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AFTER RECORDING RETURN TO:

Robert D. Burton, Esq.
WINSTEAD PC ←
401 Congress Ave., Suite 2100
Austin, Texas 78701
Email: rburton@winstead.com

SECRETARY'S CERTIFICATE

The undersigned hereby certifies that he/she is the duly elected, qualified and acting as Secretary of Havenwood at Hunters Crossing Property Owners Association, Inc., a Texas non-profit corporation (the "Association"), and that attached hereto as Exhibit A and made a part hereof is a true and correct copy of the Amended and Restated Fine and Enforcement Policy, approved and adopted at a duly called meeting of the Board of Directors of the Association.

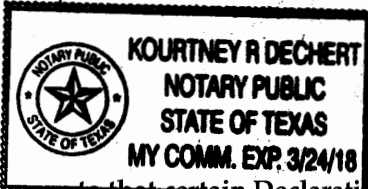
IN WITNESS WHEREOF, the undersigned has executed this certificate on the 20th day of July, 2015.

Caren H White

STATE OF TEXAS §
COUNTY OF Comal §
§

This instrument was acknowledged before me on July 20th 2015, by Caren H White Secretary of Havenwood at Hunters Crossing Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

[SEAL]



Kourtney R DeChert
Notary Public Signature

Cross Reference to that certain Declaration of Covenants, Conditions and Restrictions for Havenwood at Hunters Crossing, recorded under Document No. 200606015924, Official Public Records of Comal County, Texas, as amended and supplemented.

EXHIBIT "A"

**AMENDED AND RESTATED FINE AND
ENFORCEMENT POLICY
OF
HAVENWOOD AT HUNTERS CROSSING PROPERTY
OWNERS ASSOCIATION, INC.
(a Texas nonprofit corporation)**

Cross Reference to that certain Declaration of Covenants, Conditions and Restrictions for Havenwood at Hunters Crossing, recorded under Document No. 200606015924, Official Public Records of Comal County, Texas, as amended and supplemented.

**AMENDED AND RESTATED FINE AND ENFORCEMENT POLICY OF
HAVENWOOD AT HUNTERS CROSSING PROPERTY OWNERS ASSOCIATION, INC.**

This Amended and Restated Fine and Enforcement Policy (this "**Amended and Restated Fine and Enforcement Policy**") of Havenwood at Hunters Crossing Property Owners Association, Inc. (the "**Association**") is hereby set forth as follows:

RECITALS:

A. Pursuant to *Section 4.3* and *Section 10.2* of the Declaration of Covenants, Conditions and Restrictions for Havenwood at Hunters Crossing, recorded under Document No. 200606015924, Official Public Records of Comal County, Texas, as amended and supplemented (the "**Declaration**") and *Article 3(C)* of the First Amended and Restated By-laws of Havenwood at Hunters Crossing Property Owners Association, Inc. (the "**Bylaws**"), the Board has the authority to promulgate reasonable rules and regulations concerning enforcement of the covenants and restrictions contained in the Governing Documents, including but not limited to the Declaration.

B. The Board previously adopted rules and regulations concerning levying fines for, and the enforcement of, violations to the provisions of the Governing Documents, as such term is defined in the Declaration, through the recordation of the Fine and Enforcement Policy, recorded under Document No. 201406036865 in the Official Public Records of Comal County, Texas (the "**Original Collection Policy**").

C. At its duly called meeting held on June 2, 2015, the Board considered and determined that it was in the best interest of the Association to amend and restate the Original Collection Policy, and the Board did so in the form of the Amended and Restated Fine and Enforcement Policy, attached hereto as **Exhibit A-1**.

EXHIBIT A-1

HAVENWOOD AT HUNTERS CROSSING PROPERTY OWNERS ASSOCIATION, INC.
AMENDED AND RESTATED FINE AND ENFORCEMENT POLICY

1. Background. Havenwood at Hunters Crossing is subject to that certain Declaration of Covenants, Conditions and Restrictions for Havenwood at Hunters Crossing, recorded in the Official Public Records of Comal County, Texas, as amended ("**Declaration**"). In accordance with the Declaration, Havenwood at Hunters Crossing Property Owners Association, Inc., a Texas non-profit corporation (the "**Association**") was created to administer the terms and provisions of the Declaration. Unless the Declaration or applicable law expressly provides otherwise, the Association acts through a majority of its board of directors (the "**Board**"). The Association is empowered to enforce the covenants, conditions and restrictions of the Declaration, the Articles of Incorporation, the Bylaws and any rules and regulations promulgated by the Association pursuant to the Declaration, as adopted and amended from time to time (collectively, the "**Restrictions**"), including the obligation of Owners to pay fines for violations of the Restrictions.

The Board hereby adopts this Fine and Enforcement Policy to establish equitable policies and procedures for the levy of fines within the Association in compliance with the Chapter 209 of the Texas Property Code, titled the "Texas Residential Property Owners Protection Act," as it may be amended (the "**Act**"). To the extent any provision within this policy is in conflict the Act or any other applicable law, such provision shall be modified to comply with the applicable law.

