

Henderson County
Mary Margaret Wright
County Clerk
Athens, TX 75751

Instrument Number: 2025-00018087

As

Recorded On: 12/19/2025 01:17 PM **Recordings - Land**

Parties: CAPE TRANQUILITY HOMEOWNERS ASSOCIATION INC

To: PUBLIC

Number of Pages: 5 Pages

Comment:

(Parties listed above are for Clerks reference only)

****Examined and Charged as Follows:****

Total Recording: 37.00

File Information:

Document Number: 2025-00018087

Receipt Number: 2025-21040

Recorded Date/Time: 12/19/2025 01:17 PM

Recorded By: Marilet Zumaya

*******DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT*******

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

I hereby certify that this instrument was filed and duly recorded
in the Official Records of Henderson County, Texas



A handwritten signature of Mary Margaret Wright is written over the typed name.

County Clerk
Henderson County, Texas

Record and Return To:

CAPE TRANQUILITY HOMEOWNERS INC
PO BOX 584

CHANDLER, TX 75758



POLICY REGARDING ASSESSMENT OF FINES

by
CAPE TRANQUILITY HOMEOWNERS' ASSOCIATION, INC.

1. Purpose: The purpose of this Policy is to adopt reasonable guidelines for the Association's assessment of fines.
2. Definitions: As used in this Policy, the following definitions shall apply:
 - a. Association - CAPE TRANQUILITY HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation.
 - b. Owner – Any Owner of real property in the Cape Tranquility subdivision located in Henderson County, Texas.
 - c. Dedicatory Instruments - All documents governing the establishment, maintenance, or operation of the Association, including but not limited to restrictive covenants, bylaws, rules, regulations, policies, procedures, and all lawful amendments to those documents.
 - d. Board - The Board of Directors of the Association.
 - e. ACC – The Architectural Control Committee.
3. Introduction: The Board may assess fines using the process set forth in this section. This section is intended to fulfill the requirement of a policy regarding this subject matter, as set forth in Texas Property Code §§ 209.0061-.0062.
4. Amount: The amount of a fine may be up to \$200 per day, per violation. This is the amount which the Texas legislature determined to be reasonable in enacting Texas Property Code § 202.004. Thus, this Policy is consistent with the Texas Property Code.
5. Schedule of Fines: The following lists the general categories of violations of the restrictive covenants and other Dedicatory Instruments of the Association, and the general range of fines applicable to each category. The Board retains the ultimate discretion on the amount of fine levied. This list is not intended to be exhaustive:

<u>Violation</u>	<u>Lower Range Fine</u>	<u>Higher Range Fine</u>
Failing to maintain residence or other improvement	\$20/day	\$200/day
Failing to keep lot clear of rubbish, brush, etc.	\$20/day	\$200/day
Tree removal not approved by ACC	\$100/tree	\$500/tree
Parking commercial truck, construction equipment, trailer or inoperable vehicle on road	\$50/day	\$200/day

Blocking driveway or road	\$50/day	\$200/day
Short-term lease of property	\$100/day	\$200/day
Conducting commercial activity	\$50/day	\$200/day
Violating other use restriction	\$50/day	\$200/day
Violating architectural restrictions (e.g. square footage, materials, setback restrictions)	\$25/day	\$200/day
Building or altering structure without ACC approval	\$25/day	\$200/day
Building or altering structure in violation of ACC permit	\$25/day	\$200/day
Blocking easement	\$50/day	\$200/day
Violating sign restriction	\$25/day	\$200/day
Failing to restrict private pool access	\$25/day	\$200/day
Conducting a garage sale	\$50/day	\$200/day
Violating other animal restrictions	\$25/day	\$200/day
Keeping livestock, foul, or wild animal(s) in subdivision	\$25/day	\$200/day
Noise violation	\$50/day	\$200/day
Causing nuisance <u>not</u> threatening health or safety	\$25/day	\$200/day
Septic tank violation	\$25/day	\$200/day
Causing nuisance threatening health or safety	\$100/day	\$200/day
Discharging firearm	\$25/day	\$200/day
Damaging common area features or Association property	\$50/day	\$200/day

Disrupting meeting of Members, Board, Committee, or other HOA body	\$100/disruption	\$200/disruption
Violation of posted Allen Park rules or any HOA policy posted on the HOA's website.	\$100/violation	\$200/violation
Failure to pay assessments, fines, or other sums owed to the Association	Incurs late fees of \$35/month	Incurs late fees of \$35/month

