

**WILDWOOD SHORES
PROPERTY OWNERS ASSOCIATION, INC.**

**FIRST AMENDED RESOLUTION REGARDING ASSESSMENT OF FINES
FOR VIOLATIONS OF THE RESTRICTIVE COVENANTS
AND/OR RULES AND REGULATIONS**

The undersigned, being a duly authorized representative of WILDWOOD SHORES PROPERTY OWNERS ASSOCIATION, INC., (the “**Association**”), a Texas Non-Profit Corporation, pursuant to Article 1396 of the Texas Non-Profit Corporation Act, adopt the following resolution at a duly called board meeting:

WHEREAS, the Association, through its Board of Directors, has the authority to regulate the use, maintenance, repair, replacement, modification, and appearance of the Wildwood Subdivision; and

WHEREAS, Section 22.202(b) of the Texas Business Organization Code provides that “[a] corporation is considered to have vested the management of the corporation's affairs in the board of directors of the corporation in the absence of a provision to the contrary in the certificate of formation”; and

WHEREAS, Article VIII, Section 14 of the Declaration of Covenants, Conditions, and Restrictions for Wildwood Shores Subdivision Sections I through IV (hereinafter “**Declaration**”) provides that the Association shall have the power to make and enforce rules and regulations governing the use of all commons and facilities; and

WHEREAS, Article V, Section 5.10 of the Declaration of Covenants, Conditions, and Restrictions for Wildwood Shores Subdivision Sections V through XIV (hereinafter “**Declaration**”) provides that the Association shall have the power to enforce the provisions of the Declaration and Rules and Regulations by all lawful means, including levying and collecting reasonable fines for deed restriction violations; and

WHEREAS, the Bylaws for Wildwood Shores Subdivision provide that the Board of Directors shall have the right to adopt and publish rules and regulations governing the use of the Common Property and facilities thereupon, and the personal conduct of the Members and their guest thereon, and to establish penalties for the infraction thereof; and

WHEREAS, property values in the Association are affected by the appearance of the subdivision and specifically, the appearance of deed restriction violations therein; and

WHEREAS, it is the desire of the Board of Directors to alleviate such deed restriction violations by adopting the following Policy which is necessary to help maintain the attractiveness of the subdivision and thereby support property values in the Association.

NOW THEREFORE, BE IT RESOLVED THAT in consideration of the above factors and others, the Wildwood Shores Property Owners Association, Inc., acting through the Board of Directors, hereby resolves to adopt and publish the following policy regarding assessment of fines for violations of restrictive covenants and/or rules and regulations as follows (this policy does not address delinquent assessments):

FIRST AMENDED FINE POLICY & PROCEDURES

1. **Initial Violation Letter & No Fine** - An initial notice of the violation (“**Initial Violation Letter**”) shall be mailed to the Owner(s) via regular mail and certified mail/return receipt requested (“**CMRRR**”) by the Management Company on behalf of the Association demanding the Owner(s) cure the violation within thirty (30) days of the date of the letter. The opportunity to cure may be less than thirty (30) days if the violation may be easily remedied within a shorter period. The letter will give the owner an opportunity to request a hearing with the Board disputing the violation within thirty (30) days of receipt of the letter.
 - a. **NO FINE if violation is cured within the given time frame.**

2. **Second Violation Letter & 1st Fine** - If the violation is not corrected or occurs again, a \$50.00 fine will be levied to the Owner(s)’ account and a second notice may be mailed to the Owner(s) via regular mail advising the Owner(s) of the fine and demanding that the violation be cured within the given time frame.
 - a. **\$50.00 fine assessed and due within fifteen (15) days following imposition.**

3. **Third Violation Letter & 2nd Fine** - If the violation is not corrected or occurs again, a \$75.00 fine will be levied to the Owner(s)’ account and a third notice may be mailed via regular mail advising the Owner(s) of the fine and demanding that the violation be cured within the given time frame.
 - a. **\$75.00 fine assessed and due within fifteen (15) days following imposition.**

4. **Next Step** - If the violation continues or reoccurs without resolution after the third notice, the Board shall have the right to undertake any action authorized by the Bylaws or Declarations, including, but not limited to, turning the matter over to the Association's Attorneys for legal action, the costs of which actions shall be billed to the Owner(s) and collected in the same manner as assessments.

ADOPTED this ___ day of _____, 2013 by a majority of the Board of Directors of the Association.

WILDWOOD SHORES PROPERTY OWNERS ASSOCIATION, INC.

By: _____
Richard Smith, President

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

ACKNOWLEDGMENT

This instrument was acknowledged before me on the _____ day of _____ 2013 by Richard Smith, President of WILDWOOD SHORES PROPERTY OWNERS ASSOCIATION, INC.

Notary Public in and for the State of Texas