



**CERTIFICATE OF CORPORATE RESOLUTION OF
BOARD OF DIRECTORS**

**CHIMNEYSTONE PLANNED COMMUNITY DEVELOPMENT
HOMEOWNERS ASSOCIATION, INC.**

FINING POLICY

STATE OF TEXAS

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KNOW ALL PERSONS BY THESE PRESENTS

COUNTY OF FORT BEND

CHIMNEYSTONE PLANNED COMMUNITY DEVELOPMENT HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation (the "Association") manages and administers the subdivisions (collectively, "Subdivision") described and set forth in, and known as: (i) Chimneystone Planned Community Development Section One, pursuant to that certain "Declaration of Covenants, Conditions, and Restrictions (for Chimneystone Planned Community Development, Section One)" recorded in Volume 886, Page 507 of the Deed Records of Fort Bend County, Texas; (ii) Chimneystone Planned Community Development Section Two (2), pursuant to that certain "Declaration of Covenants, Conditions, and Restrictions for Chimneystone Planned Community Development, Section Two (2)" recorded in Volume 989, Page 477 of the Deed Records of Fort Bend County, Texas; and (iii) Chimneystone Planned Community Development Section Three (3), pursuant to that certain "Declaration of Covenants, Conditions, and Restrictions for Chimneystone Planned Community Development, Section Three (3)" recorded in Volume 1064, Page 736 of the Deed Records of Fort Bend County, Texas (the foregoing described dedicatory instruments, and all amendments thereto, being collectively being referred to as the "Dedicatory Instruments").

The undersigned duly authorized Officer of the Association does hereby certify, that at a regular meeting of the Board of Directors ("Board") of the Association held on October 6th 2022 with at least a majority of the Board of Directors being present, the following resolution of this corporation was adopted:

WHEREAS, pursuant to the Dedicatory Instruments and applicable law, the Association, acting by and through the Board, is responsible, among other responsibilities, for the administration of the Subdivision; and

WHEREAS, the Association exists pursuant to state law and its governing documents; and

WHEREAS, without limitation, Section 204.010(a)(6) of the Texas Property Code authorizes the Association, acting by and through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the Subdivision; and

WHEREAS, the Board of Directors for the Association, in connection with the regulation of the use, maintenance, repair, replacement, modification, and appearance of the Subdivision, has deemed it necessary to adopt a policy for the levy of fines for violations and infractions of the Declaration, and Bylaws of the Association applicable to the Subdivision;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors on behalf of the Association hereby adopts the following policy for the levy of fines, as follows:

**FINE POLICY
Levy of Fines**

1. Owners are responsible for assuring that their residents, guests, and invitees comply with the provisions of the Declaration and By-Laws. In the event an Owner, occupant, guest or invitee of an Owner's Lot violates any of the provisions of the Declaration and/or By-Laws, the Board shall have the authority to impose a fine upon the Owner of the Lot for each violation.

2. Upon determining that a violation of the Declaration and/or By-Laws of the Association has occurred, the Association or its agent shall give written notice to the Owner by certified mail. The notice shall:

- (I) describe the violation that is the basis of the fine, stating the amount of the proposed fine;
- (II) unless the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, if the violation is of a curable nature and does not pose a threat to public health or safety, provide that the Owner is entitled to a reasonable period to cure the violation and avoid the fine; and such notice must specify the date, which provide for a reasonable period of time, by which the Owner must cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety;
- (III) allow the Owner the right to request a hearing before the Board on or before the 30th day after the notice was mailed to the owner; and
- (IV) state that the Owner 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 501 et seq.) if the Owner is serving on active military duty.

In the event of any conflict between the foregoing and the provisions of Section 209.006 of the Texas Property Code, the provisions of Section 209.006 of the Texas Property Code shall prevail. Further, Section 209.006(f) establishes the criteria as to whether a violation considered a threat to public health or safety; and Sections 209.006 (g), (h), and (i) establishes criteria and examples of "uncurable" and "curable" violations.

3. In the event an Owner requests a hearing before the Board, the Board shall hold a hearing not later than thirty (30) days after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing no later than the tenth (10th) day before the date of the hearing. 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. The Owner or the Association may make an audio recording of the meeting.

In the event of any conflict between the foregoing and the provisions of Section 209.007 of the Texas Property Code, the provisions of Section 209.007 of the Texas Property Code shall prevail.

4. The Association must give notice of the levied fine to the Owner no later than the thirtieth (30th) day after the date a fine has been levied against the Owner. All fines will be due and payable immediately as of the date of the notice stating that a fine has been levied.

5. Fines will be imposed against any Owner for any infraction of the Declarations, By-Laws, or the Rules and Regulations. The fining structure is as follows:

FINING STRUCTURE PER EACH VIOLATION

The fining structure is as follows:

(I) First Offense Notice	Courtesy Letter
(II) Second Offense Notice - 209 Letter	\$ <u>0</u> Fine
(III) Third Offense Notice	\$ <u>50</u> Fine
(IV) Fourth and All Subsequent Offense Notices	\$ <u>100</u> Fine

EFFECTIVE DATE: This Fine Policy shall be effective upon the recordation of this policy as a "dedicatory instrument" in the Real Property Records of Harris County, Texas.

EXECUTED as of the date shown below.

"ASSOCIATION"
CHIMNEYSTONE PLANNED
COMMUNITY DEVELOPMENT
HOMEOWNERS ASSOCIATION, a Texas
non-profit corporation

By: Diane Johnston
Name: Diane Johnston
Title: President
Date: 10/11/2022

STATE OF TEXAS

COUNTY OF HARRIS - Ft. Bend

BEFORE ME, the undersigned Notary Public, on this day personally appeared Diane Johnston, President of CHIMNEYSTONE PLANNED COMMUNITY DEVELOPMENT HOMEOWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of such corporation.

SIGNED on this 11 day of October, 2022.

Laura Turner
Notary Public - State of Texas

