

**CERTIFICATE OF ADOPTION  
OF  
RULES AND REGULATIONS FOR FINING AND  
ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THE  
GOVERNING DOCUMENTS  
OF  
MERRYLANDS HOMEOWNERS ASSOCIATION**

STATE OF TEXAS

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KNOW ALL BY THESE PRESENTS:

COUNTY OF HARRIS

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WHEREAS, the Board of Directors (the "Board") of Merrylands Homeowners Association, a Texas non-profit corporation (the "Association") is charged with administering and enforcing the Merrylands Section One Declaration of Covenants, Conditions and Restrictions dated March 26, 2019, and recorded in the Official Public Records of Harris County, Texas, under Clerk's File Number RP-2019-124196 (as may be supplemented and amended from time to time, the "Declaration") encumbering the Merrylands community (the "Community"); and

WHEREAS, Article VIII of the Declaration provides that the Association may levy reasonable and uniformly applied monetary fines and penalties against any owner in the Community for the owner's violation of the Declaration, rules and regulations of the Community, architectural guidelines, or other Association governing documents, including for violations committed by the owner's family, guests, or tenants, which fines and penalties shall constitute a lien upon the owner's unit; and

WHEREAS, the Board desires to adopt fining and enforcement procedures for violations of the governing documents for the Community; and

WHEREAS, Article III, Section 8 of the By-Laws of the Association provides that at all meetings of the Board, a majority of the directors of the Board ("Directors") shall constitute a quorum for the transaction of business and that the acts of the majority of the Directors present at a meeting of the Board at which a quorum is present shall be the acts of the Board; and

WHEREAS, the Board held a meeting on April 17, 2024 (the "Adoption Meeting"), at which at least a majority of the Directors were present and at which at least a majority of the Directors present did duly pass the Rules and Regulations for Fining and Enforcement Procedures for Violations of the Governing Documents of the Association described herein below (the "Fining Policy");

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being an officer of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the Directors were present and that at the Adoption Meetings, at least a majority of the Directors present duly adopted the Fining Policy. The Fining Policy is effective upon recordation of this

Certificate in the Official Public Records of Harris County, Texas, and will replace and supersede any fining and enforcement policies and/or procedures which may have been previously adopted by the Board. The Fining Policy is as follows:

1. **Owner's Liability.** An owner is liable for fines levied by the Association for violations of the Declaration or other Association governing documents by the owner and the relatives, guests, employees and agents of the owner and residents regardless of who commits the violation. The Association may direct all communications regarding the violation to the owner.
2. **Violations.** An action may be initiated under this Fining Policy, as determined by the Board, in its sole and absolute discretion, when a violation of the Declaration or other Association governing documents is noted. The Association's management company is authorized to send the owner any or all notices described in this Fining Policy. A curable violation is a violation that typically occurs over a period of time (i.e., a maintenance violation). Uncurable violations typically occur at a specific point in time (i.e., a noise violation that is not ongoing or discharge of fireworks).
3. **Initial Notice.** The Association shall send one (1) or more notices ("Initial Notice") by regular mail advising the owner of the violation and requesting that the violation be cured (if applicable). However, if the Association decides that the violation requires expedited handling, as determined by the Board, in its sole and absolute discretion, the Association is entitled to dispense with sending the owner any Initial Notice. All notices described in these this Fining Policy shall be sent to the owner at the owner's last known address, as shown on the records of the Association. Owners are responsible to inform the Association of their current address for notices.
4. **Certified Notice.**
  - a. If the violation is not cured pursuant to the Initial Notice (or if the Association has decided not to send any Initial Notice), the Association shall send a notice (the "Certified Notice") to the owner by certified mail, return receipt requested, describing the violation and if the violation is of a curable nature (*See* examples of uncurable and curable violations set forth in Sections 209.006[h] and [i] of the Texas Property Code), demanding that the violation be cured.
  - b. The Certified Notice will inform the owner that the owner has a period of thirty (30) days from the date of the mailing of the Certified Notice to request a hearing before the Board regarding the violation pursuant to the Hearing Guidelines (herein so called) set forth herein.
  - c. For violations of a curable nature (*See* examples of uncurable and curable violations set forth in Sections 209.006[h] and [i] of the Texas Property Code) and which do not pose a threat to public health or safety as reasonably determined by the Board, the Certified Notice will: (i) allow the owner a reasonable period to cure the violation and avoid the Association levying a

fine and/or pursuing legal action; and (ii) will inform the owner that if the violation is not cured and the owner does not request a hearing within thirty (30) days from the date of the mailing of the Certified Notice, the Association intends to levy a fine against the owner in an amount as provided for in this Fining Policy (and state such fine amount) and that the Association intends to examine pursuit of its other remedies.

- d. The Certified Notice will inform the owner that the owner may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501, *et. seq.*), if the owner is serving on active military duty.

Notwithstanding the foregoing, if the Association has given the owner notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, or if the Association files a suit seeking expedited relief in the form of a temporary restraining order or a temporary injunction, the Association shall not be required to send the owner a Certified Notice.

- 5. Hearing Guidelines. These Hearing Guidelines set forth the general procedure for a hearing if an owner is entitled to an opportunity to cure a violation and timely requests a hearing to discuss and verify facts concerning such violation. To the extent that there is any conflict between these Hearing Guidelines and the Texas Property Code, the Texas Property Code will prevail. These Hearing Guidelines are not meant to limit any rights under the Texas Property Code.

