

**LATIGO, UNIT #1, PROPERTY OWNERS ASSOCIATION
RESOLUTION ADOPTING FINE POLICY**

<p>STATE OF TEXAS</p> <p>COUNTY OF BANDERA</p>	<p>§</p> <p>§</p> <p>§</p>	<p>KNOW ALL MEN BY THESE PRESENTS:</p>
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WHEREAS, the Board of Directors of Latigo, Unit #1, Property Owners Association ("Association") is the established governing body of the properties ("Latigo Ranch Subdivision") identified and referenced in the Declaration of Covenants, Conditions and Restrictions Latigo Ranch Subdivision, recorded in Volume 788, Page 385 of the Official Public Records of Bandera County, Texas; as amended by Modification of Declaration of Covenants, Conditions and Restrictions Latigo Ranch Subdivision - October 22, 2012, recorded in Volume 942, Page 267 of the Official Public Records of Bandera County, Texas and restated by Second Amended and Restated Declaration of Covenants, Conditions and Restrictions, to be recorded in the Official Public Records of Bandera County, Texas (collectively, "Declaration"); Bylaws of Latigo, Unit #1, Property Owners Association ("Bylaws"); and

WHEREAS, in accordance with the duties and responsibilities imposed by the Declaration, the Bylaws of the Association and all policies, rules and regulations duly adopted by the Association (collectively, "Governing Documents"), the Board of Directors of the Association is charged with the duty of making, establishing and promulgating, in its discretion, policies, rules and regulations for the interpretation and enforcement of the Governing Documents for the use and enjoyment of properties in Latigo Ranch Subdivision, including but not limited to, the common areas owned by the Association; and

WHEREAS, it has been determined by the Board of Directors that it is necessary to adopt a Fine Policy ("Fine Policy") for the aesthetics, health, safety and welfare of the Owners, residents, visitors and guests of Latigo Ranch Subdivision. The Fine Policy is in addition to the covenants, conditions and restrictions contained in the Declaration.


THEREFORE, BE IT RESOLVED:

The Fine Policy attached hereto as Exhibit "A", by unanimous vote of the Board of Directors, was approved and adopted. The Fine Policy shall become effective when filed in the Official Public Records of Bandera County, Texas.

This Resolution Adopting Fine Policy is adopted this 27 day of JUNE, 2019, by the Board of Directors of Latigo, Unit #1, Property Owners Association.

LATIGO, UNIT #1, PROPERTY OWNERS
ASSOCIATION

By:


Dennis Zaferis, President

VERIFICATION

THE STATE OF TEXAS

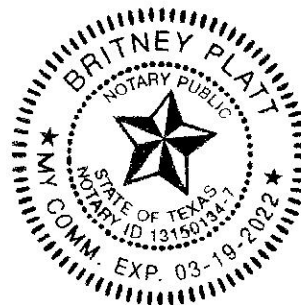
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COUNTY OF Bandera

BEFORE ME, the undersigned authority, on this day personally appeared DENNIS ZAFERIS, President of LATIGO, UNIT #1, PROPERTY OWNERS ASSOCIATION, who, after being duly sworn, acknowledged and stated under oath that he has read the above and foregoing Affidavit and that every factual statement contained therein is within his personal knowledge and is true and correct.

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 27th day of June, 2019.


NOTARY PUBLIC, STATE OF TEXAS



**LATIGO, UNIT #1, PROPERTY OWNERS ASSOCIATION
FINE POLICY**

This Fine Policy ("Fine Policy") of the **LATIGO, UNIT #1, PROPERTY OWNERS ASSOCIATION** (the "Association") was duly adopted on the 8 day of JUNE, 2019, setting forth certain policies of the Association in connection with the management of the Association and the property known as Latigo Ranch Subdivision ("Latigo Ranch") subject to the Declaration of Covenants, Conditions and Restrictions Latigo Ranch Subdivision, recorded in Volume 788, Page 385 of the Official Public Records of Bandera County, Texas; as amended by Modification of Declaration of Covenants, Conditions and Restrictions Latigo Ranch Subdivision - October 22, 2012, recorded in Volume 942, Page 267 of the Official Public Records of Bandera County, Texas ("Declaration"), the Bylaws of the Association and all policies, rules and regulations duly adopted by the Association from time to time (collectively, "Governing Documents").

This Fine Policy is adopted pursuant to the powers granted to the Association by the Governing Documents enabling the Association to adopt such policies as needed, including but not limited to, a fine policy and a suspension of privileges policy for owner members ("Members") to aid in the enforcement of the terms of the Governing Documents.

The adoption of this Fine Policy for the purposes stated herein is in compliance with the TEX. PROP. CODE § 202.006 requiring all property owners' associations to file all Governing Documents in the real property records of each county in which the Property to which the Governing Documents relate is located. This Fine Policy shall become effective as of the date the Fine Policy is filed in the Official Public Records of Bandera County, Texas.

Capitalized terms contained herein shall have the definitions as set forth in the Declaration.

FINE POLICY

1. **Violation Policy and Penalty.** Violation of any of the Governing Documents, as defined herein, as amended from time to time and any policies, rules, and regulations which may be adopted from time to time, by an individual Owner, resident, or tenant shall result in the following actions and penalties:

A. **First Curable Violation:** A warning will be issued in writing to the Owner and the violating resident or tenant, if known. The warning, which may be in the form of either a ticket or a letter, shall advise the Owner of the violation and the action required to cure the violation within ten (10) days of the date of the notice or by a specified date determined by the Board of Directors or the Architectural Control Committee, as applicable, in their sole discretion. Additionally, depending on the severity of the violation, the Association may elect to notify parents for violations by minors, suspend Owners' privileges, notify law enforcement, tow vehicles, file criminal charges, seek civil penalties, assess fines as herein provided, or pursue other remedies the Association deems appropriate. If the violation is a first-time offense of committing a curable violation, as defined by the TEX. PROP. CODE § 209.006, and not cured by the specified date contained in the first notice, a second notice requesting compliance within ten (10) days of the date of the notice or by a specified date determined by the Board of Directors or the Architectural Control Committee, as applicable, shall be issued to the Owner in writing. If the Owner has received prior notices for the same or similar offense, no second notice is required. If the Owner fails to cure the violation as required by the specified date contained in the notice, the Association shall assess a fine in accordance with this adopted Fine Policy. The Association or its counsel shall provide the owner the statutory notice required under the Texas Residential Property Owners Protection Act, TEX. PROP. CODE § 209.006, as it may be amended from time to time, and as applicable. The statutory notice shall inform the

Owner of Owner's 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 Owner's right to a hearing under TEX. PROP. CODE § 209.007, as well as special rights or relief Owner may have under federal law if the Owner is serving on active military duty.

For the purposes herein, a violation is considered curable if the violation is a continuous action which can be remedied by affirmative action on the part of the violator. Examples of acts considered curable for purposes herein include, but are not limited to:

- a parking violation;
- a maintenance violation;
- the failure to construct improvements or modifications in accordance with the approved plans and specifications;
- an ongoing noise violation such as a barking dog or music; and
- the failure to obtain architectural approval before the commencement of work.

B. Uncurable Violation: For an uncurable violation, the Association shall not provide an Owner an opportunity to cure the violation before assessing a fine. If a fine is assessed by the Association, the Association shall provide notice to the Owner of the basis for the assessment of the fine, the fine amount and the right to a hearing under TEX. PROP. CODE § 209.007.

For the purposes herein, a violation is considered uncurable if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. In such cases, the non-repetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy. Examples of acts considered uncurable for purposes include, but are not limited to:

- shooting fireworks;
- an act constituting a threat to health or safety;
- a noise violation that is not ongoing;
- property damage, including the removal or alteration of landscape; and
- holding a garage sale or other event prohibited by a dedicatory instrument.

Notwithstanding the foregoing, the Association reserves the right to seek injunctive relief at any time, 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.

For the purposes herein, if multiple violations occur on an Owner's Lot or Property, the calculation of the number of violations that have occurred shall be based on the number of violations per address and not by each individual residing or visiting at such address.

C. 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, ongoing 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 as per the Schedule of Fines attached hereto as Exhibit "A," 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 for which statutory notices were provided, the fines shall be as per the Schedule of Fines attached hereto as Exhibit "A," 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.
- iii. Uncurable Violations: For uncurable violations, the fines shall be as per the Schedule of Fines attached hereto as Exhibit "A," for each uncurable violation committed by an Owner.
- iv. Discretion of the Board of Directors: The Board of Directors, at its sole discretion, may increase or decrease the fines depending on relevant facts and history, for example, number of prior violations, severity of violations, multiple simultaneous violations, length of time to cure, cooperation of Owner, or any other applicable information.

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 Five Hundred and 00/100 Dollars (\$2,500.00) 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 attorney's 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, TEX. PROP. CODE § 209.006 and § 209.008, 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 Official Public Records of Bandera 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 TEX. PROP. CODE § 209.006 is entitled to a hearing under TEX. PROP. CODE § 209.007 on or before the thirtieth (30th) day after the date the Owner was mailed notice, provided the Owner is entitled to an opportunity to cure the violation as provided for in TEX. PROP. CODE § 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:

- i. On or before the thirtieth (30th) day after the date the Owner was mailed the statutory notice, Owner shall make a written request to the Association for a hearing;
- ii. 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;
- iii. 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;
- iv. A hearing shall be held not later than thirty (30) days after the Board of Directors receives the Owner's request for a hearing;
- v. 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;
- vi. 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;
- vii. Additional postponements may be granted by agreement of the parties;
- viii. Owner or Association may make an audio recording of the hearing;
- ix. 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;
- x. 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;
- xi. 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;
- xii. 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; and
- xiii. The written decision shall include the final decision and any further curative action to be taken by Owner, if any.

Miscellaneous

This Fine Policy is in addition to, and not in substitution of, all other rules, regulations, and provisions of the Association's Governing Documents, as amended, all of which remain in full force and effect unless in conflict with the terms contained herein and in which case, the Declaration and/or the Bylaws, as applicable, shall control unless in conflict with the TEX. PROP. CODE and/or other city, state, or federal laws, rules, or regulations.

Any failure of the Association to seek enforcement or compliance with this Statement of Policies shall not be deemed a waiver of the rights of the Association to seek enforcement or compliance at any time thereafter. The Association shall have the discretion to vary the Fine Policy contained herein as a result of the particular circumstances as may exist from time to time.

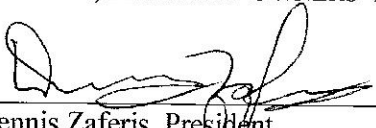
CERTIFICATE OF OFFICER

The undersigned certifies that the foregoing Fine Policy was duly approved and adopted by the Board of Directors of the **LATIGO, UNIT #1, PROPERTY OWNERS ASSOCIATION** 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 Fine Policy constitutes a Dedicatory Instrument under TEX. PROP. CODE § 202.006 which applies to the operation of Latigo Ranch Subdivision, a Subdivision located in Bandera County, Texas, as hereinabove described.

Signed this 27th day of JUNE, 2019.

LATIGO, UNIT #1, PROPERTY OWNERS' ASSOCIATION

By:


Dennis Zaferis, President

Hand Delivered To:

Dennis Zaferis

Filed for Record in
Bandera County

On JUN 27 2019 at 10:52A

As a
Recording

Document Number: 00231958

Amount: \$9.00

Receipt Number - 144242

By
Melissa Luna

The provision herein which restricts the solar panel or use of the described real property because of color or race is invalid and unenforceable under Federal law.

STATE OF TEXAS

COUNTY OF BANDERA

I hereby certify that this instrument was filed on the date and time stamped herein by me and was duly recorded in the volume and and page of the official records of Bandera County as shown herein by me.

Jun 27 2019

Tamie Mansfield County Clerk
Bandera County

AFFIDAVIT IN COMPLIANCE WITH TEX. PROP. CODE § 202.006

THE STATE OF TEXAS §
 §
COUNTY OF BANDERA §

BEFORE ME, the undersigned authority, on this day personally appeared DENNIS ZAFERIS, who, being by me duly sworn according to law, stated the following under oath:

"My name is DENNIS ZAFERIS. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

I am the President of Latigo, Unit #1, Property Owners Association, a Texas nonprofit corporation (the "Association"). I am also a custodian of the records for the Association and I have been authorized by the Association's Board of Directors to sign this Affidavit.

The Association is a property owners' association as that term is defined in *TEX. PROP. CODE § 202.001*. The Association's jurisdiction includes, but may not be limited to, the property in Bandera, County, Texas and described as:

That certain subdivision known as Latigo Ranch Subdivision, being the property identified and referenced in the Declaration of Covenants, Conditions and Restrictions Latigo Ranch Subdivision, recorded in Volume 788, Page 385 of the Official Public Records of Bandera County, Texas; as amended by Modification of Declaration of Covenants, Conditions and Restrictions Latigo Ranch Subdivision - October 22, 2012, recorded in Volume 942, Page 267 of the Official Public Records of Bandera County, Texas and restated by Second Amended and Restated Declaration of Covenants, Conditions and Restrictions, to be recorded in the Official Public Records of Bandera County, Texas.

Attached hereto are the originals of, or true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:


*Latigo, Unit #1, Property Owners Association
Statement of Policies*

The documents attached hereto are subject to being supplemented, amended or changed by the Association. Any questions regarding the dedicatory instruments of the Association may be directed to the Association at:

Latigo, Unit #1, Property Owners Association
10655 State Highway 46
Pipe Creek, Texas 78063
Phone: _____
Fax: _____
Email: LATIGO-RANCH@YAHOO.COM

SIGNED on this the 27 day of JUNE, 2019.

LATIGO, UNIT #1, PROPERTY OWNERS ASSOCIATION

By: 
DENNIS ZAFERIS
Its: President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF BANDERA §

BEFORE ME, the undersigned authority, on this day personally appeared DENNIS ZAFERIS, President of the **LATIGO, UNIT #1, PROPERTY OWNERS ASSOCIATION**, who, after being duly sworn, acknowledged and stated under oath that he has read the above and foregoing Affidavit and that every factual statement contained therein is within his personal knowledge and is true and correct.

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 27 day of JUNE, 2019.


NOTARY PUBLIC, STATE OF TEXAS

After Recording, Return To:
Michael B. Thurman
Thurman & Phillips, P.C.
4093 De Zavala Road
Shavano Park, Texas 78249

