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When recorded mail to:

**Flagstone Creek Estates Homeowners Association
785 Pebble Creek
Rockwall TX 75032**

bod@flagstonecreek.org

DATE/TIME: November 2, 2020 Pages: 4

Caption Heading:

Fines Policy & Appeals

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ORIGINAL RECORD FILED IN
ROCKWALL COUNTY, TEXAS
SHELL MILLER
ROCKWALL COUNTY CLERK

**UNANIMOUS CONSENT TO ACTION
BY THE BOARD OF DIRECTORS
FLAGSTONE CREEK ESTATES HOMEOWNERS ASSOCIATION**

785 Pebble Creek,
Rockwall, TX 75032

FINE POLICY and APPEAL PROCESS

Effective November 2, 2020

Pursuant to the authority contained in the Texas Statutes and the Governing Documents of the Association, the Board of Directors of Flagstone Creek Estates Homeowners Association hereby adopt the following resolution by unanimous consent for and as the actions of the Flagstone Creek Estates Homeowners Association, as of the date set forth above:

Fine Schedule, Policy, and Appeal process for violations of the CC&R's, Bylaws and Rules and Regulations as may be adopted or modified from time to time by the Board of Directors for the Flagstone Creek Estates Homeowners Association as outlined in Article 5.7 **POWERS** of the Associations By-Laws:

(b) In addition to the duties imposed by these By-Laws or by any resolution of the Association that may hereafter be adopted, the Board of Directors shall have the power to establish policies relating to, and shall be responsible for performing or causing to be performed, the following, in way of explanation, but not limitation:

- (v) collecting the assessments, depositing the proceeds thereof in a bank depository which it shall approve, and using the proceeds to operate the Association; provided, any reserve fund may be deposited, in the directors' best business judgment, in depositories other than banks;
- (vi) making and amending rules and regulations...
- (xi) enforcing by legal means the provisions of the Declaration, these By-Laws, and the rules and regulations adopted by it and bringing any proceedings which may be instituted on behalf of or against the Owners concerning the Association.

RESOLVED, to adopt the following DATED as of the 2nd day of October 2020. The scope and intent of this resolution is to apply uniformly to all members of the Association. Violations will be cumulative for the fiscal year.

FINE SCHEDULE:

- 1) First notice Reminder/warning letter shall be mailed to the Homeowner giving fifteen (15) days to comply - NO FINE.
- 2) Second letter stating a fine in the amount of \$25.00 will be assessed and is due immediately, giving notice to the Homeowner that they have a right to a hearing and must contact the Flagstone Creek Board of Directors for date and time within Fifteen (15) days



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- 3) Third letter stating subsequent fine of \$50.00 will be assessed and is due immediately for continuing violations. Letter to state total fines assessed as of the subsequent violation within Fifteen (15) days to comply.
- 4) Fourth and all letters thereafter stating subsequent fine of \$75.00 to \$200.00 will be assessed and is due immediately for continuing violations. Letter to state total fines assessed as of the subsequent violation. Fifteen (15) days to comply.
- 5) Subsequent non-compliance: Upon board approval, the Association will seek relief of violations through Association Attorney and the Court system. All cost will be part of the judgment that is being sought. Violations that threaten the health, safety and welfare of homeowners and residents, such as drug use and sales, discharging firearms, arson, vandalism and any other violation that the Board deems to be of an egregious nature will be fined at \$200.00 to \$500.00 per occurrence.

FINES:

No fine shall be imposed without first providing a written warning to the Homeowner describing the violation and stating that failure to correct the violation within fifteen (15) days or another recurrence of the same violation within three (3) months of the original violation shall make the Homeowner subject to imposition of a fine. Failure to pay any fine shall subject the Homeowner to the same potential penalties and enforcement as failure to pay any assessments under Article IV of the CC&R's. The Board of Directors reserves the right to take any action permitted by law or the CC&R's in addition to the above-mentioned fine policy.

PROCEDURES:

Homeowners will be notified by first class or certified mail of all non-courtesy notices of violations. The homeowner has the right to a hearing before the Board where decisions of the Board are final. Board will waive or assess fines at each hearing or board meeting and for all pending fines and/or legal action with the Association's Attorney.

APPEAL PROCESS:

When a violation notice is sent to a Homeowner, such notice shall include a statement notifying the Homeowner that he/she has the "RIGHT OF APPEAL". When a Homeowner desires to appeal a violation, he/she must notify the BOD in writing within ten (10) days after the date of the violation notice. Appeals shall demonstrate extenuating circumstances which require deviation from the CC&R's and or guidelines. Appeals shall include all pertinent backup information to support the existence of the extenuating circumstance

All decisions of the Board are final and may not be further appealed. Any appeal that does not meet the above requirements shall not be heard by the Board and shall be considered DENIED. If the appeal is denied, the Homeowner must bring the violation into compliance within fifteen (15) days. If the violation still exists after fifteen (15) days, the Homeowner will be fined up to \$200.00 every fifteen (15) days until the violation is corrected. In addition, the Board of Directors may seek legal action to remedy the violation. All costs of legal action will be billed to the Homeowner and collected in the same manner as assessments.

RESOLVED, that the Board shall retain the right to amend or repeal this resolution.



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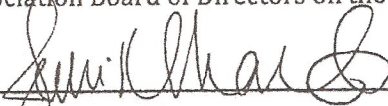
RESOLVED, that the Flagstone Creek Estates Homeowners Association Board of Directors shall afford homeowners the opportunity to request a hearing as provided by the governing documents to contest any late fee or fine assessed; and

RESOLVED, that any subsequent default, cessation, or refusal to make timely and consistent payments on such time-payment plan shall constitute default on the part of the homeowner and shall result in initiation of legal collection procedures; and

RESOLVED, that the board shall retain the right to amend or repeal this resolution.

IN WITNESS, WHEREOF, the undersigned have executed this consent as of this 2nd day of November, 2020.


I hereby certify that the above resolution(s) were duly adopted by unanimous consent by the Flagstone Creek Estates Homeowners Association Board of Directors on the above date.



Jami Schwartz, HOA Secretary Treasurer

The undersigned officer hereby certifies that the foregoing instrument has been signed by the Secretary of the HOA.

Attest:



David Nelson, HOA President

or

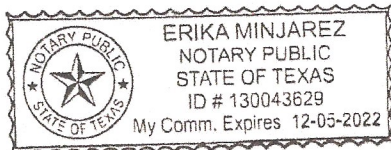
Phil Goodwin, HOA Vice President

State of Texas
County of Rockwall

Signed before me, this 2nd Day of Nov, 2020



Notary Public



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