

# 4 D ESTATES PROPERTY OWNERS ASSOCIATION

for the 4 D COUNTRY ESTATES SUBDIVISION

## POLICIES AND PROCEDURES MANUAL

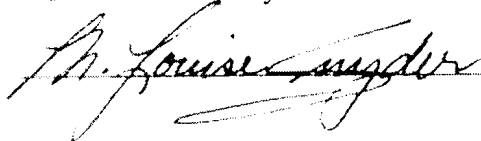
This Policies and Procedures Manual becomes a part of the Governing Documents for the 4 D Country Estates' Property Owners Association known as 4 D ESTATES PROPERTY OWNERS ASSOCIATION, 198 PR 8577, Winnsboro, TX 75494.

Additional Governing Documents may be found in Public Records of Wood County, TX recorded as:

1. **Document Number 2013-00007914** - Dedicatory Instruments, and
2. **Document Number 2013-00011440** - Revised Filing of the Management Certificate for 4 D Estates Property Owners Association. Note: The original Management Certificate did not change and in no way was amended. The 2<sup>nd</sup> or Revised Filing was mandated by the 2013 Legislative Session of Texas for all property owners association to create a standard way of recording Management Certificates.

WHERE AS the State of Texas Property Codes require all Governing Documents be recorded in the Public Records of any County for which a part or all of a Subdivision lies, to the best of the knowledge of the Board of Directors of 4 D ESTATES PROPERTY OWNERS ASSOCIATION on behalf of 4 D Country Estates Subdivision, we are compliant with the Texas Codes.

4-D Estates Property Owners Association by:

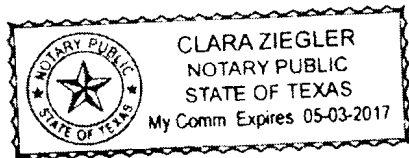


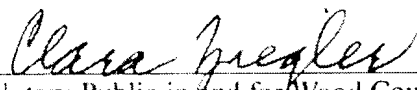
M. Louise Snyder, President & Manager

STATE OF TEXAS       )  
COUNTY OF WOOD     )

Before me, the undersigned, a Notary Public in and for Wood County, Texas, on this day personally appeared M. Louise Snyder, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 3/5<sup>th</sup> day of October, 2013.



  
Notary Public in and for Wood County, Texas

RECORD AND RETURN TO:  
4 D ESTATES POA, C/O M. LOUISE SNYDER  
198 PR 8577  
WINNSBORO TX 75494

# **POLICIES AND PROCEDURES MANUAL**

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CLARIFICATION AND DEFINING OF ALL COVENANTS

## **POLICIES AND PROCEDURES**

### **ARCHITECTURAL CONTROL POLICY**

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*Architectural Control for 4 D Country Estates through the 4 D Estates Property Owners Association does not have authority to administer control of a common building design throughout the Community EXCEPT that buildings within the Community cannot be mobile homes manufactured homes, but according to the Covenants Amended in 1972 does have the authority to administer control of harmony among buildings on a lot or tract of land individually.*

#### **1. Architectural Control Committee**

A Committee consists of a Board Director as Chair of the committee and at least 1 but preferably 2 other members who may be other Board Members or regular Members of the 4 D Property Owners Association.

#### **2. Committee Responsibility**

The Committee is responsible for maintaining the aesthetic and structural integrity of the Subdivision and enforcing the Covenants. They should be reviewing any applications (Compliance Approval Forms) for modifications, additions or architectural changes in the community. They are responsible to prepare reports to be presented to the Board of Directors at regularly scheduled Board meetings or special called meetings.

#### **3. Approval Timing**

When the Compliance Approval Form is submitted it should be reviewed for completeness. Any incompleteness should be addressed immediately by returning to the Applicant with a request to complete the missing information – or contacting the owner for the missing information.

Compliance Approval Forms submitted should be responded to as soon as possible but never more than 30 days from the date submitted.

#### **4. Unresolvable disputes**


Any unresolvable disputes should be brought to the attention of the Board for resolution and/or action.

#### **5. Compliance Review**

At least once during the construction process, it should be reviewed for compliance. When the construction is complete a final review should be made and the Application marked with the completion date and also marked as compliant or not compliant and why.

THE FOREGOING ARCHITECTURAL CONTROL POLICY OF THE POLICIES AND PROCEDURES MANUAL FOR 4 D ESTATES PROPERTY OWNERS ASSOCIATION IS HEREBY ADOPTED BY THE BOARD OF DIRECTORS ON THIS 26<sup>th</sup> DAY OF OCTOBER, 2013.

BY M. LOUISE SNYDER, PRESIDENT, OF/FOR 4 D ESTATES POA



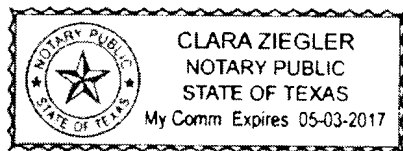
MEMBERS IN ATTENANCE AND VOTING:

- ✓ JOHN REECH
- ✓ ANN CANNON, VICE PRESIDENT
- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT
- ✓ MIKE LITTLEFIELD

STATE OF TEXAS            )  
                                      )  
COUNTY OF WOOD        )

Before me, the undersigned, a Notary Public in and for Wood County, Texas, on this day personally appeared M. Louise Snyder, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 31st day of October, 2013.



  
Notary Signature

## **POLICIES AND PROCEDURES**

### **ASSESSMENT COLLECTION POLICY**

Adopted the 12<sup>th</sup> day of October, 2013.

#### **Policy Objective**

The collection of assessments pursuant to the 4 D Estates Property Owners Association Declaration of Covenants, Conditions & Restrictions ("Declaration") and this Assessment Collection Policy will be governed by the following objective:

The Association will pursue collection of all assessments, late fees, interest and all related costs of collection, including but not limited to lien fees, collection costs and legal fees including court costs. Fines will be collected in the manner as authorized by the law of the State of Texas.

