

**BOCA RATON HOMEOWNERS' ASSOCIATION, INC.**

**RESOLUTION REGARDING  
RESIDENTIAL SCHEDULE OF FINES**

THE STATE OF TEXAS                   §  
  §KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF GALVESTON               §

**WHEREAS, THE BOCA RATON HOMEOWNERS' ASSOCIATION, INC. (the "Association"), is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");**

**WHEREAS, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors (the "Board"), to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written enforcement guidelines for the Declarations; and,**

**WHEREAS, Article VII, General Provisions, Section 1, Enforcement, of the Declarations authorizes the Board to levy administrative fines and issue guidelines for the Obligation for Payment of Costs and Expenses Resulting from Violations;**

**WHEREAS, Article IX, Sections 1 and 2 of the Association's Bylaws state delinquent assessments accrue interest at 6% per annum; and**

**WHEREAS, the Board has determined that in connection with maintaining the property values, aesthetics, and architectural harmony of the community, and to provide clear and definitive guidance regarding the levy and payment of Punitive Assessments ("Fine(s)"), it is appropriate for the Association to adopt guidelines for Fines resulting from the enforcement of the Declarations and Association rules.**

**NOW, THEREFORE, BE IT RESOLVED THAT the following Schedule of Residential Fines is adopted by the Board Directors:**

**1. General**

**The Board has the responsibility of enforcing the Covenants and Rules of the Association. The Association's goal is voluntary compliance with the Deed Restrictions and Association Rules by all lot owners. The Board may impose Fines for violations of the Covenants and Rules. The Board may suspend, waive, or negotiate final payment of Fines for violations of the Covenants and Rules only after the offender corrects the violation and responds to a notice of intent to impose Fines for a violation, as outlined in the Resolution Regarding Enforcement of the Deed Restrictions. All such sums will be assessed as a**

**specific assessment, and are secured by the continuing lien established by Article VI of the Deed Restrictions.**

**NOTE: Payment of a Fine amount does not grant a variance for the violation to continue to exist. All violations must be corrected and assessments paid for a property to come into compliance. Failure to correct a cited violation may result in the filing of a "Notice of Non-Compliance" in the Real Property Records of Galveston County regarding the violation.**

## **2. Policy**

After an owner and/or owner's tenant has received two notices of a violation and has not taken action to correct the violation, notice in the form of a certified letter will be sent to the owner and/or owner's tenant advising that a Fine has been assessed per the Residential Schedule of Fines. In addition, a \$25.00 processing fee ("Processing Fee") will be assessed to the owner to recover costs incurred by the HOA for each certified notice. The Board will determine the number of days allowed to correct the violation. The certified letter will notify the owner and/or owner's tenant the violation must be corrected to avoid legal action by the HOA. The owner and/or owner's tenant may request a hearing with the Board to present evidence or submit a written statement under the Resolution Regarding Enforcement of the Deed Restrictions within 30 days regarding the intent to oppose the Fine. The Board may suspend, waive or negotiate payment of the assessed Fine after meeting with or receiving a written statement from the owner and/or owner's tenant. If the Fine is not suspended or waived, the Fine and processing fee is due and payable within 30 days of receipt or attempted delivery of the certified notice.

**If the owner does not respond to the certified notice, denies delivery and/or receipt of the certified notice, correct the violation, and/or pay the outstanding Fine and Processing Fee, a Notice of Non-Compliance may be filed in the Real Property Records of Galveston County, and/or the matter may be referred to the HOA Attorney for further action.**

**The owner will also be responsible for all legal fees incurred by the HOA.**

**Recurring violator.** A recurring violator is defined as an owner or owner's tenant who violates the same Article of the Declarations repeatedly within a six (6) month period or who violates a combination of Articles repeatedly without abating the violations within a six (6) month period. **The Board may send a notice in the form of a certified letter as the first notice of a violation to an owner and/or owner's tenant should the owner and/or tenant be deemed a recurring violator. The processing fee will be assessed at this time and the Board may impose a Fine per the Residential Schedule of Fines. The aforementioned policy for a certified notice will be followed.**

## **3. Residential Schedule of Fines (excluding Processing Fees and legal fees)**

**a. Violation of Declarations: \$50.00**

b. Interest to accrue at **6% per year on total unpaid balance.**

This resolution updates and supersedes Board Resolution **RESIDENTIAL SCHEDULE OF FINES** dated 13 May 1997. **NOTE: Fines previously imposed under this resolution remain due and payable.**

These guidelines are effective upon recordation in the Public Records of Galveston County and supersede any related guidelines that may have previously been in effect. Except as affected by the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Duly approved and adopted at a meeting held by the Board of Directors of the BOCA RATON HOMEOWNERS' ASSOCIATION, INC., this 13<sup>th</sup> day of November, 2014.

Effective Date: 1 December, 2014.

Signed:

Curt Roberts  
President, Board of Directors

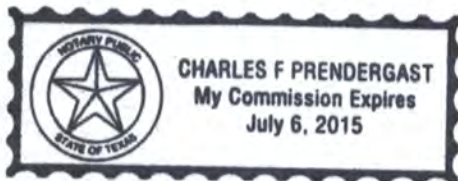
Attest:

Sacquelyn Ish  
Secretary, Board of Directors



THE STATE OF TEXAS           §  
  §  
COUNTY OF GALVESTON       §

THIS INSTRUMENT was **acknowledged** before me on this the 13<sup>th</sup> day of November 2014, by Curt Roberts, President of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



Charles F. Prendergast  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

THE STATE OF TEXAS

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COUNTY OF GALVESTON

THIS INSTRUMENT was **acknowledged** before me on this the 13<sup>th</sup> day of November, 2014, by Jacquelyn Gibson, Secretary of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



*Charles F. Prendergast*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

## FILED AND RECORDED

Instrument Number: 2014066590

Recording Fee: 38.00

Number Of Pages: 5

Filing and Recording Date: 11/21/2014 10:15AM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



*Dwight D. Sullivan*

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Dwight D. Sullivan, County Clerk  
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

**DO NOT DESTROY** - *Warning, this document is part of the Official Public Record.*