

# BELLAIRE WEST COMMUNITY IMPROVEMENT ASSOCIATION MEETING OF THE BOARD OF DIRECTORS

## Resolution Regarding the Board's Approval and Adoption of an Updated Fine Policy

The undersigned, being a duly authorized representative of Bellaire West Community Improvement Association (the "Association"), a Texas Non-Profit Corporation, pursuant to Article 1396 of the Texas Non-Profit Corporation Act, and Section 11.5 of the Restated and Amended Declaration of Covenants, Conditions and Restrictions, adopted the following resolution at a duly called board meeting:

**WHEREAS**, the Association is responsible for the governance and maintenance of Bellaire West Subdivision as described in the Restated and Amended Declaration of Covenants, Conditions, and Restrictions for Bellaire West, Sections One (1) through Eight (8), filed August 10, 2004, County Clerk's File No. X834620 and Film Code Number 590-33-2817 and all amendments; and

**WHEREAS**, the Association exists pursuant to state law and its Governing Documents; and

**WHEREAS**, the provisions of the Declaration run with the Lots in the Subdivision and are binding upon and inure to the benefit of and are enforceable by the Association; and

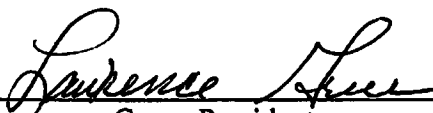
**WHEREAS**, if notice and an opportunity to be heard are given, the Association shall be entitled to impose reasonable fines for violation of the Declaration and to collect reimbursement of actual attorney's fees and other reasonable costs incurred by the Association relating to a homeowners violation of the Declaration. Such fines, fees and costs shall constitute a Reimbursement Assessment, which shall be levied against a homeowners account; and

**WHEREAS**, for the benefit and protection of the Association, the homeowners, and the residents, the Board of Directors deems it proper to assess reasonable fines against a homeowner for violation of the Declaration; and

**WHEREAS**, this Updated Fine Policy replaces and supersedes the original Resolution Regarding the Board's Approval and Adoption of a Fine Policy recorded on May 3, 2011 and County Clerks File No. 20110176953 in the Official Public Records of Real Property of Harris County, Texas.

**NOW THEREFORE, BE IT RESOLVED THAT**, that upon careful consideration and deliberation, with all motions being correctly proposed and second, that the Association hereby approves and adopts the Fine Policy attached hereto as Exhibit "A" and incorporated herein for all purposes.

BELLAIRE WEST COMMUNITY IMPROVEMENT  
ASSOCIATION, INC., a Texas non-profit corporation

By:   
Lawrence Greer, President

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

ACKNOWLEDGMENT

Lawrence Greer, as President of BELLAIRE WEST COMMUNITY IMPROVEMENT ASSOCIATION, acknowledged this instrument before me on the 12<sup>th</sup> day of July 2018.



*Terri Tharp*  
\_\_\_\_\_  
Notary Public in and for the State of Texas

RECORDED BY:

**ISB** | SEARS  
BENNETT  
& GRIDES, L.L.P.  
6548 GREATWOOD PKWY.  
SUGAR LAND, TX 77479

RP-2018-330205

## FINE POLICY & PROCEDURES

1. **Initial Violation Letter & No Fine** - An initial notice of the violation (“**Initial Violation Letter**”) shall be mailed to the owner(s) via regular mail and certified mail/return receipt requested (“**CMRRR**”) by the Management Company on behalf of the Association demanding the owner(s) cure the violation within **thirty (30) days** of the date of the letter. The opportunity to cure may be less than thirty (30) days if the violation may be remedied within a shorter period. The letter will give the owner an opportunity to request a hearing with the Board disputing the violation within thirty (30) days of receipt of the letter.
  - a. **NO FINE if violation is cured within the given time frame.**
  
2. **Second Violation Letter & 1<sup>st</sup> Fine** - If the violation is not corrected or occurs again, a fine will be levied to the owner(s)’ account and a second notice may be mailed to the owner(s) via regular mail advising the owner(s) of the fine and demanding that the violation be cured within the given time frame.
  - a. **\$25.00 fine assessed and due within fifteen (15) days following imposition.**
  
3. **Third Violation Letter & 2<sup>nd</sup> Fine** - If the violation is not corrected or occurs again, a fine will be levied to the owner(s)’ account and a third notice may be mailed via regular mail advising the owner(s) of the fine and demanding that the violation be cured within the given time frame.
  - a. **\$50.00 fine assessed for the following violations:**
    - i. **Heavy trash put out on wrong day;**
    - ii. **Business operated from home;**
    - iii. **Boats, campers, trailers and RV's parked in driveways or streets; and**
    - iv. **Commercial vehicles or oversized vehicles parked in driveways or streets.**
  - b. **All other violations: \$25.00 fine assessed**
  - c. **All fines are due within fifteen (15) days following imposition.**
  
4. **Fourth Violation Letter & 3<sup>rd</sup> Fine** - If the violation is not corrected or occurs again, a fine will be levied to the owner(s)’ account and a fourth notice may be mailed via regular mail advising the owner(s) of the fine and demanding that the violation be cured within the given time frame.
  - a. **\$100.00 fine assessed for the following violations:**
    - i. **Heavy trash put out on wrong day;**
    - ii. **Business operated from home;**
    - iii. **Boats, campers, trailers and RV's parked in driveways or streets; and**
    - iv. **Commercial vehicles or oversized vehicles parked in driveways or streets.**
  - b. **All other violations: \$25.00 fine assessed**
  - c. **All fines are due within fifteen (15) days following imposition.**
  
5. **Next Step** - If the violation continues or reoccurs without resolution after the fourth notice, the Board shall have the right to undertake any action authorized by the Bylaws or Declarations, including, but not limited to, turning the matter over to the Association's Attorneys for legal action, the costs of which actions shall be billed to the owner(s).

The Association, acting through its Board of Directors, is hereby authorized, at its sole discretion, to impose a lesser fine or no fine at all for a violation of the Declaration. Any adjustment



to the Fine Schedule by the Board of Directors should not be construed as a waiver of the Fine Schedule or the Restrictions

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# Pages 5  
07/23/2018 11:00 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees \$28.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

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