#### **Ownership Interests**

The person(s) who is the owner of a lot as of the date an assessment becomes due is personally liable for the payment of the assessment. The personal obligation for a delinquent assessment does not pass to the successors in title of the owner (but the Association's automatic lien runs with the property). As used herein, the term "delinquent owner" refers to that person(s) who held title to a lot, improved or unimproved, on the date an assessment became due, and who has unpaid assessments and related amounts. Unless expressly noted otherwise, the "owner" refers to all persons whose name appears on the title of a lot, with or without improvements.

#### **Due Dates**

The due date for a given assessment shall be as prescribed in the applicable assessment billing notice and is referred to in this Assessment Collection Policy as the "due date." Due dates for all Assessments as of the approval date of this document are the 1<sup>st</sup> of each month, however the Association reserves the right to change that date. For imposition of late fees, assessments are delinquent if not received by 4 PM on the due date. The Association reserves the right to impose interest on delinquent amounts in accordance with the terms of the Declarations.

#### **Handling Charges and Returned Checks**

In order to recoup costs incurred because of the additional administrative expenses associated with collecting delinquent assessments, collection of the following fees and charges are part of the

Assessment Collection Policy and as set forth in the Declaration, secured by the assessment lien and the personal obligation of the delinquent owner:

1. Any handling charges, administrative fees, postage, or other collection costs or expenses incurred by the Association in connection with the collection of any assessment or related amount owing beyond the delinquency date.
2. A reasonable charge, as determined by the Board from time to time, will become due and payable for any check tendered to the Association that is dishonored by the drawee of such check, the charge being in addition to any other fee or charge passed on by a financial institution.
3. A late charge of 25% or \$10, whichever is greater, on the delinquent dues.
4. Interest of 10% per annum on any balance, all inclusive, beginning on the 181<sup>st</sup> day from the 1<sup>st</sup> date of delinquency.
5. Assessment lien fees, if a notice of lien is prepared and/or recorded.
6. Legal fees and costs and court costs.
7. Any fee or charge becoming due and payable pursuant to this paragraph will be added to the amount outstanding and is collectible to the same extent and in the same manner as the delinquent assessment.

### **Application of Funds Received**

Unless otherwise directed in writing by the payee and unless otherwise subsequently changed by the State of Texas statutes and Codes, all moneys received by the Association will be applied to amounts outstanding to the extent of and in the following order:

- A. First, to delinquent and current assessments;
- B. Next, to collection fees and legal fees and costs the Association has incurred and related to the unpaid assessments;
- C. Then, to late fees and interest on those late assessments, to other unpaid fees, charges and fines or interest and late charges on any of those amounts.

### **Ownership Records and Notice**

All collection notices and communications will be directed to those persons shown by the Association's records as being the owner of the property for which assessments are due and will be sent to the most recent address of such owner solely as reflected by the Association's records. Any notice or communication so made will be valid and effective for all purposes pursuant to the declaration and this Assessment Collection Policy until such time as there is actual receipt by the Association of written, or other notification acceptable to the Association, of any change in the identity or status of such owner or its address or both.

Where an owner has acted so as to put the Association on notice that its interest in a lot is being

handled by a representative or agent for legal or communication purposes, any notice or communication from the Association pursuant to this Assessment Collection Policy will be deemed full and effective for all purposes if given to such representative or agent.

### **Notification to Owner of Delinquency**

- A) Late Notice.** A payment by a member is deemed delinquent if it is unpaid at 4 PM on the due date (1<sup>st</sup> of each month). A late notice may be sent and at the option of the Association, the account may be charged a \$10 late charge or 25% of the past due assessment (whichever is greater) and interest pursuant to the Declarations.
- B) Pre-Lien Demand.** No sooner than thirty (30) days beyond the due date, the Association may, but is not required to, send a demand letter to the delinquent owner making formal demand for immediate payment for all outstanding amounts ("Demand Lien Letter"). All fees and collection costs associated with the demand lien letter will be charged to the delinquent owner's account. Fees for this letter are a cost of collection and per the terms of the Declaration, not only the personal obligation of the owner, but also secured by the assessment lien.
- C) Notice of Lien.** No sooner than sixty (60) days after the due date, where an owner has failed to pay in full the delinquency secured by the assessment lien, the Association may cause to be prepared and recorded with the Wood County Clerk's office against title to the owner's property a written notice of lien (Notice of Lien). All assessments and charges, with the exception of fines and late charges and interest thereon, constitute a lien on the lot automatically under the Declaration and Texas law. Any fees imposed for the recordation of the Notice of Lien are not only the personal obligation of the owner, but also secured by the assessment lien and will be charged to the delinquent owner's account.
- D) Other Notifications.** After 90 days, the association's Board of Directors, or its legal counsel at the direction of the Board, may pursue other legal remedies available to collect delinquent assessments, including, without limitation, personal judgment suits and/or an action to foreclose the assessment lien. Prior to instituting litigation related to the delinquency, the association's Board or its legal counsel will send a letter to the delinquent owner's address of record with the Association. A fee can be charged to the owners account for transferring the collection file to the Association's legal counsel, said fee not only the personal obligation of the owner, but also secured by the assessment lien and will be charged to the delinquent owner's account.

### **FORECLOSURE SUITS/SUITS FOR MONEY JUDGEMENT**

Under the Declaration and Texas State Law, the Association may sue a delinquent owner personally for a money judgment and/or foreclose the assessment lien against the lot in the same manner as a mortgage. Either remedy may result in additional expense, or actions including debtor examinations, or sheriff sales of real or personal property.

**POLICY**

The Association, through the Board of Directors, reserves the right and is willing to work with delinquent owners via payment plans and to consider legitimate hardships and other circumstances.

Adopted by the Board of Directors of 4 D Estates Property Owners Association at a duly called meeting on the 12<sup>th</sup> day of October, 2013.

THE ASSESSMENT COLLECTION POLICY IS APPROVED.

M. Louise Snyder 10/31/2013 Signature/Date  
President Title

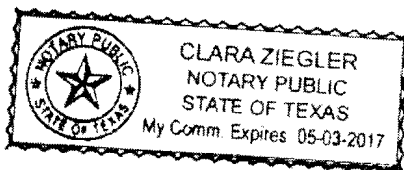
**Members in attendance and voting:**

- ✓ JOHN REECH
- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT

STATE OF TEXAS       )  
                                   )  
 COUNTY OF WOOD     )

Before me, the undersigned, a Notary Public in and for Wood County, Texas, on this day personally appeared M. Louise Snyder, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 31<sup>st</sup> day of October, 2013.



