



Laura Richard
Laura Richard, County Clerk
Fort Bend County Texas
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FT. BEND/GRAND RIVER HOMEOWNERS ASSOCIATION, INC.
RESOLUTION ESTABLISHING A FINE POLICY

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS, Ft. Bend/Grand River Homeowners Association, Inc. (the "Association"), a Texas nonprofit corporation, is the governing entity for Grand River subdivision as recorded in the Real Property Records of Fort Bend County, Texas, Grand River, under Slide Nos. 1650/A through 1654/A, along with any amendments, supplements and replats thereto (the "Subdivision"); and

WHEREAS, the Subdivision is governed by the Declaration of Covenants, Conditions and Restrictions Grand River, recorded in the Real Property Records of Fort Bend County, Texas, under Clerk's File No. 9775092, along with any amendments and supplements thereto (the "Declaration"); and

WHEREAS, Article II, Section 4, of the Declaration authorizes the Association, through its Board of Directors, to adopt, amend, repeal and enforce rules and regulations, fines and levies, as may be deemed necessary or desirable with respect to the implementation of the Declaration; and

WHEREAS, the Association has previously, adopted a fine system, by resolution recorded in the Real Property Records of Fort Bend County, Texas, under Clerk's File No. 2009034041 (the Fine Policy); and

WHEREAS, the Association, through its Board of Directors, desires to adopt a uniform schedule of fines and to standardize the policies and procedures related to the authority to impose fines and to amend and replace the Fine Policy; and

WHEREAS, this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, pursuant to the foregoing and as evidenced by the Certification hereto, the Association hereby adopts, establishes and imposes on the Subdivision, the following Fine Policy:

1. Each Owner shall be responsible for assuring that Owner, their family, tenant(s), occupants(s), guest(s) and invitee(s) comply with the provisions of the Declaration, and all Rules, Regulations, Guidelines and other "Dedicatory Instruments" of the Association. In the event an Owner, family member, tenant, occupant, guest or invitee, violates any of the provisions of the Dedicatory Instruments, the Association may impose a fine as described below upon the Owner, and such fine shall be assessed against the Owner's Lot.

2. Before any fine is imposed, the Association shall first provide the Owner the notice required by Section 209.006 of the Texas Property Code, or its successor statute. A courtesy notice may typically be sent prior to any notice required by applicable law, however, the board may send more or less notices and give more or less time to comply with the Dedicatory Instruments, depending on the severity of the violation and its impact on the community, as determined by the Board of Directors in its sole discretion.
3. If a violation continues from day to day without intervening activity by the Owner responsible for the violation, the Fine Schedule may be as follows:

FIRST MONTH:	\$ 500
SECOND MONTH:	\$ 500
ADDITIONAL MONTHS:	\$ 500 per month until corrected

Examples of this type of violation include, but are not limited to: the unauthorized storage of a boat, trailer, camper or similar vehicle in public view, the use of a window a/c unit visible from the street, failure to screen garbage cans or equipment from public view, failure to maintain landscaping, mold/mildew on the property, failure to replace a broken fence or perform other visible home repair, maintaining a nonpermanent decorative appurtenance or unauthorized sign, or maintaining a prohibited or nuisance animal on a lot.

4. If the violation consists of a single occurrence or separate occurrences, the Fine Schedule may be as follows:

FIRST VIOLATION:	\$ 250
EACH SUBSEQUENT VIOLATION:	\$1000 for the same or similar violation

Examples of this type of violation include, but are not limited to: dumping or burning of trash, rubbish or garbage on a lot or common area, the use of a firearm or fireworks or other weapons in the Subdivision, nuisance activity such as objectionable noises or odors, animals escaping a lot, holding an unauthorized event on a lot, violations that threaten the health and safety of the residents, and violations which are incurable in nature.

5. The Fine Schedule for unauthorized construction, modification, addition, or alteration of improvements (Under Article VI of the Declaration), may be as follows:

FIRST MONTH:	\$500
SECOND MONTH:	\$100 per day until corrected
ADDITIONAL MONTHS:	\$100 per day until corrected

Examples of improvements, include, but are not limited to: a barn, storage building, or outbuilding, home, garage, deck, driveway, mail box, pool, tennis court, patio, awning, pergola, sunroom, sidewalk, courtyard, stable, greenhouse, play equipment, basketball goal, wall, fence, exterior lighting, well, permanent sign or decorative appurtenance, drainage feature, and all similar items, and landscaping improvements. When in doubt, apply for approval from the Architectural Review Committee.

- 6. These fines are guidelines for standard fines only. The Board of Directors reserves the right to levy lesser or greater fines, provide additional warnings or fewer warnings before fines are made and provide more or less time for compliance, depending on the severity of the violation at issue, in the sole discretion of the Board.
- 7. There may be an accelerated fine schedule for yard maintenance during summer months, whereby Owners may receive fewer notices, less time to correct the violation and the initial fine imposed may be greater than the standard fine schedule amounts. Prior to the initiation of force mow actions, the Owner may be entitled to one 10 day written notice and such force mowing may recur without additional notice until such time as the Owner commences regular yard maintenance as required by the Declaration.
- 8. If the violation continues without resolution, the Association shall have the right to undertake any action authorized by the Declaration and/or applicable law, including, but not limited to remedying the violation or initiating legal action, the costs of which actions shall be billed and/or assessed to the homeowner and collected and secured in the same manner as assessments.

CERTIFICATION

"I, the undersigned, being a Director of the Association, hereby certify that the foregoing Fine Policy was adopted by at least a majority of the Association Directors at a properly noticed open meeting of the Directors at which a quorum was present."

By: *Emily Finnegan*

Print Name: Emily Finnegan Title: President

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BEFORE ME, the undersigned authority, on this 2 day of November, 2016, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they signed it with the authority and for the purposes expressed therein.

Kristi A Cole
Notary Public, State of Texas



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