

Denton County
Juli Luke
County Clerk

Instrument Number: 62840

ERecordings-RP

NOTICE

Recorded On: June 01, 2018 11:12 AM

Number of Pages: 18

" Examined and Charged as Follows: "

Total Recording: \$94.00

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 62840
Receipt Number: 20180601000277
Recorded Date/Time: June 01, 2018 11:12 AM
User: Sunny P
Station: Station 8

Record and Return To:

eRx



STATE OF TEXAS
COUNTY OF DENTON

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

**NOTICE OF FILING OF DEDICATORY INSTRUMENT FOR
LEWISVILLE WATERS EDGE CONDOMINIUM OWNERS ASSOCIATION, INC.**

STATE OF TEXAS

COUNTY OF DENTON

This Notice of Filing of Dedicatory Instruments for the Lewisville Waters Edge Condominium Owners Association, Inc., ("Notice") is made by and on behalf of the Lewisville Waters Edge Condominium Association, Inc. (the "Association").

RECITALS:

WHEREAS, the Association is a property owners association as defined in Section 202.001(2) of the Texas Property Code; and

WHEREAS, The Association is governed by a dedicatory instrument, which covers the property described therein entitled Declaration of Covenants, Conditions and Restrictions filed or to be filed in the Real Property Records of Denton County, Texas (the "Declaration"), as such may be amended, supplemented and/or corrected from time to time; and

WHEREAS, Section 202.006 of the Texas Property Code requires a property owners association to file the dedicatory instrument in the Real Property Records of each county in which the property to which the dedicatory instrument relates is located; and

WHEREAS, the Association desires to file a Notice by adding the instruments attached hereto herein adopted by the Association.

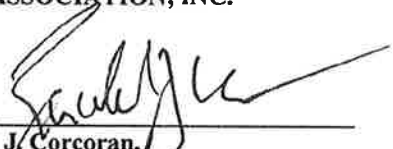
NOW THEREFORE, the Association files true and correct copies of the following instruments of the Association which are attached hereto:

- 1. AMENDED AND RESTATED ARCHITECTURAL GUIDELINES AS SET FORTH IN THE RULES AND REGULATIONS OF THE ASSOCIATION**
- 2. RULES AND REGULATIONS, NOTICE AND HEARING; SCHEDULE OF FINES**
- 3. AMENDED RULES AND REGULATIONS/PET RESTRICTIONS**

IN WITNESS WHEREOF, the undersigned agent of Lewisville Waters Edge Condominium Association, Inc., certifies that, to the best of his/her knowledge, as of the effective date of this Notice of Filing of Dedicatory Instrument that the foregoing instruments are a true and correct copy of the current instruments of the Association.

[Signature follows on next page]

LEWISVILLE WATERS EDGE CONDOMINIUM
OWNERS ASSOCIATION, INC.

By: 
Ronald J. Corcoran,
Duly Authorized Managing Agent

Date: May 24, 2018

STATE OF TEXAS

COUNTY OF Dallas

Before me, the undersigned authority, a Notary Public in and for said county and state, on this day personally appeared Ronald J. Corcoran, a duly authorized managing agent for Lewisville Waters Edge Condominium Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 24th DAY OF May, 2018.




Notary Public in and for the State of Texas

After Recording Return To:
Essex Association Management, LP
1512 Crescent Drive, Suite 112
Carrollton, Texas 75006

Attachment 2

**Rules and Regulations
Notice and Hearing; Schedule of Fines
Phase 1, Lot 1**

DEDICATORY INSTRUMENT

LEWISVILLE WATERS EDGE CONDOMINIUM OWNERS ASSOCIATION, INC.

RULES AND REGULATIONS NOTICE AND HEARING; SCHEDULE OF FINES

The Board of Directors of the Lewisville Water's Edge Condominiums Owners Association, Inc. has established Rules and Regulations for the benefit of the Association which were adopted by unanimous consent on May 2, 2007, and as such may be amended, supplemented, or rescinded from time to time.

WHEREAS, Section B of the Rules and Regulations Fining Rules and Procedure sets forth the Association's policy adopting the use of fines to be levied by the Association for violations of the Governing Documents; and

WHEREAS, Section B(2) of the Rules and Regulations establishes an Owner's liability to and for fines levied by the Association for violations of the Governing Documents, and Section B(9) establishes the Association's authority to set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency and effects of the violation; and

WHEREAS, an amendment to the Notice and Fining Policy was approved and initiated by the Board on March 13, 2015; and

WHEREAS, the current Board of Directors feel that amendments and/or supplements to the prior revisions made is necessary and in the best interest of the Owners, Residents, and Association needed to successfully enforce the Rules and Regulations of the Association; and

WHEREAS, Section 7.15(xiii) of the Association's Bylaws Powers and Duties grant unto the Board of Directors the authority to make and enforce compliance with the Regulations relative to the operation, use and occupancy of the Property, including, but not limited to, penalties to be levied for violations of the Bylaws, Declaration and the Regulations which the Board of Directors shall adopt.

NOW THEREFORE, the following procedure for "noticing" an Owner of a violation is amended as follows:

Notice and Hearing.

(a) Prior to the imposition of any fine for a violation of the Declaration or Rules and Regulations the Association will give notice to the Owner in compliance with Section 209.006 of the Texas Property Code (the "**Property Code**"), as the same may be hereafter amended. Such schedule of notices shall be as follows:

(i) **First Notice** will be delivered by U.S. Mail and may be posted to the door of the Owner's unit.