Clara Ziegler  
 Notary Public in and for Wood County



## POLICIES AND PROCEDURES

### BANK ACCOUNT(S) POLICY

#### 1. Location of Funds.

4 D Estates Property Owners Association funds should always be kept in a FDIC Bank.

#### 2. Deposits

Dues should be deposited once per week or more often.

#### 3. Checks.

Checks should always require a minimum of 2 signatures.

#### 4. Account Records.

Account Records, including Bank Statements, are considered an item open for inspection when so requested by a member of the 4 D Estates Property Owners Association.

#### 5. Bank Account Signatures.

The authorized signatures for the Bank Account should consist of members of the Board and the Bookkeeper. One non-Director Board member and the following Board Directors must be on the signature card:

President  
Secretary  
Treasurer

#### 6. Changes in Board members OR positions.

A changing out of a Board member, or the change of a Board members position, might cause a need for a change of Bank Signatures. If a listed position in # 5 above changes then a new Signature Card at the Bank will be required. Contact the Bank Officer in charge of the 4 D Estates POA Account(s) for instructions and requirements. Normally the meeting minutes naming the change is required and all signatures are required to sign a new Signature Card.

THE BANK ACCOUNT(S) POLICY IS APPROVED ON THIS 26<sup>th</sup> DAY OF OCTOBER, 2013.

*M. Louise Snyder* 10/31/2013 Signature/Date  
*President* Title

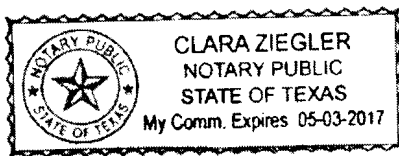
Members in attendance and voting:

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- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT
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*Clara Ziegler*  
Notary Public in and for Wood County

**BOARD OF DIRECTORS  
EXECUTIVE SESSION POLICY**

**Definition of Executive Session: A meeting of the Board of Directors to discuss matters in an extremely confidential manner.**

**RESOLUTION REGARDING EXECUTIVE SESSION**

**At its duly held meeting on October 26, 2013, the Board of Directors of 4 D Estates Property Owners Association, a Texas non stock corporation, adopted the following resolution:**

**WHEREAS Section 209.0051(c) – Texas, the Open Meetings Act specifies certain instances in which a Board of Directors of a Homeowners/Property Owners Association may convene in closed, Executive Session; and**

**WHEREAS the Board of Directors recognizes that there will be the need, from time to time, to convene in closed, Executive Session in order to protect and serve the best interests of the Association and its members; and**

**WHEREAS the Board of Directors desires to adopt procedures as to convening in Executive Session pursuant to Section 209.0051(c) – Texas in accordance with the following procedures:**

1. The Board must vote in open meeting to assemble in Executive Session.
2. The motion shall state specifically the purpose for the Executive Session.
3. Reference to the motion and stated purpose for the Executive Session shall be included in the minutes of the open meeting.
4. Only the following matters may be discussed and considered in Executive Session
  - a. Consult with legal counsel
  - b. Contracts
  - c. Pending or probable litigation
  - d. Matters involving violations of the declarations or rules and regulations adopted pursuant

thereto for which a member, his family members, tenants, guests or other invitees are responsible.

- f. The personal liability of members of the Association
  - g. Matters involving the invasion of privacy of individual property owners
  - h. matters that are to remain confidential by request of an affected and the agreement of the Board of Directors.
5. The consideration of matters during Executive Session shall be restricted to only those purposes specifically authorized pursuant to Section 209.0051(C) - Texas and stated in the motion.
6. No Contract, motion, or other action adopted, passed, or agreed to in Executive Session shall become effective unless the Board of Directors, following the Executive Session, reconvenes in open meeting and takes a vote on such contract, motion or other action, which shall have its substance identified in the open meeting.

EFFECTIVE DATE OF THIS RESOLUTION: OOCTOBER 26TH, 2013

Adopted by the Board of Directors of 4 D Estates Property Owners Association at a duly called meeting on the 26<sup>th</sup> day of October, 2013.

THE EXECUTIVE SESSION POLICY IS APPROVED.

M. Louise Snyder 10/31/2013 Signature/Date President Title

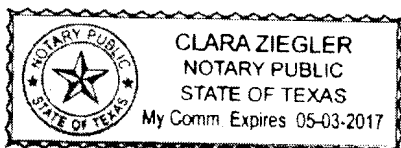
Members in attendance and voting:

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- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT
- ✓ ANN CANNON, VICE PRESIDENT
- ✓ MIKE LITTLEFIELD

STATE OF TEXAS       )  
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Given under my hand and seal of office, this the 31st day of October, 2013.



Clara Ziegler  
Notary Public in and for Wood County

## POLICIES AND PROCEDURES

### DOCUMENT RETENTION POLICY

*For several reasons 4 D Estates Property Owners Association must have good record keeping procedures. The members of the Association are entitled by the Texas Law Codes access to Association Records when they make a request. Requests for copies of or access to Association records should be honored as soon as possible, but definitely within a 2 week time frame. If the Association lands in litigation, you'll want to be sure you've retained all the records that will prove your Association acted properly.*

The corporate records of 4 D Estates Property Owners Association, a non-profit Incorporation, are important assets. Corporate records include essentially all records that are produced as a volunteer or employee for the Association, whether paper or electronic. A record may be as obvious as a memo, an e-mail, a contract or research, or something not as obvious, such as a computerized desk calendar, an appointment book or an expense record.

The Texas State Laws require the Association to maintain certain types of records, for a specified period of time. Failure to retain those records for those minimum periods could subject you and the Association to penalties and fines, cause the loss of rights, obstruct justice, spoil potential evidence in a lawsuit, place the Association in contempt of court, or seriously disadvantage the Association in litigation.

