



ADDITIONAL DEDICATORY INSTRUMENT
For
RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared Margaret R. Maddox who, being by me first duly sworn, states on oath the following:

My name is Margaret R. Maddox I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, authorized to make this affidavit, and personally acquainted with the facts herein stated:

I am the Attorney/Agent for RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC. Pursuant with Section 202.006 of the Texas Property Code, the following documents are copies of the original official documents from the Association's files:

RESOLUTION REGARDING FINES

for

RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC.
A TEXAS NON-PROFIT CORPORATION

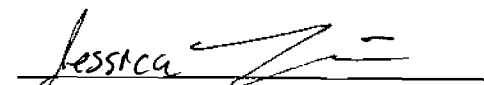
DATED this 14TH day of JANUARY , 2021.

RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC.

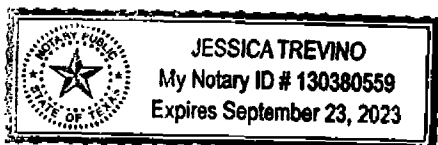
BY: *Margaret R. Maddox*
Margaret R. Maddox, Attorney/Agent
(Printed Name)

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

THIS INSTRUMENT was **acknowledged** before me on this the 14th day of January, 2021 by the said Margaret R. Maddox, Attorney/Agent for RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



After Recording Return To:
Daughtry & Farine, P.C.
17044 El Camino Real
Houston, Texas 77058
ATTN: MRM

RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC.

RESOLUTION REGARDING FINES

WHEREAS, RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC., a Texas non-profit corporation (hereinafter referred to as the "ASSOCIATION"), through its Board of Directors has the authority under Texas Property Code Section 204.010(a)(6) to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision;

WHEREAS, Texas Property Code Section 204.010(a)(21) authorizes a property owners' association to exercise other powers necessary and proper for the governance and operation of the property owners' association;

WHEREAS, Section 22.201 of the Texas Business Organization Code ("TBOC") provides that "[e]xcept as provided by Section 22.202, the affairs of a corporation are managed by a Board of Directors" and Section 22.202(b) of the TBOC provides that "[a] corporation is considered to have vested the management of the corporation's affairs in the board of directors of the corporation in the absence of a provision to the contrary in the certificate of formation;"

WHEREAS, Article X, Section 8 of the Association's Declaration of Covenants, Conditions, Restrictions for Riverpark West (the "Deed Restrictions" as recorded at Clerk's File No. 201105425 of the Official Public Records of Real Property of Fort Bend County, Texas, provides that the Board has the authority to impose fines or other sanctions which shall be collected in the same manner as provided in the Deed Restrictions for the collection of assessments;

WHEREAS, pursuant to the Texas Property Code and the Association's Certificate of Formation, By-Laws, and Deed Restrictions (collectively, the "Governing Documents"), the Board of Directors (the "Board") of the Association, hereby adopts this Policy in an effort to provide homeowners with a better understanding of the process of deed restriction enforcement and fines;

WHEREAS, the Association's Deed Restrictions are in place for the purpose of keeping the development of said real property for the mutual benefit and pleasure of the owners in said subdivision, and for the protection of such property values of the subdivision;

WHEREAS, property values in the subdivision are affected by the appearance of the subdivision and specifically, violations of deed restrictions therein;

WHEREAS, the Board of Directors desires to alleviate such deed restriction violations by imposing fines and adopting the following Fine Policy in order to help maintain the attractiveness of the subdivision and thereby support property values of the subdivision; and

WHEREAS, the following Fine Policy incorporates the notice provisions found in Texas Property Code Section 209.

NOW THEREFORE, BE IT RESOLVED THAT in consideration of the above factors, the Board hereby resolves to adopt and publish the following Fine Policy for **RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC.:**

FINE POLICY

Violation Policy and Penalties. Any violation of any of the Association's Deed Restrictions, Architectural Guidelines, Rules & Regulations, or By-Laws by an individual owner (or the resident, tenant, guest, builder or agent of the owner) may be imposed on a case by case basis and may result in the following actions and penalties.