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(ii) The **First Notice** must describe the violation or property damage that is the basis for the notice and shall give the Owner fifteen (15) days in which to cure said violation.

(iii) The **Second Notice** shall be a **Fine Warning Notice** and will be delivered certified mail and may be posted to the door of the Owner's unit.

(iv) The **Second Notice** must describe the violation or property damage still existing that is the basis for the fine for such violation and state any fine amount to be levied and due the Association from the Owner.

(v) The **Second Notice** must inform the Owner that the Owner is entitled to an additional fifteen (15) days to cure the violation and avoid the fine and that the Owner may request a hearing under Section 209.007 of the Texas Property Code on or before the 30th day after the Owner receives the notice.

(vi) At the sole discretion of the Board of Directors and only upon written approval of the Board, the Architectural Control Committee may exercise Self-Help Remedies in lieu of issuing the Second Notice (Fine Warning Notice) to the Owner. Prior to exercising self-help, the Architectural Control Committee must present information to the Board including an explanation as to why any self-help action is being requested, the type of self-help action(s) to be taken, and an estimated amount in costs to initiate the repairs or corrections. If Self-Help Remedies are initiated the Owner shall be given at least a seventy-two (72) hour notice (with the exception of emergency situations as outlined in Section (d) below) which must list the nature of the violation (non-compliance) and the steps the Architectural Control Committee or the Board will take to remedy the violation. The Notice may be delivered by one or more of the following methods: U.S. mail, electronic mail, by personal delivery to the Owner or by posting to the Owner's door. The Self-Help notice must notify the Owner that all charges for the abatement of any violation will be billed to the Owner's account for reimbursement to the Association. Upon receipt of the invoice for repairs made or work performed, the Association shall charge the costs back to the Owner's account and shall send the Owner a statement of account showing all amounts due. **The Association shall not be deemed to have trespassed at any time entry or access to an Owner' unit or property is required to exercise self-help remedies.**

(b) In compliance with Section 209.007 of the Texas Property Code, if the Owner submits a written request for a hearing, the Association shall hold a hearing not later than the thirtieth (30th) day after the date the Board receives the Owner's request, and shall notify the Owner of the date, time and place of the hearing not later than the tenth (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 ten (10) days. Additional postponements may be granted by agreement of the parties. If the hearing is to be held before a committee appointed by the Board, the notice

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shall state that the Owner has the right to appeal the committee's decision to the Board by written notice to the Board.

(c) If the violation is not cured to the reasonable satisfaction of the Association within thirty (30) days after delivery of the **First Notice** of violation delivered in accordance with this policy and provided that such Owner has not requested a hearing in accordance with this policy then the Association shall levy and send notice of the fine assessed for such violation. The Association is not entitled to collect a fine from an Owner to whom it has not given notice and an opportunity to be heard, pursuant to Section 209.006 and Section 209.007 of the Texas Property Code.

(d) Fines levied by the Association for violations shall be in accordance with the **Schedule of Fines** (herein so called) listed below. Any fine levied shall be reflected on the Owner's periodic statements of account or delinquency notices. The number of notices set forth below does not mean that the Board is required to provide each notice prior to exercising additional remedies as set forth in the Declaration or Rules and Regulations. The Board may elect to pursue such additional remedies at any time in accordance with applicable law. The Board also reserves the right to set fine amounts on a case by case basis, provided the fine is reasonable in light of the nature, frequency, and effect of the violation.

FINES:

<u>Violation:</u>	<u>Fine Amount:</u>
Notice of violation -1 st Fine Notice (15-days)	\$100.00 (may be avoided if Owner cures the violation by the time specified in the notice)
Notice of violation -2 nd Fine Notice (15-days)	\$150.00
Notice of violation -3 rd Fine Notice (15-days)	\$200.00
Notice of violation -4 th Fine Notice (15-days)	\$250.00, plus an additional \$50 every fifteen (15) days thereafter until the violation is cured

The Association may, but is not obligated, to provide more than two notices per Owner, per violation, prior to issuing a fine for non-compliance notwithstanding, *violations resulting in the prompt or immediate exercise of self-help actions is not subject to the terms of this policy when the violation(s), in the opinion of the Board of Directors presents an emergency or is believed to lead to eminent danger, safety hazard, or health hazard of any kind which may impact or affect any person, animal, or property.* Every effort shall be made to provide notice to the


DEDICATORY INSTRUMENT

Owner by any means necessary in the event of an emergency notwithstanding, if notice cannot be made due to time constraints in an emergency situation, the Association as well as its successors or assigns and its Agent shall be held harmless and shall not be liable for any damage, injury, or loss of any kind regardless of the nature or extent of the damage, injury, or loss sustained.

The policy set forth may be revoked or amended from time to time by the Board. This policy amends or supplements any existing notice and fining policies or rules and will remain effective until the Association records an amendment to this policy in the county's official public records.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed this 3rd day of April, 2018.

Herein approved by at least a majority vote as signified by authorized Board signatures below:

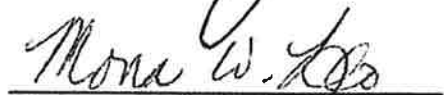

Randy Archer, President

Vote to Approve (circle one)

Yes No


Michael Reiting, Vice President

Yes No


Mona Leo, Secretary

Yes No


Mark Bregenzer, Member 1A

Yes No


Ronald Corcoran, Member 2

Yes No