Terms used in this policy, but not defined, shall have the meaning subscribed to such term in the Restrictions.

2. Policy. The Association uses fines to discourage violations of the 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 the Restrictions. The Association's use of fines does not interfere with its exercise of other rights and remedies for the same violation.
3. Owner's Liability. An Owner is liable for fines levied by the Association for violations of the Restrictions by the Owner and the relatives, guests, employees, and agents of the Owner and residents. Regardless of who commits the violation, the Association may direct all communications regarding the violation to the Owner.
4. Amount. The Association may set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effects of the violation. The Association may establish a schedule of fines for certain types of violations. The amount and cumulative total of a fine must be reasonable in comparison to the violation, and should be uniform for similar violations of the same provision of the Restrictions. If the Association allows fines to accumulate, the Association may establish a maximum amount for a particular fine, at which point the total fine will be capped.
5. Violation Notice. Before levying a fine, the Association will give the Owner a written violation notice via certified mail, return receipt requested, and an opportunity to be heard, if requested by

the Owner. This requirement may not be waived. The Association's written violation notice will contain the following items: (1) the date the violation notice is prepared or mailed; (2) a description of the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due to the Association from the Owner; (3) a reference to the rule or provision that is being violated; (4) a description of the action required to cure the violation; (5) the timeframe in which the violation is required to be cured to avoid the fine or suspension; (6) the amount of the fine; (7) a statement that no later than the thirtieth (30th) day after receiving the notice, the Owner may request a hearing pursuant to Section 209.007 of the Texas Property Code, and further, if the hearing held pursuant to Section 209.007 of the Texas Property Code is to be held by a committee appointed by the Board, a statement notifying the Owner that he or she has the right to appeal the committee's decision to the Board by written notice to the Board; and (8) a statement informing the Owner that they 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 *et seq*), if the Owner is serving on active military duty. The notice sent out pursuant to this paragraph is further subject to the following:

- a. First Violation. If the Owner has not been given notice and a reasonable opportunity to cure the same or similar violation within the preceding six (6) months, the notice will state those items set out in (1) – (8) above, along with a specific timeframe by which the violation must be cured to avoid the fine. The notice must state that any future violation of the same rule may result in the levy of a fine.
 - b. Repeat Violation – No Cure within 6 Months. If the Owner has been given notice and a reasonable opportunity to cure the same or similar violation within the preceding six (6) months but commits the violation again, the notice will state those items set out in (1) - (3), (6) and (8) above, but will also state that because the Owner has been given notice and a reasonable opportunity to cure the same or similar violation within the preceding six (6) months but has not cured the violation, then the Owner will be fined pursuant to the *Schedule of Fines* described below.
 - c. Continuous Violation. After an Owner has been notified of a violation as set forth herein and assessed fines in the amounts set forth in the *Schedule of Fines* described below, if the Owner has never cured the violation in response to either the notices or the fines, in its sole discretion, the Board may determine that such a circumstance is a continuous violation which warrants a levy of a fine based upon a daily, monthly, or quarterly amount as determined by the Board.
6. Violation Hearing. If the Owner is entitled to an opportunity to cure the violation, then the Owner has the right to submit a written request to the Association for a hearing before the Board or a committee appointed by the Board to discuss and verify the facts and resolve the matter. To request a hearing, the Owner must submit a written request (the "**Request**") to the Association's manager (or the Board if there is no manager) within thirty (30) days after receiving the violation notice. The Association must then hold the hearing requested no later than thirty (30) days after the Board receives the Request. The Board must notify the Owner of the date, time, and place of the hearing at least (10) days' before the date of the hearing. The hearing will be scheduled to provide a reasonable opportunity for both the Board and the Owner to attend. 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. Notwithstanding the foregoing, the Association may exercise its other rights and remedies as set forth in Section 209.007(d) and (e) of the Texas Property Code. Any hearing before the Board will be held in a closed or executive session of the Board. At the hearing, the Board will consider the facts and circumstances surrounding the violation. The Owner shall attend the hearing in person, but may be represented by another person (i.e., attorney) during the hearing, upon advance written notice to the Board. If an Owner intends to make an audio recording of the hearing, such Owner's request for hearing shall include a statement noticing the Owner's intent to make an audio recording of the hearing, otherwise, no audio or video recording of the hearing may be made, unless otherwise approved by the Board. Unless otherwise agreed by the Board, each hearing shall be conducted in accordance with the agenda attached hereto as Exhibit A-2.

7. Levy of Fine. Any fine levied shall be reflected on the Owner's periodic statements of account or delinquency notices.
8. Collection of Fines. The Association is not entitled to collect a fine from an Owner to whom it has not given notice and an opportunity to be heard, pursuant to Section 209.006 and Section 209.007 of the Texas Property Code. The Association may not foreclose its assessment lien on a debt consisting solely of fines.
9. Amendment of Policy. This policy may be revoked or amended from time to time by the Board. This policy will remain effective until the Association records an amendment to this policy in the county's official public records.

