

AUG 24 2010

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TIERRA HOMEOWNERS ASSOCIATION, INC.

RESOLUTION

20100840168  
08/10/2010 RP2 \$32.00

COLLECTION POLICY FOR DELINQUENT ACCOUNTS

WHEREAS, the Board of Directors (the "Board") of Tierra Homeowners Association, Inc. (the "Association") is charged with the responsibility of collecting assessments for common expenses from Owners pursuant to the Declaration of Covenants, Conditions and Restrictions for Tierra, dated October 18, 2000, and recorded at Clerk's File No. U697851 of the Official Public Records of Real Property of Harris County, Texas (the "Declaration"); and

WHEREAS, from time to time Owners become delinquent in their payments of these assessments and fail to respond to the demands from the Board to bring their accounts current; and

WHEREAS, the Board deems it to be in the best interests of the Association to adopt a uniform and systematic procedure for dealing with delinquent accounts in a timely manner, and further believes it to be in the best interests of the Association to refer these accounts promptly to an attorney for collection so as to minimize the Association's loss of assessment revenue; and

WHEREAS, the Board has retained the firm of Bartley & Spears, P.C. for their experience in representing condominium and homeowners associations in collections and other matters (the "Association's Attorneys"); and

WHEREAS, the Board has directed the Association's Attorneys to represent the Association on the terms outlined in this Resolution;

NOW, THEREFORE,

BE IT RESOLVED that the Association's Attorneys shall pursue all collection and other matters which the Board, acting through Texas Community Management, Inc. (the "Manager"), may from time to time refer to them and to provide any advice and counsel which the Board may from time to time require; and

BE IT FURTHER RESOLVED that the Manager, acting on behalf of the Association, shall pay the Association's Attorneys their usual and customary charges for time incurred in connection with their representation of the Association, together with all costs incurred by the firm, including, but not limited to, fees and charges for filing, service of process, messenger service, photocopies, postage, long distance calls, investigator's services, credit reports, and title reports, promptly upon receipt of the monthly invoice; and

BE IT FURTHER RESOLVED that pursuant to the Declaration there is hereby levied against any assessment account which is not paid in full as of the thirtieth day of the month in which said

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assessment became due interest in the amount of ten (10) percent per annum or the maximum rate of interest allowed by law, if less than ten (10) percent, which the Association is authorized and directed to charge to and collect from any delinquent Owner; and

BE IT FURTHER RESOLVED that in the third week of December of each year the Manager is directed to send written notice to each Owner of a lot in Tierra that the regular or special assessments or other charges authorized by the Declaration are due and payable on January 1 of the following year.

BE IT FURTHER RESOLVED that on March 1 of each year the Manager is directed to send a written reminder notice (hereinafter "First Notice") to each Owner of a lot in Tierra that the regular or special assessments or other charges authorized by the Declaration were due and payable on January 1 of the same year.

BE IT FURTHER RESOLVED that the Board of Directors of the Association will attempt to personally visit each Owner of a Lot in Tierra who is more than \$1,000.00 delinquent in payment of the regular or special assessments or other charges authorized by the Declaration to inform them of the balance due on the account.

BE IT FURTHER RESOLVED that on April 1 of each year the Manager is directed to send to any Owner who is delinquent in payment of regular or special assessments, or other charges authorized by the Declaration, written notice (hereinafter referred to as the "Second Notice") of the balance due on the account, including the late fee and a request for immediate payment; and

BE IT FURTHER RESOLVED that on May 1 of each year the Manager is directed to send to any Owner who is delinquent in payment of regular or special assessments, or other charges authorized by the Declaration, final written notice by certified mail return receipt requested and regular mail (hereinafter referred to as "Final Notice") of the balance due on the account, including the late fee, advising that if the account is not paid in full within thirty (30) days, it will be turned over to the Association's Attorneys for collection and the Owner will be liable for payment of all costs imposed by the Association's Attorneys to cover fees and costs charged to the Association; and

BE IT FURTHER RESOLVED that the Manager is directed to refer any account which remains delinquent for thirty (30) days after the Final Notice to the Association's Attorneys for collection; and

BE IT FURTHER RESOLVED that the Manager is directed to consult with the Association's Attorneys and turn over for collection immediately any account where the Owner files or is the subject of a petition for relief in bankruptcy or a lender has commenced any action for foreclosure of its lien against the lot; and

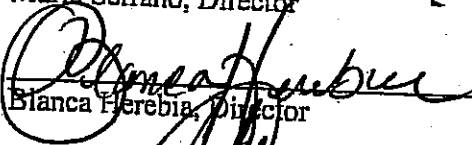
BE IT FURTHER RESOLVED that the following policies shall apply to all delinquent accounts turned over to the Association's Attorneys for collection:

