



STATE OF TEXAS §
COUNTY OF WILLIAMSON §

PARTIAL REPEAL OF RULES AND ADOPTION OF FINE POLICY
BY
GABRIELS OVERLOOK P.O.A., INC.,
(D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.)

Document reference. Reference is hereby made to that certain Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section One filed as Document No. 2000025866, that certain Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Two filed as Document No. 2000061650; that certain First Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Sections One and Two filed as Document No. 2001003269; that certain Second Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Sections One and Two filed as Document No. 2004048610 (the “**Fine Authority Amendment**”); that certain Third Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section One and Two filed as Document No. 2005092203; and that certain Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Five filed as Document No. 2005014178; that certain First Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Five filed as Document No. 2005038090; and that certain (Second) First Amendment to Declaration of Covenants, Conditions, Easements & Restrictions Gabriels Overlook – Section Five filed as Document No. 2005092204; all in the Official Public Records of Williamson County, Texas (cumulatively, and together with any other amendments filed of record, the “Declaration”).

Reference is further made to that certain document entitled Resolutions of the Board of Directors Adopting Rules For Gabriels Overlook POA, filed as Document No. 2008085936 in the Official Public Records of Williamson County, Texas (the “**Rules**”).

WHEREAS the Declaration provides that owners of residential lots subject to the Declaration are automatically made members of the Gabriels Overlook P.O.A., Inc., d/b/a Gabriels Overlook Property Owners Association (the “Association”);

WHEREAS paragraph 1 of the Fine Authority Amendment to the Declaration authorizes the Association’s board of directors (the “**Board**”) to adopt and impose monetary fines for violations of the Declaration, subject to the right of a violating lot owner to have a 30-day period to cure the violation and avoid having to pay a fine;

WHEREAS, in conjunction with the fining authority cited above, the Board did adopt that certain “Standard Violation Process” contained in paragraph 2 of the Rules (the “**Prior Fine Policy**”); and

WHEREAS the Board desires to repeal the Prior Fine Policy and to adopt the fine policy provided for herein, and has voted to approve such action at a properly noticed and attended meeting of the Board;

THEREFORE the Association, acting by and through its Board, has REPEALED the Prior Fine Policy, and by these presents does REPEAL the Prior Fine Policy, and has ADOPTED, and hereby does ADOPT, the fine policy attached hereto as Exhibit “A”, and files same of record to provide members of the public notice of such actions as required under Section 202.006 of the Texas Property Code.

AGREED TO and ADOPTED the 6 day of April, 2009.

GABRIELS OVERLOOK P.O.A., INC.
D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.
Acting by and through its Board of Directors

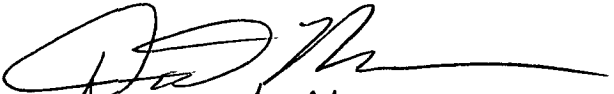

By: David Moore
Title: president

Exhibit "A": Association Fine Policy

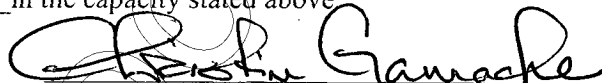
Acknowledgement

STATE OF TEXAS §

COUNTY OF WILLIAMSON §

This instrument was executed before me on the 10th day of April,
2009, by DAVID MOORE in the capacity stated above




Notary Public, State of Texas

Unofficial Document

Exhibit "A"

FINE POLICY FOR GABRIELS OVERLOOK P.O.A., INC. (D/B/A GABRIELS OVERLOOK PROPERTY OWNERS ASSOCIATION, INC.)

Introduction

In order to encourage compliance with the architectural, use and environmental standards governing our community, the Board has established a General Schedule of Fines for uncorrected violations of the Declarations governing the Gabriels Overlook subdivision. These fines are in addition to other legal remedies available to the Association under its governing documents and state law, including but not limited to the right to file suit, to levy fees or charges for delinquent payments, and to seek reimbursement for legal fees or property damage repair expenses. Typically, the Association will issue violation notices and fines according to the General Fine Schedule. However, the Board reserves the right to vary from the General Fines Schedule, including as to which notice will be sent and the amount of any fine, as it deems appropriate on a case-by-case basis, excepting that an owner will always be entitled to a 30-day cure period in the event of a First Violation.

