

**LAKES OF COPPELL OWNERS ASSOCIATION, INC.**  
**ARCHITECTURAL CONTROL AND ENFORCEMENT POLICY**

**Restated Administrative Resolution No. 6**

**WHEREAS**, the Board of Directors (the "Board") of Lakes of Coppel Owners Association, Inc. (the "Association") finds there is a need to establish orderly procedures for the enforcement of the architectural control provisions and covenants contained in the Declaration and for the elimination of violations found to exist within the Lakes of Coppel, including the implementation of the provisions of Article X and Section 15.06 of Article XV of the Declaration; and

**WHEREAS**, on or about April 26, 1990, the Board adopted Administrative Resolution No. 6, entitled "Architectural Control Violation Enforcement Policy", in order to establish procedures for the enforcement of the architectural control provisions of the Declaration; and

**WHEREAS**, the Board deems it necessary to amend and restate the Architectural Control Violation Enforcement Policy adopted on or about April 26, 1990.

**NOW, THEREFORE, IT IS RESOLVED** that the following procedures and practices are established for the enforcement of the architectural control provisions of the Declaration and for the elimination of such violations found to exist in, on and about the Estates within Lakes of Coppel and the same are to be hereby known as the "Architectural Control and Enforcement Policy" (to be referred to herein as the "Enforcement Policy") of the Association:

1. **Establishment of Violation.** A building, structure, parking structure, parking lot, fence, wall or improvement (as such term is defined in Section 10.03 of the Declaration) of any kind or nature erected, placed or altered on any Estate which has not been first approved by the Architectural Review Committee (the "ARC") or which does not in all respects conform to that which has been so approved is, at the moment of such erection, placement or alteration, a "Violation" under this Enforcement Policy for all purposes.

2. **Report of Violation.** The existence of a Violation will be verified by a field inspection conducted by the ARC, the Board or its delegate. For the purpose of this Policy Resolution, the delegate of the ARC shall be limited to the management staff ("Management") of the Association. The ARC or Board may use a delegate in those circumstances specifically contemplated in this Policy Resolution in accordance with policies and procedures which the ARC or Board may establish from time to time. Management shall have no authority to act as the delegate of the ARC or Board except as may be specifically authorized by the ARC or Board. It is the intent of the Board that the ARC will, at a minimum, delegate to Management the

enforcement of certain types of violations of a routine nature specifically defined by the ARC. A timely written report shall be prepared by the field inspector for each Violation for the ARC which will include the following information:

- a. Identification of the nature and description of the Violation.
- b. Identification by street address and legal description of the Estate on which the Violation exists.
- c. Identification of the authority establishing that the condition or the subject improvements constitute a Violation.
- d. Date of the verification inspection and name of the person making such inspection.

3. Initial Notice to Estate Owner. At the same time that the field inspection report is prepared, the ARC, the Board or its delegate will forward to the Owner of the Estate in question written notice of the discovery of the Violation (the "Initial Notice"). The Initial Notice will inform the recipient as follows:

- a. A description of the nature, description and location of the Violation.
- b. The authority for establishing that the condition or improvements in question constitute a Violation.
- c. Notice that if the Violation is corrected or eliminated within ten (10) days from the receipt of the Initial Notice that no further action will be taken.
- d. Notice that if the Violation is not corrected or eliminated within ten (10) days from the receipt of the Initial Notice, fines may be imposed against the Estate which shall become the obligation of the Estate Owner.

4. Notice of Violation. A formal notice of the Violation (the "Notice of Violation") will be sent by the ARC, the Board or its delegate to the Estate Owner if the Violation has not been corrected or eliminated within ten (10) days from the date of receipt by the Estate Owner of the Initial Notice. The Notice of Violation will be given either by personal delivery or by certified mail, return receipt requested, at the option of the ARC, the Board or its delegate, which notice shall state: (i) the nature of the Violation; (ii) the proposed fine to be imposed in an amount of up to \$200.00; (iii) a statement that the Estate Owner may make a written request for a hearing to challenge the occurrence of a Violation, the proposed fine, or both; and (iv) a statement that the proposed fine shall be imposed unless a hearing is requested in writing by the Estate Owner within ten (10) days of receipt of the Notice of Violation. If a hearing is not requested, the fine shall be imposed as of the date of the Notice of Violation; provided, the ARC or Board may, in its discretion, waive any fine if the Violation is corrected or eliminated within fifteen (15) days from

the Notice of Violation.

5. Response to Notice of Violation. If the Estate Owner timely requests, in writing, a hearing, then a hearing before the Board shall be held in executive session affording the Estate Owner a reasonable opportunity to be heard. The hearing shall be set at a reasonable time and date by the Board and notice of the time, date (which shall not be less than ten (10) days from the giving of the Notice of Violation) and place of the hearing and an invitation to attend the hearing to produce any statements, evidence and witnesses shall be sent to the Estate Owner. This section shall be deemed complied with if a hearing is held and the Estate Owner attends and is provided an opportunity to be heard, notwithstanding the fact that the notice requirements contained herein are not technically followed. If a Violation is determined not to exist, the Notice of Violation is voided and no further action shall be taken. If a Violation is determined to exist, the Board will impose a fine in the amount of up to \$200.00 against the Owner of the Estate and the Estate. The Estate Owner shall then have ten (10) days from the date of the hearing (the "Hearing Date") in which to correct or eliminate the Violation. If the Violation is not corrected or eliminated within ten (10) days from the Hearing Date, the Board may, in addition to the fine of up to \$200.00, impose an additional fine in the amount of Ten and No/100 Dollars (\$10.00) per day until the Violation is corrected or eliminated.