6. **Duration of Violation.** The fines set forth above are intended to represent a reasonable penalty for a single violation of the Dedicatory Instruments, which duration may be one or more days. The Board may assess fines for one-time violations as if the duration of the violation was one day. Repeated violations may justify higher fines, especially if they are committed recklessly or intentionally.
7. **Additional Amounts:** The fines set forth above are not intended to compensate the Association or any other person damaged by the violations; to reimburse any person for the cost of repairing or replacing any property which is damaged or destroyed as a result of a violation; to reimburse the Association for attorney's fees, court costs, or other expenses; or to cover or reimburse the expenses incurred by the Association, another owner, a resident, a guest, or a third party. Nothing shall prevent the Association or any other person from seeking recovery of those other sums.
8. **Discretion.** The schedule of fines above shall not limit the discretion of the Board to levy an appropriate fine on a case-by-case basis. The Board retains the authority to levy a fine that is lower or higher than the amounts stated above, or that is more or less frequent than the periods stated above. The Board retains the authority to levy fines for violations of the Dedicatory Instruments which are not listed above.
9. **Other Relief:** Nothing in this policy shall prohibit the Association from seeking other relief or taking other action in response to a violation, including but not limited to suspending an Owner's right to use common areas, to participate in activities organized by the Association, or to utilize other services provided by the Association; filing a lawsuit; seeking injunctive relief; and seeking recovery of attorney's fees, costs, and expenses relating to the Association's enforcement of this policy.
10. **Factors.** In assessing a fine, the Board shall consider all relevant factors, including but not limited to:
 - a. Any actual or potential damage to the surrounding real property, improvements, plant and/or animal life, and/or personal property.
 - b. The severity of any nuisance imposed on the Owners and residents of other lots in the subdivision, including any smells, sounds, tastes, pollution, or similar effects.
 - c. Any possible reduction in market value to other lots in the subdivision.
 - d. Any threat to health or safety to other Owners and residents or other persons resulting from the violation.
 - e. Whether the violation was committed intentionally, recklessly, or negligently.
 - f. The degree of cooperation by the Owner with the Association.

- g. Whether the Owner has a history of noncompliance with the Dedicatory Instruments.
- h. Any attorney's fees or other expenses incurred by the Association as a result of the violation.

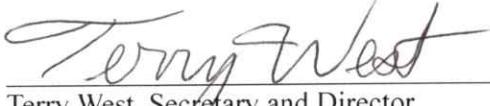
11. Due Process Requirements. The Board must provide notice to the Owner in accordance with the Texas Property Code and the Dedicatory Instruments before assessing any fine. When required, the Board must also allow the Owner a reasonable period of time to cure the violation and must allow the Owner an opportunity to request a meeting with the Association to discuss and verify facts and resolve the matter in issue before the Board.

12. Finality. The decision of the Board regarding any alleged violation and any fine amount shall be final.

13. Promulgation. The Board or its designee shall provide a copy of this Policy to each Owner by posting the Policy on the Association's website and by sending an electronic copy via email to each Owner who has provided an email address to the Association.

ACKNOWLEDGMENT

"My name is TERRY WEST. I am the Secretary and a Director of CAPE TRANQUILITY HOMEOWNERS' ASSOCIATION, INC., and I am duly authorized to execute this Acknowledgment on its behalf. I certify that the foregoing instrument was duly adopted by the Board of Directors of CAPE TRANQUILITY HOMEOWNERS' ASSOCIATION, INC. on November 20, 2025."

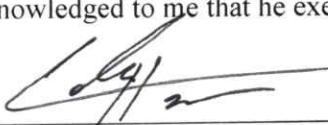

 Terry West, Secretary and Director
 CAPE TRANQUILITY HOMEOWNERS' ASSOCIATION, INC.

STATE OF TEXAS §

§

COUNTY OF HENDERSON §

On this the 20th day of November, 2025, before me a notary public, personally appeared TERRY WEST, in his capacity as the Secretary and a Director of CAPE TRANQUILITY HOMEOWNERS' ASSOCIATION, INC., known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein contained.



Notary Public in and for the state of Texas
 Notary ID# 13415257-5