The Association expects all volunteers/employees to fully comply with any published records retention or destruction policies and schedules, provided that all persons should note the following general exception to any stated destruction schedule: If you believe, or the Association informs you, that Association records are relevant to litigation, or potential litigation (i.e., a dispute that could result in litigation), then you must preserve those records until the Association or its legal counsel determines the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records. If you believe that exception may apply, or have any question regarding the possible applicability of that exception, please contact a Board member.

From time to time the Association establishes retention or destruction policies or schedules for specific categories of records in order to ensure legal compliance, and also to accomplish other objectives, such as preserving intellectual property and cost management. Several categories of documents that bear special consideration are identified below. While minimum retention periods are suggested, the retention of the documents identified below and of documents not included in the identified categories should be determined primarily by the application of the general guidelines affecting document retention identified above, as well as any other pertinent factors.

#### **1. Tax Records.**

Tax records include, but may not be limited to, documents concerning expenses, proof of deduction, business costs, accounting procedures, and other documents concerning the

Association's revenues. Tax records should be retained for at least six (6) years from the date of filing the applicable return.

## **2. Employment Records/Personnel Records.**

Should the Association at any time in the future have employees all employee records should be retained for at least six (6) years from last date of employment. This would include but is not limited to personnel files, reviews, complaints, memorandum and correspondence.

## **3. Board and Board Committee Materials.**

Meeting minutes should be retained in the Association's minute book. A clean Copy of all Board and Board committee materials and minutes should be kept for no less than six (6) years by the Association.

## **4. Legal Files.**

Should legal counsel be retained, legal counsel should be consulted to determine the retention period of particular documents, but legal documents should generally be maintained for a period of six (6) years. If the retention period is other than 6 years it should be clearly marked so on the file.

## **5. Contracts.**

Final execution copies of all contracts entered into by the Association should be retained. The Association should retain copies of the final contracts for at least six (6) years beyond the life of the agreement and longer in the case of publicly filed contracts.

Failure to comply with this document retention policy may result in punitive action against an employee should there be one in the future.

Questions about this policy should be referred to the Association's Manager, who is in charge of administering, enforcing and updating this policy.

After the applicable time period provided herein, any pertinent documents may be destroyed.

Adopted by the Board of Directors of 4 D Estates Property Owners Association at a duly called meeting on the 26<sup>th</sup> day of October, 2013.

THE DOCUMENT RETENTION POLICY IS APPROVED.

M. Louise Snyder 10/31/2013 Signature/Date  
President Title

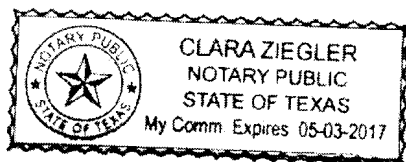
**Members in attendance and voting:**

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Clara Ziegler  
Notary Public in and for Wood County

## POLICIES AND PROCEDURES

### GRANDFATHERING POLICY

#### 1. Definition of Grandfathering

The act of allowing a previous rule, policy or procedure to apply when in fact a rule, policy or procedure in the current Dedicatory Instruments and Policies and Procedures would not allow the same. It may be thought of as an exception to the rule.

#### 2. Grandfathering should be avoided.

However if it is used it should be applied to all with like circumstances. As an example: An Amendment to the Covenants is made that says all fences are to be wood fences only and not more than 6 feet tall. Ten current property owners have wood fences that are 8 feet tall and object to the cost of reconstruction. The Board of Directors decides to allow all ten property owners to keep their 8 foot fences but states that at any time in the future repairs or replacement of 25% or more of the total fence is needed, the entire fence should be replaced with a wood fence not more than 6 feet tall.

An example of a bad grandfathering that is only asking for serious trouble is: Nine of the ten property owners above are told they have to replace their fences but the tenth one is told they don't have to because they're at the end of the road and nobody will see their 8 foot fence anyway. Very wrong – it is either all or none!

#### 3. Recording a Grandfathering Policy.

Any document that states a Grandfathering event should be clearly stated, dated and appropriately signed and notarized and then recorded in the Public Records of Wood County in the form of an Amendment to Policies and Procedures in the appropriate section.

Adopted by the Board of Directors of 4 D Estates Property Owners Association at a duly called meeting on the 26<sup>th</sup> day of October, 2013.

THE GRANDFATHERING POLICY IS APPROVED.

*M. Louise Senger* 10/3/2013 Signature/Date  
President Title



# **POLICIES AND PROCEDURES MODEL CODE OF CONDUCT FOR BOARD MEMBERS**

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## **FOR THE BOARD OF THE 4 -D ESTATES PROPERTY OWNERS ASSOCIATION:**

“THERE'S NO SHAME IN ADMITTING THAT SOMETIMES YOU ARE NOT SURE OF YOUR RESPONSIBILITY AS A BOARD MEMBER. BEING A BOARD MEMBER IS A VOLUNTEER POSITION THAT REQUIRES RESPONSIBILITY, DEDICATION AND SOMETIMES PERSEVERANCE”.

WHEREAS, it is acknowledged that conduct is not always an innate action, the Board of Directors of 4 D Estates Property Owners Association hereby adopts the following Code of Conduct for all current and future Board members and Directors until such time it is canceled, revoked or amended in writing and refiled with the Public Records of Wood County, TX:

### **1. Commit your time.**

If you agree to be a board member, make your service a priority. Expect to attend as many meetings as you can, and attend almost all of them.

### **2. Know your rules, your budget and your Documents.**

Read, reread, and be well versed in your Governing Documents and prior minutes. Those documents are your foundation. Read all relevant materials before meetings so you're prepared to discuss issues and make sound decisions. Be very well versed in your association's budgetary requirements and restraints.

### **3. Remember your fiduciary duties.**

Recognize that board members operate in a fiduciary capacity, which means you are entrusted with the operation of the association and doing what's in the Association's best interest, not even in the interest of the owners. This is an example: Your association wants to purchase one of its own lots/cabins for an on-site manager to live in. If you become aware that there's a lot/cabin for sale at a very favorable price, yet you buy that lot/cabin yourself, you've breached your fiduciary duty to the Association. Instead, you should have first told the Association of the availability of that lot/cabin. If the association voted not to buy it for whatever reason, you'd be free to buy it.

