

COVENANT ENFORCEMENT AND FINING POLICY FOR DUCK CREEK ESTATES

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

WITNESSETH:

WHEREAS, Duck Creek Estates Homeowners Association (the Association) is authorized to enforce the covenants and restrictions contained in the “Declaration of Covenants and Restrictions” for Duck Creek Estates Homeowners Association (the “Declaration” also known as the “Covenants”) and contained in the Bylaws, rules and regulation, guidelines and other standards and policies (all collectively referred to in the policy as the “Governing Documents”); and

WHEREAS, pursuant to Article IV, Section 4.1 of the Covenants 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 Duck Creek Estates Homeowners Association, 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 30 days to correct or 24 hours to correct if it is a portable item (basketball goal, trash can, trailer). 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.

Boards' 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 fees/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.

Any structure that is portable, such as a basketball or soccer goal, trailer or a trash can would need to be correct within 24 hours from receipt of notice.

IT IS FURTHER, RESOLVED, that the Covenant Enforcement and Fining Policy for Duck Creek Estates shall be effective as of 21st day of April, 2021 and shall be implemented immediately.

DUCK CREEK ESTATES HOMEOWNERS
ASSOCIATION

By: Board President, Kendra Frederick Smith
Its: Board President-Kendra Frederick Smith

STATE OF TEXAS

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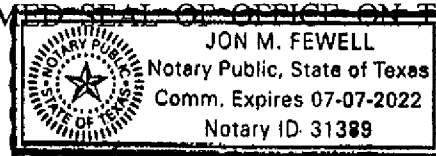
Texas

COUNTY OF DALLAS

BEFORE ME, the undersigned Notary Public, on this day personally appeared Kendra Frederick-Smith, Board President for Duck Creek Estates Homeowners Association, known to be the person whose name is subscribed on the foregoing instrument and acknowledged to me and executed for the same purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE ON THIS 21st day of

April, 2021



Notary Public, State of Texas

My Commission Expires:

July 7, 2022

EXHIBIT "A"

SCHEDULE OF FINES

Violation	Fine	Repeat Offender
Declaration of Covenants and Restrictions of Duck Creek Estates	\$50.00 after 30 days \$100.00 second 14 days \$100.00 per day thereafter NO MAXIMUM	Fines Double
Construction without ACC Approval	\$250.00 at discovery \$50.00 per day thereafter, after 14 days NO MAXIMUM	Fines Double
Non-Conforming Improvement	\$500.00 after 14 days \$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's 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 the violation severity, prior violation history, or other factors that may influence the

- 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 the certified mail delivery. Said Owner will be given 14 days to correct the violation to stop the fining process, 24 hours to correct the violation if it is a portable item (basketball goal, trash can).
- 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 deliver. 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 homeowner's 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 would 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 the future enforcement actions.

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202100119010

eRecording - Real Property

Recorded On: April 22, 2021 03:36 PM

Number of Pages: 5

" Examined and Charged as Follows: "

Total Recording: \$38.00

******* 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.

File Information:

Document Number: 202100119010
Receipt Number: 20210422001140
Recorded Date/Time: April 22, 2021 03:36 PM
User: Jerome M
Station: CC06

Record and Return To:

Simplifile



**STATE OF TEXAS
COUNTY OF DALLAS**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW", is written over a horizontal line.