

**L.E.P.O.A. LAKEVIEW ESTATES PROPERTY OWNER'S ASSOCIATION, INC.  
COLLECTION POLICY AND PAYMENT PLAN GUIDELINES**

THE STATE OF TEXAS           §  
  §  
COUNTY OF SAN JACINTO   §

I, Kathleen Knolle, Secretary of L.E.P.O.A. Lakeview Estates Property Owner's Association, Inc. (the "Association"), certify that a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 21<sup>st</sup> day of APRIL, 2022, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Payment Plan Policy was duly approved by a majority vote of the members of the Board:

**WHEREAS**, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the "Board") of the L.E.P.O.A. Lakeview Estates Property Owner's Association, Inc., hereby adopts these Guidelines for the purposes of establishing a uniform and systematic procedure to collect assessments, both annual and special, and other charges of the Association and identify the guidelines under which owners may request an alternative payment schedule for certain assessments; and

**WHEREAS**, the Board has determined that it is in the best interest of the Association to establish these Guidelines.

**NOW, THEREFORE, BE IT RESOLVED**, that the Association does hereby adopt the Guidelines, which shall run with the land and be binding on all owners and lots within L.E.P.O.A Lakeview Estates Property Owner's Association, Inc. These Guidelines replace any previous recorded or implemented guideline that address the subjects contained herein.

**I. ANNUAL AND SPECIAL ASSESSMENTS**

A. All annual assessments are invoiced each fiscal year via electronically invoiced to the most recent address of the owner according to the records of the Association and in accordance with procedures defined within the Restrictive Covenants and Bylaws of the Association. Invoicing for special assessments is also defined in the Restrictive Covenants and Bylaws of the Association. Non-receipt of an invoice by the property owner does not negate that the assessment is due or entitle the property owner to a deferral of collection costs with regard to delinquent assessments on the basis of such owner's failure to receive notice. Each owner shall have the obligation to notify the Association in writing of any change in address, which notice shall become effective five days after such notice has been received by the Association Board of Directors.

B. All annual assessments are due in accordance with the timelines defined in the Restrictive Covenants and Bylaws of the Association. Special assessments are due on the date set by the Board of Directors of the Association.

C. All assessments unpaid by the due date are considered delinquent. Any amount not paid by June 1<sup>st</sup> will be considered delinquent.

A past due notice shall be sent via certified mail, return receipt requested and regular mail to each owner with a delinquent account itemizing all amounts due. The letter shall provide a reasonable, specific deadline of no less than thirty days by which the owner may pay before further collection action is taken. The letter shall also inform the owner that they may have the option to avoid having their account turned over to an attorney for collection, and inform the owner about the availability of a payment plan. The letter shall also advise the owner that they have thirty days from their receipt of the letter to request a hearing before the Board of Directors of the Association. Finally, the letter shall inform the owner that they may have special rights or relief related to the enforcement action under federal law, including the Service members Civil Relief Act (50 V.S.C. app. Section 501 et seq.).

## II. PAYMENT PLAN

1. The minimum term for the Payment Plan may be three (3) months, but may not be more than eighteen (18) months from the date of the owner's request for a Payment Plan. The Association is not required to enter into a Payment Plan with an owner who failed to honor the terms of a previous payment plan during the preceding two years.

2. Upon receipt of any notice of a bankruptcy of an owner, the account may be turned over to the Association's attorney so that the Association's interests may be protected.

3. Except as provided in subsection 4 immediately below, a payment received by the Association shall be applied in the following order of priority:

- a. Any delinquent assessment;
- b. Any current assessment;
- c. Attorney's fees or third party collection costs incurred by the Association associated solely with assessments or other charge that can be the basis of foreclosure;
- d. Attorney's fees not subject to the "3. c" above;
- e. Any other amount owed to the Association

4. If/when an owner defaults on a Payment Plan, the remaining delinquent amount will become due in full and the Association may begin further collection action as set out immediately below in paragraph B. Any payment( s) received by the Association after such default of a Payment Plan shall be applied in the following order of priority:

- a. Costs;
- b. Attorney fees;
- c. Delinquent assessments;
- d. Current assessments;

As to each category identified in this subsection 4, payment shall be applied to the oldest charge first. The acceptance of a partial payment on an owner's account does not constitute a waiver of the Association's right to collect the full outstanding balance due on said owner's account.

- B. In the event there is a default on the Payment Plan, the Association shall notify the owner in writing of their default, inform them of their balance and provide them with a deadline to pay all amounts owed.
- C. Delinquent assessments may be secured through any legal means available to the Association to include (but not limited to) a lien processed by the attorney of the Association and filed with the Clerk of San Jacinto County and potential foreclosure of the affected property. A copy of each lien processed shall be filed in the records of the Association and a copy shall be forwarded to the Property Owner concerned.
- D. Payments returned for non-sufficient funds: an owner will be assessed a service fee for any check that is returned or automatic clearinghouse (ACH) debit that is not paid for any reason, including, but not limited to non-sufficient funds or stop payment order. The amount of the service charge assessed will be the customary amount charged.



**CERTIFICATION**

I hereby certify that, as President of the L.E.P.O.A. Lakeview Estates Property Owner's Association, Inc., the foregoing Collection Policy and Payment Plan Guidelines was approved on the 21<sup>st</sup> day of APRIL, 2022, by a majority vote of the Board of Directors at a duly-called meeting.

DATED, this 23<sup>rd</sup> day of APRIL, 2022.

  
Mike Crews, President

**THE STATE OF TEXAS**

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**COUNTY OF SAN JACINTO**

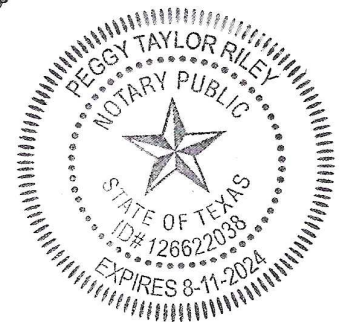
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On this day, personally appeared to me, Mike Crews, known to me through the following method of identification Tx DL 05378388, to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 23 day of April, 2022.

  
Notary Public, State of Texas

PREPARED IN THE LAW OFFICE OF:  
KERRY CARL HAGAN, P. C.  
Attorney at Law  
50 W Cedar Ave  
Coldspring, Texas 77331  
Telephone 936-653-4444  
Email: [kerrvhagan@gmail.com](mailto:kerrvhagan@gmail.com)



AFTER RECORDING, PLEASE RETURN TO:  
Kerry C. Hagan for transmission to:  
L.E.P.O.A. Lakeview Estates Property Owner's Association, Inc.

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As a  
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By:  
Solene Paukert

STATE OF TEXAS  
COUNTY OF SAN JACINTO  
I, Dawn Wright hereby certify that this  
instrument was filed in number sequence on the date  
and time hereon by me, and was duly recorded in the  
OFFICIAL PUBLIC RECORDS of San Jacinto County, Texas  
as stamped hereon by me on

Apr 27, 2022

Dawn Wright, County Clerk  
San Jacinto County, Texas