

**RESOLUTION REGARDING
ADOPTION OF STATUTORY POLICY
THE BAL HARBOUR ASSOCIATION
A TEXAS NON-PROFIT CORPORATION**

WHEREAS, the By-Laws governing The Bal Harbour Association (“the Association”), as well as the pertinent provisions of the Texas Business Organizations Code, authorize the Association, acting through its Board of Directors, to exercise all powers reasonable and necessary for the governance and operation of the Association;

WHEREAS, the Texas State Legislature has enacted certain statutes applicable to community associations throughout the State of Texas, including a requirement that certain policies and procedures be adopted by each such organization, and that such policies be recorded in the office of the County Clerk as a dedicatory instrument, in accordance with Section 202.006 of the Texas Property Code;

WHEREAS, the Board of Directors adopted an Amended Collection and Payment Plan Policy in 2017 recorded under Harris County Clerk’s File No. RP-2017-520897;

WHEREAS, the Board of Directors desires to further amend its Amended Collection and Payment Plan Policy; and

WHEREAS, the Board of Directors desires to adopt the Amended Collection and Payment Plan Policy – 2024 as specified below, which shall supersede the Amended Collection and Payment Plan filed in 2017 and shall be attached hereto and recorded in the office of the County Clerk, in accordance with the aforementioned legislation, and which shall in all respects encumber the properties which are governed by The Bal Harbour Association.

NOW, THEREFORE, BE IT RESOLVED that the following Policy is hereby adopted in accordance with the requirements of Chapter 209 of the Texas Property Code:

- Amended Collection and Payment Plan Policy - 2024

This Resolution Regarding Adoption of Amended Collection and Payment Plan Policy - 2024 is hereby adopted on behalf of the Association, and in accordance with the mandate of Chapter 209 of the Texas Property Code.

Adopted on this 8th day of January, 2024.

[Signature to follow on next page]

RP-2024-8965

THE BAL HARBOUR ASSOCIATION

CERTIFICATION

“The undersigned, being a Director of The Bal Harbour Association, hereby certify that the foregoing Resolution Regarding Adoption of Statutory Policy was adopted by the Board of Directors of The Bal Harbour Association, at a meeting of such Directors at which a quorum was present, or as otherwise authorized by law.”

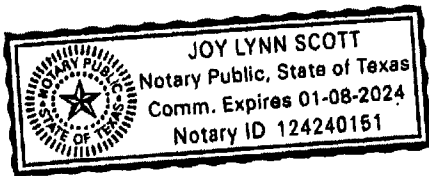
By: Janet Mullen
Director, The Bal Harbour Association

Print Name: Janet Mullen

STATE OF TEXAS §
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COUNTY OF HARRIS §

Before me, the undersigned authority, on this day personally appeared Janet Mullen, a Director of The Bal Harbour Association, a Texas non-profit 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 entity for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 8th day of January, 2024.



[Signature]
Notary Public, State of Texas

RP-2024-8965

THE BAL HARBOUR ASSOCIATION
AMENDED COLLECTION and PAYMENT PLAN POLICY - 2024

Purpose:

The Board of Directors recognizes the importance of collecting the maintenance fees and related charges which promote the health, recreation and welfare of the members and their properties, as well as subdivision common areas, amenities, and associated facilities. The purpose of this policy is to ensure that Association dues and related charges are collected in a timely manner.

Policy:

Each year, the Board of Directors will establish an annual budget based upon maintenance fee dues which shall be collected from the members during the following year. Assessment invoices shall be sent to each Member, via email or mail, on or about the last business day of each calendar month. It is the responsibility of each respective member / property owner to notify the Association or a Director if an assessment invoice is not received by the tenth day of any month.

Payment of the monthly Association dues is expected on or before the first day of each month. If payment is not received by the 20th day of the respective month, such assessment shall be considered delinquent and there shall be added to the amount due a late charge in an amount to be established by the Board. The current late charge amount is 10% of the amount due, which may be changed from time to time, by a vote of the Board.

