

**WILLIAMSBURG SETTLEMENT MAINTENANCE ASSOCIATION**

**FIRST AMENDED COLLECTION AND PAYMENT POLICY**

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

WHEREAS, **WILLIAMSBURG SETTLEMENT MAINTENANCE ASSOCIATION** (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the Association’s recorded Declaration of Covenants, Conditions and Restrictions and any Amendments thereto (referred to collectively as the "Declaration"); and

WHEREAS, § 209.0062 of the TEXAS PROPERTY CODE was added effective September 1, 2015, regarding alternative payment schedules for assessments (“Payment Plans”); and

WHEREAS, the Board of Directors of the Association desires to establish a policy for collection of assessments and payment plans consistent with § 209.0062 and to provide clear and definitive guidance to owners.

NOW, THEREFORE, the Board has duly adopted the following *First Amended Collection and Payment Plan Policy*.

**Billing and Collection**

1. On or before November 30 of each year, the Board shall cause an invoice (“Initial Invoice”) to be mailed to each owner of a lot in the community for which payment of the annual assessment is due, by regular U.S. first-class mail. The Initial Invoice shall be sent to the address which appears in the records of the Association for the owner, or to such other address that has been designated by the owner, in writing, to the Association.
2. All annual assessments shall be due and payable in advance on or before January 1. If payment of the total assessment and any other charges which may be due is not received by the Association on or before January 31, the account shall be delinquent and interest shall be

assessed as provided in the dedicatory instruments.

3. On or after February 28, the Association shall send an invoice (“Final Notice”) to the owner by certified mail, return receipt requested, and by regular U. S. first-class mail. The Final Notice will advise the owner that if the account is not paid within 30 days from the date of the Final Notice, the account will be referred to the Board of Directors for review, and if turned over to an attorney for further handling, the owner will thereafter be responsible for the reasonable fees and costs incurred. The Final Notice will also inform the owner that pursuant to Chapter 209 of the TEXAS PROPERTY CODE, that the owner’s right to use the common properties will be suspended and the owner has the right to request a hearing before the Board.
4. If the delinquent balance is not paid in full or a hearing requested, in writing, within 30 days from the date of the Final Notice, the Association will suspend the owner’s right to use the recreational facilities and the common properties and may forward the delinquent account to its attorney for further handling.
5. All costs incurred by the Association as a result of an owner’s failure to pay assessments and other charges when due (including any attorney’s fees and costs incurred) will be charged against the owner’s assessment account and shall be collectible in the same manner as a delinquent assessment.

#### Payment Plans

1. Owners are entitled to pay for delinquent amounts owed to the Association under a Payment Plan in compliance with this Policy.
2. Late fees, penalties and delinquent collection related fees will be not be added to the owner's account while the Payment Plan is active. The Association may assess a fee for administering a Payment Plan. Such fee will be listed on the Payment Plan form and may be amended from time-to-time. Interest will continue to accrue during a Payment Plan pursuant to the Declaration. The Association may provide an estimate of the amount of interest that will accrue under any proposed plan.


3. All Payment Plans must be in writing on the form provided by the Association and signed by the owner.
4. The Payment Plan becomes effective and is designated as "active" upon:
  - a. receipt of a fully completed and signed Payment Plan form;
  - b. receipt of the first payment under the plan; and
  - c. acceptance by the Association as compliant with this Policy.
5. A Payment Plan may be not less than two (2) months and not more than eighteen (18) months. However, the Association recommends that all balances due be paid no later than the end of each year. **There is no penalty for early payment in full.**
6. A Payment Plan must include sequential monthly payments. The total of all proposed payments must equal the current balance plus Payment Plan administrative fees, if any, and the estimated accrued interest.
7. If a Payment Plan is approved that will extend into the next assessment cycle, the owner will be required to pay future assessments by the due date in addition to the payments specified in the Payment Plan.
8. If an owner defaults on the terms of the Payment Plan, the Payment Plan will be revoked. The Association will provide written notice to the owner that the Payment Plan has been revoked and the charges for any such notices shall be assessed to the owner's account. It is considered a default of the Payment Plan, if the owner:
  - a. fails to return a signed Payment Plan form with the initial payment; or
  - b. fails to make a payment due in a calendar month; or
  - c. makes a payment for less than the agreed upon amount; or
  - d. fails to pay a future assessment that accrues during the term of a Payment Plan.

9. In the absolute discretion of the Association, the Association may waive default under items b, c or d above if the owner corrects the default within seven (7) days. The Association has no obligation to provide a courtesy notice to the owner of the missed or short payment.
10. If a Payment Plan is revoked, the full amount due by the owner shall immediately become due. The Association will resume the process for collecting amounts owed using all remedies available under the Declaration and the law.
11. The Association is not obligated to provide Payment Plans to any owner who has defaulted on the terms of a Payment Plan within the last two (2) years.
12. While a payment plan remains in effect the owner's right to use the common properties will be suspended. The owner has the right to appeal by submitting a request for a hearing before the Board.

The guidelines are effective upon recordation in the Public Records of Harris County, and supersede any guidelines for payment plan policy which may have previously been in effect. Except as affected by Section 202.011 and/or by these guidelines, 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 19th day  
of April, 2016.

**WILLIAMSBURG SETTLEMENT  
MAINTENANCE ASSOCIATION**

By:   
President

STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

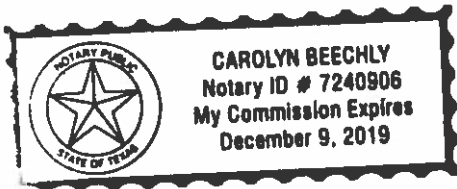
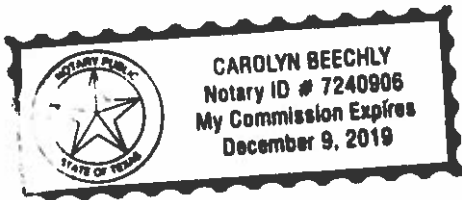
Before me, the undersigned authority, on this day personally appeared  
, Floyd Ball, President of WILLIAMSBURG SETTLEMENT  
MAINTENANCE ASSOCIATION, a Texas non-profit corporation, known to  
me to be the person and officer whose name is subscribed to the foregoing  
instrument and acknowledged to me that he 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 19th day of

April, 2016.

*Carolyn Beechly*

NOTARY PUBLIC in and for  
STATE OF TEXAS



AFTER RECORDING RETURN TO

Messock & Walton  
17171 Park Row, Suite 250  
Houston, Texas 77084