

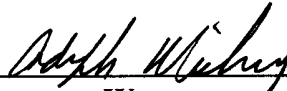
**CORPORATE CERTIFICATE  
MONT.DEVCON I PROPERTY OWNERS ASSOCIATION**

LT1-1-2010068881-1

The undersigned certifies that he is the President of Mont.Devcon I Property Owners Association, (the "Association"). The Association is the property owners' association for Stone Creek Section One, a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in the Map Records of Montgomery County, Texas (the "Subdivision").

The Association is a Texas non-profit corporation, and attached hereto as Exhibit "A" is a and correct copy of the **Collection Policy for Mont.Devcon I Property Owners Association**.

Signed this 4<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
**ADOLPH WISCHNEWSKY**, President of  
MONT.DEVCON I PROPERTY OWNERS ASSOCIATION

STATE OF TEXAS                    §  
  
COUNTY OF MONTGOMERY      §

SWORN TO AND SUBSCRIBED before me on the 4<sup>th</sup> day of August, 2010, by Adolph Wischnewsky, President of MONT.DEVCON I PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.

  
\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

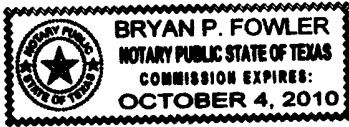



LT2-7

THE STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 4<sup>th</sup> day of August, 2010, by Adolph Wischnewsky, President of MONT.DEVCON I PROPERTY OWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.



  
\_\_\_\_\_  
NOTARY PUBLIC, State of Texas

**AFTER RECORDING RETURN TO:**  
Mont.Devcon I Property Owners Association  
c/o Bryan P. Fowler  
The Fowler Law Firm  
300 West Davis, Suite 510  
Conroe, Texas 77301

# **COLLECTION POLICY FOR MONT.DEVCON I PROPERTY OWNERS ASSOCIATION**

**WHEREAS**, the property affected by this Collection Policy is subject to certain dedications, covenants and restrictions (the “Declaration”) which are of record in the Official Public Records of Real Property at Montgomery County, Texas, as follows:

Clerk’s File No. 2006-101719, Film Code No.164-11-2020, *et seq.*,  
in the Official Public Records of Real Property of Montgomery  
County, Texas

**WHEREAS**, pursuant to the authority vested in the Association under the Declaration and pursuant to the express authority of the Texas Property Code, the Board of Directors of the Association (the “Board”) hereby promulgates the following Collection Policy; and

**WHEREAS**, the Board desires to establish a collection policy for the Association.

**NOW, THEREFORE, BE IT RESOLVED** that the following Collection Policy is established by the Association:

**I. DUE DATE**

A. ANNUAL ASSESSMENT

The Annual Assessment shall be due and payable annually in advance on the first day of each calendar year (or such other day as the Board may designate by written notice to all Owners). Payment of the Annual Assessment shall be in default if such Annual Assessment is not paid to the Association on or before thirty (30) days from the due date for such payment.

B. SPECIAL ASSESSMENT

Special Assessments shall be payable on or before ten (10) days after the date on which an invoices has been sent to an Owner.

C. DELINQUENCY

If any Annual Assessment, special assessment, or other sum due the Association is not paid in full and received by the Association by 5:00 p.m. on the date when due, then such Assessment shall become delinquent.

D. DISPUTED CHARGES

Charges disputed by an Owner shall be verified by the Association and are considered delinquent until such time as they are paid in full.

II. LATE CHARGE

If any Assessment or any part thereof remains unpaid from and after the due date, a late charge may be assessed against the non-paying Owner in an amount of \$50.00.

III. COLLECTION COSTS

The Association may charge an Owner for any administrative costs and fees related to the collection of the Assessments and other sums due the Association pursuant to the Declaration ("Collection Cost").