Acting in the Association's best interest also means making decisions on the merits, not because you have an ax to grind or a personal agenda. Don't solicit or accept gifts, gratuities, or favors, especially with those given with the intent of influencing a decision. Don't seek preferential treatment from other board members, committees,

contractors, or suppliers. Don't receive compensation for serving on the board. Don't advance a personal cause by using your position on the board to enhance your financial status through the use of particular contractors or suppliers.

4. **Know the professionals you're dealing with.**
5. **Always comply with your governing documents and relevant laws.**
6. **Use competitive bidding.**
7. **Work within the association's framework and refrain from unilateral action.**

Discuss board business only at board meetings, not at ad hoc meetings. And remember that the board speaks with one voice. If there's a board decision you disagree with, once it is made, support it.

8. **Always exhibit professional behavior.**

Treat your constituents – all members of the Association – with respect and decency. You'll be surprised at how many problems don't happen when there's open dialogue between the board and Association members. Don't harass Association members or residents, and refrain from defaming anyone in the community, including your manager and attorney.

9. **Maintain confidentiality of Association matters when it's appropriate.**

For example, if your Association is involved in litigation with an owner, you should never discuss board actions and decisions about the litigation outside board meetings – ever.

10. **Promptly disclose conflicts of interest, and take immediate action when one arises.**

This is an example of a conflict of interest: The board plans to vote on having landscaping done around the subdivision sign at the gate. Your brother owns a landscaping company. It's best if your brother doesn't enter the competitive bidding. However, if he does, at a minimum, you should make it known that your brother is one of the companies that will bid, and then you should leave the room and not take part in discussion on the contract. Also insist that the board minutes note that you've recused yourself from the discussion and that part of the meeting, and any motion/voting pertaining to same.

11. **A UNANIMOUS AGREEMENT.**

It is also agreed unanimously by all Board members that the foregoing Conduct Rules is not all inclusive and that all due diligence should be used by all Board members to facilitate and further the Association's purpose and to do no harm in all instances, as humanly as possible.

The Board of Directors of the 4 D Estates Property Owners Association has adopted the foregoing Rules of Conduct upon motion and passing with a vote of 5 in favor and 0 opposed. . . on this 26<sup>th</sup> day of October, 2013, at a duly called and properly noticed meeting of the Board of Directors at which a quorum was present.

BY M. LOUISE SNYDER, PRESIDENT, OF/FOR 4 D ESTATES POA

  
MEMBERS IN ATTENANCE AND VOTING:

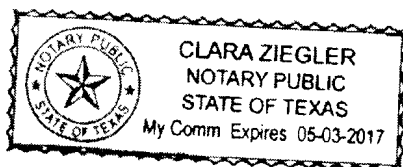
- ✓ JOHN REECH
- ✓ ANN CANNON, VICE PRESIDENT
- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT
- ✓ MIKE LITTLEFIELD

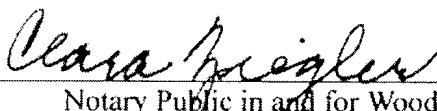
STATE OF TEXAS )

COUNTY OF WOOD )

Before me, the undersigned, a Notary Public in and for Wood County, Texas, on this day personally appeared M. Louise Snyder, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 31<sup>st</sup> day of October, 2013.



  
Notary Public in and for Wood County, Texas

## **POLICIES AND PROCEDURES MODEL CODE OF CONDUCT FOR PROPERTY OWNERS**

*To be distributed to all property owners in the 4 D Country Estates Subdivision*

**1. Get to know everybody.**

Be on a first-name basis with your Board members/Manager, and your neighbors so that you feel comfortable calling to report problems, ask questions, and offer to help. Knowing what's going on with your neighbor is the first step toward knowing what's going on in your community. The more that people within the Association respect each other, the better the experience will be for everyone.

**2. Keep things in perspective.**

If your Association doesn't already have one, help organize a party at least once a year. If necessary to save money, make it potluck. The idea is to get to know your neighbors and have fun so that you don't take Association life too seriously.

**3. Be engaged.**

Start with the basics. Make sure your Board and/or Manager always have current contact information for you, and your tenants if applicable. Attend as many meetings as you can. Don't wait to be asked to participate in your community. Ask what you can do to help. And when you're asked – whether it's to vote, to respond to a request for information from your Board, or to volunteer for a committee or the Board – do it willingly. When property owners aren't engaged, the burden of running your Association falls on the shoulders of the few-- and your Association fails to benefit from the wisdom of diverse voices and opinions.

**4. Read your governing documents.**

Boring as it may seem, you must read your CC&R's, bylaws, rules meeting minutes, and any other correspondence you receive from your Board or Association Manager. Those documents form the framework that everyone in the Association must live by.

**5. Always comply with your governing documents.**

First concentrate on your own property to make sure it's attractive and well maintained. Then,

even when you disagree with them, follow the rules. They're there so that everyone can enjoy the community. Following the rules also helps you build a case when you're frustrated with a neighbor's rule breaking and you ask the Board to get your neighbor to comply. How can you expect the Board to enforce rules against your neighbor if you're not following the rules yourself? If you're not sure whether something you'd like to do is permissible, ask a Board member or the Association Manager before you take action.

**6. Pay your assessments and pay them on time.**

When investing in an association, you become a member of a not-for-profit business that has fiscal obligations. Delinquent revenue (dues) to the Association directly affects the community's monthly operations and may limit the Board in its attempt to maintain and enhance the community. All the benefits you get from your Association come to you because the Association pays the money to provide them. If you and other property owners don't pay assessments, service suffers and everybody loses.

**7. Don't try to benefit personally from your Association.**

Here's an example: Your Board plans to vote on a roofing contract. Your brother owns a roofing company. Make sure the Board knows your brother is one of the companies that will bid, and don't attempt to improperly influence the vote. And never accept something of value in exchange for recommending a vendor to your Board.

