

AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.
 Henry Oddo Austin & Fletcher, P.C.
 1700 Pacific Avenue
 Suite 2700
 Dallas, Texas 75201

**CERTIFICATE AND MEMORANDUM OF RECORDING OF
 DEDICATORY INSTRUMENTS
 FOR
LAGUNA BAY PROPERTY OWNERS' ASSOCIATION, INC.**

STATE OF TEXAS §
 §
 COUNTY OF TARRANT §

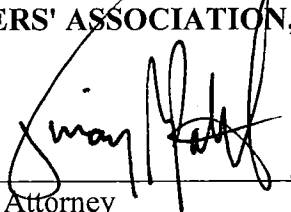
The undersigned, as attorney for Laguna Bay Property Owners' Association, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto (the "*Property*"), hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

- ***Certificate of Ratification and Promulgation of an Enforcement Policy for Laguna Bay Property Owner's Association (Exhibit A).***

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instrument. The attached dedicatory instrument replaces and supersedes all previously recorded dedicatory instruments addressing the same or similar subject matter and shall remain in force and effect until revoked, modified or amended by the Board of Directors.

IN WITNESS WHEREOF, Laguna Bay Property Owners' Association, Inc. has caused this Certificate and Memorandum of Recording of Dedicatory Instruments to be recorded in the Official Public Records of Tarrant County, Texas.

LAGUNA BAY PROPERTY
OWNERS' ASSOCIATION, INC.

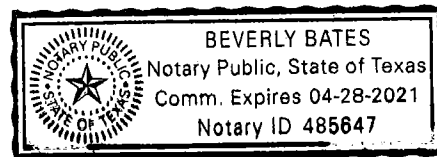
By: 
Its: Attorney

STATE OF TEXAS §
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COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Vinay B. Patel, attorney for Laguna Bay Property Owners' Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 7th day of November, 2018.


Notary Public, State of Texas



**CERTIFICATE OF RATIFICATION AND PROMULGATION OF
AN ENFORCEMENT POLICY FOR
LAGUNA BAY PROPERTY OWNER'S ASSOCIATION**

STATE OF TEXAS §
 §
COUNTY OF TARRANT

WHEREAS, the Board of Directors of Laguna Bay Property Owner's Association. (the "Board") is the entity responsible for the operation of Laguna Bay Property Owner's Association. (the "Association"), pursuant to and in accordance with that certain Declaration of Covenants, Conditions, Restrictions and Easements for Laguna Bay, filed on March 4, 2009, and recorded as Instrument No. D000059320 of the Official Public Records of Tarrant County, Texas, including any amendments thereof or supplements thereto (collectively, the "DCCR") and the Bylaws of Laguna Bay Property Owner's Association including any amendments thereof or supplements thereto (the "Bylaws"); and

WHEREAS, the DCCR affects certain parcels or tracts of real property in Tarrant County, State of Texas (the "Property"); and

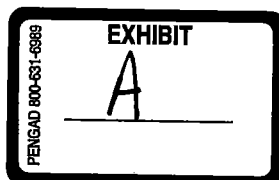
WHEREAS, pursuant to express authority set forth in the Article 8, Section 8.4.3 and Article 10, Section 10.2.2 of the DCCR and Article 7 of the Bylaws, the Association, acting by and through the Board, has the authority to enforce the provisions of the DCCR, the power to promulgate and enforce the provisions of the DCCR, including establishing and imposing reasonable monetary fines or penalties for the violation of the DCCR, the Bylaws, use restrictions, design guidelines or rules and regulations (collectively, the "Governing Documents"); and

WHEREAS, the Board has authority pursuant to the DCCR and the Bylaws to determine, in its reasonable discretion, the manner in which violations of the Governing Documents are to be remedied; and

WHEREAS, the Board has and does hereby find the need to establish policies and procedures for the enforcement of the Governing Documents and for the elimination of violations which may be found to exist within the Properties.

NOW THEREFORE, IT IS RESOLVED that the following rules, regulations and procedures relative to the operation of the Association are hereby established for the enforcement of violations of the Governing Documents and for the elimination of such violations found to exist in, on or about the Properties (hereinafter referred to as the "Enforcement Policy").

1 A violation or failure to comply with established standards or specific provisions of the Governing Documents can be brought to the attention of the Board, or the staff of a professional Community Management Company employed by the Board (hereinafter referred to as "Management"), through a number of different methods or systems and the exact technique employed is not limited by this document. Once a violation (including any failure to comply with specific provisions of the DCCR),



has been identified, and verified (if necessary), Management will act in accordance with the policies and procedures that are described in the remainder of this document.

2 A homeowner with a relatively minor violation or discrepancy (in the judgment of the Board or Management staff) will receive an informational type notice of violation. This notice will identify the issue(s), including corrective action(s) required, and will specify an appropriate time frame for completion. The informational violation notice process can also be used to educate and inform a homeowner about various provisions of the Governing Directives. However, this process should not be employed if a similar or virtually identical discrepancy has been noted within the twelve months preceding the current incident, or if the issue involves a direct or willful violation of a specific provision of the Governing Documents.

