

**RESOLUTION OF THE TONKAWA SPRINGS
HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS
REGARDING PROCEDURES FOR THE ASSESSMENT OF
FINES AND PENALTIES FOR PROPERTY RESTRICTIONS VIOLATIONS
AND A SCHEDULE OF FINES AND PENALTIES**

WHEREAS the Tonkawa Springs Homeowners Association (the “TSHOA” or the “Association”) filed amended Bylaws September 26, 2014 in the Williamson County, Texas property records; and

WHEREAS Article VI, Section E. of said amended Bylaws provides that the Association may assess fines for violations of the Property Restrictions and Reservations applicable to the Tonkawa Springs, Tonkawa Village, Tonkawa Village-Section Two and Tonkawa Lake subdivisions (collectively, the “Tonkawa Springs Subdivisions”); and

WHEREAS the Association filed Amended and Re-stated Bylaws November 17, 2021 in the Williamson County, Texas property records; and

WHEREAS Article III, Section 21.f of said Amended and Re-stated Bylaws provides that the TSHOA Board of Directors may establish and enforce a fine schedule for violations of the Association’s Dedicatory Instruments; and

WHEREAS the TSHOA Board of Directors desires to establish procedures and a schedule for the assessment of fines and penalties that complies with the Association’s Bylaws, the Association’s Hearing Policy and applicable requirements of Chapter 209 of the Texas Property Code or its successor statute;

NOW THEREFORE, it is hereby resolved by the TSHOA Board of Directors that the following procedures and schedule for the assessment of fines and penalties are established for the enforcement of the Property Restrictions and Reservations applicable to the Tonkawa Springs Subdivisions as follows:

A. Investigation of a Violation of the Restrictions. Upon receipt of a complaint or information indicating or alleging a violation of applicable Property Restrictions and Reservations (the “Restrictions”), the TSHOA Architectural Control Committee (the “ACC”) or the Association’s Manager shall investigate and determine and verify whether a violation is occurring or has occurred.

B. First Notice. Upon verification or documentation of a violation of the applicable Restrictions, the ACC or the Association’s Manager shall notify the Owner (as defined in Texas Property Code §209.002) of the violation in writing. The written communication to the Owner will: (i) describe the Restrictions violation; (ii) reference the section or provision of the Restrictions being violated; and (iii) specify a reasonable time period during which the Owner may cure or abate the Restrictions violation without further enforcement action or effort to assess a penalty or

fine. In the absence of any applicable statutory or Restrictions time period, the time to cure or abate a Restrictions violation shall not exceed ten (10) days after receipt of a First Notice hereunder; provided however that upon reasonable request of the Owner, additional time to cure or abate a Restrictions violation may be granted by the ACC or the Association's Manager.

C. Second Notice – Chapter 209 Letter. If a violation of the Restrictions is not cured within the time period provided pursuant to the First Notice, the Association or the Association's Manager shall send a second notice, by verified mail, to the Owner. The second notice must comply with, and include all the items and information required by, Texas Property Code §209.006 (or its successor statute), including: (i) action(s) required to fully cure the violation; (ii) a reasonable time period to cure the violation; (iii) any proposed fine or penalty, and (iv) Owner's right to request a hearing under Texas Property Code §209.007 (or its successor statute).

D. Hearing. If an Owner requests a hearing under Texas Property Code §209.007 (or its successor statute) for a disputed Restrictions violation, the TSHOA Board of Directors shall schedule and conduct a hearing in compliance with the applicable provisions of Texas Property Code Chapter 209 (or its successor statute) and the TSHOA Hearing Policy.

E. No Hearing Requested. If an Owner does not request a hearing in writing and within the time period provided by Texas Property Code Chapter 209 (or its successor statute) and the TSHOA Hearing Policy, then the TSHOA Board of Directors will assess or, if applicable, direct the Association Manager to assess, a fine in accordance with the schedule set forth herein. The TSHOA Board of Directors or, if applicable, the Association Manager, shall also promptly send written notice to the Owner of the fine or penalty being assessed.

F. Board Decision Following a Hearing. If, after a hearing as provided by Texas Property Code Chapter 209 (or its successor statute) and the TSHOA Hearing Policy, the TSHOA Board of Directors determines that a Restrictions violation has occurred, it will inform the Owner in writing of its decision and of the assessment of fines and penalties no later than thirty (30) days after the hearing. The TSHOA Board of Directors will also notify the ACC and, if applicable, the Association's Manager of its decision and provide such direction or instructions as may be necessary to the ACC or Association's Manager regarding the assessment and collection of fines and penalties. If the TSHOA Board of Directors determines after a hearing that no Restrictions violation has occurred, it will inform the Owner, the ACC and, if applicable, the Association's Manager in writing of its decision within ten (10) days after the hearing.

H. Schedule of Fines. A Schedule of Fines and Penalties for Restrictions violations is attached hereto and made a part hereof for all purposes. The TSHOA Board of Directors may rescind, modify or amend the attached Schedule of Fines and Penalties or this Resolution at any time, by a majority vote of the TSHOA Board of Directors.

I. Notice of Adoption of Resolution. Upon approval of this Resolution by the TSHOA Board of Directors, or upon approval of any modifications or amendments thereto, the TSHOA Board of

Directors shall provide notice to all the Owners by posting a copy on the Association's website and by mailing or e-mailing a copy to each Owner.

J. Effective Date. This Resolution shall be effective on the 30th day following notice to Owners as provided in Paragraph I herein.

APPROVED AND ADOPTED BY THE TONKAWA SPRINGS HOMEOWNERS ASSOCIATION on this ____ day of _____ 2022.

DRAFT

TONKAWA SPRINGS HOMEOWNERS ASSOCIATION

SECRETARY'S CERTIFICATE

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

The undersigned hereby certifies that she is the duly elected, qualified and acting Secretary of the Tonkawa Springs Homeowners Association, a Texas non-profit corporation (the "Association") and that:

Attached hereto is a true and correct copy of the following Association document:

Resolution of the Board of Directors of Tonkawa Springs Homeowners Association Regarding Procedures for the Assessment of Fines and Penalties for Property Restrictions Violations and a Schedule of Fines and Penalties.

IN WITNESS WHEREOF, the undersigned has executed this certificate on this _____ day of _____, 2022.

By: _____

Name: Jenny Halley
Secretary, Board of Directors

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This instrument was signed and acknowledged before me on the ___ day of _____, 2022 by Jenny Halley, Secretary of the Board of Directors, Tonkawa Springs Homeowners Association, on behalf of said non-profit corporation.

Notary Public, State of Texas
My Commission Expires: _____

SCHEDULE OF FINES AND PENALTIES

The penalties, fines and time periods for Property Restrictions and Reservations violations set forth below begin to accrue upon a final penalty assessment decision and determination by the TSHOA Board of Directors.

<u>Violation</u>	<u>Days 1-10</u>	<u>Days 10+</u>
Public Nuisance	\$20/day	\$40/day
Private Nuisance	\$15/day	\$25/day
Other Violations	\$10/day	\$15/day