

compliance within an additional five (5) days shall be issued to the owner in writing. If the owner fails to cure the violation as required within the prescribed time period contained in the second notice, the ASSOCIATION shall assess a fine in accordance with this adopted policy. The ASSOCIATION or its counsel shall provide the owner the statutory notice required under the Texas Residential Property Owners Protection Act, Texas Property Code (“TPC”), Section 209.006, as it may be amended from time to time, and as applicable. The statutory notice shall inform the owner of its right to cure the violation and avoid the fine or suspension of privileges unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months. In such event, no additional opportunity to cure will be given before assessing a fine. The owner shall be advised of its right to a hearing under TPC, Section 209.007.

Notwithstanding the foregoing, the ASSOCIATION reserves the right to seek injunctive relief at anytime regardless of the provisions herein requiring notice for violations if the violation constitutes a material danger to persons or property, will cause irreparable harm to persons or property or is a nuisance as determined by the ASSOCIATION in its absolute sole discretion.

B. Assessment of Fines: Owners shall be subject to the following fines if the owner fails to cure the initial violation after being sent the required statutory warning or for any subsequent similar violations:

- i. Continuing Violations: For continuing violations of the GOVERNING DOCUMENTS which are not cured within the specified time period contained in the warnings referenced in 1A above, the fines shall be \$50.00 per day commencing the day following the end of the cure period and continues daily until the violation is cured.
- ii. Non-Continuing Violations: For a non-continuing violation reoccurring periodically within six (6) months of a similar violation; the fines shall be \$50.00 per occurrence per day. For the purposes herein, the six (6) month period shall run from the last day previous to the date the similar violation was cured.

2. Penalties Responsibility of Owner. All fines will be billed to the owner’s account and will be payable to the ASSOCIATION within thirty (30) days of the date of billing. Fines shall be limited to a maximum of Two Thousand and No/100 Dollars (\$2,000.00) for each six (6) month period commencing as of the date of the first violation which initiates the assessment of a fine for a specific violation. The limitations shall be exclusive of attorneys’ fees and costs incurred by the ASSOCIATION for enforcement.

3. Attorney’s Fees. If the ASSOCIATION is compelled to retain an attorney for the collection of fines or the enforcement of the GOVERNING DOCUMENTS, the owner shall be charged with all attorney’s fees, costs and expenses subject to the limitations of the Texas

Residential Property Owners Protection Act, Texas Property Code, Section 209.006, as it may be amended from time to time.

4. Non-Exclusive Remedies. The imposition of the monetary penalties provided herein shall not be construed as an exclusive remedy, and shall be in addition to all other rights and remedies to which the ASSOCIATION may otherwise be entitled including, without limitation, the filing of an Affidavit of Non-Compliance in the Real Property Records of Bexar County, Texas, towing, if applicable, and/or the initiation of legal proceedings seeking injunctive relief and/or damages, attorney's fees, costs of court and all other remedies, at law or in equity, to which the ASSOCIATION may be entitled.

5. Violation by Resident, Tenant or Agent. A violation by a resident, tenant, guest, or agent of the owner shall be treated as a violation by the owner of the property. All monetary penalties shall be billed to the owner.

6. Right to Hearing. An owner which has received a statutory notice of violation pursuant to TPC Section 209.006 is entitled to a hearing under TPC Section 209.007 on or before the thirtieth (30th) day after the date the owner receives notice provided the owner is entitled to an opportunity to cure the violation as provided for in TPC Sec. 209.006(b)(2)(A).

7. Appeal Process. The process of appeal for owners entitled to a hearing as stated in Section 6 above shall be:

- On or before the thirtieth (30th) day after the date the owner receives the statutory notice, owner shall make a written request to the ASSOCIATION for a hearing;
- The hearing may be conducted by a committee appointed by the Board of Directors or before the Board of Directors if no committee is appointed;
- If the hearing is before a committee, the owner shall have a right of appeal to the Board of Directors with written notice to the Board of Directors by owner;
- A hearing shall be held not later than thirty (30) days after the Board of Directors receives the owner's request for a hearing;
- The Board of Directors shall notify the owner of the date, time and place of the hearing not later than the tenth (10th) day before the date of the hearing;
- The Board of Directors or the owner may request a postponement and, if requested, a postponement shall be granted for a period of not more than ten (10) days;
- Additional postponements may be granted by agreement of the parties;
- Owner or ASSOCIATION may make an audio recording of the hearing;

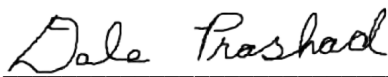
- An owner is not entitled to notice and a hearing if the ASSOCIATION files a suit seeking a temporary restraining order or temporary injunctive relief or files suit that includes foreclosure of a cause of action;
- An owner is not entitled to notice and hearing for the temporary suspension of a person's right to use common areas if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision;
- The hearing permitted herein shall be a Closed Session Hearing restricted to the owner making the appeal and appointed members of the committee appointed by the Board of Directors or if the hearing is before the Board of Directors, members of the Board of Directors and third parties determined necessary by the Board of Directors, in its sole discretion, to conduct the hearing.
- The appointed committee and the Board of Directors shall issue its written decision on the owner's appeal within fifteen (15) days of conducting the hearing or appeal, as applicable;
- The written decision shall include the final decision and any further curative action to be taken by owner, if any.

CERTIFICATE OF OFFICER

The undersigned certifies that the foregoing policy was duly approved and adopted by the Board of Directors of the INWOOD PLACE HOMEOWNERS ASSOCIATION, INC. on the date first above written, and that the undersigned has been authorized by the Board of Directors to execute and record this instrument. The undersigned further certifies that the foregoing policy constitutes a dedicatory instrument under Tex. Prop. Code §202.006 which applies to the operation of Inwood Place, a subdivision located in Bexar County, Texas, as hereinabove described.

Signed this 4th day of October, 2014.

INWOOD PLACE HOMEOWNERS ASSOCIATION, INC.

By: 
 Name: Dale Prashad _____
 Its: President

ATTACHMENT A

Amended and Restated Declaration of Covenants, Conditions and Restrictions for Inwood Place Subdivision, recorded in Volume 11384, Page 1772.