If the amount due is not paid within ninety (90) days of the due date, the amount due shall bear interest at the rate of one percent (1.00%) per month, until fully paid. Such interest shall be charged on the amount due alone and shall not be charged on the late charge amount.

The Association may send one or more letters (following the delinquency date) notifying the member / property owner of the delinquency, in accordance with Board instructions. At least one such letter shall be sent via certified mail, return receipt requested, and a copy sent by regular mail. Such letter shall include the language required by Chapter 209 of the Texas Property Code, whereby the owner shall be notified of the owner's right to appear before the Board of Directors, and shall be notified of the fact that additional fees and costs will likely be added to an account which is eventually referred to an attorney for collection. The owner shall be responsible for all postage and other costs associated with the delinquent notice(s) that are sent.

The Association shall permit delinquent homeowners to pay all amounts, delinquent or otherwise, owing to the Association by way of a monthly payment plan. A reasonable fee shall be assessed to the owner's account for preparation of the payment plan, along with a monthly administrative fee of a reasonable amount, for each payment received and processed. For the duration of the payment plan, interest will continue to accrue against the delinquent assessments appearing on the account, however, late fees and/or collection costs will be waived during the duration of the payment plan. The minimum term of a payment plan shall be three (3) months, and the maximum term shall be determined by the Board of Directors on a case-by-case basis. Should a homeowner fail to honor the terms of a payment plan, the Association is not required to offer such homeowner any additional payment plan, for a period of two (2) years, from and after the date of such owner's default under the original plan. The Association is also not required to allow any owner to enter into a payment plan more than once in any 12-month period.

Members / property owners who have not paid their assessments in a timely manner shall be referred to the Association's attorney for appropriate collection efforts. The owner shall be responsible for all legal fees associated with delinquent assessments, as well as any other outstanding balance. In the event any dues and/or related charges remain delinquent after the attorney's demand letter, the attorney shall be authorized to

RP-2024-8965

bring such legal action as is appropriate in a Court of competent jurisdiction, therein seeking judgment against the property owners, as well as such other relief at law and/or in equity as is deemed necessary and appropriate. Formal legal action shall be brought against those owners and/or properties sustaining a delinquent balance and/or which accounts reflect assessments and related charges which are overdue, after a vote of the Board of Directors to proceed with such legal action, which vote shall be conducted at a regular or special meeting of the Board, after proper notice to owners in accordance with the Texas Property Code, and the results of such vote shall be reflected in the minutes of the meeting.

Priority of Payments

Payments shall be applied in the following order:

1. Any delinquent assessment;
2. Any current assessment;
3. Any attorney's fees or 3rd party collection costs incurred by the Association related to efforts to collect assessments or any other charge that could provide basis for foreclosure;
4. Any attorney's fees not subject to (3);
5. Any fines assessed by the Association; and
6. Any other amount owed to the Association.

Exception, if an Owner is in default on a payment plan, the Association is not required to apply any payment received in the above specified order of priority.

Returned Check Fee

An Owner will be charged a cost of up to \$50 for any check that is returned or Automatic Clearing House (ACH) debit that is not paid as a result of Non-Sufficient Funds (NSF), plus any additional fees the bank may charge the Association resulting from the NSF.

Adopted by Resolution of the Board of Directors on this 8th day of January, 2024, with such Policy to be effective as of February 1, 2024.

Janet Mullen
 Signature
 Position Board Secretary
 The Bal Harbour Association

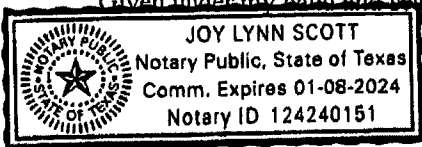
STATE OF TEXAS

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COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Janet Mullen, Board Secretary (position) of The Bal Harbour Association, a Texas non-profit 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 entity for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 8th day of January, 2024.



[Signature]
 Notary Public, State of Texas

RP-2024-8965

RP-2024-8965
Pages 5
01/09/2024 10:46 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$37.00

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.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2024-8965