Schedule of Fines

The Board has adopted the following general schedule of fines. The number of notices set forth below does not mean that the Board is required to provide each notice prior to exercising additional remedies as set forth in the Restrictions. The remedies provided for in this policy are cumulative and not exclusive. The Board may elect to pursue such additional remedies at any time in accordance with the Restrictions and applicable law. The Board also reserves the right to set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effect of the violation:

FINES:

New Violation:

Fine Amount:

Notice of violation and Right to Cure	\$25.00 (may be avoided if Owner cures the violation by the time specified in the notice)
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Repeat Violation:

1 st Notice (No Right to Cure)	\$25.00
2 nd Notice (No Right to Cure)	\$100.00
3 rd Notice (No Right to Cure)	\$200.00
4 th Notice (No Right to Cure)	\$300.00

Continuous Violation:

Continuous Violation Notice	Amount TBD
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CONSTRUCTION FINES:

Pursuant to the Restrictions, any prohibited construction activities within Havenwood at Hunters Crossing are subject to Construction Fines. Construction Fines commence upon the expiration of the cure period provided in the First Notice. There is no Warning Notice. Construction Fines may be assessed pursuant to the schedule of fines as follows. The Board also reserves the right to set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effect of the violation. Each fine shall be levied per occurrence unless otherwise specified therein:

Construction without ARB Approval	\$5,000
Failure provide final landscape plan to ARB	\$250.00
Failure to complete improvements, including but not limited to landscaping, pursuant to the plans approved by the ARB	\$500
Inadequate Construction Entry	\$250
Inadequate/Removed Silt Fence	\$250
Excessive Mud/Debris on Street	\$250 plus \$50/day
Excessive Construction Debris	\$250 plus \$50/day
Unauthorized dumping	\$1000 plus cost of removal

No Dumpster Provided	\$150 plus \$50/day
No Chemical Toilet Provided	\$150 plus \$25/day
Violation of designated construction times	\$100
Encroachment onto adjacent properties	\$500 plus repair cost
Damage to streets, curbs, infrastructure, gates	\$1,000 plus cost of repair
Damage to front rock structures	\$1,000 plus cost of repair
Damage to signage	\$250 plus cost of repair
Unauthorized earthwork or site alteration/unauthorized blasting	\$500.00
Unauthorized tree killing or removal from Common Area	\$1,000 plus cost of repair
Removal of live limbs or endangering a tree*	\$1,000
Removal of brush or other significant vegetation*	\$500.00
Removal of a significant site feature*	\$500.00 per feature
Failure to properly dispose of debris, including but not limited to vegetative debris	\$250.00
Miscellaneous Violation of Construction Rules	TBD by BOD

*without property owner approval

EXHIBIT A-2
HEARING BEFORE THE BOARD

Note: An individual will act as the presiding hearing officer. The hearing officer will provide introductory remarks and administer the hearing agenda.

I. Introduction:

Hearing Officer. The Board has convened for the purpose of providing [Owner] an opportunity to be heard regarding a notice of violation of the Restrictions sent by the Association.

The hearing is being conducted as required by Section 209.007(a) of the Texas Property Code, and is an opportunity for [Owner] to discuss, verify facts, and attempt to resolve the matter at issue. The Board may be able to resolve the dispute at the hearing or the Board may elect to take the matter under advisement and conclude the hearing. If the matter is taken under advisement, a final decision will be communicated in writing within fifteen (15) days.

II. Presentation of Facts:

Hearing Officer. This portion of the hearing is to permit a representative of the Association the opportunity to describe the violation and to present photographs or other material relevant to the violation, fines or penalties. After the Association's representative has finished his presentation, the Owner or its representative will be given the opportunity to present photographs or other material relevant to the violation, fines or penalties. The Board may ask questions during either party's presentation. It is requested that questions by [Owner] be held until completion of the presentation by the Association's representative.

[Presentations]

III. Discussion:

Hearing Officer. This portion of the hearing is to permit the Board and [Owner] to discuss factual disputes relevant to the violation. Discussion regarding any fine or penalty is also appropriate. Discussion should be productive and designed to seek, if possible, a mutually agreed upon resolution of the dispute. The Hearing Officer retains the right to conclude this portion of the hearing at any time.

IV. Resolution:

Hearing Officer. This portion of the hearing is to permit discussion between the Board and [Owner] regarding the final terms of a mutually agreed upon resolution, if such resolution was agreed upon during the discussion phase of the hearing. If no mutually agreed upon resolution was reached, the Hearing Officer may: (i) request that the Board enter into executive session to discuss the matter; (ii) request that the Board take the matter under advisement and adjourn the hearing; or (iii) adjourn the hearing.



Bobbie Koepf