

ADDITIONAL DEDICATORY INSTRUMENTS
for
THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC.

THE STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared **Mitchell Avila Katine**, who, being by me first duly sworn, states on oath the following:

"My name is **Mitchell Avila Katine**, I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, authorized to make this affidavit, and personally acquainted with the facts herein stated:

"I am the attorney for THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC. The following instrument, FINE ENFORCEMENT POLICY AND CERTIFICATE OF ADOPTION, is a true and correct copy of an unrecorded Dedicatory Instrument, as that term is defined by Section 202.001 of the Texas Property Code, pertaining to THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC., and the property subject to the declaration recorded under Galveston County Clerk's Document No. 8321230, as amended and/or supplemented.

DATED this 3 day of June, 2024.

THE WHARF AT CLEAR LAKE SLIP
MAINTENANCE ASSOCIATION, INC.

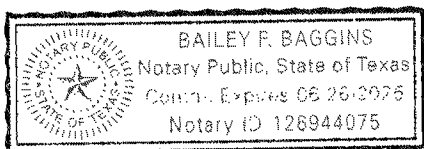
By:



Mitchell Avila Katine, Attorney

THE STATE OF TEXAS §
COUNTY OF HARRIS §

THIS INSTRUMENT was acknowledged before me on this the 3rd day of June, 2024, by **Mitchell Avila Katine**, attorney for THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

After recording return to:
Katine Nechman McLaurin LLP
2000 Bering Drive, Suite 700
Houston, Texas 77057
713-808-1001

**THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC.
FINE ENFORCEMENT POLICY AND CERTIFICATION OF ADOPTION**

STATE OF TEXAS

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF GALVESTON

WHEREAS, the THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations") and specifically adopting rules and regulations relating to fines and penalties as set forth in the Association's Declarations and duly adopted By-Laws ("Governing Documents"), including, but not limited to, those listed below; and

1. Declaration of Covenants, Conditions and Restrictions in the Deed of Trust (Book 2988 pages 64-79), dated May 3, 1978;
2. Amendment to Declaration of Covenants, Conditions and Restrictions The Wharf at Clear Lake (Marina Area) (002-32-1097 to 002-32-1123) dated November 12, 1982;
3. Plan of Merger dated June 26, 1990 (007-05-0974 to 007-05-0985); and
4. By-Laws of Wharf at Clear Lake Slip Maintenance Association, Inc. adopted July 20, 1989.

WHEREAS, chapter 209 of the Texas Property Code in Section 209.006 ("Section 209.006") effective September 1, 2021, Section 209.0061 ("Section 209.0061") effective January 1, 2014, and Section 209.007 ("Section 209.0061") effective September 1, 2021, establish requirements for an Association's policy with regards to fines ("Fine Enforcement Policy"); and

WHEREAS, the Board of Directors of the Association ("Board") desires to establish a Fine Enforcement Policy consistent with Sections 209.006, 209.0061 and 209.007 to provide clear and definitive guidance to owners.

WHEREAS, the Board has authority pursuant to the Declarations and the Bylaws to determine, in its reasonable discretion, the manner in which violations of the Governing Documents are to be remedied; and

WHEREAS, the Board has and does hereby find the need to establish a Fine Enforcement Policy for the enforcement of the covenants, conditions and restrictions contained in the Governing Documents and for the elimination of violations/infractions which may be found to exist within the Community.

NOW, THEREFORE, the The undersigned Officer of THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC., hereby certifies the approval and adoption of the

attached "THE WHARF AT CLEAR LAKE SLIP MAINTENANCE ASSOCIATION, INC. FINE ENFORCEMENT POLICY AND CERTIFICATION OF ADOPTION" (the "Fine Enforcement Policy") by a majority vote of the Association's Board during the May 20, 2024, monthly Board meeting at which a quorum of Board Members was present and voting in favor of the Fine Enforcement Policy.

Please be advised in accordance with section 209.0061 of the Texas Property Code:

1. The general categories of restrictive covenants for which the Association, through its board of directors, may assess fines is set forth below;
2. A schedule of fines for each category of violation is also set forth below; and
3. Information regarding hearings described by sections 209.006 and 209.007 of the Texas Property Code is set forth below.

I. DEFINITIONS:

Curable Violation/Infraction – a violation that does not pose a threat to public health or safety; and can be corrected if provided a reasonable period to cure the violation/infraction to the satisfaction of the Board. If the violation/infraction is cured within reasonable time as provided by the Board, no fine or penalty shall be assessed.

Uncurable Violation/Infraction - a violation that poses a threat to public health or safety; and/or if the violation has occurred, but is not a continuous action or a condition capable of being remedied by affirmative action. The non-repetition of a one-time violation/infraction or other violation/infraction that is not ongoing is not considered an adequate remedy. If the violation/infraction is deemed "Uncurable" by the Board, a fine shall be immediately assessed.

Vessel – a boat, but does not include barges or any vessel designed for commercial performance and/or use, for example, work barges, shrimp vessels, etc.

II. FINE STRUCTURE

A. Curable violations/infractions – includes, but not limited to

Constructing or attaching any structure to any dock, finger pier or other common element. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected + cost or removing
Constructing an overhead canopy over a slip.	\$150 + \$100/day not corrected
Build-down docks not in good repair, failure to get approval before constructing a build-down dock, build down dock cluttered. If not	\$150 + \$100/day not corrected

immediately corrected, a fine shall be assessed.	
Unapproved dock box. If not immediately corrected, a fine shall be assessed.	\$150 + \$50/day not corrected
Leaving equipment, materials or inflammable products on the docks or finger piers. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Failing to use a licensed electrical contractor for electrical work. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Failing to maintain required insurance coverage on a vessel docked in the marina or in the storage lot or a trailer parked in the storage lot. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Failing to submit the required documents to the Board and failing to have a vessel inspected before entering the marina. Failing to submit the required documents to the Board and failing to have a trailer or vessel inspected before entering the storage lot. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Failing to submit a request for variance to the Board on any rule. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Conducting a business, trade or profession on or about any slip common area or common facilities. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
A vessel reentering the marina without the approval of the Board after having been removed by an eviction process or legal action. If not immediately corrected, a fine shall be assessed.	\$500 + \$150/day not corrected
Failing to remove a sunk vessel within 72 hours of it sinking. If not immediately corrected, a fine shall be assessed.	\$250 + \$100/day not corrected
Fishing or crabbing on docks or piers.	\$150 + \$100/day not corrected
An owner, their guest(s) or their renter being intoxicated, in possession of illegal drugs, committing any misconduct, or theft within the marina, including storage and parking areas. If	\$250/incident

not immediately corrected, a fine shall be assessed.	
Laundering or drying of wearing apparel on a dock or in a vessel's rigging. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Using an auxiliary generator in the marina. If not immediately corrected, a fine shall be assessed.	\$250 + \$100/day not corrected
Failing to comply with the live aboard vessel requirements before the vessel begins being used for live aboard purposes. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
A slip owner, who is renting their slip, failing to provide to the Association the commencement date and term of the lease and the contact information, including the name, mailing address, phone number, and email address of each person who is leasing or residing at the slip. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Keeping an unseaworthy vessel in a slip. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Painting, burning of paint, mechanical removal of gelcoat or fiberglass, removal or installation of a vessel's engine within the marina or parking lot. If not immediately corrected, a fine shall be assessed.	\$250+ \$100/day not corrected
Parking a car improperly or in an unauthorized or undesignated area, failing to register a car, failing to display the appropriate tag or sticker, making vehicle repairs in the marina parking areas, failing to get approval from the Board before parking a trailer or boat in the marina storage lot. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
The discharge of trash in the marina or on the shore area, disposing of used oil in a manner which endangers public health or damages the environment, discharging human or food waste into the water or on shore. If not immediately corrected, a fine shall be assessed.	\$500 + \$100/day not corrected + cost of cleanup

Failing to moor vessel in a seamanlike manner as described in the Association's rules using lines in good condition. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Exceeding a wakeless speed in the marina. If not immediately corrected, a fine shall be assessed.	\$150/incident
Failing to keep docks and finger piers free and clear of all obstructions. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Using the exterior of the vessel for storage or cluttering the exterior of the vessel. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Failing to maintain the exterior appearance of a vessel. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected
Abandoned vehicles or vessels – no vehicles or vessels with expired registrations. If not corrected within a reasonable period, a fine shall be assessed.	\$150 + \$100/day not corrected
An act constituting a threat to health or safety. If not immediately corrected, a fine shall be assessed.	\$250 + \$100/day not corrected
A noise or nuisance violation/infraction that is currently ongoing. If not immediately corrected, a fine shall be assessed.	\$250 + \$100/day not corrected
Exceeding the number of allowable overnight stays in a non-live abroad slip. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected

B. Uncurable violations/infractions – includes, but not limited to

Removing a fire hose or extinguisher from the fire station box. Damaging a fire hose, fire extinguisher or the fire box.	\$500 + \$100/day not corrected + cost of damages
Building an open fire on or about a slip, finger pier or docks.	\$500 + cost of damages
Fueling a vessel in the Association's marina	\$500
Painting, burning of paint, mechanical removal of gelcoat or fiberglass, removal or installation of a vessel's engine within the marina or parking lot.	\$500 + \$150/day not corrected

A vessel reentering the marina without the approval of the Board after having been removed by an eviction process or legal action.	\$500 + \$250/day not corrected
The discharge of trash in the marina or on the shore area, disposing of used oil in a manner which endangers public health or damages the environment, discharging human or food waste into the water or on shore.	\$500 + \$100/day not corrected + cost of cleanup
A noise or nuisance violation/infraction that is not ongoing.	\$500
An owner, their guest(s) or their renter being intoxicated, in possession of illegal drugs, committing any misconduct, or theft within the marina, including storage and parking areas.	\$500
An act constituting a threat to health or safety.	\$250 + \$100/day not corrected.
Property damage to Association property.	\$250 + cost of damages
Failing to submit a request for variance to the Board of the Association for approval on any rule and completing the variance without said approval.	\$1,000
Exceeding the number of allowable overnight stays in a non-live abroad slip. If not immediately corrected, a fine shall be assessed.	\$150 + \$100/day not corrected

III. ENFORCEMENT OF FINE POLICY

Fines and the frequency of fines, are to be determined by the Board, and may be imposed every day that the Violation continues to exist after the Notice of Fine date. There shall be no limit to the aggregate amount of fines which may be imposed for the same Violation. The Owner may be notified by the Association in writing of the amount of fines accrued to Owner's account. The Board may modify, from time to time, the schedule of fines. The Board reserves the right to adjust these fine amounts based on the severity and/or frequency of the Violation(s). The Board reserves the right and authority to levy a fine from the schedule of fines above that varies on a case-by-case basis but is in accordance with the terms and conditions of this Fine Enforcement Policy.

This Policy is effective upon recordation in the Public Records of GALVESTON County, and supersedes any former fine policy which may have previously been in effect. Except as affected

by Section 209.0062 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Sections 209.006, 209.0061 and 209.007 of the Texas Property Code are attached hereto and are incorporated herein by reference.

The undersigned Officer of the Association hereby further certifies and confirms adoption of the Fine Enforcement Policy based on a total vote of 5 Board Members in FAVOR of the Fine Enforcement Policy and 0 votes OPPOSED to the Fine Enforcement Policy.

Approved and adopted by the Board on this 20 day of MAY, 2024.


KURT LOTERO

PRESIDENT

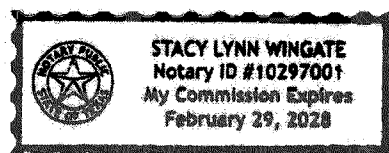
THE WHARF AT CLEAR LAKE SLIP
MAINTENANCE ASSOCIATION, INC.

STATE OF TEXAS

COUNTY OF GALVESTON

Before me, the undersigned authority, on this day personally appeared KURT LOTERO, PRESIDENT of The WHARF AT CLEAR LAKE MAINTENANCE ASSOCIATION, INC., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 20 day of MAY, 2024.




Notary Public, State of Texas

Prop. Code Section 209.006

Notice Required Before Enforcement Action

(a) Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, levy a fine for a violation of the restrictions or bylaws or rules of the association, or report any delinquency of an owner to a credit reporting service, the association or its agent must give written notice to the owner by certified mail.

(b) The notice must:

(1) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner;

(2) except as provided by Subsection (d), inform the owner that the owner:

(A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety;

(B) may request a hearing under Section 209.007 (Hearing Before Board; Alternative Dispute Resolution) on or before the 30th day after the date the notice was mailed to the owner; and

(C) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.), if the owner is serving on active military duty;

(3) specify the date by which the owner must cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety; and

(4) be sent by verified mail to the owner at the owner's last known address as shown on the association records.

(c) The date specified in the notice under Subsection (b)(3) must provide a reasonable period to cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety.

(d) Subsections (a) and (b) do not apply to a violation for which the owner has been previously given notice under this section and the opportunity to exercise any rights available under this section in the preceding six months.

