

Certified Resolution of the Board of Directors of Canyon Creek Homeowners' Association, Inc. Concerning the Updated Fine Policy

The undersigned, Cheng Wooster as the duly elected, qualified and acting Secretary of the Canyon Creek Homeowners' Association, Inc., a Texas nonprofit corporation, hereby certifies on behalf of the Association that the resolution set forth below was duly adopted by the Board of Directors of the Association (the "Board") at the meeting of the Board held on SEP. 17, 2018 2018.

WHEREAS, Canyon Creek is a real estate development located in Travis County, Texas (hereinafter the "Subdivision");

WHEREAS, the Canyon Creek Homeowners' Association, Inc. (hereinafter the "Association") is a property owners association established by, and governed through, the Second Restatement of Canyon Creek Master Declaration of Covenants, Conditions and Restrictions recorded in Volume 13149, Page 1023 of the Real Property Records of Travis County, Texas (hereinafter the "Declaration"), for the purpose of governing the Subdivision;

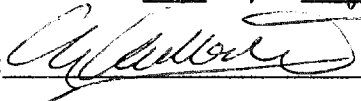
WHEREAS the Board of Directors desires to revise the Association's policy regarding fines for violations of the Canyon Creek Restrictions (the "Policy") that was previously adopted by the Board on July 1st, 2017;

WHEREAS the Policy was revised on July 16th, 2018 and published to Members for review and comment; and

BE IT RESOLVED that the Board of the Association hereby unanimously adopts the revised policy attached hereto and incorporated for all purposes herein as "Exhibit A".

IN WITNESS HEREOF, the undersigned has executed this Certificate as Secretary on behalf of said Association to be effective as of SEP. 27th, 2018.

Executed this 27th day of September, 2018.

By: 

Printed Name: Cheng Wooster

Title: Secretary

State of Texas §
 §
County of Travis §

This instrument was acknowledged before me on September 27 2018, by

Cheng Wooster, Secretary of Canyon Creek Homeowners' Association, Inc., a Texas nonprofit corporation, on behalf of said nonprofit corporation.



Notary Public State of Texas

AFTER RECORDING PLEASE RETURN TO:
Canyon Creek Homeowners' Association
c/o Spectrum Association Management
8303 North MoPac Expressway, Suite B120
Austin, Texas 78759

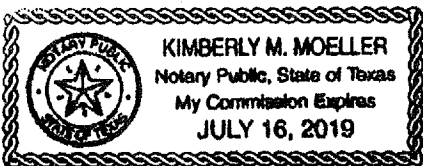


EXHIBIT A

CANYON CREEK HOMEOWNERS ASSOCIATION Policy Regarding Fines

The Board of Directors (the "Board") of Canyon Creek Homeowners Association (the "Association") has determined a policy regarding fines.

A fine policy was adopted by the Board on March 30, 2017. This single policy format supersedes any and all prior fine or fining policies.

Governing Document Citings:

- Texas Property Code Title 11, Chapter 209, §209.006 as of January 1, 2017;
- Second Restatement of Canyon Creek Master Declaration of Covenants, Conditions, Restrictions recorded in Volume 13149, Page 1023 of the Real Property Records of Travis County, Texas (the "Declaration") Article V, §5.4 and subsequent revisions, if any.

Policy:

This policy applies to all violations of the Canyon Creek Restrictions as the term is defined in the Declaration. The Association uses fines to discourage violations of the Canyon Creek Restrictions and to encourage compliance when a violation occurs - not to punish violators or generate revenue for the Association. Although a fine may be an effective and efficient remedy for certain types of violations, or violators, it is only one of several methods available to the Association for enforcing compliance with the Canyon Creek Restrictions.

It is the intent of the Board that violations move through a three-step process of 1) Notice of Violation with Request to Correct, 2) Notice of Violation with Intent to Fine, 3) Notice of Violation with Fine Incurred.

The fine amount will be \$50 for each violation.

A *citation* is a violation notice issued for an instance of a new or a repeat violation.

A *violation type* is the associated rule or provision from the Canyon Creek Restrictions that has been cited in the *violation* notice.

A *violation* is considered cured when the board, in its sole discretion, determines the Member's property is in compliance with the Canyon Creek Restrictions.

Procedure:

If the Member has not been given notice and a reasonable opportunity to cure the same or similar *violation type* in the preceding six (6) months, then the violation is a *new* violation and the notice will state a specific timeframe by which the violation must be cured to avoid a fine. A Member is entitled to fourteen (14) days from the date of the violation notice to cure a violation. A Member may request additional time to cure a violation by contacting the Association Manager (or the Board if there is no manager.) Any such extension is granted in the sole judge-

ment of the Manager or the Board.

If the same or similar violation has occurred within the previous six (6) months, then the violation is a *repeat* violation and a Member may be liable for fines without a period of time to cure. If a fine has been assessed, it will be noted in the violation letter and will be sent by certified mail.

In the event the Board, in its sole discretion, determines that the violation is of a continuing, uncured or recurrent nature, a fine in the amount of \$50 will be assessed against the Member for each day the violation remains uncured.

A Member may request a hearing before the board or board appointed representative to discuss the issuance of a violation, verify facts and resolve the matter. A Member must submit a written request for a hearing to the Association manager (or the Board if there is no manager) within 30 days of the receipt of the violation letter and a hearing will be scheduled within 30 days following the date the request is received.

In the event an attorney is retained to enforce compliance or collection of any monies due the Association, the Member is responsible for all associated costs. If no hearing is requested by the Member, all monies are due within 30 days of the violation letter. If a hearing is held, all monies are due immediately after the hearing if the fines are upheld.

Members 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. §501 et seq.) if an owner is a service member on active military duty. A Member must immediately notify the property manager in writing if the Servicemember status is applicable at the time a violation/fine is issued.

Revisions:

Revised September 17th, 2018 moving to three step notice policy from previous two-step policy.

Revised March 30, 2017 for single policy format with changes to fine amounts and procedure including board hearing procedure.

The original fine policy was adopted August 18, 2014.



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana Debeauvoir

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

October 01 2018 10:54 AM

FEE: \$ 38.00 2018154887