



M-K1289.1

**CORPORATE CERTIFICATE
OF
SETTLERS PARK HOMEOWNERS ASSOCIATION, INC.**

**FINING POLICY
SETTLERS PARK**

This Fining Policy relates to Settlers Park, as established by that certain "Declaration of Covenants, Conditions and Restrictions for Settlers Park" in Volume 754, Page 646 of the Deed Records of Fort Bend County, Texas, together with all amendments thereto.

The undersigned, being a duly elected, qualified, and acting Officer of Settlers Park Owners Association, Inc., a Texas non-profit corporation (the "Association"), does hereby certify that the following is a true and correct resolution of this Association as adopted by the Board of Directors (the "Board") at a duly called meeting held on August 18, 2020:

WHEREAS, the Association is responsible for governance and maintenance of **SETTLERS PARK**, a residential subdivision, pursuant to, and as described in, without limitation: (i) the Declaration entitled "Declaration of Covenants, Conditions and Restrictions for Settlers Park Homeowners Association Section One (1) " recorded under County Clerk's File No. 78032360 in Volume 754, Page 646 of the Deed Records of Fort Bend County, Texas; (ii) the "Declaration of Covenants, Conditions and Restrictions for Settlers Grove, Section One (1)" recorded under County Clerk's File No. 82037773 in Volume 1079, Page 509 of the Deed Records of Fort Bend County, Texas; the (iii) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section Two (2)" recorded under County Clerk's File No. 81068951 in Volume 983, Page 163 of the Deed Records of Fort Bend County, Texas; (iv) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section Three (3)" recorded under County Clerk's File No. 81068952 in Volume 983, Page 132 of the Deed Records of Fort Bend County, Texas; (v) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section Four (4)" recorded under County Clerk's File No. 82036951 in Volume 1078, Page 330 of the Deed Records of Fort Bend County, Texas; (vi) the "Declaration of Covenants, Conditions and Restrictions for Settlers Park Section V" recorded under County Clerk's File No. 2005074576 of Fort Bend County, Texas, as modified "Ratification of Declaration of Covenants, Conditions and Restrictions" recorded under County Clerk's File No. 2006031158 of Fort Bend County, Texas; (vii) the "Declaration of Covenants, Conditions and Restrictions for Settlers Grove Section One (1)" recorded in Volume 1079, Page 509 of the Deed Records of Fort Bend

County, Texas; and any and all amendments thereto (collectively referred to herein as the "Declaration"); and (viii) the "By-laws of Settlers Park Homeowners Association", recorded under Fort Bend County Clerk's File No. 2011129118 of the Deed Records of Fort Bend County, Texas and all amendments thereto ("Bylaws"); and

WHEREAS, the Association exists pursuant to state law and its governing documents; and

WHEREAS, without limitation, Section 204.010(a)(6) of the Texas Property Code authorizes the Association, acting by and through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision; and

WHEREAS, pursuant to the authority provided by applicable law, the Board has deemed it necessary to adopt a policy for the levy of fines for violations and infractions of the Declaration and Bylaws of the Association, applicable to Settlers Park.

NOW, THEREFORE, the Board of Directors on behalf of the Association does hereby adopt the following "**Fining Policy**". Formal notice is hereby given to all existing Owners of Lots in Settlers Park that from and after the effective date set forth below, the following "**Fining Policy**" shall be in full force and effect:

FINING POLICY

(Capitalized terms used herein shall have the same meaning as defined in the Declaration)

1. Owners are responsible for assuring that their residents, guests, and invitees comply with the provisions of the Declaration, By-Laws of the Association ("By-Laws"), and any and all Rules and Regulations of the Association ("Rules"). In the event an Owner, occupant, guest or invitee of an Owner's Lot or Unit violates any of the provisions of the Declaration, By-Laws, or Rules, the Board shall have the authority to impose a fine upon the Owner of the Lot or Unit for each violation.

