

**PLANTATION LAKES COMMUNITY ASSOCIATION, INC.****RESOLUTION ADOPTING GOVERNING DOCUMENTS ENFORCEMENT PROCESS  
AND FINE POLICIES**

STATE OF TEXAS                   §  
  §  
COUNTY OF WALLER/GRIMES   §

The undersigned, being a duly authorized representative of PLANTATION LAKES COMMUNITY ASSOCIATION, INC. (the "Association"), a Texas Non-Profit Corporation, pursuant to Chapter 22 of the Texas Business Organizations Code, adopt the following resolution at a duly called Board meeting:

**WHEREAS**, the property is encumbered by the Declaration of Covenants, Conditions and Restrictions for Plantation Lakes (hereinafter "Declaration"), recorded under Waller County Clerk's File No. 403932 and recorded under Grimes County Clerk's File No. 194638 in the Official Public Records of each County, and any other subdivisions which may have been or may be subsequently annexed thereto and made subject to the authority of the Association; and

**WHEREAS**, Article XV Section F of the Declaration, provides that the Association shall have the power to enforce the provisions of the Declaration and Rules and Regulations by all lawful means, including levying and collecting reasonable and uniformly applied fines and penalties, established in advance; and

**WHEREAS**, property values in the Plantation Lakes Subdivision are affected by the appearance of the Subdivision and specifically the appearance of violations therein; and

**WHEREAS**, it is the desire of the Board of Directors to alleviate and address such violations by following the Governing Documents Enforcement Process and Fine Policies attached hereto as Exhibit "A" and incorporated herein for all purposes, which is necessary to help maintain the attractiveness of the Subdivision and thereby support property values in Plantation Lakes; and

**WHEREAS**, this Resolution and the attached Governing Documents Enforcement Process and Fines Policies supersedes any Governing Documents Enforcement Process and Fine Policy previously adopted by the Board.

**NOW THEREFORE, BE IT RESOLVED THAT** in consideration of the above factors and others, the Plantation Lakes Community Association, Inc., acting through the Board of Directors, hereby resolves to adopt and publish the Governing Documents Enforcement Process and Fine Policies attached hereto as Exhibit "A" and incorporated herein for all purposes.

<sup>April</sup>  
ADOPTED the 12 day of ~~January~~ 2022, by a majority of the Board of Directors of the Association.

PLANTATION LAKES COMMUNITY ASSOCIATION, INC.

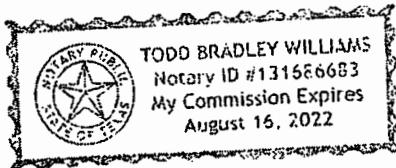
By: KEITH HARLESS  
[Signature] President

THE STATE OF TEXAS

COUNTY OF Montgomery

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 12 day of April 2022 by Keith Harless, President of Plantation Lakes Community Association, Inc.



[Signature]  
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:

**S** | STEARNS  
BENNETT  
& GERMES LLP  
6548 GREATWOOD PARKWAY  
SUGAR LAND, TEXAS 77479

# PLANTATION LAKES COMMUNITY ASSOCIATION, INC. (PLCA)

## Governing Documents Enforcement Process and Fine Policies

*Revised October 2021*

Exhibit "A"

# General Information

It is anticipated & hoped that Property Owners would choose cooperation & compliance to keep PLCA looking nice.

The main purpose of the Declaration of Covenants, Conditions and Restrictions ("CCRs") is to provide a uniform plan of development including conditions, covenants, reservations, and restrictions designed to govern, control and preserve the values and amenities of Plantation Lakes for the development, improvement, aesthetic considerations, sale, common welfare of the community, use and enjoyment of the Property as residential community. The Board of Directors for Plantation Lakes is charged with implementation and enforcement of the CCRs.

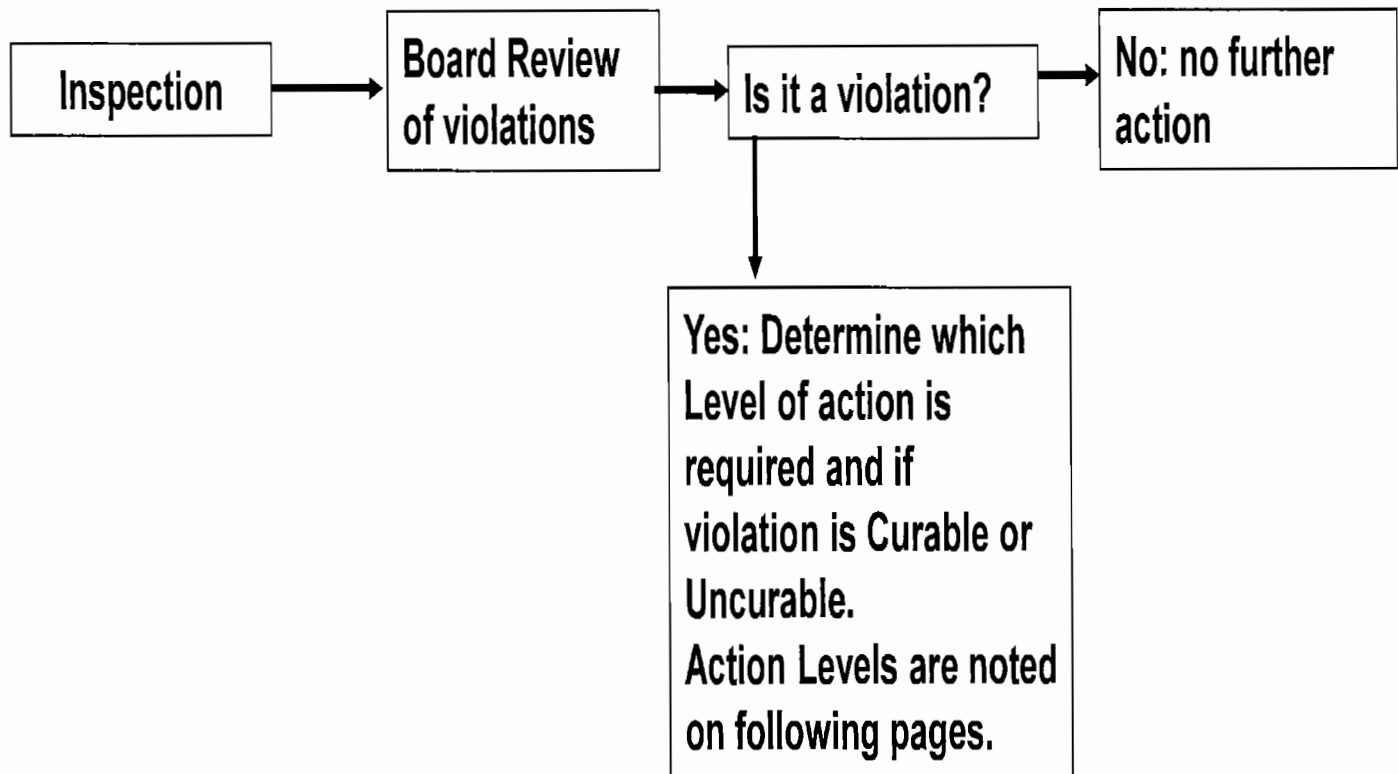
In the CCRs, Article VI lists the Use Restrictions applicable to every property within Plantation Lakes & outlines what is and what is not an allowed use and activity for each property within the community. The CCRs also qualify developmental requirements for residences and associated buildings for use on each property. In addition, the Board is authorized to and has adopted use policies and guidelines further specifying what is and what is not an allowed use and activity for each property. Such policies include, but are not limited to, the Association's Regulations regarding Solar Panels, Roof Shingles, Flags, Flag Poles, Religious Items, and Rain Barrels, Architectural Guidelines, Builder Guidelines, and Rules and Regulations, as may be adopted and amended by the Board. While specific in most instances, the Board and Architectural Review Committee ("ARC") are given the responsibility to provide further clarification and direction in instances where the restrictions may be ambiguous or unclear. This clarification and authority to define additional requirements is granted, to allow the maximum use and enjoyment of each lot by the individual property owners while maintaining the conditions for which the CCRs were developed originally.

The specific process by which enforcement is accomplished is defined and controlled by the CCRs, Texas Property Code, and the Board. All property owners enjoy the right to a hearing before the Board to challenge most enforcement proceedings and to demonstrate as to why compliance with the CCRs represents a hardship and hinders their full use and enjoyment of their property.

The following has been prepared to describe the enforcement process of the governing documents and the fine policies. This document is intended for informational use and does not, nor is it intended to, replace or alter the actual governing documents, which remain the superior document of record.

Nothing herein shall be construed to limit or prohibit the Association from proceeding directly to legal action should circumstances justify, including but not-limited to, filing suit to enforce or enjoin violations of the governing documents applicable to the community, enforce any other rule, regulation, law, or governing documents affecting the community.

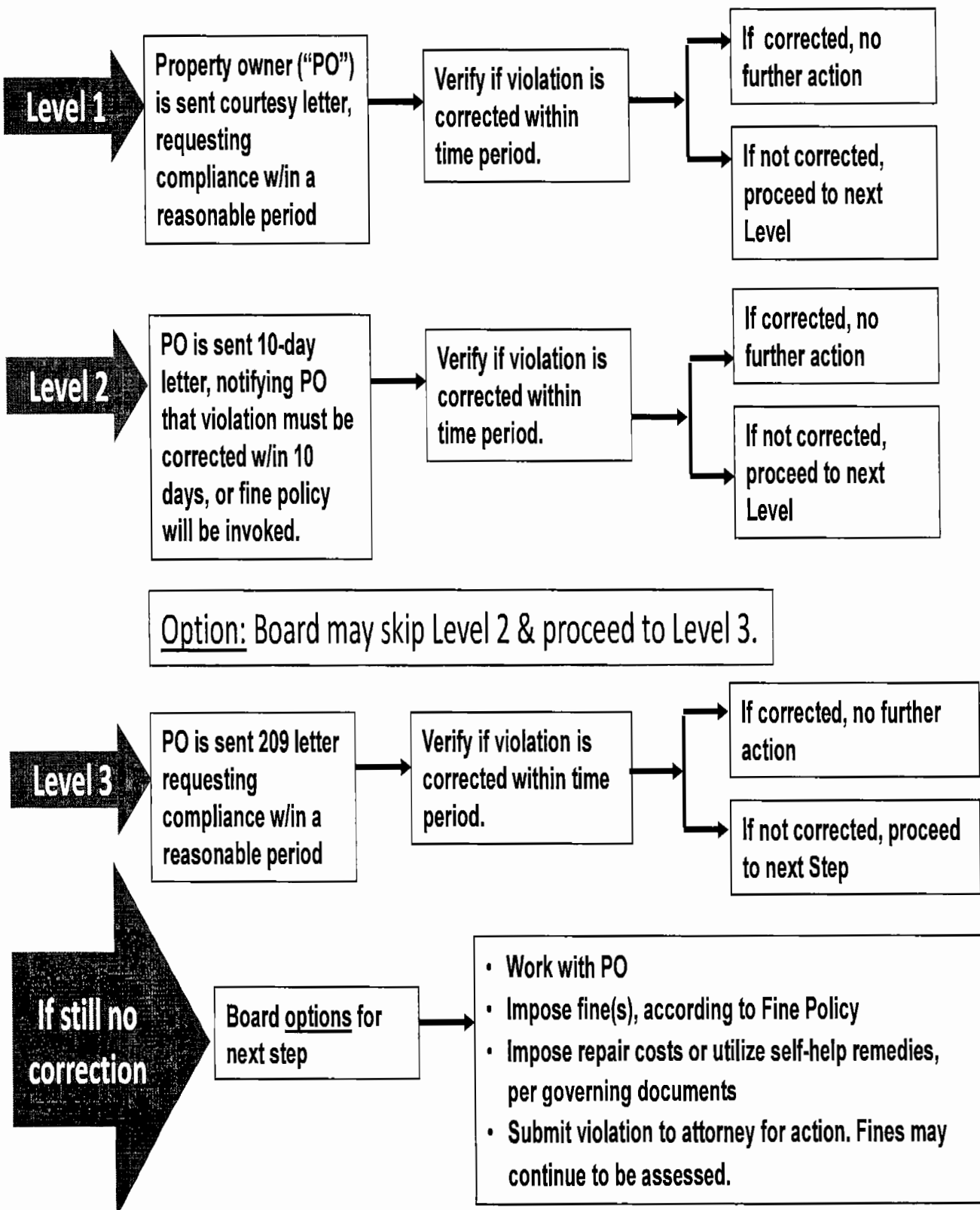
# ENFORCEMENT PROCESS



Should a question arise as to interpretation of the governing documents, the Board is authorized to use its discretionary authority to determine the applicability and extent of enforcement.

The Texas Property Code provides, in part, as follows: "An exercise of discretionary authority by a property owners' association concerning a restrictive covenant is presumed reasonable unless the court determines by a preponderance of the evidence that the exercise of discretionary authority was arbitrary, capricious, or discriminatory."

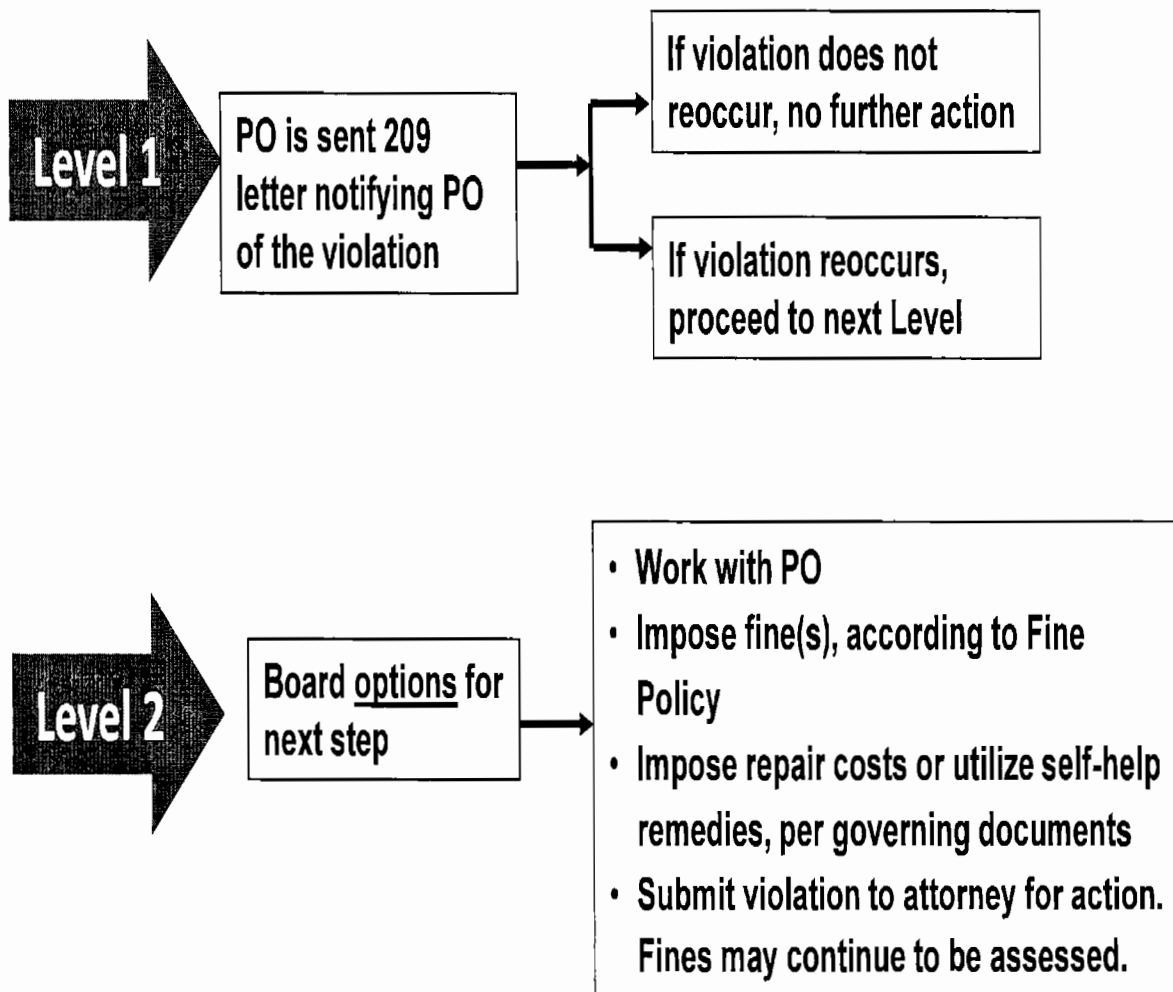
# ENFORCEMENT PROCESS – Curable Violations



# ENFORCEMENT PROCESS – Uncurable Violations

Pursuant to the Texas Property Code, certain violations are deemed uncurable, including, but not limited to, shooting fireworks, acts constituting a threat to health or safety, grass clippings on the road, noise violations that are not ongoing, property damage, including the removal or alteration of landscape, and holding events prohibited by the governing documents of Plantation Lakes.

Should an uncurable violation occur, the following enforcement process may be followed:



# ENFORCEMENT PROCESS

**Level 1 (Curable and Uncurable):** When a violation is first observed, it is noted and classified as curable or uncurable. At this level, the PO (Property Owner) is sent a courtesy letter by the management company on behalf of the Board to request compliance to the specific violation, a date by which violation must be corrected or a response received with planned corrective action. The letter may include possible actions needed to address the violation. At the end of the specified time period for compliance, a verification is made that work has or has not been completed. If completed, the violation is considered as corrected, and no further action is required. If the violation has not been corrected, the violation is moved to the next level of enforcement. For uncurable violations, the letter will be a 209 Letter (see below) notifying the owner that a violation has occurred and must not occur again. After issuance of the letter, uncurable violations will be tabled unless the violation reoccurs.

**Level 2-3 (Curable Violations):** Occurs when prior enforcement actions have not resulted in correction of the noted violation, or the violation reoccurs within six (6) months. Continued or reoccurring noncompliance is identified during the next scheduled inspection and is presented at the next regularly scheduled Board meeting. The observed violation is discussed, and if reaffirmed, it is reclassified as a Level 2 or 3 (as applicable) enforcement issue. At this level, the PO is sent an official letter (209 Letter) by both regular and certified mail from the management company on behalf of the Board. In this letter, the specific violation is noted. In addition, possible actions needed to address the violation may be provided to assist the PO in their efforts to correct the violation. The letter will provide a date certain by which the PO must correct the violation or respond to the Board with planned corrective action. The PO will be further advised that they have a reasonable period of time, as specified in the letter, in which to respond from the date of the notice and be alerted that failure to respond to the letter may result in future legal actions, including specified fines, as allowed under the CCRs. The PO is also afforded the opportunity to request a hearing before the Board and/or the designated committee within the 30 day response period and instructions on how to do so. At the end of the specified time period, an inspection of the property is completed. If corrected, the CCR violation is closed, and no further action is required. If not corrected, the violation is moved to the next level of enforcement.

**Level 2 (Uncurable Violations):** If the violation is not corrected or reoccurs, the Board may take, but is not limited to, the following actions: 1) If the PO has contacted the Board, the Board may grant the PO an extension and/or work with the PO to correct the violation; 2) The Board may levy fines; 3) pay to have violation corrected and assess all repair costs to PO; or 4) The Board may turn the violation over to an attorney for action. The Board may follow a combination of the options listed above, including levy of fines before turning a violation over to legal, in an attempt to obtain correction of the violation.



# Fines & Payment of Fees

*The fines listed below will replace the Fine Policy adopted by the Board in January 2017.*

- **Fines for not maintaining Drainage Easement:** \$1,000 per initial violation. \$250 per month until DE is properly maintained.
  - **Fines for starting or completing a project without ARC approval:** \$1,000 per initial violation. \$250 per month until ARC application is submitted and approved.
  - **Fines for not maintaining/mowing Ditch:** \$500 per initial violation. \$250 per month until ditch is properly maintained.
  - **Fines for all other violations:** \$250 per initial violation. \$100 per month per violation if the violation is not cured or reoccurs. If the initial violation is considered egregious, then the Board may approve a higher initial fine.
  - Fines will continue to be assessed after a violation is submitted to legal, unless otherwise decided by the Board.
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- ❖ All POs are responsible for assuring that the occupants of their residence, their guests, and invitees (hereafter "Related Parties") comply with the provisions of all governing documents for.
  - ❖ Mailing, postage, and reasonable processing fees will be charged back to the PO, if the violation results in a fine.
  - ❖ If a violation is turned over to the attorneys for legal action, the costs of such actions, including attorney's fees, will be billed to the PO and collected in the same manner as assessments.
  - ❖ The Board shall have the right, in its sole and absolute discretion, to lower, alter, or waive fines as approved by the Board.

## FILED AND RECORDED

**Instrument Number: 2205902**

Filing and Recording Date: 05/05/2022 04:02:04 PM Pages: 10 Recording Fee: \$48.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



A handwritten signature in cursive script that reads "Debbie Hollan".

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Debbie Hollan, County Clerk  
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

CSC, Deputy

Returned To:  
SEARS, BENNETT & GERDES, LLP  
9700 RICHMOND AVE STE 222  
HOUSTON, TX 77042