

**THIRD AMENDMENT
TO THE
NOTICE OF FILING OF DEDICATORY INSTRUMENTS
FOR
2722 KNIGHT STREET CONDOMINIUMS
PURSUANT TO SECTION 202.006 OF THE TEXAS PROPERTY CODE
[Fine and Enforcement Policy, General Rules for a Hearing Before the Board]**

**STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS §**

THIS THIRD AMENDMENT TO THE NOTICE OF FILING OF DEDICATORY INSTRUMENTS FOR 2722 KNIGHT STREET CONDOMINIUMS PURSUANT TO SECTION 202.006 OF THE TEXAS PROPERTY CODE (this "Third Amendment") is made this 27 day of March, 2019, by the 2722 Knight Street Condominium Owners' Association, Inc. (the "Association").

WITNESSETH:

WHEREAS, Waterford Holding, L.P. ("Declarant") prepared and recorded an instrument entitled "Second Amended and Restated Condominium Declaration for Knight Street Condominiums (formerly the Waterford Square Condominiums)" on or about December 5, 2005, as Document No. 200503610404 of the Real Property Records of Dallas County, Texas, as supplemented and amended from time to time (the "Declaration"); and

WHEREAS, the Association is the property owners' association created by the Declarant to manage or regulate the condominium regime covered by the Declaration, which regime is more particularly described in the Declaration; and

WHEREAS, Section 202.006 of the Texas Property Code provides that a property owners' association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county in which the condominium regime is located; and

WHEREAS, Section 202.006(b) of the Texas Property Code, effective January 1, 2012, provides that a dedicatory instrument has no effect until the instrument is filed in accordance with this section; and

WHEREAS, on or about January 10, 2013, the Association recorded an instrument entitled "Notice of Filing of Dedicatory Instruments for 2722 Knight Street Condominiums" as Document No. 201300009049 of the Real Property Records of Dallas County, Texas (the "Notice"); and

WHEREAS, on or about February 15, 2013, the Association recorded the "Amendment to Notice of Filing of Dedicatory Instruments for 2722 Knight Street Condominiums" as Document No. 201300048282 of the Real Property Records of Dallas County, Texas; and

WHEREAS, on or about March 20, 2014, the Association recorded an instrument entitled "Second Amendment to the Notice of Filing of Dedicatory Instruments for 2722 Knight Street Condominiums" as Document No. 201400067261 of the Real Property Records of Dallas County, Texas (the "Second Amendment"); and

WHEREAS, the Association desires to amend the Second Amendment with the attached dedicatory instruments, pursuant to and in accordance with Section 202.006 of the Texas Property Code.

NOW, THEREFORE, the dedicatory instrument attached hereto as Exhibit "A" is a true and correct copy of the original and is hereby filed of record in the real property records of Dallas County, Texas, in accordance with the requirements of Section 202.006 of the Texas Property Code.

IN WITNESS WHEREOF, the Association has caused this Third Amendment to the Notice of Filing of Dedicatory Instruments for 2722 Knight Street Condominiums to be executed by its duly authorized agent as of the date first above written.