I. 1st Fine: After an owner has received a notice of a violation by certified mail per Texas Property Code Section 209.006 and has not corrected it within thirty (30) days, notice will be sent to the owner advising them that a fine of \$25 has been assessed to their account and that they have a reasonable timeframe of fifteen (15) days to correct the violation in order to avoid further fines.

2nd Fine: If the violation has not been corrected within fifteen (15) days of the first fine, notice will be sent to the owner advising them that a second fine of \$50 has been assessed and giving the owner a reasonable timeframe of fifteen (15) days to correct the violation in order to avoid a further fine.

3rd Fine: If the violation has still not been corrected within fifteen (15) days of the second fine, notice will be sent to the owner advising them that a third fine of \$75 has been assessed. If the owner does not respond to this notice and correct the violation, the matter will be turned over to the association's attorney for legal action.

Non-Exclusive Remedies: The imposition of the monetary penalties provided herein shall not be construed to be an exclusive remedy, and shall be in addition to all other rights and remedies to which the Association may otherwise be entitled, including, without limitation, the filing of an Affidavit of Non-Compliance in the Real Property Records of Fort Bend County, Texas, and/or the initiation of legal proceedings seeking injunctive relief and/or damages, attorney's fees, costs of court and all other remedies, at law or in equity, to which the Association may be entitled.

II. Violation by Resident, Tenant, Guest, Builder or Agent. A violation by any of the above parties shall be treated as a violation of the owner of the property. All monetary penalties shall be billed to the owner.

Notices and Hearings Regarding Fines

1. A written demand letter to the owner shall be sent demanding the alleged violator cease and desist from an alleged violation specifying the following:

- (a) the alleged violation;
- (b) the action required to abate the violation; and
- (c) a time period to cure the violation without further sanction. Typically, the owner has thirty (30) days from the date the owner receives the notice to cure the violation without further sanction.

NOTE: The Board or its designee may demand immediate abatement in such circumstances which, in the Board's determination, pose a danger to safety or property.

2. If the violation is not cured, per Texas Property Code Section 209.006(b) the Association shall send a Notice to the homeowner by certified mail, return receipt requested stating the following:

- (a) the nature of the deed restriction violation that is the basis for the fine and any amount due to the Association;
- (b) the action required to abate the violation; notice that the owner has thirty (30) days from the date the owner receives the notice to cure the violation without further sanction; and
- (c) notice that the owner they may be charged a fine if such deed restriction violation is not cured within the above timeframe.

3. Per Texas Property Code Section 209.006(b)(2)(B), the Notice shall inform the owner that they may request a hearing under Section 209.007 before the Board of Directors on or before the 30th day after the date the owner receives the notice. Per the Deed Restrictions, notice to the owner should be given stating that any statements, evidence, and witnesses may be produced by them at the hearing. In addition, per Texas Property Code Section 209.006(b)(2)(C), the Notice shall inform the owner that they may have special rights or relief under the Servicemembers Civil Relief Act if the owner is serving on active military duty.

4. Per Texas Property Code Section 209.006(b)(2)(A), the owner shall be "entitled to a reasonable period to cure the violation to avoid the fine...unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months."

5. If a hearing is requested, it shall be held before the Board in executive session, and the alleged violator shall be given a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing.

ADOPTED and effective this 13 day of JANUARY, ²⁰²¹~~2020~~

CERTIFICATION

"I, the undersigned, being the President of RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC. hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors"

By: [Signature]

Print Name: Larry Wilson Jr

Title: President of RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC.

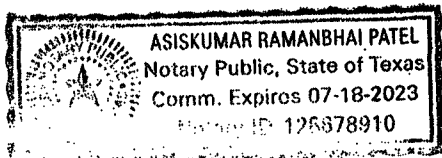
Date: 1/13/21

ACKNOWLEDGEMENT

State of Texas §
County of FOLT BEAD §

Before me the undersigned authority, personally appeared LARRY WILSON JR known to me to be the person whose name was subscribed in my presence to the foregoing instrument, and to be the PRESIDENT of RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC., and who **acknowledged** to me that the instrument was executed for the purpose and consideration therein expressed.

Subscribed and sworn to before me the 13th day of JANUARY, ~~2020~~ 2021



[Signature]
Notary Public in and for the State of Texas