fine (\$200.00) may also be listed in the notice. This notice must include verbiage that advises the Owner of his/her rights to request a hearing and shall be sent certified and regular U.S. mail.

(vii). Fourth Fine Forward: A Notice informing the Owner that an additional fine shall be assessed to the Owner's account each and every week without further notice until the violation(s) is corrected. The Fourth Fine amount shall begin at \$200.00 and shall increase in increments of \$25.00 per week until the maximum fine amount of \$500.00 has been reached. This notice shall be sent certified and regular U.S. mail. Each violation shall be treated as a separate occurrence and shall be subject to enforcement as a separate violation action.

(viii) Self Help Actions: The Association may proceed with Self Help action at any time after the initial first notice when, at the discretion of the Board, such action is warranted or needful in order to abate emergency, chronic or ongoing violations, violations that have become a nuisance, eyesore, or poses a health hazard, safety hazard, or threat to any person or to the community in part or as a whole. The Association shall make the necessary repairs or take the necessary actions to correct the violation and all charges incurred by the Association in abating the violation shall be assessed to the Owner's account notwithstanding, if Owner presents a request for a hearing within the thirty (30) day time allotted, all fines for non-compliance shall be placed on hold and any further enforcement action shall be

placed on hold until after the hearing date and the rendering of decision. Non-Payment of fines for non-compliance or charges assessed by the Association for Self Help remedies will be collected according to applicable law and per current Texas Property Code regulations.

**No Liability for Trespass.**

Whenever the Association, Declarant, the Board of Directors or its Managing Agent exercises any right hereunder and in connection therewith enters upon any Lot, such parties shall not be liable for trespass upon such Lot.

Violation(s) that are "ongoing" or "continuous" or violation(s) of the same type and kind that are repeated by an Owner within a twelve (12) month period will not require the Association or Managing Agent to "repeat" the first notice so long as the notice(s) were previously sent to the Owner within a twelve (12) month period. The Association or Managing Agent may proceed to the Second Fine Warning Notice and proceed with the process from there.

**The Association or its Managing Agent shall make every effort to list the specific Article and/or Section of the Governing Documents or Rules and Regulations being violated and, inform the Owner of his/her right to request a hearing before the Board** and to provide the Owner with a minimum of one statement each time a fine for non-compliance or self-help charges are levied to an owner's account. Fines and Self Help Notices should inform the Owner of the Association's rights to collect for fines or self help actions levied on an account and/or that fines may be subject to additional late and/or collection charges and/or actions which may include referral to the Association's Attorney for further collection. All notices whether they are sent regular U.S. mail or certified and regular U.S. mail shall be considered delivered upon deposit with a U.S. mail carrier or in a U.S. mail receptacle. Owners are responsible for maintaining an up to date mailing address with the Association or its managing agent at all times. In the absence of an alternate primary mailing address the property address will be used.

1. All unpaid fines or Self Help actions are subject to the Association's Collection Policy.

3. **Hearing.** If a hearing is requested within the allotted thirty (30) day period, the hearing shall be held before a Hearing Committee appointed by the Board consisting of three (3) persons, all of whom shall be Owners of Lots within the Subdivision or representatives of the Declarant. A representative of the Association shall be afforded a reasonable opportunity to make a statement describing the alleged violation and to present any evidence or witnesses to support its statement. The alleged violator shall also be afforded a reasonable opportunity to be heard and to present any evidence or witnesses on his or her behalf. The Management Company or Inspector may also be afforded a reasonable opportunity to make a statement and present any evidence or witnesses on behalf of the Association. At the conclusion of all statements and presentations, the committee may close the hearing. The committee shall notify the Association and the alleged violator in writing of its determination within ten (10) days after the hearing. If the committee determines that a violation has occurred, the Association may pursue any and all remedies described in its original notice of the violation. The alleged violator shall have the opportunity to appeal the decision of the committee to the Board in accordance with Section 209.007 of the Texas Residential Property Owners Act, Texas Property Code, as it may be amended.

3

The Homeowners Association of Creek Valley in Garland, Inc.  
Notice and Fining Rules and Procedure

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(c) Applicability. The notice and hearing procedures set forth in this Section shall not apply to any claim: (i) upon which the Board deems it necessary to obtain emergency injunctive relief; (ii) pertaining to the collection of Assessments; or (iii) where the Association decides to exercise its right of self-help to cure the violation after written notice to the Owner and an opportunity to cure.

4. This Notice and Fining Rules and Procedure is subject to amendment from time to time by the Board of Directors as may be deemed necessary.

5. This Notice and Fining Policy shall be recorded in the book of minutes of the Association and shall be posted to any available Association website and shall be mailed to each Owner of a Lot within the Creek Valley in Garland Homeowners Association.

Signed:   
Board President

Print Name: Kerry Kwag

On behalf of the Board of Directors who by a unanimous vote, have hereby adopted this notice and fining policy to be effective as of this 23 day of January, 20 17. As the Secretary of the Creek Valley in Garland Homeowners Association I hereby attest to the adoption of this Policy by the Board of Directors to become enforceable as of the date noted above.

Signed:   
Board Secretary

Print Name: John Gosimley