

STATE OF TEXAS §

COUNTY OF TRAVIS §

AMENDMENT OF RULES AND REGULATIONS OF SHADOW OAKS TOWNHOMES CONDOMINIUM ASSOCIATION, INC.

Document reference. Reference is hereby made to that certain Condominium Declaration for Shadow Oaks Townhomes, filed at Vol. 2, Pg. 478 in the Condominium Records of Travis County, Texas (together with all amendments and supplemental documents thereto, the "Declaration"). Reference is further made to the "By-Laws of Shadow Oaks Townhomes Condominium Association," attached as Exhibit "C" to the Declaration (together with all amendments thereto, the "Bylaws"). Reference is further made to the "Rules and Regulations for Shadow Oaks Townhomes Condominium Association," attached as Schedule "A" to the Bylaws, the "Shadow Oaks Townhome Condominium Association, Inc. Rules for Residents", attached as Exhibit "B" to that certain Notice of Dedicatory Instruments for Shadow Oaks Townhomes Condominium Association, Inc., filed as Document No. 2012066905 of the Official Public Records of Travis County, Texas, and that certain Amendment to Rules and Regulations for Shadow Oaks Townhomes Condominium Association, Inc., filed as Document No. 2013068118 of the Official Public Records of Travis County, Texas (cumulatively together with any amendments or supplements, the "Rules").

WHEREAS the Declaration provides that owners of units subject to the Declaration are automatically made members of Shadow Oaks Townhomes Condominium Association, Inc. (the "Association");

WHEREAS the Association, acting through its board of directors (the "Board"), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to Section 82.102(a) of the Texas Uniform Condominium Act and Article IV, Section 3(b) of the Bylaws, and has previously adopted the Rules; and

WHEREAS the Board has voted to adopt the Enforcement Policy attached as Exhibit "A" to supplement the previously-adopted rules;

THEREFORE, the Enforcement Policy attached as Exhibit "A" has been, and by these presents is, ADOPTED and APPROVED.

Subject solely to the amendment contained in Exhibit "A", the Rules remain in full force and effect.

SHADOW OAKS TOWNHOMES CONDOMINIUM ASSOCIATION, INC. Acting by and through its Board of Directors

Signature: [Handwritten Signature]
Printed name: Larry Lineq
Title: President

Exhibit "A": Enforcement Policy

Acknowledgement

STATE OF TEXAS §
COUNTY OF Williamson

This instrument was executed before me on the 28th day of August, 2015.
by Jerry Frey in the capacity stated above.

Christine Gamache
Notary Public, State of Texas



EXHIBIT A

ENFORCEMENT POLICY

1. Background. This fining policy is based on the requirements of Section 82.102 of the Texas Uniform Condominium Act (TUCA), Chapter 82, Texas Property Code. To establish policies and procedures for fining under TUCA, the Board adopts this policy.
2. Policy. The Association uses fines to discourage violations of the deed restrictions, and to encourage compliance when a violation occurs – not to punish violators or generate revenue for the Association. Although a fine may be an effective and efficient remedy for certain types of violations or violators, it is only one of several methods available to the Association for enforcing the governing instruments. The Association’s use of fines does not interfere with its exercise of other rights and remedies for the same violation.
3. Owner’s Liability. An owner is liable for fines levied by the Association for violations of the deed restrictions (including Declaration/CCRs, Bylaws, Rules, and any other restriction) by the owner, the residents of the unit, and the relatives, guests, employees, and agents of the owner and residents. Regardless of who performs the violation, the Association will direct its communications to the owner, although the Association may send copies of its notices to the unit resident.
4. Enforcement Costs. The Association may assess the owner all costs of enforcement and collection, including attorney fees.
5. Violation Notice. Before levying a fine or damage charge, the Association will give the owner a written violation notice and an opportunity to be heard. The Association’s written violation notice will contain the following items:
 - (1) a description of the violation or property damage;
 - (2) the amount of any proposed fine or damage charge (if no amount is listed, the proposed fine will be deemed to be in accordance with the association’s standard fining schedule);
 - (3) a statement that not later than the 30th day after the date of the violation notice, the owner may request a hearing before the Board to contest the fine or damage charge.
 - (4) *if applicable* (see (b) below), the deadline for curing the violation avoiding any fine.
 - a. New Violation. If the owner was not given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months, the notice will state a specific date by which the violation must be cured to avoid the fine.
 - b. Repeat Violation. If notice and an opportunity to cure a violation was given to the unit owner within the preceding 12 months, no cure period (no notice of opportunity to cure) need be given and the fine may be immediately assessed.
6. Violation Hearing. An owner may request in writing a hearing by the Board to contest the fine. To request a hearing before the Board, an owner must submit a written request to the Association’s manager within 30 days after the date of the violation notice. Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation. The hearing will be held in a closed or executive session of the Board. At the hearing, the Board will consider the facts and circumstances surrounding the violation. The owner may attend the hearing in person, or may be represented by another person or written communication. No audio or video recording of the hearing may be made.
7. Levy of Fine. Within 30 days after levying the fine, the Board will give the owner notice of the levied fine. If the fine is levied at the hearing at which the owner is actually present, the notice requirement will be satisfied if the Board announces its decision to the owner at the hearing. Otherwise, the notice will be in writing and sent via mail, email, or fax. The Association may also give the owner periodic written notices of an accruing fine or the application of an owner’s payments to reduce the fine. The periodic notices may be in the form of monthly statements or delinquency notices.

After recording, please return to:
Niemann & Heyer, L.L.P.
Attorneys At Law
Westgate Building, Suite 313
1122 Colorado Street
Austin, Texas 78701

File Server:CLIENTS:Shadow Oaks:RulesAmendEnforcementIT8-15.doc

5



**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Dana Debeauvoir

DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

October 05 2015 08:41 AM

FEE: \$ 38.00 2015159297