3 In the event that Management becomes aware of a direct and/or willful infraction of a specific provision of the Governing Documents; or the issue involves a repeated violation or discrepancy; or the discrepancy or action involves a particularly egregious violation, then specific steps must be taken to correct the problem and/or penalize the offender. The responsibility of the Board for maintaining community standards and enforcing the Governing Directives must be paired with the authority and procedures necessary to impose penalties when there are violations or flagrant disregard of those directives. The Texas Property Code identifies certain actions (currently enumerated in Section 209) that must be taken by an Association when fines/penalties are imposed for violations of the Governing Directives. To comply with those provisions the following procedures will be followed when a violation or discrepancy has been identified for necessary action:

3.1 Management will send a written notice of the violation to the homeowner of record. The notice will include the nature, description, location, and appropriate details about the violation. The notice will indicate what action must be taken to cure the violation and will specify a reasonable period of time in which to correct the situation, generally within ten (10) calendar days for most common discrepancies. The notice will also state that resolution within that time frame will be necessary to avoid further enforcement actions, which can include the imposition of violation fines, and charging the homeowner account for the administrative costs, expenses, and/or attorney fees incurred by the Association to correct the violation or institute litigation to obtain compliance with the Governing Directives. The written notice will:

3.1.1 Be sent by certified mail, return receipt requested.

3.1.2 Inform the homeowner of the right to request a hearing before the Board. The hearing request must be in writing and it must be received by Management on or before the 30th day after receiving the violation notice (three mail days will be used to determine receipt date).

3.1.3 inform the homeowner that they may have special rights or relief related to the enforcement action under federal law, including the Service Members Civil Relief Act (50 U.S.C. app, Section 501 et seq.), if they are serving on active military duty.

3.2 If the violation or discrepancy is corrected within the specified time period, or such other time frame as may be approved by Management or Board action, the issue will be closed and appropriate entries will be made to the Association records.

3.3 When a homeowner has failed, refused, or neglected to address an identified violation within the specified time frame, either by acceptable corrective action or through discussion or negotiation about the issues with Management and/or the Board, it will be necessary to proceed with an enforcement action. The enforcement action will include a written notice to the homeowner that a fine is being levied against his/her account. The amount of the fine will be based on the fine enforcement policies that are also established in this document. The notice will be sent by certified mail, return receipt requested, and it will include an alert that additional fines can be imposed if acceptable corrective action is not completed.

4 Any single fine amount imposed pursuant to the provisions of this Enforcement Policy will not exceed Five Hundred dollars (\$500.00) for each separate violation. An initial fine of not less than Fifty Dollars (\$50.00) will generally be imposed for failure to remedy or cure a cited violation; however, the Board can make a special determination that a different amount is justified based on the unique circumstances of a particular violation. In the event that a homeowner fails to remedy or cure the violation within thirty (30) days after the initial fine, an additional fine of \$50.00 or more, as determined by the Board, may be imposed. Additional fines, in an amount determined by the Board, may be imposed every thirty (30) days (or more frequently by order of the Board) if the violation continues to exist. The DCCR specifically states that each day a violation continues to exist shall constitute a separate violation. There shall be no limit to the aggregate amount of fines that may be imposed for the same violation. The homeowner may be notified by Management in writing of the amount of fines accrued to the homeowner's account. The amount will include the administrative and processing charges incurred in prosecuting the violation.

5 The homeowner will remain liable for all fines levied under this Enforcement Policy, which fines, if not paid upon written demand thereof by Management, will be referred to the Association's legal counsel for collection. The Board, however, in its sole and absolute discretion, reserves the right to suspend or waive some or all of the fines imposed. The suspension or waiver of fines shall not constitute a waiver of the right to sanction violations of the same or other provisions and rules by any person.

6 Authority of Management to Act. The standards imposed under Generally Accepted Accounting Principles (GAAP) require that a fine must be posted to a homeowner account in the same calendar month in which the fine was imposed. To insure that adherence to GAAP does not prevent timely transactions, the Board hereby authorizes and empowers Management to do all such things and perform all such acts as are necessary to implement and effectuate the purposes of the Enforcement Policy. Any action taken by Management under this provision is subject to subsequent review and approval by the Board.

7 Binding Effect. The terms and conditions of this Enforcement Policy, as may be amended from time to time by the Board, shall bind all Owners including their heirs, successors, transferees or assigns, and all Lots as defined in the Declaration, and the Properties shall hereafter be held, occupied, transferred, and conveyed subject to the terms and conditions of this Enforcement Policy, as amended by the Board.

8 Definitions. The definitions contained in the Governing Documents are hereby incorporated herein by reference.

Executed to be effective as of the date it is filed of record with the Office of the Tarrant County Clerk.

IN WITNESS WHEREOF, the Board has caused this Enforcement Policy to be executed by its duly authorized representative as of 11/15/18, 2018

**LAGUNA BAY PROPERTY OWNER'S
ASSOCIATION**

David Dryden
President

CERTIFICATION OF APPROVAL

I, DAVID DRYDEN, the duly-elected President of Laguna Bay Property Owner's Association hereby certify:

That the Enforcement Policy for Laguna Bay Property Owner's Association as evidenced by the records and minutes of the Board of Directors, was approved by the affirmative vote of the majority of the Board of Directors at a regularly scheduled meeting held on the 11th of Nov, 2018, and that the same does now constitute an official policy of Laguna Bay Property Owner's Association and shall be filed of record with the office of the Tarrant County Clerk.

By: David Dryden

EXHIBIT B

Those tracts and parcels of real property located in the City of Pelican Bay, Tarrant County, Texas, more particularly described as follows:

- (a) All lots and tracts of land situated in **LAGUNA BAY, an Addition to the City of Pelican Bay, Tarrant County, Texas, according to the Plat recorded in Cabinet A, Slide 13104, Plat Records, Tarrant County, Texas.**