

LAKWOOD ON LAKE CONROE PROPERTY OWNERS ASSOCIATION, INC.
FINE POLICY

WHEREAS, the Lakewood on Lake Conroe Property Owners Association, Inc. (the "Association"), a Texas non-profit corporation, which is governed by its Board of Directors (the "Board"), is the governing entity of the Subdivisions and authorized to enact this Policy; and

WHEREAS, this Policy applies to the operation and utilization of property within the subdivision in Montgomery County, Texas as follows:

WHEREAS, the Subdivision is governed by the Declaration of Covenants, Conditions and Restrictions, recorded in the Real Property Records of Montgomery County, Texas, under Clerk's File Number 8818992, along with any amendments or supplements thereto (the "Declaration"); and

WHEREAS, the Declaration empowers the Board of Directors to adopt rules and regulations, and to establish fines, levies and enforcement provisions as deemed necessary; and

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

NOW THEREFORE be it resolved that the Association, acting through its Board of Directors, hereby adopts the following Fine Policy:

- 1) On becoming aware of a violation of the governing documents, the first notice to the Owner shall be a reminder letter asking the Owner to take appropriate steps to comply with the referenced violation of the governing documents.
- 2) Should a second letter be necessary, such shall be sent by certified mail, to the violator
 - a) describing 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; and
 - b) informing the Owner that he or she is allowed a reasonable period by a specified date to cure the violation and avoid the fine or suspension proposed (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
 - c) Informing the Owner that not later than the thirtieth (30th) 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; and
 - d) Informing the Owner that they 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.
 - e) 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 (10th) 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 then (10) days.

- 3) After an affirmative decision by the Board in the event a hearing was held, or after the expiration of the written notice, the Association may levy and collect reasonable and uniformly applied fines and penalties from the Member or Related User, as set forth below in the Schedule of Fines.
- 4) The notice of violation need not provide a reasonable period to cure the violation if the violation poses a threat to public health or safety or is not of a curable nature. In addition, the initial violation letter provided in paragraph 1 need not be provided in such circumstances.
- 5) The notice provisions of paragraph 2 do not apply if the Association is seeking a temporary restraining order or temporary injunctive relief, or if the owner has been previously given the notice described herein for the same violation within the six month prior to the current violation.

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

<u>VIOLATION</u>	<u>Correction and Grace Period</u>	<u>ASSESSMENT</u>
Non-Specific ACC	30 days	\$50 per month
Parking Violations	2 days	\$50 for the first violation then it will escalate to \$ 100
Lot Maintenance	10 days	\$50 for the first violation then it will escalate to \$ 100
Exterior Home Maintenance	15 days	\$50 for the first violation then it will escalate to \$ 100
Offensive Activity	1 day	\$50 for the first violation then it will escalate to \$ 100
Trash (trash cans left out)	2 work days	\$50 per occurrence
Specific ACC	10 days	Per ACC policy violation fees
Other Violations	10 days	\$50 for the first violation then it will escalate to \$ 100

The Association, 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 as circumstances warrant.

CERTIFICATION

"I, the undersigned, being the President of the Association, hereby certify that the foregoing Policy was adopted by at least a majority of the Association Board of Directors."

By Terry S. Casey, President

Print name: TERRY S. CASEY

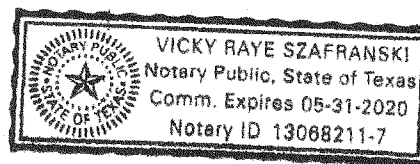
ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Terry Casey, President of the Association, 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 15th day of February, 2018.

Vicky Szafanski
Notary Public, State of Texas



E-FILED FOR RECORD

08/17/2018 12:08PM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

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

08/17/2018



County Clerk
Montgomery County, Texas