2722 KNIGHT STREET CONDOMINIUM OWNERS'
ASSOCIATION, INC., a Texas non-profit corporation

By: Michael Pascuzzi

Its: Treasurer of Knight Street Condos

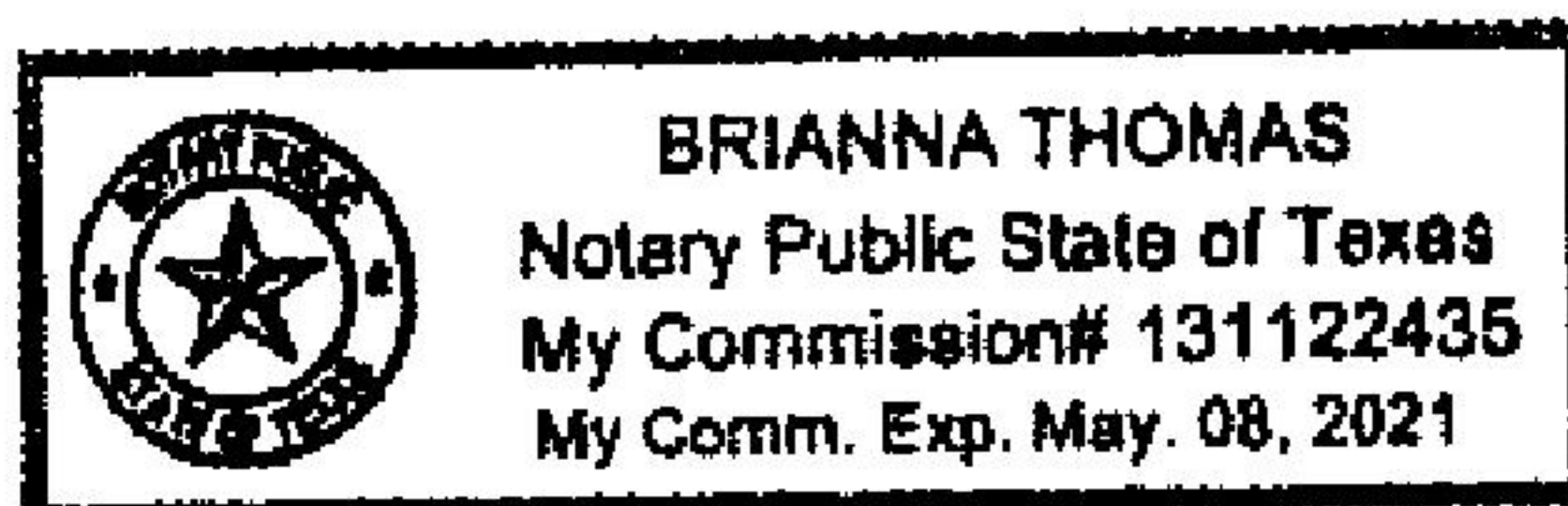
ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared Michael Pascuzzi, Treasurer of 2722 Knight Street Condominium Owners' Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 27 day of March, 2019.



Brianna Thomas
Notary Public, State of Texas

05/08/2021
My Commission Expires

Exhibit "A"

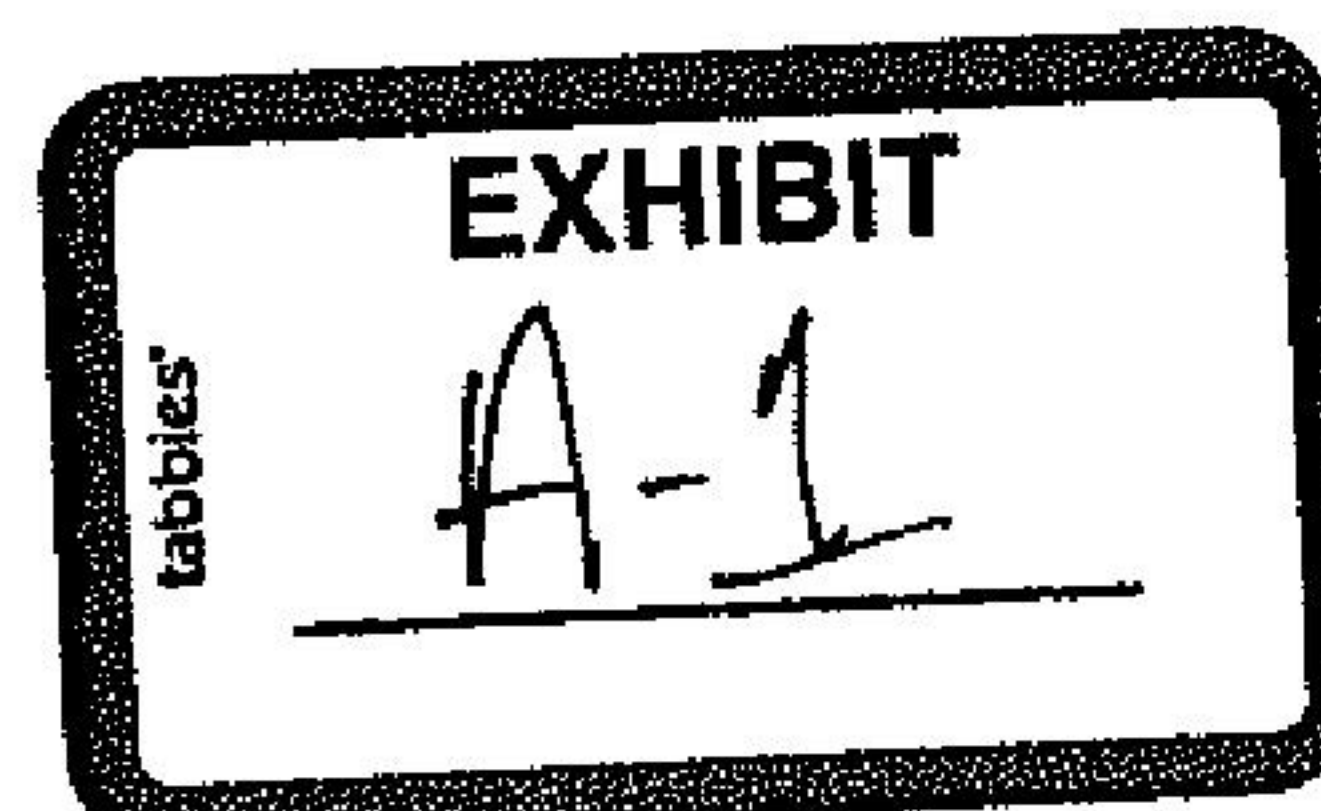
- A-1. Fine and Enforcement Policy
- A-2. General Rules for a Hearing Before the Board

