

### WHITE BLUFF FINE POLICY

Upon a violation of the Governing Documents, the Association may use any or all means of enforcement available to it pursuant to the Declaration, at law, or in equity.

1. **Process of Notification** - Prior to imposing a fine, the Board may give an owner a written notice of violation and an opportunity to cure the violation. The following steps may be followed with supporting documentation kept on file to impose a fine:
  - a. **First Notice** - After a violation is discovered, the Association's management agent ("Management") may make the property owner and resident, (if different than the owner), aware of the discovered violation by First-Class Mail. Included in the First Notice will be a reference to the provision of the CC&R's or adopted rules which contains the violation, what specifically must be done to cure the violation, and a statement that no later than ten (10) days from the date of the Notice the violation must be cured.
  - b. **Second Notice** - If the owner fails to cure the violation within the initial ten (10) day compliance period, Management may notify the owner and the violator, (if different than the owner) by First-Class Mail that the violation previously noted in the "First Notice" has not been resolved. The Second Notice shall contain the following information:
    - i. A description of the violation and what specifically must be done to cure the violation.
    - ii. A statement that no later than eight (8) days from the date of the Second Notice, the violation must be cured.
  - c. **Notice of Fine Application/Texas Residential Owners Protection Act (T.R.O.P.A)** - Where Management has observed the violation uncorrected and not received a Notice of Intent to Correct from the owner (whether written or verbal) within the allotted eight (8) day period noted in the "Second Notice", Management may notify the owner and the violator (if different than the owner) by First-Class/Certified Mail that a fine may be applied to the owner's assessment obligation and their Common Area privileges may be suspended if the violation is not corrected within thirty-one (31) days or within a reasonable period of time based on the nature of the violation. The Notice of Fine Application may be sent in accordance with Texas Property Code Section 209.006.
  - d. **Fine**. If the violation noted in the Notice of Fine Application is not cured within the period set forth therein, a fine may be added to the violator's account, and/or the Association may enforce the violation by any means set forth in the Declaration. Notwithstanding the foregoing, if a hearing is held, and the Board of Directors takes no action, the violator shall have fifteen (15) days from such hearing to cure the violation to avoid the above-discussed fine and/or enforcement.

Notwithstanding anything herein to the contrary, the Board of Directors may choose to fine after sending only the Notice of Fine Application in compliance with applicable law. Further, the Association is not required to send a Notice of Fine Application or any notice to a violator who has been fined for similar conduct in the preceding six (6) months before fining.

2. **Appeal Due/Process** - The following steps may be followed in the case where a homeowner has been given appropriate notice of a violation and has timely requested in writing an appeal to the application of a fine:
  - a. **Response to Request for Hearing** - If the owner timely requests a hearing to challenge the proposed action, a hearing before the Board of Directors (composed of at least four (4) or more than Board members) shall be held in accordance with Texas Property Code Section 209.006 in executive session affording the owner a reasonable opportunity to be heard.

3. **Fines for Traffic / ACC - CC&R's Violations**

**Fining Schedule** - The imposition of fines per incident type will be on the following basis:

Aggregate Limit - There is no aggregate limit to the amount of fines levied for each violation.

For incurable violations, as defined by Texas Property Code Section 209.006, fines may be issued without any prior written warnings.

**Fines for Traffic Violations and Other ACC Violations**

\$15.00	Speeding 5-10 mph over posted limit
\$30.00	Speeding 11-15 mph over posted limit
\$50.00	Speeding 16-20 mph over posted limit
\$75.00	Speeding 20 – up mph over posted limit
\$50.00	Discharging of Fireworks
\$50.00	Violation of Burn Ban
\$25.00	Failure to Stop for Stop Sign
\$50.00	Fail to yield to emergency vehicle / security vehicle
\$30.00	Passing where prohibited by signage, markings, or on hill or curve
\$30.00	Reckless driving – speed greater than reasonable and proper
\$50.00	Refusing to show photo identification upon request.
\$100.00	Littering from motor vehicle.
\$250.00	Intentional dumping.
\$50.00	Unauthorized entry (dump, pools, etc.).
\$25.00	Unleashed/loose dog
\$1,000	No Permit: Work starting prior to a permit being issued – up to \$1,000 fine
\$90-\$450	Revisions Not Approved: Any on the job site construction or significant structural change that has not been approved by the ACC and/or Building Inspector – up to \$450 fine per issue, plus re-inspection fee - \$90 per

\$1,000	<b>Work Covered Without Inspection: If inspection is required and work is covered - \$1,000 fine per incident and/or uncovered.</b>
\$750	<b>Violation of Form Board Survey Requirement: Pouring of a foundation without a Form Board Survey – \$750 fine.</b>
\$750-\$1,500	<b>Work Continued with Red Tag: Work continued after red tag is issued and corrective action is not completed-up to \$750 fine for the first occurrence and \$1,500 for each additional occurrence.</b>
\$50	<b>Construction Site Not Clean: Construction site not clean - \$50 per day fine after notification</b>
\$25	<b>Signage Violation: Violation of signage rules and regulations - \$25 per day fine after notification</b>
\$450	<b>Burn Pit Violation: Violation of burn pit rules and regulations-up to \$450 fine and removal of material</b>
\$750	<b>Warming Barrel Violation: Violation of warming barrel rules and regulations-up to \$750 fine</b>
\$90	<b>Re-inspection Fee: Re-inspection fee for contractor error - \$90 fine per inspection</b>
\$40	<b>Timely Completion of Structure: Exterior and interior not completed in 8 months or extended period- \$40 per day fine, each day after 8 months or extended period</b>
\$750	<b>Invalid Occupancy: If residential dwelling is occupied (moving in furniture or occupying before Final Inspection is completed) prior to issuance of “Certificate of Occupancy” – up to \$750 fine</b>
\$30	<b>Landscape Requirement: Minimum landscaping not completed within 90 days from the Final Building Inspection - \$30 per day fine, each day after 90</b>
up to \$1,500	<b>Other Violations: General violation of the Covenants, Rules and Regulations, Declaration and/or the Code – the amount of fine will be commensurate with the severity of the offense as determined by the ACC in its sole and absolute discretion.</b>

4. **Cure of Violation During Enforcement-** An owner may correct or eliminate a violation at any time during the pendency of any procedure by this Policy. Upon verification that the violation has been corrected or eliminated, the violation will be deemed no longer to exist. Unless property appeal process is followed and fines are removed, the owner will remain liable for all costs and fines under this Policy. Costs and fines, if not paid upon demand, may be referred to legal counsel for collection.
5. **Referral to Legal Counsel.** When a violation is determined to exist and where the Board of Directors deems it to be in the best interests of the Association to refer the violation to legal counsel for appropriate action, the Board of Directors may do so at any time. Such legal action may include, without limitation, sending demand letters to the violating owner, filing suit, and/or seeking injunctive relief or any other remedy available at law or in equity against the owner to correct or otherwise abate the violation. Attorneys’ fees and all costs incurred by the Association in enforcing the Declaration and administering this Policy will become the personal obligation of the Owner.

6. **Waiver.** The Board of Directors in its sole and absolute discretion, reserves the right to implement or not implement any violation enforcement.
7. **Amendment or Termination.** This Policy may be amended or terminated from time to time at the discretion of the Board of Directors.
8. **Terms.** All capitalized terms undefined in this Policy shall have the same meanings herein as are prescribed to them in the Declaration.
9. **Effective.** This Policy is effective upon recordation in the Official Public Records of Real Property of Hill County, Texas and amends and restates any policies regarding the subject matter hereof. Except as affected by this Policy, all other provisions contained in the Declaration and/or any other dedicatory instruments of the Association shall remain in full force and effect.

This is to certify that the foregoing Fine Policy was adopted by the Board of Directors effective as of August 31, 2018.

By: B. L. Critcher

Name: B. L. Critcher

Title: President WBPOA

STATE OF TEXAS  
COUNTY OF Hill

This instrument was acknowledged before me on the 31 day of August, 2018, by Leonard CRITCHER, President of White Bluff Property Owners Association, a Texas non-profit corporation, on behalf of said corporation.

Amanda Opele  
Notary Public, State of Texas