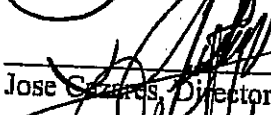
1. All contacts with a delinquent Owner shall be handled through the Association's Attorneys. Neither the Manager nor any Association officer or director shall discuss the collection of the account directly unless one of the Association's Attorneys is present or has consented to the contact.
2. All sums collected on a delinquent account shall be remitted to the Association until the account has been brought current.
3. The Association's Attorneys' legal fees shall be assessed against each delinquent lot and its Owner (including repeat offenders) when incurred by the Association. All legal fees and costs incurred in the collection of a delinquent account shall be assessed against the delinquent lot and Owner and shall be collectable as an Assessment and personal obligation of the Owner as provided in the Declaration.
4. The Association's Attorneys shall give notice, as allowed in the Declaration, to the delinquent Owner that, if the delinquent account is not brought current within the time stated, or a satisfactory agreement has not been reached to accomplish this, court action or foreclosure will be pursued for satisfaction of such obligation.
5. To the extent that the Association's Attorneys, in their discretion, consider it to be appropriate in the circumstances, ~~they are authorized to enter into an installment~~ payment plan, secured by an Agreed Judgment, provided, however, that any payment plan which provides for monthly payments of the current assessment amount for a duration in excess of twelve (12) months shall require the approval of the Board president.
6. Where, at the expiration of the period specified in the Association's Attorneys' demand letter, an amount remains delinquent and without a payment plan embodied in a signed Agreed Judgment and a signed Agreement Letter evidencing the terms of payment, or in the event of a default under that terms of the agreement, the Association's Attorneys are authorized to take such further action as they, in consultation with the Board president, believe to be in the best interest of the Association, including, but not limited to:
  - a. Filing suit against the Owner for money due pursuant to the Declaration; or
  - b. Instituting a nonjudicial action for foreclosure of the Association's lien, pursuant to the Declaration on accounts over \$1,000.00 delinquent; or
  - c. Filing a Proof of Claim in bankruptcy; or
  - d. Instituting a judicial action for foreclosure of the Association's lien on accounts over \$1,000.00 delinquent, pursuant to the Declaration.

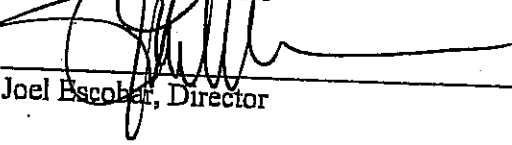
BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to all Owners at their last known address.

This Resolution was adopted by the Board of Directors on August 2, 2010, and shall be effective on August 2, 2010.

  
\_\_\_\_\_  
Maria Serrano, Director

  
\_\_\_\_\_  
Blanca Heredia, Director

  
\_\_\_\_\_  
Jose Serrano, Director

  
\_\_\_\_\_  
Joel Escobar, Director

**FILED FOR RECORD**  
8:00 AM

**AUG 10 2010**

  
County Clerk, Harris County, Texas

PRESIDENT'S CERTIFICATE OF ADOPTION OF  
RESOLUTION BY BOARD OF DIRECTORS  
OF  
TIERRA HOMEOWNERS ASSOCIATION, INC.

I, Maria Serrano, certify that I am the duly qualified and acting President of Tierra Homeowners Association, Inc., a duly organized and existing non-profit Texas corporation.

I further certify that the foregoing Resolution was duly adopted by the Board of Directors of Tierra Homeowners Association, Inc. at a meeting that was legally held on July 7, 2010, and entered in the Minutes of the Meeting which are contained in the Minute Book of the Corporation.

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WJL

Dated: August 2, 2010

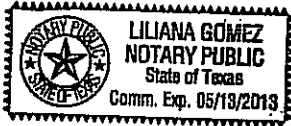
[Signature]  
Maria Serrano, President

THE STATE OF TEXAS

COUNTY OF HARRIS

§  
§  
§

This instrument was acknowledged before me on the 2nd day of August, 2010, by Maria Serrano, President of Tierra Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



[Signature]  
Notary Public in and for The State of Texas

PREPARED IN THE LAWS OFFICES OF:

BARTLEY & SPEARS, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

AFTER RECORDING RETURN TO:

BARTLEY & SPEARS, P.C.  
14811 St. Mary's Lane, Suite 270  
Houston, Texas 77079

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 on

AUG 10 2010



[Signature]  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.