2. Before any fine is imposed, the Association shall first provide the Owner with 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 Declaration, Bylaws, and/or Rules, depending on the severity of the violation and its impact on the community, as determined by the Board in its sole discretion. The following procedure will be used as a guideline for providing notice for violations:

FIRST LETTER: Notice of violation(s)

SECOND LETTER: Written notice to the Owner by verified mail. The notice shall:

(i) describe the violation that is the basis of the fine, stating the amount of the proposed fine; and

(ii) provide the Owner with a reasonable period and specified date to cure the violation and avoid the fine *if the fine is of a curable nature and does not pose a threat to public health or safety*; allows the Owner the right to request a hearing before the Board on or before the 30th day after the notice was mailed to the owner; and notifies the Owner that the Owner 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.

THIRD LETTER: Notice of uncured violation and fine assessed.

SUBSEQUENT LETTERS: A letter will be sent and a fine will be assessed each month the violation(s) remain(s) the same following the fourth letter.

Provided, however, that no written notice pursuant to this paragraph 2 shall be required as to any violation which is the same or similar to a violation for which the Owner has been previously given notice under this paragraph 2 within the preceding six months.

In the event of any conflict between the foregoing and the provisions of Section 209.006 of the Texas Property Code, the provisions of Section 209.006 of the Texas Property Code shall prevail.

Further, Section 209.006(f) establishes the criteria as to whether a violation considered a threat to public health or safety; and Sections 209.006 (g), (h), and (i) establishes criteria and examples of "uncurable" and "curable" violations.

3. In the event an Owner requests a hearing before the Board, the Board shall hold a hearing not later than thirty (30) days after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing no 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 ten (10) days. Additional postponements may be granted by agreement of the parties.

In the event of any conflict between the foregoing and the provisions of Section 209.007 of the Texas Property Code, the provisions of Section 209.007 of the Texas Property Code shall prevail.

4. Fines may be imposed against any Owner for any infraction of the Declaration, Bylaws, or Rules. As of the date of the adoption of this Fining Policy, the fining structure is as follows:

FINE STRUCTURE PER EACH VIOLATION OF THE DECLARATION AND/OR BYLAWS, GENERALLY:

- (i) First Offense Notice \$50.00 Fine
- (ii) Second Offense Notice \$100.00 Fine
- (iii) All Subsequent Offense Notices \$100.00 Fine

The Fine Structure established above may be modified (increased or decreased) at any time and from time to time by the Board; provided, however, that any modification to such Fine Structure shall be made on a uniform basis to all Owners from and after the effective date of any such modification. Further, fines may be levied pursuant to the foregoing Fining Policy in addition to and cumulative with any other enforcement action or procedure allowed by the Declaration and Bylaws or applicable law.

EFFECTIVE DATE: This Fine Policy shall be effective upon the recordation of this policy as a "dedicatory instrument" in the Real Property Records of Fort Bend County, Texas.

IN WITNESS WHEREOF, the undersigned has hereunto set his/her hand in Fort Bend County, Texas, this 18th day of August, 2020.

SETTLERS PARK HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation

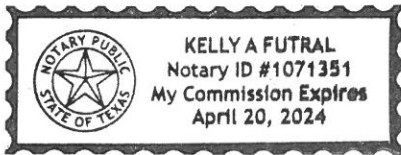
By: B. Sargent
(signature)

Its: BILL SARGENT
(name printed)

Position/title: Secretary

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

This instrument was acknowledged before me on the 18th day of August, 2020, by BILL SARGENT, SECRETARY, ~~President~~ of **SETTLERS PARK HOMEOWNERS ASSOCIATION, INC.** a Texas non-profit corporation, on behalf of said corporation.



Kelly Futral
Notary Public in and for the State of Texas

Record and Return to:
Frank, Elmore, Lievens,
Chesney & Turet, L.L.P.

AS PER ORIGINAL

M-K1289.5

Attn: Kennard D. Piggee
9225 Katy Freeway Suite 250
Houston, Texas 77027

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Laura Richard, County Clerk
Fort Bend County Texas

September 08, 2020 04:05:54 PM

FEE: \$32.00 DP2

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