

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

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COUNTY OF COMAL

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RESOLUTION OF THE BOARD OF DIRECTORS OF MOUNTAIN SPRINGS RANCH PROPERTY OWNERS ASSOCIATION, INC.

WHEREAS, MOUNTAIN SPRINGS RANCH (MSR) is a residential subdivision located in Comal County, Texas, as shown on the plats thereof recorded at Volume 14, Pages 343-52, Official Plat Records of Comal County, Texas; and,

WHEREAS, MOUNTAIN SPRINGS RANCH PROPERTY OWNERS ASSOCIATION, INC. (hereinafter the "Association") is a Texas non-profit corporation organized to govern MSR pursuant to the Declaration of Covenants, Conditions and Restrictions for Mountain Springs Ranch, recorded as document number 2004 06003365, Official Public Records of Real Property of Comal County, Texas (DCCRs), and the Bylaws of the Association adopted by the Board of Directors (Bylaws); and,

WHEREAS, the DCCRs provide, in Article 4, Section 4.3, that subject to the notice and hearing procedure and requirements set forth in Article 3, Section 3.24 of the Bylaws, the Board shall have the right to establish and amend reasonable rules and regulations for the health, comfort, and general welfare of the residents and may provide for penalties for infractions of such rules; and,

WHEREAS, Section 9.9 of the DCCRs provide, in part, that the Board may enforce the decisions of the Declarant and the ACC by any means of enforcement described in Section 4.3 of the DCCRs; and,

WHEREAS, the Board of Directors of the Association has determined that it would be in the best interest of the Association to adopt rules for the purpose of imposing fines for each month that a violation of the DCCRs Article 9, the Supplemental DCCRs Article 3, and the Architectural and Site Design Guidelines, persists after proper notification and due time to cure; and,

NOW, THEREFORE, by their signatures below, the President and Secretary of the Association certify that the Board of Directors of the Association has voted in favor of adopting the following:

1. VIOLATIONS TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND THE ARCHITECTURAL AND SITE DESIGN GUIDELINES.

All members of the Association shall be obligated to adhere to the architectural standards and the guideline requirements set forth in the DCCRs, to include any and all supplemental DCCRs, as well as the Architectural and Site Design Guidelines of the Association. The Board of Directors hereby gives authority to the MOUNTAIN SPRINGS RANCH PROPERTY OWNERS ASSOCIATION, INC. ARCHITECTURAL CONTROL COMMITTEE (ACC) to impose fines upon members who violate any such requirement. Members who do not adhere to the requirements set forth by the DCCRs and the Architectural and Site Design Guidelines are subject to the following escalating schedule of penalties, until such violation is cured:

- All members violating a requirement will be given a written courtesy notice of the violation, with the request to cure the violation within thirty (30) days.
- After thirty (30) days of the date of the written courtesy notice, all members who do not adhere to the requirements will be given a written warning to cure the violation, sent Certified Return Receipt and First Class Mail, with the opportunity to request a hearing with the Board of Directors within thirty (30) days. Such notice shall comply with the notice requirements and procedures set forth in Section 3.24 of the Bylaws. The written warning will clarify that if the violation is not cured a \$500.00 fine will be assessed on the first day of the month following the deadline to request a hearing.
- If a hearing is requested, it will be held pursuant to the notice provisions of Section 3.24(c) of the Bylaws, and subject to the appeals procedure in Section 3.24(d) of the Bylaws. If the hearing results in a finding that the violation occurred and was not cured within the deadline given, a \$500.00 presently-due fine plus a future fine of \$250 per month will be assessed on the first day of the second month following the deadline to request a hearing, if so instructed by the ACC.
- If no hearing is requested, a \$500.00 presently-due fine plus a future fine of \$250 per month will be assessed on the first day of the month following the deadline to request a hearing.
- If after thirty (30) days of the assessed \$500.00 fine the violation remains, an additional fine of \$250.00 will become owed.
- If after thirty (30) days of the assessed \$250.00 fine the violation remains, an additional fine of \$250.00 will become owed. If after thirty (30) days of the additional assessed fine of \$250.00 the violation remains, the account will be sent to the association's attorney to notify the member that a suit will be filed to enforce compliance if the violation is not cured within ten (10) days. Fines will be limited to a total assessed amount of \$1000.00.

The ACC will notify management in writing to bill respective member's account for each fine assessed.

All fines will be due and payable within ten (10) business days. Pursuant to Article 8. ASSESSMENTS of the DCCRs of the Association, the fines are considered assessments and will be collected as such. Therefore, as specified in Article 8, 8.4 Remedies for Non-Payment of Assessments, interest and late fees will be incurred and are collectable on all debts as written:

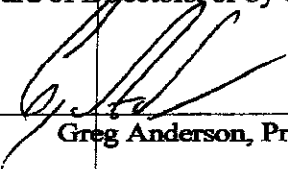
8.4 Remedies for Non-Payment of Assessments. Any assessments or other charges which are not paid when due shall be delinquent. Delinquent assessments shall bear interest from the due date at the rate established by the Board of Directors of the Association, or, if not set by the Board, at the highest rate allowed by law, together with such late fees as may be set by the Board. The Association may file a lien of record against any Lot where there remains an assessment unpaid for a period of thirty (30) Days or longer. Said lien shall be filed in the Public Records in a manner provided therefore by Title 5, Chapter 12 of the Texas Property Code. Such lien shall be superior to all other liens, except (a) the liens of all taxes, bonds, assessments, and other levies which by law would be superior, and (U) the lien or charge of any first Mortgage of record (meaning any recorded Mortgage with first priority over other Mortgages) made in good faith and for value. The Association may bring an action at law against any Owner personally obligated to pay any assessments, charges, interest or other

costs. Costs and reasonable attorneys' fees for the prosecution of any such action, as allowed by the Act shall be added to the amount due. In the event of such action at law and in the further event that such action results in a judgment being entered against the Owner and in favor of the Association, then, and in that event the Association shall collect on such judgment in such manner and to the extent provided and permitted by the laws of the State of Texas.

The Association's lien may be foreclosed by judicial or nonjudicial foreclosure in like manner as a Mortgage on real estate under power of sale under Title 5, Chapter 51 of the Texas Property Code. All fees, charges, late charges, fines, and interest are enforceable as assessments...

Thus adopted effective the 26th day of September 2007 and will remain in affect until revised or removed at the request of the Architectural Control Committee as approved by the Board of Directors, or at the request of the Board of Directors.

By their signatures below the President and Secretary of the Association certify the foregoing Resolution of the Board of Directors was validly adopted at the August 16, 2007 meeting of the Board of Directors, or by unanimous written consent in lieu of a meeting.



Greg Anderson, President



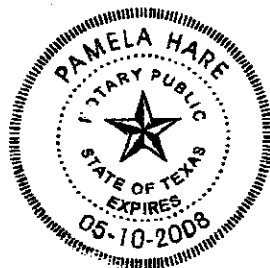
Mary Lu Zellers, Secretary

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ACKNOWLEDGED before me on date set forth above, by Greg Anderson, President of Mountain Springs Ranch Property Owners Association, Inc. and Mary Lu Zellers, Secretary of Mountain Springs Ranch Property Owners Association, Inc.



Notary Public, State of Texas





AFTER RECORDING RETURN TO:
Association Management Services
Attn: Mira Graham
1600 NE Loop 410, Suite 202
San Antonio, Texas 78209

Filed and Recorded
Official Public Records
Joy Streater, County Clerk
Comal County, Texas
03/04/2008 02:08:44 PM
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Joy Streater