



RIVERPARK WEST PROPERTY OWNERS ASSOCIATION, INC.

FINE POLICY

This document is applicable to the real property (and the improvements thereon) described in the Management Certificate—as that term is defined in Section 209.004 of the Texas Property Code—for Riverpark West Property Owners Association, Inc. which was last filed in the Official Public Records of Fort Bend County, Texas.

WHEREAS, Riverpark West Property Owners Association, Inc. (the "Association") is charged with enforcing the covenants, conditions, restrictions and easements applicable to the Riverpark West Subdivision, pursuant to Article IV of its Articles of Incorporation;

WHEREAS, Article X, Section 8 of the Declaration of Covenants, Conditions and Restrictions for Riverpark West, recorded November 7, 2001 under Fort Bend County Clerk's File No. 2001105425, (as amended and or supplemented, the "Declaration") provides that the Board of Directors of the Association may impose fines or other sanctions, which shall be collected in the same manner provided in the Declaration for assessments;

WHEREAS, the Board of Directors desires to establish any and all deed restriction enforcement policies in accordance with Section 209 of the Texas Property Code effectively and impartially;

NOW, THEREFORE, the Association hereby adopts this Fine Policy with regard to violations of the provisions of the Declaration, any architectural or builder guidelines, and/or any other policy, rule, regulation and/or dedicatory instrument promulgated by the Association and recorded in the appropriate public records. This Fine Policy revokes any and all prior policies of the Association to the extent same related to the imposition of fines for violations of dedicatory instruments.

NOTICE:

Prior to levying any fine against an owner and/or the owner's property, the Association shall send notice to the owner as required by Chapter 209 of the Texas Property, as same may be amended from time to time, if any is so required by law.

All notices to owners shall be mailed to the last known address of the homeowner according to Association records. All costs of deed restriction enforcement steps are paid by the Association and charged back to the account of the Owner for reimbursement to the Association to the extent permitted by law.

FINE SCHEDULE PER MONTH:

1. \$75.00 per violation:
 - a. Landscape maintenance (including landscaped beds, regular mowing, edging, weeding, replacement of all dead and dying shrubs, trees, sod, and trimming of shrubs and trees.) For extreme lawn maintenance violations, "force mowing" is permissible with a ten (10) day notification and the costs thereof shall be assessed to the owner in accordance with the Declaration.
 - b. Holiday decorations installed and left up thirty (30) days before or after a holiday.
 - c. Decorative embellishments (statues, sculptures, furniture, fountains, etc.) placed in the public view without ACC approval.
 - d. Unapproved exterior lights, no house address visible from the street, or improperly maintained house addresses.
 - e. Basketball goals which are not stored out of the public view when not in use. Trash containers, recycling bins, and trash set out prior to scheduled trash days.
2. \$100.00 per violation:
 - a. Damaged driveways and walkways, exposed holes on bricks or improperly maintained landscape borders.
3. \$150.00 per violation:
 - a. Other home repairs, including but not limited to, fence and gate repairs (wood, wrought iron or masonry), accumulation of mildew on exterior of residence, sagging gutters, damaged garage doors.
4. \$250.00 per violation:
 - a. Major home repairs (including but not limited to, deteriorated exterior wood siding and trim, exterior paint, roof replacement required, broken windows, damaged front door).
 - b. Other modifications or alterations (landscape borders, solar screens, storm doors, patio covers, play forts) installed without ACC approval or not in compliance with the ACC guidelines.
5. \$1,000.00 per violation:
 - a. Major modifications or alterations, including but not limited to, outdoor recreational

buildings, room additions, sun rooms, landscaping, fencing, or gates, vinyl siding, unapproved paint colors, roof replacement and pool installation without the prior approval of the ACC or the installation of such said items after denial.

- b. If the violation continues after 31 days from the time the fine is imposed, the Board of Directors has the right to turn the violation over to the Association Attorney for legal pursuit. Homeowner will be held responsible and accountable for all fines and legal fees incurred during this time.

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 architectural or builder guidelines, and/or any other policy, rule, regulation and/or dedicatory instrument. Any adjustment to the Fine Schedule by the Board of Directors should not be construed as a waiver of the Fine Schedule or the governing documents.

This Policy constitutes a "dedicatory instrument" as defined by TEX. PROP. CODE § 202.001(1) and shall be recorded in the Official Public Records of Real Property of Fort Bend County, Texas. The covenants, conditions, and/or restrictions contained herein shall constitute "restrictive covenants[s]" as that term is defined in TEX. PROP. CODE § 202.001(4). Pursuant to TEX. PROP. CODE § 202.004(b) the Association may initiate litigation affecting the enforcement of these restrictive covenants and, pursuant to TEX. PROP. CODE § 202.004(c), a court may assess civil damages for the violation of the restrictive covenants in this Policy in an amount not to exceed \$200 for each day of the violation.

This policy shall be effective upon execution and recordation in the Official Records of Real Property of Fort Bend County, Texas. It shall remain in full force and effect upon all Owners, residents and guests perpetually, unless amended or rescinded by the Association. In the event of any conflict in policies adopted, the document with the latest date shall prevail.

SECRETARY'S CERTIFICATE

I, ANTHONY BARNHART, hereby certify that:

I am the duly qualified and acting Secretary of Riverpark West Property Owners Association, Inc., a duly organized and existing Texas non-profit corporation (the "Association").

I hereby certify that the foregoing Riverpark West Property Owners Association, Inc. Fine Policy was adopted by the Board of Directors of the Association at an open meeting, duly noticed as required by Texas law, at which a quorum of directors was present, on the ____ day of 23 JANUARY, 2017.

The foregoing instrument is a Dedicatory Instrument, as that term is defined by Section 202.001 of the Texas Property Code. The foregoing document is being presented for recording in the Official Public Records of Real Property of Fort Bend County, Texas, pursuant to Section 202.006 of the Texas Property Code.

Dated: 23 JANUARY, 2017



Secretary, Riverpark West Property Owners Association, Inc.

THE STATE OF TEXAS §
 §
COUNTY OF Harris §

This instrument was acknowledged before me on the 24th day of January, 2017, by Anthony Barnhart, Secretary of Riverpark West Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Carolyn Beechly
Notary Public in and for the State of Texas

