

CERTIFICATE OF SECRETARY
of
WILCHESTER OWNERS COMMITTEE
adopting a
FINING POLICY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, RUSS NEWTON, Secretary of Wilchester Owners Committee, a Texas non-profit corporation ("Association"), do hereby certify that at a meeting of the Board of Trustees ("Board") of the Association duly called and held on the 29TH day of JANUARY, 2019, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Fining Policy was approved by at least a majority of the Board:

WHEREAS, Article VI, Section 6.07 of the Declaration of Amended and Restated Restrictions and Covenants Governing Property and Lots in Wilchester, Sections One, Two Three and Four - An Addition in Harris County, Texas recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. 20130037962, as amended, if any provides in pertinent part:

In addition to the other rights of Wilchester Owners Committee to enforce this Declaration, the Board of Trustees shall be entitled to assess fines established by the Board of Trustees for violation of this Declaration, such as for failing to maintain the property and improvements, holding an estate sale or making improvements without the approval of the Architectural Control Committee.

NOW, THEREFORE, BE IT RESOLVED the below Fining Policy is hereby adopted as follows:

WILCHESTER OWNERS COMMITTEE
FINING POLICY

1. This Fining Policy ("Policy") replaces and supersedes any previous fining policy adopted by the *Wilchester Owners Committee* ("Association").
2. All capitalized terms in this Policy have the same meaning ascribed to them in the Declaration of Amended and Restated Restrictions and Covenants Governing Property and Lots in Wilchester, Sections One, Two Three and Four An Addition in Harris County, Texas recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. 20130037962, as amended, if any ("Declaration") unless otherwise defined in this Policy.

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3. Each Owner is responsible for assuring that the Owner and the Owner's tenant(s), occupant(s), guest(s) and invitees comply with the provisions of the Declaration and the Association's Dedicatory Instruments [as that term is defined by Section 209.002(4) of the Texas Property Code or its successor statute] that are applicable to the properties under the jurisdiction of the Association. In the event that an Owner, tenant, occupant, guest or invitee of an Owner violates any of the provisions of the Declaration or the Dedicatory Instruments, the Association's Board of Trustees ("Board") shall have the authority to impose a fine as described below upon the Owner and/or occupant of a Lot under the jurisdiction of the Association.
4. The Association will, before a fine is imposed, send the Owner of the Lot the notice required by law, if any. The Board may, in its sole and absolute discretion, also provide the notice required by law, if any, to the occupant(s) of the Lot.
5. If the violation continues from day to day without intervening activity (a "Curable Violation") as determined at the sole and absolute discretion of the Board, the Fine Schedule will be as follows:

\$100.00 per day until corrected

5.1 Curable Violations - By way of example and not in limitation, the following are examples of Curable Violations:

- a. An ongoing parking violation;
- b. A maintenance violation; or
- c. An ongoing noise violation.

6. If the violation consists of single occurrence (an "Uncurable Violation") or separate occurrences (i.e., repeat instances of an Uncurable Violation) as determined at the sole and absolute discretion of the Board, the Fine Schedule will be as follows:

First Violation: \$250.00 per occurrence

6.1 Uncurable Violation - A violation that has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. By way of example and not in limitation, the following are examples of Uncurable Violations:

- a. An act constituting a threat to health or safety;
- b. A one-time or non-ongoing parking violation; or
- c. A noise violation that is not ongoing.

7. Notwithstanding any language to the contrary in this Policy, the Fine Schedule for a violation of any term or provision of Article III (Architectural Control Committee) of the Declaration will be as follows:

\$200.00 per day until corrected

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8. A garage sale, yard sale or estate sale is an incurable violation. Notwithstanding any language to the contrary in this Policy, the Fine Schedule for holding a garage sale, yard sale or estate sale on a Lot in violation of Article V, Section 5.04 of the Declaration will be as follows:

\$750.00 per day

9. The Board is hereby authorized at its sole and absolute discretion to impose a lesser fine or no fine at all for a violation of the Dedicatory Instruments. Any adjustment to the Fine Schedule by the Board shall not be construed as a waiver of the Fine Schedule or the Dedicatory Instruments.

10. Per Article VI, Section 6.07 of the Declaration, any fine imposed under this Policy shall be secured by the Association's lien on the Owner's Lot.

11. This Policy is in addition to any other remedy the Association may have to pursue a violation of the Association's Dedicatory Instruments and in no way limits or estops the Association from pursuing any other remedy to enforce the Association's Dedicatory Instruments.

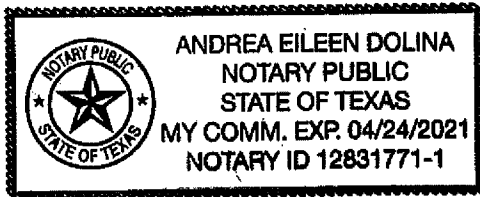
I hereby certify that I am the Secretary of the Association and that the foregoing Fining Policy was approved as set forth above and now appears in the books and records of the Association.

WILCHESTER OWNERS COMMITTEE

By: Russ Newton
As Secretary of the Association

THE STATE OF TEXAS §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 15th day of FEBRUARY, 2019, by RUSS NEWTON, as Secretary of Wilchester Owners Committee, for the consideration and in the capacities stated herein.



Andrea Eileen Dolina
Notary Public in and for the State of Texas

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