**8. Support your Board of Directors.**

This may sometimes be hard, and in some communities, an US vs THEM mentality can develop. But for a community to be successful, everyone needs a "we" mentality. Remember the Board may make decisions that inconvenience a few property owners, but they're made based on the long-term good of the entire community. If you disagree on an issue, more often than not, a friendly and polite face-to-face conversation with a Board member will give both of you the opportunity to explain your side, which you may not have been able to do before because of the time constraints of a Board meeting or because you weren't able to attend prior meetings.

**9. Always be professional.**

Follow whatever communication protocols are set up. As an example, call the Security Officer if there is a security problem; call whoever is in charge of maintenance if something is not operating properly. Or if you're having a run-of-the-mill dispute with a neighbor don't ask the Board or Manager to take sides. Treat your neighbors, the Board/Manager with respect and decency. Many problems don't happen when there's open dialogue within a community. Never make personal attacks on your Board or fellow property owners. Don't harass Board members

or other residents, and refrain from defaming anyone in the community, including your Board and Manager. Even when you disagree, there's no need to be disagreeable.

# 10. Extend common courtesy toward your neighbors.

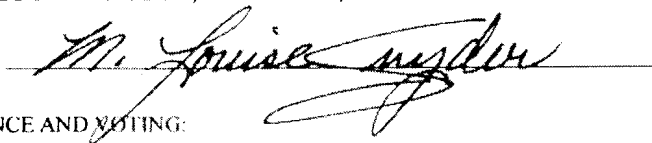
Little things can make everyone's life easier. Be considerate about things like noise levels and unsightly messes. And don't do things that will impose a burden or expense on your community or other owners. For example, don't remove rubbish from your property and dispose of it on someone else's property.

# 11. A UNANIMOUS AGREEMENT.

These Codes of Conduct are copied with permission from Tony Deblauwe, Tanya Fairclough-James, Lisa A. Magill, Jim Taccone, Debra A. Warren, and Atty. Daniel Zimmeroff – and edited for use of the 4 D Estates Property Owners Association. It is agreed unanimously by all Board members that the foregoing Conduct Rules are not all inclusive and that all due diligence should be used by all Association Members to facilitate and further the Association's purpose and to do no harm in all instances, as humanly as possible.

The Board of Directors of the 4 D Estates Property Owners Association has adopted the foregoing Rules of Conduct upon motion and passing with a vote of 5 in favor and 0 opposed. . . on this 26<sup>th</sup> day of October, 2013, at a duly called and properly noticed meeting of the Board of Directors at which a quorum was present.

BY M. LOUISE SNYDER, PRESIDENT, OF/FOR 4 D ESTATES POA



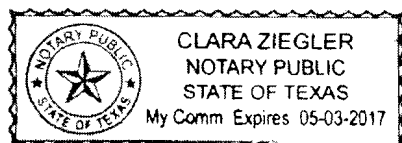
MEMBERS IN ATTENDANCE AND VOTING:

- ✓ JOHN REECH
- ✓ ANN CANNON, VICE PRESIDENT
- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT
- ✓ MIKE LITTLEFIELD

STATE OF TEXAS           )  
   )  
 COUNTY OF WOOD        )

Before me, the undersigned, a Notary Public in and for Wood County, Texas, on this day personally appeared M. Louise Snyder, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the 31<sup>st</sup> day of October, 2013.



*Clara Ziegler*  
 Notary Public in and for Wood County, Texas

## POLICIES AND PROCEDURES

### RECREATIONAL VEHICLES POLICY AND MOBILE HOME/MANUFACTURED HOME POLICY

#### 1. AUTHORITY TO KEEP ON PREMISES

RV's (which include but are not limited to motor homes, 3<sup>rd</sup> wheels and camper trailers of any kind) are allowed to be kept on the premises however there are rules that apply.

Mobile homes and Manufactured homes are **not** permitted to be kept on 4 D Estates properties, collectively or individually on any lot of any size or any tract of any size.

#### 2. NEATNESS AND CLEANLINESS and GOOD REPAIR

At all times the area immediately around the RV and approaching it from all sides shall be kept neat and clean. The RV shall be kept in good repair and good appearance. Should neatness, cleanliness and or good repair/appearance become an issue according to normal and reasonable standards the Association reserves the right to request the removal of the unit and will pursue same with all equities at Law in the State of Texas, if necessary.

#### 2. TIME CONSTRAINTS

Per the Covenants as Amended in 1972 and recorded in the Public Records of Wood County, TX., temporary structures such as RV's, may not be lived in for longer than a 2 week period at a time and 2 week periods must be separated by no less than 6 months, unless prior written approval from the 4 D Estates Property Owners Association Board of Directors is obtained.

#### 3. HOOK UPS

Hook ups to RV's can only be used in preparation for departure or return clean up. The hook ups may also be used during a 2 week period as stated in # 2 above.

#### 4. LOCATION

RV's/Campers of any kind, grade or class may not be kept closer to the road than the back line of the foundation of the home. Location with reference to others' properties on all sides should and will be taken into consideration. Should the front of the home face other than the road, the location of the RV/Camper must be approved in writing by the Board of Directors.

#### 5. CHANGES

The Board of Directors and the Manager of the Association, whole or in part, by resolution or motion reserve the right to add to or make changes to this Policy and these rules should any dispute of fact of same become unsolvable. Reasonableness and fairness in equity will always rule, including denial of keeping an RV on the property if deemed necessary for the good of the Subdivision and surrounding neighbors. All decisions in this instance will be in writing, signed, notarized and recorded in the Public Records of Wood County, Texas..

Adopted by the Board of Directors of 4 D Estates Property Owners Association at a duly called meeting on the 26<sup>th</sup> day of October, 2013.

THE RECREATIONAL VEHICLE AND MOBILE HOME/MANUFACTURED HOME POLICY IS APPROVED.

M. Louise Snyder 10/31/2013 Signature/Date  
President Title

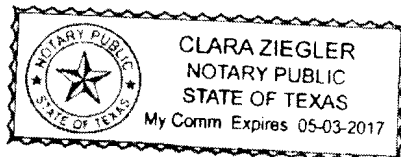
**Members in attendance and voting:**

- ✓ JOHN REECH
- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT
- ✓ ANN CANNON, VICE PRESIDENT
- ✓ MIKE LITTLEFIELD

STATE OF TEXAS       )  
                                  )  
COUNTY OF WOOD     )

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Given under my hand and seal of office, this the 31<sup>st</sup> day of October, 2013.