Unofficial Copy

GENERAL RULES
FOR A HEARING BEFORE THE BOARD

An individual preferably the President of the Board will act as a hearing officer. The hearing officer will preside over the hearing.

1. Introduction: The hearing officer will open the meeting and state the purpose and nature of the hearing.
2. Presentation of Facts: The Board through one or all of its members will present the Facts regarding the violation and fine. The Owner and/or his/her representative will present their facts as they understand them.
3. Discussion: When both sides have presented their facts they will be afforded an opportunity to discuss factual disputes relevant to the violation.
4. Decision: If the Board and Owner can agree after relevant discussion, a decision will be made and announced.
5. Executive Session: If no agreement can be reached the Board can enter an executive session to discuss the matter or take the matter under advisement.
6. Decision: The Board will inform the Owner of their decision within five (5) business days of the meeting



SECRETARY'S CERTIFICATE

The undersigned hereby certifies that she is the duly elected, qualified and acting Secretary of Knight Street Homeowner's Association, Inc., a Texas nonprofit corporation (the Association), and do hereby certify that said corporation is duly organized and validly existing under the laws of the State of Texas; that no proceedings are pending for the forfeiture of its corporate charter or for its dissolution, voluntarily or involuntarily; that it is duly qualified to do business in the State of Texas; that there is no provision of the Articles of Incorporation or Bylaws of said corporation limiting the power of the Board to pass the resolution set out below and that the same is in conform with the provisions of said Articles of Incorporation and Bylaws, that the

X Ellen Balfour
Ellen Balfour

is the keeper of the records and minutes of the proceedings of the Board and that on 1/14/19 there was held a meeting of the Board, which was duly called and held in accordance with the law and the Bylaws of the corporation, at which meeting all of the Board members were present, and that at said meeting the following resolution was duly and legally passed and adopted and that the same has not been altered, amended, rescinded or repealed and is now in full force and effect:

"RESOLVED that the Fine And Enforcement Policy along with the General Rules For A Hearing Before The Board presented at this meeting are hereby adopted in their entirety, and the management company is hereby directed to take all necessary action to file a copy of said policy in the proper county records."

Attached hereto as Exhibit "A" and made a part hereof is a true and correct copy of the Fine and Enforcement Policy along with the General Rules For A Hearing Before The Board adopted by unanimous vote at the duly called regular meeting of the Board on 1/16/19 as memorialized in the minutes of the meeting of that date.

In witness whereof, the undersigned has executed this certificate on this 16 day of January, 2019.

Ellen Balfour
2722 Knight Street, President

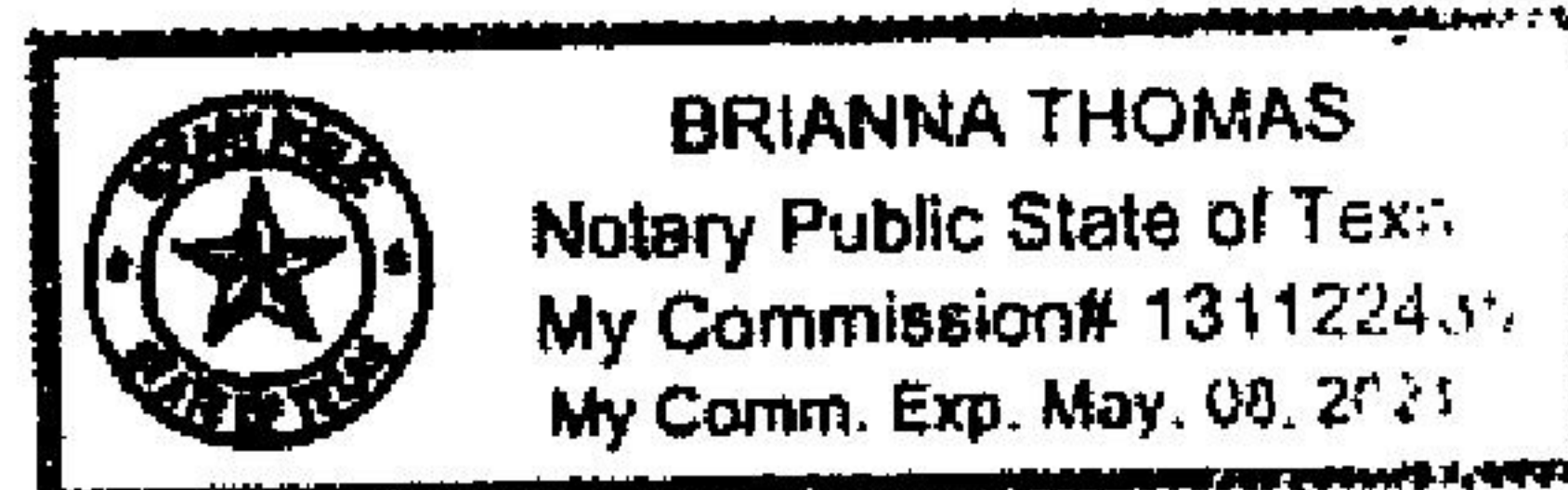
STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on the 16 day January, 2019, by Ellen Balfour, President of Knight Street Homeowner's Association, Inc., a Texas nonprofit corporation, on behalf of said corporation.

Brianna Thomas

Notary public in and for the State of Texas



My commission expires:

05/08/2021

FINE AND ENFORCEMENT POLICY FOR

2722 KNIGHT STREET CONDOMINIUMS HOMEOWNER'S ASSOCIATION

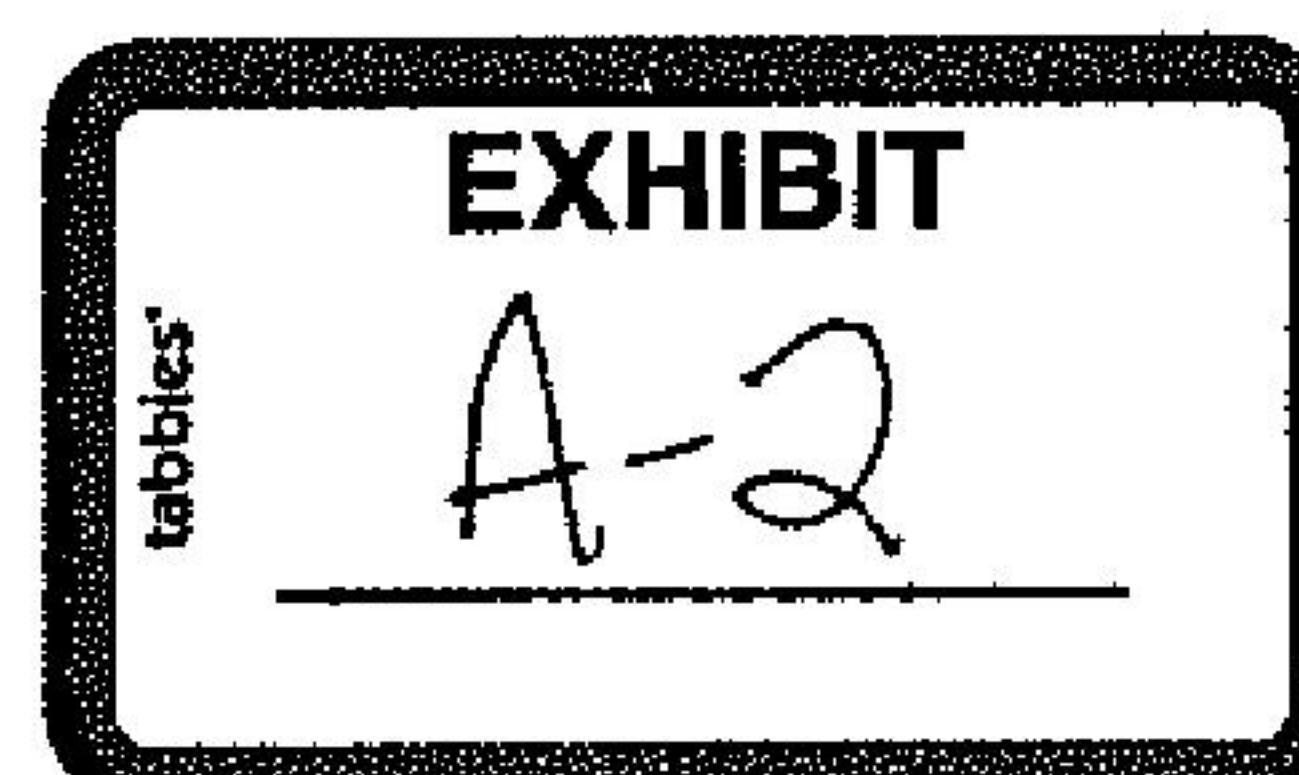
2722 Knight Street Condominiums is a community (the "Community") created by and subject to the Declaration of Covenants, Conditions, and Restrictions for Knight Street Condominiums, located in Dallas, Texas, as created by the Second Amended and Restated Condominium Declaration for Knight Street Condominiums, acknowledged and recorded November 29, 2005 in the Real Property Records of Dallas County, Texas. These Rules, Regulations and Policies are effective on the date recorded. The operation of the Community is vested in Knight Street Condominiums Homeowner's Association, Inc. (the "Association"), acting through its duly constituted board of directors (the "Board"). The Association is empowered to enforce the covenants, conditions and restrictions of the Declaration Bylaws and any rules and regulations of the ("Restrictions"), including the obligation of the Owners to pay assessments pursuant to the terms and provisions of the Declaration and the obligations of the Owners to compensate the Association for costs incurred by the Association for enforcing violations of the Restrictions. The Board hereby adopts this Fine and Enforcement Policy (the "Policy") to establish policies and procedures for the levy of fines within the Association in compliance with Chapter 209 of the Texas Property Code as it may amended from time to time (the "Code"). To the extent any provision within this policy is in conflict with the Code or any other applicable law, such provision shall be modified to comply with the Code or applicable law. Words used herein shall have the same meaning given to them by the declaration.

1. **Background.** This fining policy is based on the requirements of Sec. 82.1 02(d) and (e) of the Texas Uniform Condominium Act (TUCA), Chapter 82, Texas Property Code. To establish policies and procedures for fining under TUCA, the Principal Owner adopts this policy for the benefit of Knight Street Condominium Owners' Association.

2. **Policy.** The Association uses fines to discourage violations of the Documents 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 Documents. The Association's use of fines does not interfere with its exercise of other rights and remedies for the same violation. Nor may the Association use fines to the exclusion of other remedies.

