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Notice

CERTIFICATE OF CORPORATE RESOLUTION  
ALBURY TRAILS ESTATES COMMUNITY ASSOCIATION, INC.

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(Adopting Enforcement Regulations and Fining Policy  
for Violations of the Governing Documents)

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WHEREAS, Albury Trails Estates Community Association, Inc. (the "Association") is charged with enforcing the covenants, conditions and restrictions contained in the Declaration of Covenants, Conditions and Restrictions recorded in the office of the County Clerk of Harris County, Texas, under Clerk's File No. 20070116492 and 20070756038 as supplemented and amended from time to time, (the "Declaration") and the By-Laws of the Association (the "By-Laws"); and

WHEREAS, from time to time, owners and/or their tenants or other occupants are in violation of the Declaration and the other governing documents and the Association and the Board of Directors (the "Board") of the Association deem it to be in the best interest of the Association to develop orderly procedures for the enforcement of such governing documents and to establish a fining policy for violations thereof; and

WHEREAS, Article IX, Section 3 of the Declaration and Section VII of the By-Laws governing the use of the Property provide that the Board and the Association may make and enforce rules and regulations. The Board also has the right to sanction violations of the Declaration, the By-Laws, or rules or regulations established by the Board, including the right to levy monetary fines against the offending owner or such owner's tenant or other occupant; and

WHEREAS, Article VI, Section 3, of the By-Laws provides that a majority of the number of directors of the Board shall constitute a quorum for the transaction of business; and

WHEREAS, the Board held a meeting on July 22, 2014, at which a majority of the directors were present and duly passed the resolution described hereinbelow.

NOW THEREFORE, in consideration of the recitals set forth above, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned, J. Kenneth Streeter, III, President of the Association, and Gretchen Stowell, Secretary of the Association, do hereby certify that at a duly constituted meeting of the Board held on July 22, 2014, at least a majority of the directors of the Board were present and adopted the following resolution:

RESOLVED: That the Board of Directors, on behalf of the Association, duly adopts the Enforcement and Fining Policy for Violations of the Governing Documents attached hereto and incorporated herein for all purposes, to be effective on July 22, 2014.

2014-08-12 12:42

EXECUTED on the date of the acknowledgements set forth hereinbelow.

Albury Trails Estates  
Community Association, Inc.

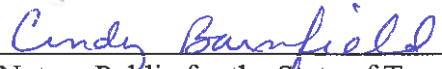
  
\_\_\_\_\_  
J. Kenneth Streeter, III, President

  
\_\_\_\_\_  
Gretchen Stowell, Secretary

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF HARRIS    §

This instrument was acknowledged before me on July 22, 2014, by J. Kenneth Streeter, III, President of Albury Trails Estates Community Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

[SEAL] 

  
\_\_\_\_\_  
Notary Public for the State of Texas

THE STATE OF TEXAS    §  
                                  §  
COUNTY OF HARRIS    §



This instrument was acknowledged before me on July 22, 2014, by Gretchen Stowell, Secretary of Albury Trails Estates Community Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

[SEAL] 

  
\_\_\_\_\_  
Notary Public for the State of Texas



Return to: ATECA  
400 Randal Way  
Suite 106  
Spring, TX 77388

ALBURY TRAILS ESTATES COMMUNITY ASSOCIATION

Enforcement Regulations and Fining Policy ("Policy")  
For Violations of the Governing Documents

Effective July 22, 2014

1. Violations

An action is initiated under this Policy when either a member of the Board of Directors, or an employee of an Association management company employed by the Association notes a violation of the Declaration, the By-Laws, or the rules and regulations of the Association or the other governing documents. The Association or any designated representative of the Association is authorized to send any or all of the notices described in this Policy.

2. Tenants and Other Occupants

The Association is authorized to pursue the applicable remedies provided for herein as to any owner in violation, and/or as to any tenant or other occupant in violation. The owner is also responsible for insuring the compliance of his or her tenants or other occupants. If the Association deems it to be appropriate, the Association is authorized to send any notice provided for hereunder or in the Declaration to any tenant or other occupant.

3. Initial Notice

The Association shall send one (1) or more notices ("Initial Notice") by regular mail advising the owner of the violation and requesting that the violation be cured. However, if the Association decides that the violation requires accelerated handling, the Association is entitled to dispense with sending the owner any Initial Notice. All notices described in this Policy shall be sent to the owner at the owner's last known address, as shown on the records of the Association. The owner must deliver a written request to the Association, if the owner wants the Association to change the owner's address as shown on the Association records.

4. Certified Notice

If the violation is not cured pursuant to the Initial Notice (or if the Association has decided not to send any Initial Notice), the Association shall send a notice to the owner by certified mail, return receipt requested, describing the violation and demanding that the violation be cured. The Certified Notice will allow the owner a reasonable period to cure the violation and avoid the Association by levying a fine and/or pursuing legal action, unless the owner has previously been given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months. The Certified Notice will inform the owner that the owner has a period of 30 days from receipt of such notice to make a written request for a hearing before the Board regarding the violation. The Certified Notice will inform the owner that if the violation is not cured and the owner does not request a hearing within such thirty (30) day period, the Association intends to levy a fine against the owner and/or pursue legal action against the owner. If the Association pursues legal action against the owner, the owner will be responsible for the attorneys' fees and other costs the Association may incur, and such fees and costs will be charged to the owner's account.

If the Association has given the owner notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, or if the Association files a suit seeking expedited relief in the form of a temporary restraining order or a temporary injunction, the Association shall not be required to send the owner a Certified Notice.

5. Hearing

If the owner makes a timely written request for a hearing, a notice shall be sent to the owner informing the owner as to the date, time, and place for the hearing before the Board. The hearing will be conducted in accordance with such rules and procedures as may be deemed appropriate by the Board. The hearing shall take place, even if the owner does not attend the hearing.

6. Remedies

If the owner does not make a written request for a hearing before the Board within the above-described 30-day timeframe (and if the violation has not been cured), the Association may thereafter pursue its remedies. If a hearing is conducted pursuant to a proper request, the Association may pursue its remedies regarding an uncured violation after the conclusion of the hearing, unless the Association has made an agreement to the contrary. Such remedies include levying a fine and/or turning the matter over to an attorney for legal action. Even if the Association levies a fine against the owner, the Association nonetheless reserves the right to turn the matter over to an attorney for legal action. If this becomes necessary, it is contemplated that the Association will instruct the attorney to pursue the Association's legal remedies, including filing suit.

7. Fines

The amount of the fine to be levied by the Association is \$100 for completed violations, and \$15 per day for continuing violations. Completed violations typically occur at a specific point in time (i.e. Owner's dog not being confined on a leash or being outside owner's lot), while continuing violations are violations that typically occur over a period of time (i.e. construction of an unapproved improvement). The Association also reserves the right to increase the amount of the fine for a given violation, if deemed appropriate by the Board due to the severity, seriousness, extent, repeated or wrongful nature of the applicable violation.

8. Lien

Any fine levied by the Association as a result of a violation will be charged to an owner's account, and will be secured by a lien against the owner's property. Further, any attorney's fees and costs incurred by the Association as a result of a violation will be charged to an owner's account, and will be secured by a lien against the owner's property. Similarly, all such accounts may be collected in the same manner as a delinquent maintenance assessment, including by an action to foreclose such lien against the owner's property.

9. Miscellaneous

The Association will not send any notice to the owner, tenant or other occupant in a situation in which the Association seeks expedited relief in the form of a temporary restraining order or a temporary injunction. In situations in which the Association seeks such expedited relief, the Association reserves its rights to file suit and seek such relief from the court without any prior notice to the owner, tenant and/or other occupant.

FILED

2014 JUL 31 AM 11:58

*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas

JUL 31 2014



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2014 JUL 31 AM 11:58