

NOTICE  
H

BELLAIRE WEST COMMUNITY IMPROVEMENT ASSOCIATION  
ASSESSMENT COLLECTION POLICY

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STATE OF TEXAS                    §  
  §                   KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS               §

WHEREAS, the BELLAIRE WEST COMMUNITY IMPROVEMENT ASSOCIATION (the "Association") was incorporated in the STATE OF TEXAS; and

WHEREAS, the Association is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration for the BELLAIRE WEST COMMUNITY IMPROVEMENT ASSOCIATION (hereafter collectively referred to as the "Declaration"); and

WHEREAS, the Declaration and Chapter 204 of the Texas Property Code empower the Association to levy assessments and to use certain powers of enforcement and collection and further obligates property owners to pay such levies and related charges and costs; and

WHEREAS, some owners have failed to timely meet their payment obligations; and

WHEREAS, the Board of Directors of the Association (the "Board") desires to establish a policy for assessment collection and to provide clear and definitive guidance to the members of the Association;

NOW, THEREFORE, the Board has duly adopted the following *Assessment Collection Policy*.

1. All maintenance fee assessments are due on the first day of January each year. Any assessment which is not paid when due shall be deemed delinquent.
2. Any account with an unpaid maintenance fee assessment after the 31st day of January shall be assessed a late charge in the amount of \$4.00.
3. Any account with an unpaid maintenance fee assessment after the 31st day of January shall be assessed interest on the unpaid balance each month at the rate of ten percent (10%) per annum.
4. If any assessment remains unpaid on the 15th day of February, the Managing Agent is authorized to send the owner a Collection Letter on a bimonthly basis until the account balance is less than \$50.00. Each Collection Letter shall specify the total amount then owing as well as a breakdown of the total amount. The Collection Letter shall apprise the owner they may enter into an approved payment plan in accordance with Section 209.0062 of the Texas Property Code ("Section 209.0062"). A processing fee of \$5.00 shall be added to the delinquent account for each Collection Letter mailed.
5. If any assessment remains unpaid on the 15th day of February of the subsequent year and the account balance is over \$400.00, the Managing Agent is authorized to send the owner a Certified Collection Letter, which shall specify the total amount then owing as well as a breakdown of the total amount. The Certified Collection Letter shall apprise the owner that collection of the account will be turned over to the Association's attorney unless payment in full is received within thirty (30) days of the date of the letter or the owner enters into an approved payment plan in accordance with Section 209.0062. A processing fee of \$15.00 plus the cost of postage shall be added to the delinquent account for each Certified Collection Letter mailed.

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6. If any assessment remains unpaid on the 1st day of April of the subsequent year and the account balance is over \$400.00, the Managing Agent is authorized to instruct the Association's attorney to proceed with steps necessary to effect enforcement of the Association's lien to satisfy the assessments due.
7. Payments must be made in the following form: personal check, cashier's check, or money order. Cash will not be accepted.
8. The owner may enter into an approved payment plan in accordance with Section 209.0062. A onetime processing fee of \$60.00 shall be added to the delinquent account for the cost associated with setting up the payment plan. For the term of the payment plan, a monthly processing fee of \$15.00 shall be added to the delinquent account to defer the costs associated with monitoring and administering the payment plan.
9. All assessments are due in full. Once a payment plan has been established, an owner may make a partial payment towards a delinquent account. Unless otherwise agreed upon, the Association may reject all partial payments.
10. Any partial payment that is accepted, whether agreed upon in an approved payment plan or otherwise, shall be applied toward the delinquent account in the following order: 1) delinquent assessments, 2) current assessments, 3) attorneys' fees and collection costs associated with a delinquent account, 4) attorneys' fees other than those associated with a delinquent account, 5) fines; and 6) any other amount owed to the Association.
11. A processing fee of \$25.00 shall be added to an account for any and all payment(s) returned by a financial institution due to insufficient funds (NSF). The Association may require payment in the form of a cashier's check or money order to replace a NSF check. The Association may immediately require all future payments to be paid in the form of certified funds upon receipt of a NSF check.
12. All costs and fees incurred by, charged to or paid by the Association for processing a delinquent account shall be added to the delinquent account and paid by the Member.

This Policy is effective upon recordation in the Public Records of Harris County, and supersedes any policy regarding assessment collection 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 Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 29<sup>th</sup> day of November, 2011.

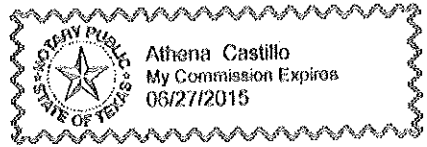
  
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Larry Greer  
President  
Bellaire West Community Improvement Association

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STATE OF TEXAS                    §  
  §  
COUNTY OF HARRIS               §

Before me, the undersigned authority, on this day personally appeared Larry Greer, President of Bellaire West Community Improvement Association, 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 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 1<sup>st</sup> day of December 2011.



*Athena Castillo*  
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Notary Public, State of Texas

AFTER RECORDING RETURN TO:

SEARS & BENNETT, LLP  
9700 RICHMOND AVENUE, SUITE 222  
HOUSTON, TEXAS 77042  
TELEPHONE: (713) 782-1788  
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Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees 24.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS