



STATE OF TEXAS § RESOLUTION ADOPTING FINE
 § AND ENFORCEMENT POLICY
 § FOR DOLPHIN POINT
 COUNTY OF CALHOUN § PROPERTY OWNERS ASSOCIATION, INC.

**RESOLUTION OF THE BOARD OF DIRECTORS OF
 DOLPHIN POINT PROPERTY OWNERS ASSOCIATION, INC.
 REGARDING FINE AND ENFORCEMENT POLICY**

Pursuant to Section 209.0061, Texas Property Code, Dolphin Point Property Owners Association, Inc., hereinafter referred to as “Association”, acting by and through its Board of Directors, has adopted the following fine and enforcement policy to set forth its policy for levying fines, to-wit:

1. General comments

Dolphin Point is one of the premier subdivisions in Port O'Connor. Property owners want to have a community in which the homes and properties are well maintained, the properties are utilized for single family residential use, and members are considerate of their neighbors. In very rare instances, the Board of Directors has to act when an owner violates association bylaws impacting the association or various property owners.

2. Board’s authority to grant variance on fines.

The Board is granted the authority to adopt and assess a different fine amount on a case by case basis after considering all the facts of the violation. Any Category of fine can be increased for repeat offenses or for extended periods of violation.

3. General categories of restrictive covenants for which the Association may assess fines:

A. Building violations, for instance:

- a. Failure to apply and receive approval from the Architectural Committee prior to any painting changes or property modifications on the property.
- b. Violation of height restriction.
- c. Improper fencing.
- d. Improper driveway and drainage.

B. Storage violations, for instance:

- a. Improper storage of items such as, but not limited to trailers, boats, tractors, campers, wagons, busses, motorcycles, gardening equipment.
- b. Improper compost piles or accumulated materials.

C. Prohibited Items on the Lot, for instance:

- a. Mobile homes.
- b. Rubbish or debris
- c. Improper garbage and trash disposal.
- d. Improper noise or nuisance
- e. Animals that do not comply with the Animal restriction or any violation of the Animal restriction.
- f. Unsightly articles

D. Miscellaneous:

- a. Failure to use the Lot for only single family residential purposes (unless it is a designated commercial tract set forth on the Plat).
- b. Failure to maintain a Lot or an Improvement on a Lot.
- c. Violating any rule or regulation of the Association.
- d. Failure to adhere to the hazardous activities prohibition.
- e. Improper parking or storage of travel trailers or recreational vehicles.
- f. Failure to keep the channel, canal and waterway free of trash and debris.
- g. Improper docking of a boat.
- h. Obstructing a boat stall area.
- i. Improper lighting.

4. Information regarding hearings described by Section 209.007 of the Texas Property Code.

- A. The Owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the Board.
- B. The Association shall hold a hearing not later than the 30th day after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The Owner or the Association may make an audio recording of the meeting.
- C. The notice and hearing provisions of Section 209.006 and Section 209.007 of the Texas Property Code do not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action. If a suit is filed relating to a matter to which those sections apply, a party to the suit may file a motion to compel mediation.

- D. The notice and hearing provisions of Section 209.006 and Section 209.007 of the Texas Property Code do not apply to a temporary suspension of an Owner's right to use Common Areas if the temporary suspension is the result of a violation that occurred in a Common Area and involved a significant and immediate risk of harm to others in the Subdivision. The temporary suspension is effective until the Board makes a final determination on the suspension action after following the procedures prescribed by this section.
- E. An Owner or the Association may use alternative dispute resolution services.
- F. Not later than 10 days before the Association holds a hearing under this section, the Association shall provide to an Owner a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing.
- G. If an Association does not provide a packet within the period described by subsection (F), an Owner is entitled to an automatic 15-day postponement of the hearing.
- H. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the Owner. An Owner or the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.

5. Notice to Members:

The Association shall make this policy available on a publicly accessible Internet website maintained by the Association or an agent acting on behalf of the Association.

6. Owner's Liability.

An Owner is liable for any fines levied by the Association for violations by the Owner, any lessees, or the Owner or lessees' family, guests, employees, agents or contractors. Regardless of who performs the violation, the Association will direct its communications to the Owner.

7. Definitions.

Any words not defined in this Policy shall have the same meaning assigned in the Master Declaration of Covenants, Conditions and Restrictions for Dolphin Point Subdivision filed of record under Volume 235, Page 878, the Supplementary Declaration to Master Declaration of Covenants, Conditions and Restrictions for Dolphin Point Subdivision filed of record under Volume 281, Page 308, the Amendment to Master Declaration of Covenants, Conditions and Restrictions for Dolphin Point Subdivision filed of record under Volume 373, Page 383, the Supplementary Declaration to

Master Declaration of Covenants, Conditions and Restrictions for Dolphin Point Subdivision (Lot 13) filed of record under Volume 380, Page 361 and the First Amendment to Dolphin Point Master Declaration of Covenants, Conditions and Restrictions filed of record under Instrument No. 109902 of the Official Public Records of the Calhoun County Clerk, Calhoun County Texas.

By their signatures below the President and the Secretary of the Association certify that the foregoing resolution was approved by the Board of Directors of the Association at a duly-called meeting of the Board of Directors at which a quorum of Directors was present, or by signed, unanimous written consent in lieu of a meeting.

PASSED, ADOPTED AND APPROVED on this the 15th day of April 2024.

DOLPHIN POINT PROPERTY OWNERS ASSOCIATION, INC.

By: Sam Smolik
Sam Smolik, President

ATTEST:

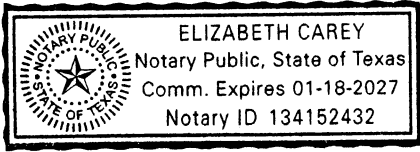
By: Rob Hunt
Rob Hunt, Secretary

THE STATE OF TEXAS §
 §
COUNTY OF Calhoun §

CERTIFICATE OF ACKNOWLEDGMENT

Before me, the undersigned Notary Public, on this day personally appeared Sam Smolik who is personally known to me (or proved to me through a federal or state issued ID with photo and signature of person identified) to be the person whose name is subscribed to the foregoing instrument, and who has acknowledged to me that he is the President of Dolphin Point Property Owners Association, Inc. and that by authority duly given and as the act of Dolphin Point Property Owners Association, Inc. executed the instrument for the purposes and considerations expressed.

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2023. Given under my hand and seal of office on this the 15th day of April



Elizabeth Carey
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Dolphin Point Property Owners Association, Inc.
P.O. Box 426
Port O'Connor, Texas 77982

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS 2024-01059

RL Fee: \$41.00
04/15/2024 01:20 PM ksmith



Anna M. Goodman

Anna Goodman, County Clerk
Calhoun County, Texas