

SCHEDULE D

WINDHAVEN CROSSING TOWNHOME OWNER'S ASSOCIATION, INC.

NOTICE AND HEARING; SCHEDULE OF FINES POLICY

WHEREAS, the Board of Directors (the "Board") of Windhaven Crossing Townhome Owner's Association, Inc. (the "Association") wishes to adopt reasonable guidelines to establish Notice and Hearing; Schedule of Fines Policy for the Association; and

WHEREAS, the Board wishes to adopt these reasonable guidelines in compliance with Section 209.005 of the Texas Property Code ("Section 209.005") regarding Owner access to Association documents and records ("Records"); and

WHEREAS, the Board intends to file these guidelines as a stand-alone policy for Windhaven Crossing in the real property records of each county in which the subdivision is located, in compliance with Section 209.005 of the Texas Property Code; and

WHEREAS, this policy may be amended at any time and from time to time by the Declarant during the Declarant Control Period and thereafter by the Board of Directors by Resolution, to amend or revise provisions of the policy as may be deemed necessary and in the best interest of the Association. Any amendment or revision shall be mailed to each homeowner and a copy placed on the Association's website if applicable; and

NOW, THEREFORE, IT IS RESOLVED that the following guidelines for Notice and Hearing; Schedule of Fines Policy are established by the Board:

NOTICE AND HEARING; SCHEDULE OF FINES

Notice and Hearing.

(a) Prior to the imposition of any fine for a violation of the Declaration or the levying of any special individual assessment on an Owner, the Association will give at least one (1) notice of not less than five (5) days (unless violation is deemed an emergency, constitutes a safety or health hazard, or is a non-curable violation) each to the Owner in compliance with the Declaration and/or Section 209.006 of the Texas Property Code (the "**Property Code**"), as the same may be hereafter amended. Notices as described above are not required for situations deemed to be an emergency, constitutes a safety or health hazard or poses any kind of health or safety issue, or deemed a non-curable violation by the Board. Notice(s), as a general rule shall follow the schedule below notwithstanding, it is to be understood this is a guide and in no way prevents the Association or its Managing Agent from deviating from this schedule when it is deemed in the best interest of the Association or its Residents to do so:

First Notice shall be sent regular U.S. mail unless a non-curable violation is issued under instruction of the Board or at the discretion of the Managing Agent, at which time such notice shall be sent certified mail. Delivery of any First Notice may also be delivered by e-mail or by posting to the door of the Residence. Notwithstanding, any violation considered to be an emergency or considered to threaten, in any capacity, the health,

safety and welfare of Residents may be delivered by posting to the door of the Residence or by e-mail to the e-mail address on file with the Association.

(i) Second Notice of Violation may be sent using one of two choices; a Second Notice of Violation with additional time to abate the violation or a Fine Warning Notice. If a Fine Warning Notice is sent, the notice must be sent certified and regular U.S. mail. Second Notice of Violation, regardless of its nature must inform the Owner of his/her right to a Hearing as described below.

(ii) Notice of Fine Levied (**Notice of Fine**) shall be delivered by certified and regular U.S. mail.

(iii) The notice must describe the violation or property damage that is the basis for the fine for such violation, and state any amount due the Association from the Owner.

(iv) The notice must inform the Owner that the Owner is entitled to a reasonable time to cure the violation and avoid the fine and that the Owner may request a hearing as outlined in the Declaration and Section 209.007 of the Texas Property Code on or before the 30th day after the Owner receives the notice.

(b) In compliance with Section 209.007 of the Texas Property Code, if the Owner submits a written request for a hearing, the Association shall hold a hearing not later than the thirtieth (30th) day after the date the Board receives the Owner's request, and 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 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. If the hearing is to be held before a committee appointed by the Board, the notice shall state that the Owner has the right to appeal the committee's decision to the Board by written notice to the Board.

(c) Provided that such Owner has not requested a hearing in accordance with the above and the violation has not been cured, then the Association shall continue to levy fines per the schedule below, notwithstanding, the schedule provided is a guide and does not constitute a hard and fast rule as the amount of fine a Board can levy for an Owner's non-compliance. Some violations, depending upon the severity or repetition, may warrant more stringent fine enforcement or may warrant a one-time fine in lieu of fining in increments. The amount and frequency in which a fine is levied is at the sole discretion of the Board. The Association is not entitled to collect a fine from an Owner to whom it has not given notice and an opportunity to be heard, pursuant to Section 209.006 and Section 209.007 of the Texas Property Code.

Any fine levied shall be reflected on the Owner's periodic statements of account or delinquency notices. The number of notices set forth below does not mean that the Board is required to provide each notice prior to exercising additional remedies as set forth in the Declaration. The Board may elect to pursue such additional remedies at any time in accordance with applicable law.

FINES:


<u>Violation:</u>	<u>Fine Amount:</u>
Notice of Fine Levied – 1 st Fine Notice	\$50.00 to \$100.00 depending upon the nature, severity, and reoccurrence of the violation
Notice of Fine Levied – 2 nd Fine Notice	\$105.00 to \$200.00 depending upon the nature, severity, and reoccurrence of the violation
Notice of Fine Levied - 3 rd Fine Notice	\$205.00 to 300.00 depending upon the nature, severity, and reoccurrence of the violation
Notice of Fine Levied – 4 th Fine Notice & Beyond	Fine will increase an additional \$50.00 every week until Owner cures the violation

Note: Once a fine has reached the maximum fine amount, if applicable, and the Owner has not cured the violation, the fine process will continue at the rate of \$50.00 per week until the violation is cured, fine shall not exceed \$1000.00. The Association shall send one (1) additional notice notifying the Owner fines will continue until the violation is cured and thereafter, the Association will not be required to notify the Owner further and may continue to fine until the violation is cured or the Association determines that self-help action is required or warranted.

IT IS FURTHER RESOLVED, this policy is executed to be effective as of the 1st day of October, 2021, and that this Policy supersedes in all respects any prior policy and resolution with respect to the Notice and Hearing; Schedule of Fines filed by the Association or its predecessor-in-interest, is effective upon its filing with the Office of the Denton County Clerk, and shall remain in full force and effect until revoked, modified or amended.

[End of Notice and Hearing; Schedule of Fines Policy]

Windhaven Crossing Townhome Owner’s Association, Inc.,
a Texas non-profit corporation

By: 
Victor Tannous, Secretary

Date: October 1, 2021.