

PLANTATION LAKES COMMUNITY ASSOCIATION, INC.

**RESOLUTION ADOPTING COVENANTS, CONDITIONS AND RESTRICTIONS
ENFORCEMENT PROCESS**

THE STATE OF TEXAS §
 § ACKNOWLEDGMENT
COUNTY OF 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 encumbered by the Covenants, Conditions and Restrictions Enforcement Process is that property initially restricted 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 Declaration of Covenants, Conditions and Restrictions Enforcement Process 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 Declaration of Covenants, Conditions and Restrictions Enforcement Process supersedes the Fine Policy previously adopted by the Board on February 8, 2011.

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 Declaration of Covenants, Conditions and Restrictions Enforcement Process attached hereto as Exhibit "A" and incorporated herein for all purposes.

ADOPTED the 22nd day of November, 2016, by a majority of the Board of Directors of the Association.

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PLANTATION LAKES COMMUNITY
ASSOCIATION, INC.

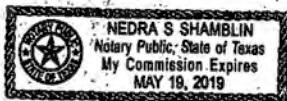
By: John Morgan
John Morgan, President

THE STATE OF TEXAS

COUNTY OF Montgomery

ACKNOWLEDGMENT

This instrument was acknowledged before me on the 24th day of January 2017
by John Morgan, President of Plantation Lakes Community Association, Inc.



Nedra S. Shamblin
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:



SEARS,
BENNETT &
GERDES, LLP

9700 Richmond Avenue, Suite 222
Houston, Texas 77042

PLANTATION LAKES COMMUNITY
ASSOCIATION, INC.

Covenants, Conditions and Restrictions
Enforcement Process

Exhibit A

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General Information

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 subdivision. 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. More specifically, Article VI outlines what is and what is not an allowed use and activity for each property within the subdivision. 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 Supplement, 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.

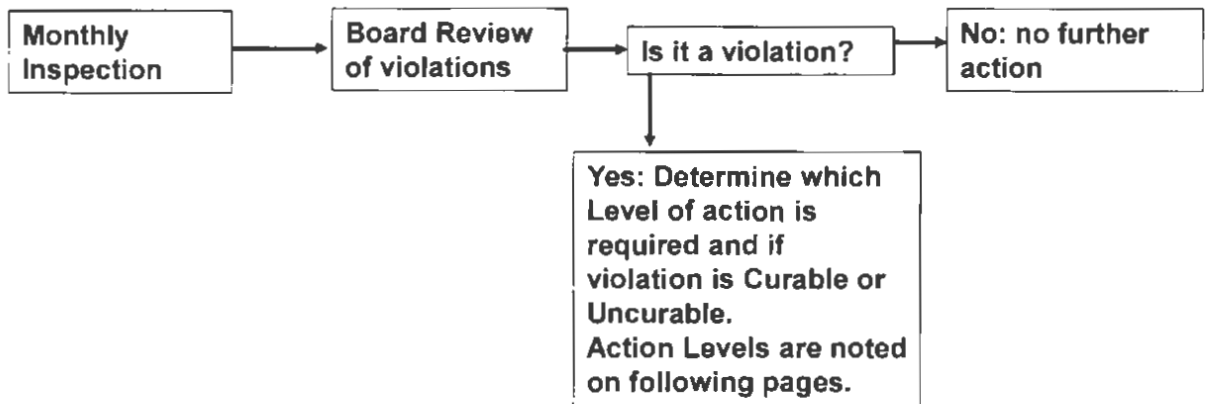
The specific process by which enforcement is accomplished is defined and controlled by the CCRs, Texas Property Code, and the Board. All property owners enjoy the right to a hearing before the Board to challenge most enforcement proceedings and to demonstrate as to why compliance with the CCRs represents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

The following summary has been prepared to assist the Board in the performance of its duties related to enforcement of the CCRs. It consists of an enforcement process outline and process map. This document is intended for informational use and does not, nor is it intended to, replace or alter the actual CCRs 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 CCRs applicable to the subdivision, enforce any other rule, regulation, law, or governing documents affecting the subdivision.

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CCR ENFORCEMENT PROCESS



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

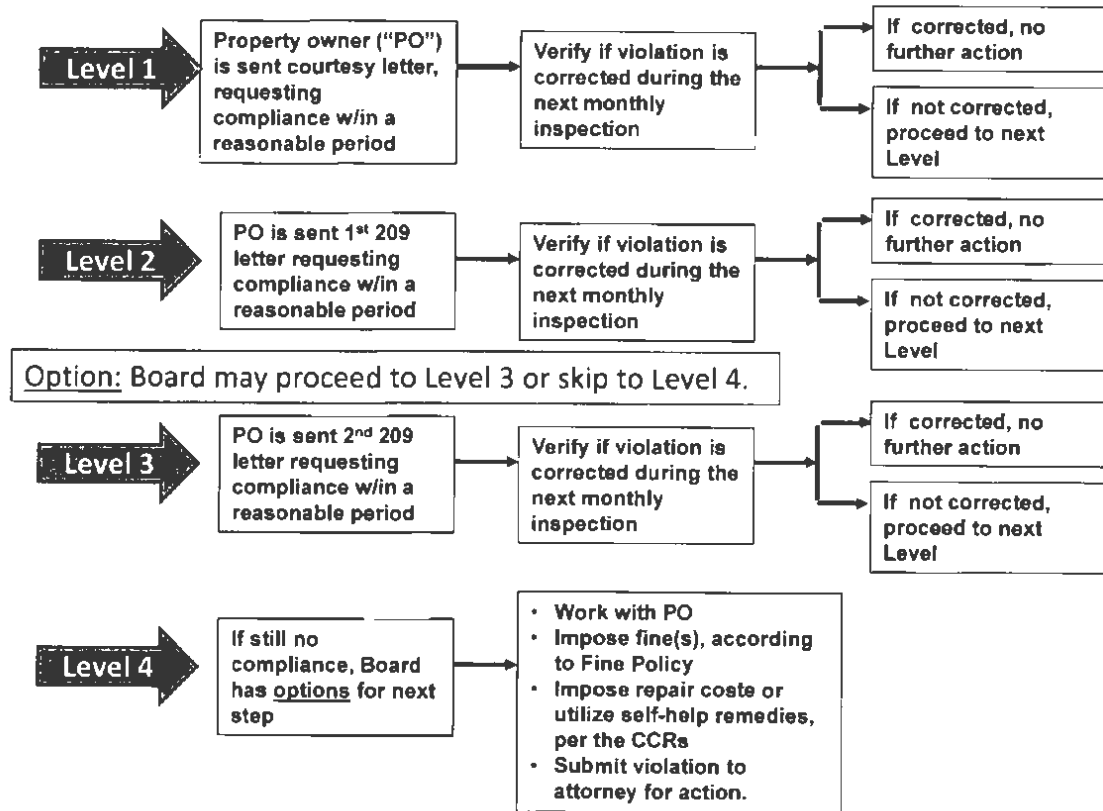
The Texas Property Code provides, in part, as follows: "An exercise of discretionary authority by a property owners' association concerning a restrictive covenant is presumed reasonable unless the court determines by a preponderance of the evidence that the exercise of discretionary authority was arbitrary,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

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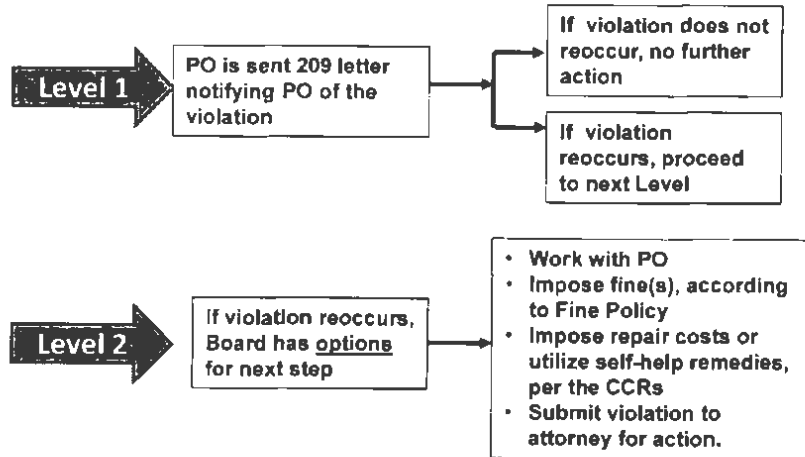
CCR ENFORCEMENT PROCESS – Curable Violations



CCR 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, noise violations that are not ongoing, property damage, including the removal or alteration of landscape, and holding a garage sale or other events prohibited by the CCRs, rules, or other governing documents of Plantation Lakes.

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



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CCR ENFORCEMENT PROCESS

Level 1: When a violation of the CCRs is first observed during the monthly inspection, the violation is noted and presented to the Board at the next regularly scheduled Board meeting. At this meeting, the issue is discussed, and if confirmed as a violation, it is classified as a Level 1 enforcement issue – curable or uncurable. At this level, the PO (Property Owner) is sent an official letter by 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, if applicable. 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 (Level 3) 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 30 days 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 4 (Level 2 for 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

Fines: (the fines listed below will replace the Fine Policy adopted by the Board on February 8, 2011).

Initial Fine: \$250.00 per violation if the violation is not cured or reoccurs.

Additional Fines: \$100.00 per month per violation if the violation is not cured or reoccurs.

- All POs are responsible for assuring that the occupants of their residence and their guests and invitees (hereafter "Related Parties") comply with the provisions of the CCRs, Bylaws, rules, regulations, policies, and guidelines of Plantation Lakes.
- Mailing, postage, and reasonable processing fees will be charged back to the PO.
- 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 for Record in:
Grimes County
On: Feb 27, 2017 at 11:16A
As a RECORDINGS

Document Number: 00285642
Amount 52.00
Receipt Number - 90060
By: Barbara Kinich

STATE OF TEXAS COUNTY OF GRIMES
I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the named records of:
Grimes County
as stamped hereon by me.
Feb 27, 2017

David Pasket, Grimes County Clerk
Grimes County