IV. SERVICE CHARGE

An Owner will be assessed a service charge for any check that is returned or Automatic Clearing House (ACH) debit that is not paid for any reason, including but not limited to Non-Sufficient Funds (NSF) or stop payment order. The amount of the service charge assessed will be determined by the Board.

V. DELINQUENCY NOTIFICATION

The Association may cause to be sent one or more of the following notification(s) to delinquent Owners:

A. PAST DUE NOTICE

In the event that an Assessment account balance remains unpaid thirty (30) days from the due date, a Past Due Notice may be sent via regular mail to each Owner with a delinquent account setting forth all Assessments, late charges and other amounts due.

B. FINAL NOTICE

In the event that an Assessment account balance remains unpaid sixty (60) days from the due date, a Final Notice may be sent via certified mail to each delinquent Owner. A charge of twenty dollars (\$20.00) will be added to each delinquent Owner's account balance as a Collection Cost to cover administrative and postage costs. The Final Notice will set forth the following information and results of failure to pay, including an explanation of:

1. Amounts Due: All delinquent Assessments, late charges and other amounts due;
2. Common Area Suspension: Subject to notice and a right to a hearing, if required by law, the Owner's use of Common Area may be suspended.
3. Voting Rights Suspension: Subject to notice and a right to a hearing, if required by law, the Board may suspend an Owner's right to vote; and
4. Attorney Fees: Explanation that the delinquent account will be turned over to legal counsel for collection and that the Association will incur reasonable attorney's fees, for which reimbursement from the Owner will be sought.

C. DELINQUENCY NOTICE RECORDED

The Association may execute and record a document setting forth as to any Lot the amount of delinquent sums due the Association at the time of such document is executed and the fact that a lien exists to secure payment thereof.

**VI. APPLICATION OF PAYMENTS**

All payments received shall be applied in the following order: costs, attorney fees, fines, interest, and delinquent Assessments (as to each category, payment shall be applied to the most-aged 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.

**VII. REFERRAL OF ACCOUNT TO ASSOCIATION ATTORNEY**

Upon referral of the account to the Association attorney, the attorney is authorized to take whatever action is necessary, in consultation with the Board, including but not limited to: sending demand letters, filing a lawsuit against the delinquent Owner for a money judgment instituting a foreclosure action; and, filing necessary claims, objections and motions in the bankruptcy court and monitoring the bankruptcy case in order to protect the Association's interests.

**VIII. BANKRUPTCIES**

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

**IX. WAIVER/MODIFICATION OF POLICY**

The Board, in its sole and absolute discretion, may grant a waiver of any provision or otherwise modify any of the procedures contained herein upon a petition of an Owner showing a personal hardship or just cause. Granting a waiver, or modifying the procedure contained herein by the Association, shall not be relied on by any Owner, or any other person or entity, as a precedent in requesting or assuming waivers or modifications as to any other Owner or matter. Action by the Board in granting or denying a waiver or modification is a decision based expressly on one unique set of circumstances and need not be duplicated for any other request by any Owner or the same Owner for any reason whatsoever.

**X. REQUIRED ACTION**

Nothing contained herein, not otherwise required by the Declaration, shall require the Association to take any of the specific actions contained herein. The Board of the Association shall have the right, but not the obligation, to evaluate each delinquency on a case-by-case basis as in its best judgment deems reasonable.

This is to certify that the foregoing Collection Policy was adopted by the Board of Directors by unanimous consent, effective as of August 1, 2010, until such date as it may be modified, rescinded or revoked.

The Board of Directors hereby approves and authorizes the above policy.

Signed this 25<sup>th</sup> day of July, 2010.

**MONT.DEVCON I PROPERTY OWNERS  
ASSOCIATION**

By:   
**ADOLPH WISCHNEWSKY, President**

**FILED FOR RECORD**

08/05/2010 1:26PM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in file number  
sequence on the date and at the time stamped herein  
by me and was duly RECORDED in the Official Public  
Records of Montgomery County, Texas.

**08/05/2010**



County Clerk  
Montgomery County, Texas