

1017-396900

After recording return to:

Urban Commons Homeowners' Association, Inc.
P.O. Box 191166
Dallas, Texas 75219

**URBAN COMMONS HOMEOWNERS' ASSOCIATION, INC.
ENFORCEMENT AND FINE POLICY**

The undersigned, being an authorized Director of Urban Commons Homeowners' Association, Inc., does hereby state that the attached Enforcement and Fine Policy was adopted by the Board of Directors of Urban Commons Homeowners' Association, Inc., as of January 1, 2024, as provided for in the Declaration of Covenants, Conditions and Restrictions for Urban Commons recorded on June 19, 2020, under County Clerk's File Number 202000158827, Official Public Records, Dallas County, Texas, as amended.

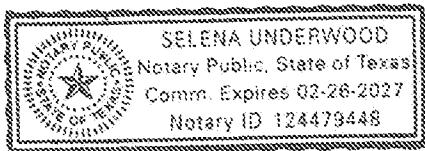

Name: Diane Cheatham, Director

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 28 day of May, 2024, by Diane cheatham as Director of Urban Commons Homeowners' Association, Inc., a Texas non-profit corporation, on behalf of said corporation.


Notary Public, State of Texas



URBAN COMMONS HOMEOWNERS' ASSOCIATION, INC.
ENFORCEMENT AND FINE POLICY

PURPOSE: To establish a consistent and fair policy to fine Owners for violations of the Declaration, By-Laws, Rules and Regulations and Policies.

WHEREAS, pursuant to authority set forth in the Declaration and Bylaws, the Association, acting by and through the Board, has the authority to enforce the provisions of the Declaration, including establishing and imposing monetary fines or penalties for the violation of the Association's dedicatory instruments, including, but not limited to, the Declaration, the Bylaws, rules and regulations, policies, resolutions, or design/architectural guidelines (collectively, the "*Governing Documents*"); and

WHEREAS, the Board has and does hereby find the need to establish rules, regulations, and procedures for the enforcement of the restrictions contained in the Governing Documents and for the elimination of violations which may be found to exist within the Property.

NOW THEREFORE, The Board hereby adopts this Enforcement and Fine Policy to establish equitable policies and procedures for the levy of fines within the Community in compliance with the provisions of the Texas Residential Property Owners Protection Act (the "Act") found in Chapter 209 of the Texas Property Code. To the extent any provision within this policy is in conflict the Act or any other applicable law, such provision shall be automatically modified to comply with the applicable law. Words and phrases used and not otherwise defined in this policy have the same meanings given to them by the Declaration (hereinafter referred to as the "*Enforcement and Fine Policy*").

1. Policy. The Association uses fines and/or other revocation of Association privileges to discourage violations of the Declaration, Bylaws, Policies and Rules and Regulations of the Association (collectively the "**Documents**"), 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 Documents. The Association's use of these methods does not interfere with its exercise of other rights and remedies for the same violation.
2. Owners Liability. An owner is liable for any fines levied by the Association for violations of the Documents by the owner or resident, or the owner or resident's family, guests, employees, agents or contractors. Regardless of who performs the violation, the Association will direct its communications to the owner.
3. Violation Notice. Before levying a fine, the Association will provide the owner a written violation notice and an opportunity to be heard. This requirement may not be waived. In any event, the Association's written violation notice must contain the following items: (1) the date the violation notice is prepared or mailed; (2) a description of the violation; (3) a reference to the rule or provision that is being

violated; (4) a description of the action required to cure the violation and a reasonable time period to take such action; (5) the action to be taken and/or the amount of the fine, if any; (6) a statement that not later than the 30th day after the date of the violation notice, the owner may request a hearing before the Board to contest the fine; and (7) the date the fine attaches or begins accruing (the "**Start Date**"), subject to the following:

- a. New Violation. If the owner was not given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, the notice will state a specific date by which the violation must be cured to avoid the fine, if the violation is ongoing or continuous. If the violation is not ongoing, but is instead sporadic or periodic, the notice must state that any future violation of the same rule may result in the levy of a fine.
 - b. Repeat Violation. In the case of a repeat violation, the notice will state that, because the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, the fine attaches from the date of the violation notice will commence immediately as of the date of the notice.
4. Violation Hearing. An owner may request in writing a hearing by the Board to contest the fine. To request a hearing before the Board, an owner must submit a written request to the Association's manager within thirty (30) days after the date of the violation notice. Within thirty (30) days after owner's request for a hearing, the Association must hold a hearing. The Association must provide the owner with at least ten (10) days' notice of the date, time, and place of the hearing. The hearing will be held in a regular session of the Board, or at an executive session at the Board's discretion. At the hearing, the Board will consider the facts and circumstances surrounding the violation. The owner may attend the hearing in person or may be represented by another person or written communication. The minutes of the hearing must contain a statement of the results of the hearing and the fine and/or other action, if any, imposed. A copy of the violation notice and request for hearing should be placed in the minutes of the hearing. If the owner appears at the meeting, the notice requirements will be deemed satisfied.
 5. Levy of Fine. Within thirty (30) days after levying any fine, the Board must give the owner notice of the levied fine. If the fine is levied at the hearing at which the owner is actually present, the notice requirement will be satisfied if the Board announces its decision to the owner at the hearing. Otherwise, the notice must be in writing. In addition to the initial levy notice, the Association will give the owner periodic written notices of an accruing fine or the application of an owner's payments to reduce the fine. The periodic notices may be in the form of monthly statements or delinquency notices.
 6. Amount of Fine. The Association may set fine amounts 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. If circumstances warrant a variance from the schedule, the Board will document the reasons for the variance in

the minutes of its meeting. The amount and cumulative total of a fine must be reasonable in comparison to the violation.

The Board has adopted the initial fines to be imposed of \$50/day. If the violation continues for more than 6 months, the fine can be raised to \$100/day.

7. Notwithstanding the foregoing, the Board reserves the right to adopt a different fine amount on a case by case basis provided the fine is reasonable in light of the nature, frequency and effects of the violations.
8. Type of Levy. If the violation is ongoing or continuous, the fine may be levied on a periodic basis (such as daily, monthly, or quarterly), beginning on the Start Date. If the violation is not ongoing, but is instead sporadic or periodic, the fine may be levied on a per occurrence basis.
9. 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.

Amendment of Policy. This policy may be revoked or amended from time to time by the Board. This policy will remain effective until ten (10) days after the Association delivers to an owner of each unit notice of amendment or revocation of this policy. The notice may be published and distributed in an Association newsletter or other community- wide publication.

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202400106834

eRecording - Real Property

Recorded On: May 29, 2024 09:32 AM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$37.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

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.

File Information:

Document Number: 202400106834

Receipt Number: 20240528000830

Recorded Date/Time: May 29, 2024 09:32 AM

User: Lynn G

Station: Cc147

Record and Return To:

eRecording Partners

400 Second Avenue South

Minneapolis MN 55401



**STATE OF TEXAS
COUNTY OF DALLAS**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX