



201100330333

NOTICE 1/17



**NOTICE OF FILING OF DEDICATORY INSTRUMENTS
FOR
SPRINGTREE CROSSING CONDOMINIUM ASSOCIATION**

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF *DALLAS* §

THIS NOTICE OF DEDICATORY INSTRUMENTS FOR SPRINGTREE CROSSING CONDOMINIUM ASSOCIATION (this "Notice") is made this 12TH day of December, 2011, by SPRINGTREE CROSSING CONDOMINIUM ASSOCIATION (the "Association").

WITNESSETH:

WHEREAS, SPRINGTREE CROSSING CONDOMINIUM ASSOCIATION, prepared and is recording an instrument entitled "*FINING POLICY*" dated *December 12, 2011*; and

WHEREAS, the Association is the property owners' association created by the Declarant to manage or regulate the planned development covered by the Declaration, which development is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, Section 202.006 of the Texas Property Code provides that a property owners' association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county in which the planned development is located; and

WHEREAS, the Association desires to record the attached dedicatory instruments in the real property records of *Dallas* County, Texas, pursuant to and accordance with Section 202.006 of the Texas Property Code.

NOW, THEREFORE, the dedicatory instruments attached hereto as Exhibit "B" are true and correct copies of the originals and are hereby filed of record in the real property records of *Dallas* County, Texas, in accordance with the requirements of Section 202.006 of the Texas Property Code.

Springtree Crossing Condominium Association Fining Policy – Process of Notification

The following systems, procedures and practices are established for the enforcement of the provisions of the Declaration and for the elimination of violations of the Declaration and the rules promulgated thereunder.

1. The Board must give an owner a written notice of violation and opportunity to cure the violation prior to imposing a fine. The following steps must be followed and support documentation kept on file in order to impose a fine.
 - a. First Notice. As soon as a violation is discovered, the Association's management agent shall make the owner, by first-class mail, aware of the discovered violation. Included in this notice will be a statement that no later than ten (10) days from the letter date, the violation must be cured,
 - b. Second Notice. After issuance of the "First Notice" and expiration of the ten (10) days compliance period (if the violation has not been corrected), Management shall notify the owner by first-class mail and certified mail that the violation previously noted in the "First Notice" has not been resolved.
 - c. Fine Application Notice. Where Management has observed the violation uncorrected and not received a Notice of Intent to Correct (whether written or verbal) within the allotted ten (10) day period noted in the "Second Notice", Management shall notify the owner of the following by first-class and certified mail:
 1. That a fine for con-compliance is being applied against the owner's account for not curing the violation within the specified period of time contained in the previous notice.
 2. That the owner may appeal application of a fine if a written request is submitted to the management office within thirty (30) day from the date of the "Fine Application Notice".
 3. That upon application of a fine, continuing accrual of fines (in accordance with the "Fine Schedule") will occur as each subsequent ten (10) day period elapses and the violation is not cured.
 4. That there is no aggregate amount of fines which may accrue. Additionally the matter may be referred to legal counsel for further enforcement measures if not cured.

Springtree Crossing Condominium Association Appeal/ Due Process

The following steps should be provided in the case where a homeowner has been given appropriate notice of a violation and has submitted to the management company a written appeal to the application of a fine within the specified period of time:

1. **Response to Written Appeal.** If the owner timely requests a hearing to challenge the proposed action, a hearing before the Board shall be held in executive session affording the owner a reasonable opportunity to be heard. The Board shall send notice to the owner of a mutually agreed time, date and place of a hearing with an invitation to attend and produce any statements, evidence and witnesses in support of the owner's challenge to the proposed fine application or violation. The minutes of the meeting shall contain a written statement of the owners reason for non-compliance and the results of the hearing (whether the fine is applied or not). The decision of the Board will be made in executive session after the homeowner has been excused from the meeting.
2. **Notification of Appeal Decision.** Within (10) days of the appeal hearing the Board shall send notice of their decision providing a support response for their decision. Any reasonable extension of time required by the Board shall also be noted in the response.

Springtree Crossing Condominium Association Fine Schedule

The imposition of fines will be on the following basis:

- a. First violation - A fine of \$25.00 per incident type
- b. Second violation - A fine of \$50.00
- c. Third and all successive violations – A fine of \$100

FINE NOTES

1. Imposition of fines will be in addition to and not exclusive of any other rights or remedies of the Association as created by the Declaration or this Policy
2. Fines are imposed against Properties and become the personal obligation of the owner of such property. Upon presentation of outstanding fines to the Board for action, the same will be levied against the respective property and their owners.

Cure of Violation During Enforcement

An owner may correct or eliminate a violation at any time during the pendency of any procedure prescribed by this Policy. Upon verification that the violation has been corrected or eliminated, the violation will be deemed no longer to exist. Unless proper appeal process is followed and fines removed, the owner will remain liable for all costs and fines under this Policy, which costs and fines, if not paid upon demand, will be referred to legal counsel for collection.

This policy was adopted by unanimous resolution by the Board of Directors on the 12th day of December 2011, in accordance and as authorized by the Article V of the Declaration.

Eliana President