General Fine Schedule

First Violation -- warning letter. An owner is charged with a First Violation when neither the owner nor any person for whom the owner is responsible has committed the same or a similar violation in the preceding six months. In the event of a First Violation, a warning letter will be sent to the owner giving notice of the violation and requesting that it be cured within 30 days of the date on the notice or, in the case of a violation that is a one-time event, requesting that it not be repeated. No fine will be assessed in conjunction with a warning letter, but the notice may clarify that the owner will be subject to a fine if the violation is not cured in a timely manner.

Second Violation -- \$50.00. An owner is charged with a Second Violation when the owner has already been charged with (i.e., held responsible for) a First Violation that is the same or a similar violation and the related cure period has lapsed. In the event of a Second Violation, a fine of \$50.00 will be levied. The owner shall be provided a reasonable opportunity to cure the violation and avoid the fine if (i) required by state law; or (ii) the Board, in its sole discretion, decides to grant the owner that opportunity.

Third Violation -- \$100.00. An owner is charged with a Third Violation when the owner has already been charged with (i.e., held responsible for) a Second Violation that is the same or a similar violation. In the event of a Third Violation, a fine of \$100.00 will be levied, and the owner will be warned that any continuation or repeat of the violation will subject the owner to a fine of \$100.00 or more and potential legal action by the Association.

Fourth Violation -- \$100 or more and Legal Action. An owner is charged with a Fourth Violation when the owner has already been charged with (i.e., held responsible for) a Third Violation that is the same or a similar violation. In the event of a Fourth Violation, a fine of \$100.00 or more will be levied and the issue will be turned over to an attorney for appropriate legal action, with all reasonable attorney's fees being charged to the owner.

Other Provisions

State law applies. All fine notices and procedures will be in compliance with state law, including Section 209 of the Texas Property Code. To the extent that this Fine Policy may conflict with state law, state law shall control.

Opportunity to cure and avoid fine. As provided in Section 209 of the Texas Property Code, if a fine is levied against an owner, the owner must be given a reasonable period of time to cure the violation, and thereby to avoid having to pay the fine, unless the owner was given notice and opportunity to cure a similar violation within the preceding six months. Given that the General Fine Schedule calls for initial warning letters (with no fines) that provide notice of the violation and a 30-day opportunity to cure, a subsequent violation (i.e., a Second Violation) occurring within six months will not trigger any legal right to cure the violation and avoid the fine. The Board may, however, as it deems appropriate, provide an opportunity to cure and avoid any fines, in spite of no legal obligation to do so. (Note: If a violation carrying a legal right to cure and avoid a fine is a one-time event -- i.e., by its nature, not on-going or repeating, and thereby not technically "curable" -- then the notice should provide that the fine is suspended unless and until the same or a similar violation is committed by the owner or someone for whom the owner is responsible.)

Hearings. Owners shall be notified of their right, if any, to request a hearing before the Board to discuss and verify facts concerning a violation and fine, as further provided in Section 209 of the Texas Property Code. Such a request must be submitted in writing to the Board care of the property manager within the timeframe provided by state law (i.e., within 30 days of receipt of the notice of violation).

Due dates. Fines and/or property damage charges are due and payable on the date provided in the notice, on the date by which a hearing must be requested, or upon the vote of the Board to uphold any levied fine or charges, whichever is later.

Ongoing violations. For ongoing violations, each day, week, or other stated period of time that the violation continues, may be treated as a repeat violation subject to an additional fine.

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

Fileserver:CLIENTS:Gabriels Overlook POA:FineRule4-09.doc

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Nancy E. Rister

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NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

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