- a. Request for Hearing. The owner has a period of thirty (30) days from the date of the mailing of the Certified Notice to submit a written request to the Association for a hearing to discuss and verify facts and attempt to resolve the matter in issue before the Board. The written request must be presented to the Association's then current Community manager.
- b. Notice of Hearing. Upon receipt of a timely written request for a hearing, the Association shall notify the owner of the date, time and place of the hearing not less than ten (10) days before the date of the hearing.
- c. Evidence Package. Not later than ten (10) days before the hearing, the Association shall provide the owner with information related to the violation including, but not limited to, notices, photographs, communications, and other relevant evidence as determined solely by the Board that will be presented at the hearing.
- d. Hearing Procedure. A representative of the Association will present the Association's case to the owner. Thereafter, the owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the dispute. The hearing is not intended to be a trial or debate, subject to questioning or cross examination. Instead, each side will

be entitled to present its facts to the other for the purpose of further review. After the hearing, the Board will consider the information presented by the owner and, upon further deliberation, will notify the owner, in writing, of its decision within a reasonable time period.

- e. Temporary Restraining Order. The notice and hearing provisions set forth above do not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief.
  - f. Notice. Notice from the owner to the Association requesting a hearing must be sent to the Association's then current Community manager. Notice to the owner from the Association regarding the hearing may be sent to the owner by email. An email address provided by the owner or used in communications with the Association shall be sufficient.
6. Remedies. If the owner does not make a written request for a hearing before the Board within the above-described thirty (30) day timeframe (and if the violation has not been cured if the violation is of a curable nature as described in Section 209.006[i] of the Texas Property Code), the Association may thereafter pursue its remedies. If a hearing is conducted pursuant to a proper request, the Association may pursue its remedies regarding an uncured violation after the conclusion of the hearing, unless the Association has made an agreement to the contrary. Such remedies include, but are not limited to, suspension of access to the Association's common properties and common facilities, levying a fine and/or turning the matter over to an attorney for legal action. Even if the Association levies a fine against the owner, the Association reserves the right to turn the matter over to an attorney for legal action. If this becomes necessary, it is contemplated that the Association will instruct the attorney to pursue the Association's legal remedies, including filing suit and/or initiating arbitration, if applicable.
  7. Fines and Costs. The amount of the fine to be levied by the Association shall be pursuant to the attached *Schedule of Fines*. Fines will be assessed at a fixed, one-time amount for incurable violations and at a per day rate for curable violations. Incurable violations typically occur at a specific point in time (*i.e.*, a noise violation that is not ongoing). A curable violation is a violation that typically occurs over a period of time (*i.e.*, a maintenance violation). In addition to the fine, the Association may recover reasonable costs incurred by the Association pursuant to Section 204.010(a)(11) of the Texas Property Code.
  8. Charges to Owner's Account. Any fines, attorneys' fees, and cost incurred by the Association as a result of a violation will be charged to an owner's account. Fines levied shall constitute a lien against the offending owner's property if allowed by law.
  9. Miscellaneous. The Association will not send any notice to the owner in a situation in which the Association seeks expedited relief in the form of a temporary restraining

order or a temporary injunction. In such situations, the Association reserves its rights to file suit and seek such relief from the court without any prior notice to the owner and/or occupant.

**EXECUTED** on the date of the acknowledgment set forth herein below, to be effective upon recordation in the Official Public Records of Harris County, Texas.

**MERRYLANDS HOMEOWNERS**  
**ASSOCIATION, a Texas non-profit corporation**

By:   
Shawn Burleigh, President

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on April 30, 2024, by Shawn Burleigh, President of Merrylands Homeowners Association, a Texas non-profit corporation, on behalf of said entity.

  
Notary Public, State of Texas



## SCHEDULE OF FINES

GENERAL CATEGORY OF VIOLATION (IF APPLICABLE)	AMOUNT OF FINE FOR CURABLE VIOLATIONS:	AMOUNT OF FINE FOR UNCURABLE VIOLATIONS:
1. Exterior Maintenance of Improvements	\$25.00/Day	\$100.00
2. Lawn Maintenance/Landscaping	\$25.00/Day	\$100.00
3. Trash/Unkempt Yard	\$25.00/Day	\$100.00
4. Fencing	\$25.00/Day	\$100.00
5. Unapproved Construction/Improvements	\$25.00/Day	\$100.00
6. After Hours Construction	\$25.00/Day	\$100.00
7. Nuisance	\$25.00/Day	\$100.00
8. Noise	\$25.00/Day	\$100.00
9. Leasing	\$25.00/Day	\$100.00
10. Vehicles/Parking	\$25.00/Day	\$100.00
11. Animals/Leash	\$25.00/Day	\$100.00
12. Signs/Flags/Exterior Displays	\$25.00/Day	\$100.00
13. Discharge of Fireworks	\$25.00/Day	\$100.00
14. Damage to Association Property	\$25.00/Day	\$100.00
15. Other	\$25.00/Day	\$100.00

\* To the extent a violation falls within more than one (1) of the above General Category of Violation, the amount of the fine will be assessed at the higher General Category of Violation fine amount. The Board, in its sole and absolute discretion, will determine whether a violation is curable or uncurable.

\*\* Fines for uncurable violations will be double the amount set forth above under "Amount of Fine for Uncurable Violations" for the second incident of the same violation fined and for any incident of the same violation fined beyond the second violation, the fine will be triple the amount of the amount set forth above under "Amount of Fine for Uncurable Violations".

\*\*\* The Association reserves the right to increase the amount of the fine for a given violation, if deemed appropriate by the Board due to the severity, seriousness, extent, repeated or wrongful nature of the applicable violation.

RP-2024-172617

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# Pages 7  
05/13/2024 10:12 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$45.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS