

OFFICIAL PUBLIC RECORDS STAMP PAGE(S)

STATE OF TEXAS                    §        RESOLUTION ADOPTING PAYMENT  
   §        PLAN FOR THE BAY POINT  
COUNTY OF CALHOUN           §        PROPERTY OWNERS' ASSOCIATION, INC.

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE BAY POINT PROPERTY OWNERS' ASSOCIATION, INC.  
REGARDING PAYMENT PLAN POLICY**

Pursuant to Section 209.0062 of the Texas Property Code, The Bay Point Property Owners' Association, Inc., hereinafter referred to as the "Association", acting by and through its Board of Directors, has adopted the following alternative payment policy to set forth guidelines for a payment plan of assessments and fees, to wit:

WHEREAS, the Association is required under Texas Property Code §209.062 to create and record an alternative payment schedule for the Association governing the Bay Point Subdivision located in Calhoun County, Texas in order to establish an alternative payment schedule by which an owner may make partial payments to the property owners' association for delinquent regular or special assessments or any other amount owed to the association without accruing additional monetary penalties; and

WHEREAS, the Association has adopted the following alternative payment plan for all Association dues and fees;

WHEREAS, all terms used herein shall have the same meaning as set forth in the Declaration of Covenants, Conditions and Restrictions for The Bay Point Subdivision, and any and all amendments or corrections thereto, filed in the Official Records of Calhoun County, Texas, hereinafter referred to as the "Declaration".

NOW THEREFORE, the Association declares that the following is the alternative payment plan adopted:

1. The Due Date for all Annual Assessment Fees shall be January 10<sup>th</sup> of each year. The Due Date for all Special Assessments shall 30 days after an Owner receives notice of the Special Assessment. The due date for all other charges shall be the last day of the month in which the invoice or statement is dated unless otherwise specified in this document.
2. All documents, correspondence, invoices, statements, and notices relating to the charges shall be mailed to the Owner's address which appears on the books of the Association or to such other address as designated in writing by the Owner.
3. All payment plans must be in writing, signed by one or more Owners of the property associated with the delinquent balance, approved by the signature of the President of the Association or the Association Manager, and provide that the Owner shall pay future assessments when due, in addition to any arrearage payment due under a payment plan.

4. No monetary penalties shall accrue on balances while a payment plan is in effect, but reasonable cost associated with administering the plan and interest shall continue to accrue. Monetary penalties do not include reasonable costs associated with administering the payment plan or interest.

5. Any qualified Owner who owes a delinquent balance shall be allowed, without deliberation by the Board, to pay the balance in three equal consecutive monthly installments, with the first payment due within the first thirty day period following the approval of the payment plan.

6. Any Owner may submit a request for a payment plan that does not meet the foregoing guidelines, along with whatever information they wish the Board to consider, and the Board may approve or disapprove such payment plan, in its sole discretion; however no payment plan shall exceed eighteen months or be shorter than three months.

7. The Association reserves the right to refuse to offer a payment plan to an Owner during a two (2) year period following an Owner's default under a previous payment plan.

8. If an Owner who is not qualified to receive a payment plan asks for a payment plan, the Board shall be entitled to approve or disapprove a payment plan, in its sole discretion.


9. Payments will be posted by the Association staff in a timely manner. A payment received by the Association from the Owner shall be applied to the Owner's debt in the following order of priority:

- (1) any delinquent assessment;
- (2) any current assessment;
- (3) any attorney's fees or third party collection costs incurred by the Association associated solely with assessments or any other charge that could provide the basis for foreclosure;
- (4) any attorney's fees incurred by the Association that are not subject to 10 (3) above;
- (5) any fines assessed by the Association; and
- (6) any other amount owed to the Association.

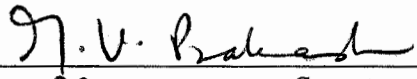
By their signatures below the President and the Secretary of the Association certify that the foregoing resolution was approved by the Board of Directors of the Association at a duly-called meeting of the Board of Directors at which a quorum of Directors was present, or by signed, unanimous written consent in lieu of a meeting.

PASSED, ADOPTED AND APPROVED on this the 17 day of November, 2012.

**The Bay Point Property Owners' Association, Inc.**

By:   
Frank Anzaldúa, President

ATTEST:

By:   
MOKKARALA PRAKASH, Secretary

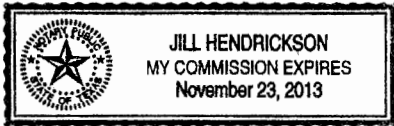
THE STATE OF TEXAS §

COUNTY OF Calhoun §

CERTIFICATE OF ACKNOWLEDGMENT

Before me, the undersigned Notary Public, on this day personally appeared Frank Anzaldua, President, The Bay Point Property Owners' Association, Inc., known to me through personal acquaintance or proper identification to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he executed the instrument for the purposes and considerations therein expressed.

Given under my hand and seal of office on this 18<sup>th</sup> day of December, 2012.



Jill Hendrickson  
Notary Public in and for The State of Texas

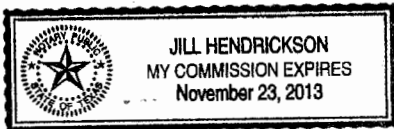
THE STATE OF TEXAS §

COUNTY OF Calhoun §

CERTIFICATE OF ACKNOWLEDGMENT

For Frank Anzaldua Before me, the undersigned Notary Public, on this day personally appeared Toritt Secretary, The Bay Point Property Owners' Association, Inc., known to me through personal acquaintance or proper identification to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he/she executed the instrument for the purposes and considerations therein expressed.

Given under my hand and seal of office on this 18 day of December, 2012.



Jill Hendrickson  
Notary Public in and for The State of Texas

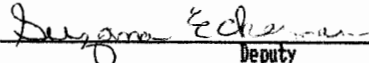
AFTER RECORDING, RETURN TO:

The Bay Point Property Owners' Association, Inc.  
117 Sunset Way  
Port Lavaca, Texas 77979

December 18 2012 9:11 AM

This Document has been received by this Office for Recording into the Official Public Records. We do hereby swear that we do not discriminate due to Race, Creed, Color, Sex or National Origin.

Filed for Record in:  
Calhoun County  
Honorable Anita Fricke  
County Clerk

  
Deputy

Instr.: 132506  
Stamps: 5 Page(s)