Clara Ziegler  
Notary Public in and for Wood County



## POLICIES AND PROCEDURES

### STANDARDS AND PROCEDURES FOR AD HOC COMMITTEES

The Board of Directors has the authority to create committees to advise the Board on specific issues or to assist the Board in completing an authorized action.

Committees are assigned to address a specific issue and make recommendations to the Board, not make decisions themselves – unless directed to do so.

The Board of Directors shall provide oversight (guidance) to each Committee to include a suggested meeting schedule, outline of role of the committee chair and its members, identify the committee's tasks and responsibilities and scope of authority, provide goals, and establish a means – such as meeting minutes or other appropriate form – for regular reporting to the Board.

1. Committees shall comply with the open meeting requirements set forth in the Texas Legislation date 1/1/2012.
2. Committees shall meet regularly.
3. Committee members shall regularly attend committee meetings.
4. Committee members serve for terms at the discretion of the Board of Directors.
5. At least one committee representative shall attend each regularly scheduled Board of Directors meeting and present the committee report.
6. Committees shall complete and submit written reports using the form approved by the Board of Directors no later than the deadline established by the Board of Directors for inclusion in Board meeting agendas and materials.
7. Committee Chairs and members are prohibited from obligating the Association to anything – either a written contract or an informal, oral contract – without prior approval from the Board.
8. The Board wants to hear all sides of any issue a committee is studying if there is a disagreement by noting such disagreement in detail in the notes of a committee recommendation to the Board. If an internal dispute prevents them from moving forward, they should notify the Board immediately so the Board can take the necessary action to get the committee back on track. They may mean, but is not limited to, a Board member sitting in on a meeting or possibly requiring the removal of an obstructionist member.

Adopted by the Board of Directors of 4 D Estates Property Owners Association at a duly called meeting on the 26<sup>th</sup> day of October, 2013.

THE STANDARDS AND PROCEDURES FOR AD HOC COMMITTEES POLICY IS **APPROVED**.

M. Louise Snyder 10/31/2013 Signature/Date  
President Title

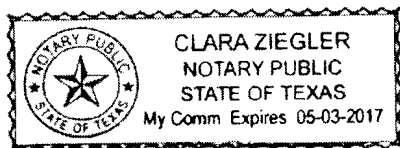
**Members in attendance and voting:**

- ✓ JOHN REECH
- ✓ KARLA MARTIN, SEC/TREAS
- ✓ LOU SNYDER, PRESIDENT
- ✓ ANN CANNON, VICE PRESIDENT
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STATE OF TEXAS       )  
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COUNTY OF WOOD     )

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Given under my hand and seal of office, this the 31<sup>st</sup> day of October, 2013.



Clara Ziegler  
Notary Public in and for Wood County

## POLICIES AND PROCEDURES VIOLATION AND FINE POLICIES

### 1. Definition of a Violation

Any activity or condition continuing on any lot or Greenbelt/Common Areas that is in direct opposition to the plat, declaration, articles of incorporation, bylaws, rules and regulations and/or guidelines (referred to as "association's governing documents"), which is not expressly authorized by the Board, is deemed a "violation" under this enforcement policy for all purposes.

### 2. Notice of Violation

- A. Initial Notice Upon verification of the existence of a violation by the Association or Manager as agent of the Association, an initial violation letter will be sent to the lot owner a written notice of the discovery of the violation ("initial notice"). The initial notice will inform the recipient as follows:
1. The nature, description and location of the violation; and
  2. A request to remedy the violation; and
  3. Notice that if the violation has already been corrected or plans and specifications for a subject improvement have been submitted to the Compliance Committee to disregard notice.
- B. Second Notice of Violation If the lot owner fails to remedy the violation or fails to submit plans and specifications for the offending improvement to the Compliance Committee or if the Compliance Committee has denied approval of the plans and specifications submitted, and the violation is continuing, no earlier than ten (10) days from the initial notice (unless specifically provided for in the associations governing documents), the Board/Manager shall send to the lot owner a Second Notice of Violation informing the recipient as follows:
1. The nature, description and location of the violation and the failure of the lot owner to correct the violation, as previously requested; and
  2. Notice that if the violation is corrected or eliminated within ten (10) days from the delivery of the Second Notice of Violation, no further action will be taken; and
  3. If necessary, work on any improvement must cease immediately and may not resume without express written approval of the Compliance Committee; and
  4. Failure to remedy a violation or cease work on any subject improvement will result in the Association electing to pursue any one or more of the remedies available to the Association under the declaration or this enforcement policy.

- C. **Failure to Remedy** Failure to (i) cease all work immediately upon receipt of the second notice of violation, or (ii) remedy the current violation existing upon the lot within ten (10) days of the date of the second notice of violation (or sooner if specifically provided), shall constitute a continuing violation and result in one or more of the following: (a) a fine being levied by the Association against the lot owner, (b) correction of the offending improvement by the Association at the expense of the lot owner through a benefited assessment being levied against the lot or any other remedy under law or at equity, the declaration or this enforcement policy, including but not limited to injunctive (an injunction) relief. The Board or Manager shall send to the lot owner a formal notice of fine informing the recipient of the continuing violation and the remedy chosen as a result thereof. The date of the notice shall be the "notice of fine date."
- D. **Fine Structure** At the Board's discretion, pursuant to the provisions of Paragraph 2, an initial fine may be imposed from \$10 to \$1,000 followed by fines imposed at the rate of \$10 to \$1000 per occurrence, day, week or month, pursuant to the Association's fine schedule.

