

SCANNED



**CERTIFICATE OF PRESIDENT**  
*of*  
**THE SEVENTH HOMEOWNERS' ASSOCIATION, INC.**  
*regarding*  
**BOARD RESOLUTION**  
*adopting*  
**FINING POLICY**

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

I, Deborah K. Bertram, President of The Seventh Homeowners' Association, Inc. (the "Association"), do hereby certify that at a meeting of the Association's Board of Directors (the "Board") duly called and held on the 27<sup>th</sup> day of February, 2016, with at least a quorum of the members of the Board being present and remaining throughout, and being duly authorized to transact business, the following resolution was duly made and approved by a majority vote of the members of the Board:

WHEREAS, Article Eleven, Section 6(e) of that certain instrument entitled "Declaration of Covenants, Conditions and Restrictions for The Seventh" filed of record in the Official Public Records of Real Property of Bexar County, Texas, under County Clerk's File No. 1838183 (the "Declaration") provides:

(e) The Board may assess a penalty against such Owner up to a maximum amount equal to the Maximum Penalty Amount (as hereinafter defined) for each day that the Owner is in violation of any of the provisions of this Declaration. The payment by the Owner of any such penalty may be enforced in the manner specified in Section 5 of Article Four of this Declaration relating to the payment of the Common Expense Charge and shall be secured by the vendor's lien and superior title reserved to the Association in such Section 5 of Article Four. As used herein, the term "Maximum Penalty Amount" shall mean an amount of money equal to \$100.00 multiplied by a fraction, the numerator of which shall be the Price Index most recently published prior to the date such violation of the provisions of this Declaration began, and the denominator of which shall be the Price Index as of July 1, 1986.

WHEREAS, Article Eleven, Section 2 of the Declaration provides, in pertinent part, that "[t]he Rules and Regulations are of equal dignity with, and shall be enforceable in the same manner as, the provisions of this Declaration."

**FINING POLICY**

1.1 The capitalized terms used in this Fining Policy shall have the same meaning as those terms defined in Article One of the Declaration, unless otherwise defined herein.

- 1.2 All Owners are responsible for assuring that the occupants of their residence, and all their guests and invitees ("Owner and Related Parties") comply with the provisions of the Declaration, all Rules and Regulations and all other "dedicatory instrument" of the Association as that term is defined by Section 202.001(1) of the Texas Property Code (hereinafter collectively referred to as the "Restrictions.") In the event an Owner and Related Parties violate any provision of the Restrictions, unless such violation is an "uncurable" violation or "a threat to public health or safety" as those terms are defined by Section 209.006 of the Texas Property Code, the Association through its Board of Directors (the "Board"), shall send a Courtesy Notice of the initial violation and then shall have the authority to impose a monthly fine upon the Owner of the residence, which fine shall be fifty and 00/100 dollars (\$50.00) then will be doubled for every subsequent violation of the same Restriction by an Owner and Related Parties up to a maximum of eight hundred and 00/100 dollars (\$800.00) in addition to the suspension of Common Area access and use. By way of example, the first (1<sup>st</sup>) notice of violation will NOT result in a fee being assessed to the account, the second (2<sup>nd</sup>) violation of the same Restriction by an Owner and Related Parties will result in a fifty and 00/100 dollar (\$50.00) fine and the third (3<sup>rd</sup>) violation of the same Restriction will result in a one hundred and 00/100 dollar (\$100.00) fine in addition to the suspension of Common Area access and use, etc.
- 1.3 In the event an Owner and Related Parties' violation of the Restrictions is considered uncurable or a threat to public health or safety, no Courtesy Notices will be provided. The Board shall have the authority to immediately impose a monthly fine upon the Owner of the residence for each violation, which fine shall be two hundred and 00/100 dollars (\$200.00) then will be doubled for every subsequent violation of the same Restriction by an Owner and Related Parties up to a maximum of eight hundred and 00/100 dollars (\$800.00) in addition to the suspension of Common Area access and use.
- (i) Uncurable violations are those violations of the Restrictions where the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. Uncurable violations include, but are not limited to, shooting fireworks, an act constituting a threat to health or safety, a noise violation that is not ongoing, property damage including the removal or alteration of landscape, and holding a garage sale or other event prohibited by the Restrictions.
  - (ii) A violation of the Restrictions which constitutes a threat to public health or safety are those violations that could materially affect the physical health or safety of an ordinary resident.
- 1.4 Upon determining that a violation of the Restrictions has occurred the Board shall mail or deliver a written notice by certified mail, return receipt requested to the Owner in question and, if applicable, a copy by regular mail to the Occupant of the Lot, which notice must:
- (i) describe the violation and state the amount of the proposed fine;

- (ii) inform the Owner that he or she is allowed a reasonable period by a specified date to cure the violation and avoid the fine; provided, however, if 1) the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) month period; or 2) the violation is incurable or poses a threat to public health or safety, the fine may be levied immediately without giving the Owner a reasonable time within which to cure the violation; and
- (iii) inform the Owner that not later than the thirtieth (30th) day after the date of the notice was mailed to the Owner, the Owner may request a hearing before the Board of Directors to contest the fine.

1.5 In addition to the authority to impose fines for violations of the provisions of the Declaration and/or Rules and Regulations, the Association shall have all the rights and remedies provided for in the Declaration and/or Rules and Regulations or which may be available at law or in equity, including the right to file suit against any Owner and/or occupant who has violated any term of the Declaration and/or Rules and Regulations.

I hereby certify that I am the duly elected, qualified and acting PResident of the Association and that the foregoing resolution was approved as set forth above and now appears in the books and records of the Association.

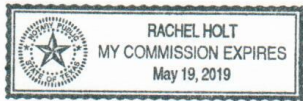
TO CERTIFY which witness my hand this the 8<sup>th</sup> day of March, 2016.

**THE SEVENTH HOMEOWNERS' ASSOCIATION, INC.**

By: Deborah K. Bertram  
 Printed: Deborah K. Bertram  
 Its: President

THE STATE OF TEXAS §  
 COUNTY OF Bexar §

BEFORE ME, the undersigned notary public, on this 8 day of March, 2016 personally appeared Deborah K. Bertram, President of The Seventh Homeowners' Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Rachel Holt  
 Notary Public in and for the State of Texas



Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR  
I hereby Certify that this Instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

MAR 09 2016



*Gerard C. Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20160043387 Fees: \$38.00  
03/09/2016 2:15PM # Pages 4  
Filed & Recorded in the Official  
Public Records of BEXAR COUNTY  
GERARD C. RICKHOFF COUNTY CLERK