

Villages of Westcreek Owners' Association, Inc.
Administrative Resolution No. 4

Delinquent Assessment Collection

WHEREAS, the Texas Legislature passed into law the provisions of SB 507, incorporated into the Texas Property Code, 209.001 through 209.011, the provisions of which materially and significantly affect the delinquent assessment procedures for homeowners' associations within the State of Texas; and,

WHEREAS, Article VII, Section 7.13 of the BY-LAWS directs the BOARD to exercise for the Villages of Westcreek Owners' Association, Inc., (ASSOCIATION) all powers, duties and authority vested in or delegated to this ASSOCIATION and not reserved to the membership by other provisions of these BY-LAWS, the ARTICLES OF INCORPORATION, or the VILLAGES OF WESTCREEK DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("PROJECT DOCUMENTS"); and

WHEREAS, Article VIII of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS establishes remedies for the nonpayment of annual or special assessments; and

WHEREAS, there is a need to establish orderly procedures for the collection of annual and special assessments which remain unpaid past their due dates that incorporate the provisions of the aforementioned Texas Property Code; and

WHEREAS, it is the intent of the BOARD to establish such procedures for the collection of delinquent assessments;

NOW THEREFORE, BE IT RESOLVED THAT the procedures for collection of delinquent assessments as specified in the Texas Property Code as follows:

1. Any account which assessment payments are not received by the due date shall be termed delinquent.
2. Not less than thirty (30) days after being termed delinquent, the first notice of delinquency will be sent to the MEMBER(S) by first class mail, which notice shall include the amount of the delinquent payment, interest charge at the lesser of the rate of 14% per annum or the maximum rate permitted under the laws of the State of Texas, and the total amount remaining unpaid. This notice shall consist of a statement of the account, and include the following verbiage:

This notice is provided as a courtesy, and is in addition to the minimum notification requirements of Texas Property Code Chapter 209 regarding delinquent assessments.

If you have already mailed your assessment payment, please note any balance owing and remit this amount to bring your account current. NOTE: Finance charges are added to your account on the first of every month after the first month when the assessment is due and payable. You may make payments by mail, in person at the VWOA office or in the drop box beside the Office door.

3. Sixty (60) days after the due date, a notice of delinquency shall be mailed to the MEMBER(S) by certified mail and first class mail, which notice shall include the amount of the delinquent payment, interest charge at the lesser of the rate of 14% per annum or the maximum rate permitted under the laws of the State of Texas, cost of collection, and the total amount remaining unpaid. The notice will also advise the MEMBER(S) that their rights to use the common areas, including all amenities—pool, picnic, and all other Sports Park facilities—will be suspended thirty (30) days after receipt of the notice, unless the assessment(s) are brought to a current status within this thirty (30) day period. The notice shall also advise the MEMBER(S) of their right to request a hearing before the Board of Directors or a committee. Failure to do so will result in sending the MEMBER(S)' delinquent account to the legal counsel for the ASSOCIATION for the actions specified in Article VIII of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS and/or as decided by the BOARD upon Special Resolution. The Board of Directors will be advised of such action at their regular meetings. All attorneys' fees incurred by said collection action shall be the whole responsibility of the MEMBER, per Article VIII, and will be attached to the MEMBER'S account.

If the MEMBER(S) wishes to dispute this matter, the MEMBER(S) may request a hearing in writing. The MEMBER(S) written request for a hearing regarding this matter must be submitted to VWOA, 12395 Military Drive West, San Antonio, Texas 78253, on or before the thirtieth (30th) day after the date the MEMBER(S) receive the above-mentioned delinquency notice. The Board of Directors or a committee appointed for this purpose will hold the hearing. Should the MEMBER(S) request a hearing, the MEMBER(S) will be given at least ten (10) days' notice of the date, time, and place for the hearing. Such a hearing must be held within thirty (30) days after the date the Board receives the MEMBER(S) request, unless the MEMBER(S) or the Board requests a postponement. Should the hearing be conducted by a committee appointed by the Board of Directors, the MEMBER(S) will have the right to appeal the committee's decision to the Board by written notice of appeal to the Board.

4. A MEMBER with a delinquent account shall be deemed a Member Not in Good Standing and shall not be eligible to vote as a member or use the recreational facilities unless and until such time as the account has been brought current and for a period of seven days, unless waived, per paragraph 5.02 of the BY-LAWS. At the same time as the delinquent account is turned over to counsel, the right to serve on any committee established by the BOARD shall be suspended until such delinquent assessments have been paid, unless relief is granted by Special Resolution of the BOARD.

IN WITNESS HEREOF, the undersigned, upon approval by the Board, has executed this consent as of November 06, 2009.

Harold (Rick) Severs, President