6. Corrective Action. Where a Violation is determined or deemed determined to exist and referred to the Board pursuant to any of the provisions of this Enforcement Policy, the ARC, the Board or its delegate, at any time, may undertake to cause the Violation to be corrected, demolished, removed or otherwise abated. Where the ARC, the Board or its delegate decides to initiate any correction, demolition, removal or abatement of a Violation, the following will apply:

a. The ARC, the Board or its delegate, as the case may be, must give the Estate Owner prior written notice of undertaking such action.

b. Costs incurred by the Association in correcting or eliminating the Violation are the responsibility of the Estate Owner and will be charged against the Estate Owner and Estate as a Special Individual Assessment pursuant to Section 4.05 of the Declaration.

c. The Association and its agents and contractors will not be liable to the Estate Owner or any third party for trespass or for any damages or costs alleged to arise by virtue of any action taken under this Paragraph 6.

7. Referral to Legal Counsel. The ARC and the Board, in their discretion, may engage legal counsel at anytime to protect, preserve and enforce the restrictive covenants, Bylaws and Rules of the Association. In such event, and in particular if the ARC and/or the Board determine it prudent, to seek injunctive relief, the provisions of this Enforcement Policy regarding notice and an opportunity to cure and/or request a hearing do not apply. Where a Violation is determined or deemed determined to exist and is referred to the Board pursuant to any of the provisions of this Enforcement Policy and where the ARC, the Board or its delegate deems it not to be in the best interest of the Association to initiate corrective action, the Board will give due

consideration to referring the Violation to legal counsel for appropriate action including, without limitation, seeking injunctive relief against the Estate Owner to correct or otherwise abate the Violation. Notwithstanding any other provision contained herein to the contrary, the ARC may refer a Violation to the Board at any time if, in the sole discretion of the ARC or its delegate, the Violation warrants special attention by the Board. Upon referral of a Violation to the Board, the Board may refer the Violation to legal counsel for appropriate action.

Attorney's fees incurred by the Association in enforcing the Declaration shall become the obligation of the Estate Owner, which will be levied against the respective Estate and its Owner as a Special Individual Assessment pursuant to Section 4.05 of the Declaration.

8. Fines.

a. Imposition of fines will be in addition to and not exclusive of any other rights, remedies and recoveries of the ARC or the Association as created by the Declaration or this Enforcement Policy.

b. Fines are imposed against Estates and become the personal obligation of the Owners of such Estates. Fines, when imposed, are levied against the respective Estates and their Owners as Special Individual Assessments pursuant to Section 4.05 of the Declaration.

9. Notices.

a. Any notice required by this Enforcement Policy to be given, sent, delivered or received in writing will, for all purposes, be deemed to have been given, sent, delivered or received, as the case may be, upon the earlier to occur of the following:

(i) where the notice is directed by personal delivery, upon actual receipt by any person accepting delivery thereof at the address of the recipient as set forth in such notice; or

(ii) where the notice is placed into the care and custody of the United States Postal Service, as of the third (3rd) calendar day following the date of postmark of such notice bearing postage prepaid and the most recent address of recipient according to the records of the sending party.

b. Where a day required for an action to be taken or a notice to be given, sent, delivered or received, as the case may be, falls on a Saturday, Sunday or U. S. Postal Service holiday, the required date for the action or notice will be extended to the first day following which is neither a Saturday, Sunday or U. S. Postal Service holiday.

c. Where the interests of an Owner in an Estate have been handled by a representative or agent of such Owner or where an Owner has otherwise acted so as to put the Association on notice that its interest in an Estate have been and are being handled by a

representative or agent, any notice or communication from the Association, the ARC, the Board or its delegate pursuant to this Enforcement Policy will be deemed full and effective for all purposes if given to such representative or agent.

10. Cure of Violation During Enforcement. An Estate Owner may correct or eliminate a Violation at any time during the pendency of any procedure prescribed by this Enforcement Policy. The Estate Owner will remain liable for all costs and fines under this Enforcement Policy, which costs and fines, if not paid upon demand therefor by the Association or its agents, will be collected as a Special Individual Assessment pursuant to Section 4.05 of the Declaration.

11. Definitions. The definitions contained in the Declaration are hereby incorporated herein by reference.

**IT IS FURTHER RESOLVED** that this restated Enforcement Policy replaces and supersedes in all respects all prior resolutions with respect to enforcement of the Declaration and architectural control violations by the Association and is effective upon adoption hereof, to remain in force and effect until revoked, modified or amended.

This is to certify that the foregoing resolution was adopted by the Board of Directors at meeting of same on August 19, 1999, and has not been modified, rescinded or revoked.

DATE: 12/21/99

J.P.P.  
Secretary