3. **Owner's Liability.** An owner is liable for fines levied by the Association for violations of the Documents 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. **Violation Notice.** Before levying a fine, the Association will give the owner a written violation notice and an opportunity to be heard. This requirement of State law may not be waived. The Association's written violation notice will contain the following items: (1) the



date the violation notice is prepared or mailed; (2) a description of the violation; (3) a reference to the rule or provision that is being violated, (4) a description of the action required to cure the violation; (5) the amount of the fine; (6) a statement that no 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; and (7) the date the fine attaches or begins accruing (the "Start Date"), subject to the following:

a. **New Violation.** If the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months the notice need only: (i) describes the violation or property damage and state the amount of the proposed fine or damage charge; and (ii) state that not later than the 30th day after the date of the notice, the unit owner may request a hearing before the board to contest the fine or damage charge. If the violation is not ongoing, but is instead sporadic or periodic, the notice must state that any future violations of the same rule may result in the levy of a fine.

b. **Repeat Violation.** In the case of a repeat violation, the notice will state that because the owner was given notice and a reasonable opportunity to cure similar violation with in the preceding 12 months, the fine attaches from the date of the violation notice.

5. **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. Within 15 days after receiving the owner's request for a hearing, the Association will give the owner at least 15 day notice of the date, time, and place of the hearing. The hearing will be scheduled to provide a reasonable opportunity for both the Board and the owner to attend. Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation, as if the declared violation were valid. The owner's request for a hearing suspends only the levy of a fine. 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. The minutes of the hearing must contain a statement of the results of the hearing and the fine, if any, imposed. A copy of the violation notice and request for hearing should be placed in the minutes of the hearing. If the owner appears at the meeting, the notice requirements will be deemed satisfied.

6. **Levy of Fine.** Within 30 days after the date of levying the fine, the Board must give the owner notice of the levied fine. The notice must be in writing. In addition to the initial levy notice, the Association will give the owner periodic written notices of an accruing fine or the application of an owner's payments to reduce the fine.

7. **Amount.** The Association may 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. The Association may establish a schedule of fines for certain types of violations. If circumstances warrant a

variance from the schedule, the Board will document the reasons for the variance in the minutes of its meeting. The amount and cumulative total of a fine must be reasonable in comparison to the violation, and should be uniform for similar violations of the same provision of the Documents. If the Association allows fines to accumulate, it will establish a maximum amount for a particular fine, at which point the total fine will be capped.

8. **Type of Levy.** If the violation is ongoing or continuous, the fine may be levied on a periodic basis (such as daily, monthly, or quarterly) beginning on the Start Date. If the violation is not ongoing, but is instead sporadic or periodic, the fine may be levied on a per occurrence basis.

9. **Collection of Fines.** 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. The Association may not foreclose its assessment lien on a debt consisting solely of fines. The Association may not charge interest or late fees for unpaid fines.

10. **Amendment of Policy.** This policy may be revoked or amended from time to time by the Board. This policy will remain effective until 10 days after the Association delivers to an owner of each unit notice of amendment or revocation of this policy. The notice may be published and distributed in an Association newsletter or other community-wide publication.

11. **Schedule of Fines.** The Board has adopted the following schedule of fines. The amount charged changes depending on the number of notices provided, but no additional notices are required unless such notice is required by applicable law or by this Policy. The Board may elect to pursue other remedies set forth in the Restrictions and /or as provided by law. The Board reserves the right to set fines on a case by case basis depending on the severity of the violation.

a. **New Violation:** (i) first notice-warning; (ii) second notice-\$100.00; and (iii) any subsequent notice - \$150.00

b. **Repeat Violation:** (i) first notice \$100.00; (ii) second notice- \$150.00; and subsequent notice - \$200.00

c. **Continuous Violation:** to be determined by the Board.

d. **Construction Violations:** to be handled on a case by case basis and determined by the Board in consultation with the Architectural Control Committee.

Approved and accepted this 16 day of January, 2019

By The Board:

Ellen Balfour, President

Ellen Balfour, President

State of Texas

County of Dallas

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/04/2019 12:41:20 PM
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