### 3. **Corrective Action**

Pursuant to allowances granted by the declaration, where a violation is determined to exist and referred to the Board of Directors of the Association, pursuant to any provision of this enforcement policy, the Board/Manager, with the approval of the majority of the Board of Directors of the Association, may undertake to cause the violation to be corrected, removed or otherwise abated by qualified contractors if the Board/Manager, in its reasonable judgment, determines the violation may be readily corrected, removed or abated without undue expense and without breach of peace. Where the Board/Manager decides to initiate any action by qualified contractors, the following will apply:

- A. The Board/Manager must give the lot owner and any third party directly affected by the proposed action prior written notice of undertaking of the action. The foregoing notice may be given at any time.
- B. Cost incurred in correcting or eliminating the violation will be referred to the Association to be recovered from the lot owner as an assessment as set forth in the declaration.
- C. The Association, and its agents and contractors, will not be liable to the lot owner or any third party for any damage or costs alleged to arise by virtue of action taken under this Paragraph 3 where the Association and its agents have acted reasonably and in conformity with this enforcement policy.

### 4. **Referral to Legal Counsel**

Where a violation is determined to exist and is referred to the Board of Directors of the

Association pursuant to any of the provisions of this enforcement policy and where the Board/Manager deems it to be in the best interests of the Association, the Board may, at any time during the enforcement process, refer the violation to legal counsel for action seeking injunctive (an injunction) relief against the lot owner to correct or otherwise abate the violation, or to pursue any other legal or equitable remedy that may be available to the association.

## **5. Notices**

- A. Any notice required by this enforcement policy to be given, sent, delivered or received in writing will be deemed to have been given, sent, delivered or received, as the case may be, the earlier to occur of the following:
  - 1. When the notice is hand-delivered or posted at the property.
  - 2. When the notice is placed into the care and custody of the United States Postal Service, the notice is deemed delivered as of the date the notice is deposited into a receptacle of the United States Postal Service with postage prepaid and addressed to the most recent address of the recipient according to the records of the Association.
- B. Where the interests of an owner in a lot have been handled by a representative or agent of such owner or where owner has otherwise acted so as to put the Association on notice that its interests in a lot has been and is being handled by a representative or agent, any notice or communication from the Association or Manager pursuant to this enforcement policy will be deemed full and effective for all purposes if given to such representative or agent.

## **6. Cure of Violation During Enforcement**

A lot owner may correct or eliminate a violation at any time during the pendency of any procedure prescribed by this enforcement policy. Upon verification by the Board/Manager that the violation has been corrected or eliminated, the violation will be deemed no longer to exist and the notice of violation voided. The lot owner will remain liable for all costs, fines and legal fees and costs under this enforcement policy, which said amounts, if not paid upon demand will be referred to the Association Board/Manager for collection as an assessment pursuant to the Declaration.

If a violation should reoccur during a six (6) month period from the last notice given, the original enforcement shall pick up where the last notice was given. If a violation should reoccur greater than six (6) months after the last notice was given it will be considered a new violation and processed/pursued accordingly.

## Fine Policy

When an owner (including any family member, resident, occupant, visitor, guest, agent, licensee or tenant of the owner) violates the provisions set forth in the Association's governing documents (i.e., plat map, CC&R's, articles of incorporation, bylaws and/or rules and regulations), there shall be grounds for assessment of a monetary penalty/fines with interest and the violating owner shall be deemed responsible for such violation(s) and the monetary sums assessed.

If the violation continues past default, a fine or penalty may be assessed against the owner and will be made due and payable if the violation continues to exist. The sum total shall be considered a personal liability of the owner. The following schedule is the time frame an owner has to cure his/her/their/its violation before the Association may reassess the status of the violation:

### A. Scheduled Time for Correction

| <b>VIOLATION</b>   | <b>TIME TO CURE BEFORE VIOLATION IS REASSESSED</b> | <b>FINE AMOUNT</b>   |
|--|--|--|
| Initial notice of Violation  | Ten (10) Days*                                     | Courtesy--no fine*   |
| Second notice of violation   | Ten (10) Days*                                     | \$50.00*   |
| Third notice of violation  | Ten (10) Days*                                     | \$100.00*  |
| Fourth and subsequent notice of violation, which may be assessed without further notice until the violation is cured   | Ten (10) Days*                                     | \$150.00*<br>To be cumulative on the 1 <sup>st</sup> of each month the violation is not cured. |
| * Association, through its Board of Directors, reserves its right to alter time line and fine amount under circumstances that it determines are just in the Board's sole discretion. |  |  |
| * The Association reserves its right to refer any violation to legal counsel at any time.  |  |  |

**Collection:** Fines and penalties that are levied as stated above may be assessed against an owner and may become due and payable within 30 days after the fine is assessed after providing the owner with notice and an opportunity to be heard. Failure to pay the fines and penalties may result in the following collection procedure:

1. Interest accruing on the total balance owed at the rate of ten (10%) percent per annum;
2. After the initial 30 days, a demand letter is sent to the owner via U.S. Mail or personal delivery to the owner. The owner will be provided 10 days in which to respond. The owner will be charged for the cost of this letter. If the owner fails to bring his/hers/theirs/its balance current within the 10 days prescribed in the demand letter, the association may place the owner in collections and the Association may proceed with the legal remedies available to it.

## Fine Policy Continued

Any and all costs associated with the collection of the past due fines and penalties, costs, legal fees, court costs and other charges will be assessed against the owner's lot. Legal action may be initiated seeking injunctive relief against the lot owner to correct or otherwise abate the violation, or to pursue any other legal or equitable remedy that may be available to the Association, including, but not limited to the collection of the past due fines assessed and other charges and legal fees incurred.

THE FOREGOING VIOLATIONS AND FINES SECTION OF THE POLICIES AND PROCEDURES MANUAL FOR 4 D ESTATES PROPERTY OWNERS ASSOCIATION IS HEREBY ADOPTED BY UNANIMOUS VOTE OF THE BOARD OF DIRECTORS ON THIS 12TH DAY OF OCTOBER, 2013.

BY M. LOUISE SNYDER, PRESIDENT, OF/FOR 4 D ESTATES POA

  
MEMBERS IN ATTENDANCE AND VOTING:

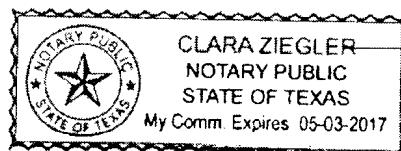
- ✓ JOHN REECH
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STATE OF TEXAS

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