(e) If the owner cures the violation before the expiration of the period for cure described by Subsection (c), a fine may not be assessed for the violation.

(f) For purposes of this section, a violation is considered a threat to public health or safety if the violation could materially affect the physical health or safety of an ordinary resident.

(g) For purposes of this section, a violation is considered uncurable if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. For purposes of this subsection, the non-repetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy.

(h) The following are examples of acts considered uncurable for purposes of this section:

- (1) shooting fireworks;
- (2) an act constituting a threat to health or safety;
- (3) a noise violation that is not ongoing;
- (4) property damage, including the removal or alteration of landscape; and
- (5) holding a garage sale or other event prohibited by a dedicatory instrument.

(i) The following are examples of acts considered curable for purposes of this section:

- (1) a parking violation;
- (2) a maintenance violation;
- (3) the failure to construct improvements or modifications in accordance with approved plans and specifications; and
- (4) an ongoing noise violation such as a barking dog.

Added by Acts 2001, 77th Leg., ch. 926, Sec. 1, eff. Jan. 1, 2002.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 252 (H.B. 1127), Sec. 3, eff. January 1, 2012.

Acts 2015, 84th Leg., R.S., Ch. 1183 (S.B. 1168), Sec. 17, eff. September 1, 2015.

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 14, eff. September 1, 2021.

Texas Property Code Section 209.0061 - Association Policy; Fines

(a) This section does not apply to a property owners' association that is not authorized by the association's dedicatory instrument to levy a fine.

(b) A property owners' association board shall adopt an enforcement policy regarding the levying of fines by the property owners' association. The policy must include:

(1) general categories of restrictive covenants for which the association may assess fines;

(2) a schedule of fines for each category of violation; and

(3) information regarding hearings described by Section 209.007.

(c) The enforcement policy adopted pursuant to Subsection (b) may reserve the board's authority to levy a fine from the schedule of fines that varies on a case-by-case basis.

(d) Each property owners' association shall:

(1) provide a copy of the policy to an owner of each property in the subdivision by:

(A) posting the policy on an Internet website maintained by the property owners' association or an agent acting on behalf of the association and accessible to members of the association; or

(B) annually sending a copy of the policy, separately or included in routine communication from the property owners' association to property owners, by:

(i) hand delivery to the owner;

(ii) first class mail to the owner's last known mailing address; or

(iii) e-mail to an e-mail address provided to the property owners' association by the owner; and

(2) make the policy available on any publicly accessible Internet website maintained by the property owners' association or an agent acting on behalf of the association.

Tex. Prop. Code § 209.0061

Added by Acts 2023, Texas Acts of the 88th Leg.- Regular Session, ch. 666, Sec. 1, eff. 1/1/2024.

Texas Property Code Section 209.007 - Hearing Before Board; Alternative Dispute Resolution

(a) Except as provided by Subsection (d) and only if the owner is entitled to an opportunity to cure the violation, the owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the board.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(2), eff. September 1, 2021.

(c) The association shall hold a hearing under this section not later than the 30th day after the date the board receives the owner's request for a hearing and shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The board or the owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The owner or the association may make an audio recording of the meeting.

(d) The notice and hearing provisions of Section 209.006 (Notice Required Before Enforcement Action) and this section do not apply if the association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action. If a suit is filed relating to a matter to which those sections apply, a party to the suit may file a motion to compel mediation. The notice and hearing provisions of Section 209.006 (Notice Required Before Enforcement Action) and this section do not apply to a temporary suspension of a person's right to use common areas if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the board makes a final determination on the suspension action after following the procedures prescribed by this section.

(e) An owner or property owners' association may use alternative dispute resolution services.

(f) Not later than 10 days before the association holds a hearing under this section, the association shall provide to an owner a packet containing all documents, photographs, and communications relating to the matter the association intends to introduce at the hearing.

(g) If an association does not provide a packet within the period described by Subsection (f), an owner is entitled to an automatic 15-day postponement of the hearing.

(h) During a hearing, a member of the board or the association's designated representative shall first present the association's case against the owner. An owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.

Added by Acts 2001, 77th Leg., ch. 926, Sec. 1, eff. Jan. 1, 2002.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 18, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(2), eff. September 1, 2021.

FILED AND RECORDED

Instrument Number: 2024025058

Recording Fee: 69.00

Number Of Pages: 13

Filing and Recording Date: 06/04/2024 10:16AM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in black ink, reading "Dwight D. Sullivan". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*