

EXAMPLE

This example fining policy, example amendment to the declaration, and example courthouse filing certificate was provided by the HOA's attorney. The days referenced, and fine amounts are examples as well.

ABC Homeowners' Association, Inc.
Fines Policy

WHEREAS, the property encumbered by the ABC Homeowners Association Fines Policy (the Policy") is the property restricted by the Declaration for ABC recorded Declaration of Covenants, Conditions, and Restrictions for the ABC, executed YYY, recorded in Document #XXX, Official Public Records of Real Property of Bexar County, Texas (hereinafter called the "Declaration"), as same may be amended from time to time, and any other property which has been or may be annexed thereto and made subject to the authority of the ABC Homeowners' Association, Inc. (the "Association");

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meaning set forth in the Declaration, unless otherwise specified herein;

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the "Board") of the Association hereby adopts this Policy for the purposes of establishing a uniform and systematic procedure to address infractions of the Declaration through the imposition of fines in an effort to preserve properties values in the community made subject to the Declaration; and

WHEREAS, the Board has established that it is in the best interest of the Association to establish this Policy;

NOW THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt the following Fines Policy:

I.

Notice to Violators

A. Curable Non-Emergencies

If a violation of the Declaration is not one that will cause imminent damage or injury to persons or property, and if it is curable, a courtesy notice will be sent out to the Owner about the situation requesting that corrective action be taken within ten (10) days. If corrective action has not been taken by the deadline given, an official notification shall be sent to the Owner giving them ten (10) additional days to cure the violation. If violation is not cured by that deadline, then violator shall be given a notice by certified mail, return receipt requested, giving the Owner a reasonable number of days to cure the violation, and stating that the Owner has thirty (30) days from the date of the mailing of the notice to request a hearing before the Board of Directors to discuss facts and attempt to resolve the violation. The notice shall also state that the

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violators may cure the violation by the stated deadline without penalty, and notify them that if they fail to correct the violation, they may be referred to legal counsel and be liable for legal fees. The notice shall also state that the violator may have special rights or relief related to the enforcement action under federal law, including the Service members Civil Relief Act (50 U.S.C. app. Section 501 et seq.), if the violator is serving on active military duty.

B. Uncurable Non-Emergencies

If a Declaration violation is not one that will cause imminent damage or injury to persons or property, and if it is not one that can be cured, then violator shall be given a notice by certified mail, return receipt requested, stating that the owner has thirty (30) days from the date of the mailing of the notice to request a hearing before the Board of Directors to discuss facts and attempt to resolve the violation. The notice shall also state that the violators may be referred to legal counsel and be liable for legal fees. The notice shall also state that the violator may have special rights or relief related to the enforcement action under federal law, including the Service members Civil Relief Act (50 U.S.C. app. Section 501 et seq.), if the violator is serving on active military duty.

C. Emergencies

If a violation presents an unforeseen and immediate need for action then no notice is required before the Board may commence legal proceedings to get the problem addressed promptly.

II.

Repeat Violations

Each time a violation has been committed that may result in a fine being imposed, the violator shall be given the notices described above, except in the case of a repetition of the same or a similar curable violation within six months of an earlier final notice of violation, in which case the first two notices will be skipped, and the final violation notice shall not contain a right to cure the violation without penalty.

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**III.
Penalties for Failure to Correct**

Penalties for non-compliance in the form of fines may be imposed of \$75.00 per day per violation.

**IV.
Other Enforcement Measures**

Nothing in this Policy shall prevent the Board of Directors taking additional or alternative methods of enforcing the Declaration, including but not limited to forced maintenance, suspension of common area usage rights, and/or the filing of legal proceedings for injunctive relief, damages, legal fees and/or court costs.

CERTIFICATE OF SECRETARY

I hereby certify as Secretary of the ABC Homeowners' Association, Inc., that the foregoing Fines Policy was approved on the _____ day of _____, 2016, at a meeting of the Board of Directors at which a quorum was present.

DATED this the _____ day of _____, 2016.

secy, Secretary

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STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, on this day personally appeared secy, the Secretary of ABC Homeowners' Association, Inc., known to me to be the person whose name is subscribed to this instrument, and acknowledged to me that she executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this _____ day of _____, 2016.

Notary Public – State of Texas

After Recording Return To:
ABC Homeowners' Association, Inc.
c/o [management]

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