


MARY LOUISE NICHOLSON
COUNTY CLERK

**NOTICE OF FILING: AMENDED VIOLATION FINING
POLICY
THE HOMEOWNERS ASSOCIATION OF DISTRICT AT UPTOWN,
INC.**

STATE OF TEXAS)
)
COUNTY OF TARRANT) **KNOW ALL MEN BY THESE PRESENTS**

THIS NOTICE OF DEDICATORY INSTRUMENTS FOR THE HOMEOWNERS ASSOCIATION OF DISTRICT AT UPTOWN, INC. ("Notice") is made September 1, 2023 by The Homeowners Association of District at Uptown, Inc. ("The Association")

WITNESSETH:

WHEREAS, the Association is the property owners' association created to manage or regulate the planned development covered by the **Declaration of Covenants, Conditions and Restrictions for DISTRICT AT UPTOWN**; and

WHEREAS, Section 202.006 of the Texas Property Code provides that a property owners' association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county in which the planned development is located; and

WHEREAS, the Association desires to record the attached dedicatory instrument in the real property records of **TARRANT County**, Texas, pursuant to and in accordance with Section 202.006 of the Texas Property Code and for the purpose of providing public notice of the following dedicatory instrument affecting the owners of property within **DISTRICT AT UPTOWN** subdivision ("Owner").

NOW THEREFORE, the policy attached hereto on Exhibit "A" are originals and are hereby filed of record in the real property records of TARRANT County, Texas, in accordance with the requirements of Section 202.006 of the Texas Property Code.

IN WITNESS WHEREOF, the Association has caused this Notice to be executed by its duly authorized agent as of the date first written above.

**THE HOMEOWNERS ASSOCIATION OF
DISTRICT AT UPTOWN, INC.**

By: 
Name: Dawn Kelly
Title: Authorized Agent

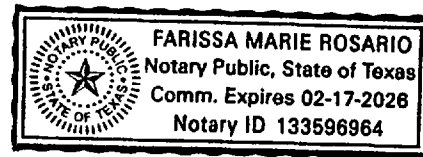
ACKNOWLEDGMENT**STATE OF TEXAS****COUNTY OF TARRANT**

BEFORE ME, the undersigned authority, on this day personally appeared Dawn Kelly, authorized agent of THE HOMEOWNERS ASSOCIATION OF DISTRICT AT UPTOWN, INC.

known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposed and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 21 day of September, 2023

Fariessa Marie Rosario



The Homeowners Association of District at Uptown, Inc

Covenant Enforcement and Fining Policy

WHEREAS, The Homeowners Association of District at Uptown, Inc (the Association) is authorized to enforce the covenants and restrictions contained in the “Declaration of Covenants, Conditions and Restrictions” for **The Homeowners Association of District at Uptown Inc** (the “Declaration” also known as the “Covenants”) and contained in the Bylaws, rules and regulations, guidelines and other standards and policies (all collectively referred to in this policy as the “Governing Documents”); and

WHEREAS, pursuant to Article X Section 10.2 of the Covenants, Conditions, and Restrictions, the Board of Directors shall have the power and authority to impose reasonable fines for violations of the governing documents, ACC guidelines or any rule or regulation of the Association which shall constitute a lien upon the Lot of the violation Owner as provided in the Declaration.

NOW, THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the enforcement of the Governing Documents and for the elimination of violations found to exist in, on and about the Property, the Lots, the Streets, and the Common Areas within **The Homeowners Association of District at Uptown, Inc**, and the following procedures are to be known as the “Covenant Enforcement and Fining Policy” (referred to herein as the “Enforcement Policy”), which shall replace any previously adopted policy.

- 1) First Violation Notice/ Friendly Reminder:** A written courtesy notice will be sent to the Owner of the Lot in question as required by Texas Property Code, delivered via First Class Mail and will be given a time period of 14 days to correct or 24 hours to correct if it is a portable item (basketball goal, trash can). No fine will be applied to the account with a First Notice. Owner will be notified of the next step in the process which includes the fining amount, as identified in Exhibit A, in the Second Notice.
- 2) Second Notice (Not Repaired/ No Application for Extension):** If the situation is not cured within the time period noted in the first notice, a letter will be sent via certified mail notifying the Owner of the continued violation along with an applied

fine as outlined in the Schedule of Fines "Exhibit A" plus the cost for certified mail delivery.

- 3) **Final Notice (Not Repaired/ No Application for Extension):** If after the specific time period given in the second notification, the violation continues, the homeowners will be subject to the application of a fine, as outlined in the schedule of fines "Exhibit A", to their account, plus the cost of certified delivery. Notice will be sent via certified mail, return receipt and by regular first class mail.
- 4) **"Damage Assessment":** Violations that result in property damage or cause the Association to incur cleanup costs will result in a "Damage Assessment" on the homeowners account.
- 5) **Construction without ACC Approval/ Non-Conforming Improvement:** Changes done to a property without request and approval will be fined as outlined separately in the Schedule of Fines "Exhibit A" without maximum.
- 6) **"Appeal Process":** If a homeowner so chooses, an appeal can be made via written request to the board within 30 calendar days of receiving the first violation notice. Within 10 days of receipt, the board will give the homeowner notice of the date within 30 calendar days from the date the request was received by the board, and the hearing should be scheduled to provide a reasonable opportunity for both the homeowner and the board to attend. Failure to submit an appeal or to appear at the scheduled hearing will result in an automatic appeal denial. The appeal ruling will determine the course of future enforcement actions.

Exhibit "A"

Schedule of Fines

Violation	Fine
Declaration of Restrictions	\$50.00 after 14 days
Covenants& Conditions of	\$100.00 after the next 14 days
District at Uptown	\$100.00 the next 14 days thereafter
Article VII and Article X	NO MAXIMUM
Construction w/o ACC Approval	\$250.00 after 14 days' notice
Article VII, VIII, IX, X	NO MAXIMUM
Non- Conforming Improvement	\$500.00 after 14 days' notice
Article VII, VIII, IX, X	\$100.00 per day thereafter
	NO MAXIMUM

This schedule of Fines is to be used solely as a guide to the Board in establishing rules for various violations of the Association governing documents. Fines may vary depending upon the nature and severity of the violation.

General Policy

If a homeowner contacts management with the intent to correct a violation and asks for an extension, management shall grant such extension if it deems the extension reasonable. If the homeowner does not cure the violation after the extension period, the homeowner will be immediately referred to the attorney or the process will be resumed at the last level of the process.

Forced Maintenance Procedure

It is the option of the Board of Directors to decide when and if an account goes to the attorney. The decision to escalate an account to the attorney may be based on violation severity, prior violation history, or other factors that may influence the Board's decision. Once an account is turned over to the attorney's office the attorney will send the homeowner a letter of representation and a demand for compliance with the Association's governing documents. If the

homeowner does not respond, the attorney will pursue all available action to cure the violation through the court/ legal system. If allowable by law and the Association's Declaration of Covenants, all attorney's fee/ court costs shall be the homeowner's responsibility and shall be charged to the homeowners account and the money due shall be subject to the collection policy. If the amount due is not paid the attorney may file notice of lien.