

ASSESSMENT COLLECTION POLICY
for
AUBURN LAKES HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Douglas J. Eibsen, President of Auburn Lakes Homeowners Association, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association ("Board") duly called and held on the 15th day of February, 2013, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Assessment Collection Policy was duly approved by a majority vote of the members of the Board.

RECITALS:

1. The Board enforces the provisions of the Declaration applicable to Auburn Lakes to address the collection and processing of assessments and associated charges.
2. The Board desires to adopt an Assessment Collection Policy consistent with the Dedicatory Instruments of the Association and state law.

WITNESSETH:

It is the policy of the Association to enforce the provisions of the Declaration applicable to Auburn Lakes in accordance with the following policy:

Section 1. Definitions. Capitalized terms used in this Policy have the following meanings:

- 1.1. **Assessment** - The assessments as provided in each of the Declarations.
- 1.2. **Auburn Lakes** - shall mean the following:
 - Village at Auburn Lakes, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 544099 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
 - Village of Auburn Lakes, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 579014 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
 - Auburn Lakes Estates, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 591094 in the Map Records of Harris County,

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Texas and all amendments to or replats of said maps or plats, if any.

- Auburn Lakes Estates, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 633201 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20060087618 and Film Code No. 604288 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20060087619 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Three (3), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 618221 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Four (4), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 633204 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Five (5), a Harris County subdivision according to the map or plat thereof recorded in Volume 645, Page 183 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20060087620 and Film Code No. 604294 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20070379873 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

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- Auburn Lakes Reserve, Section Three (3), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20080450819 and Film Code No. 625190 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section Four (4), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 643200 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section Five (5), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 648250 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. Z310990 and Film Code No. 600173 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20070567334 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Three (3), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 619087 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Four (4), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 642161 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Five (5), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 648244 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

1.3. Declaration(s) - shall mean the following:

- a. Documents:

- (1) Declaration of Covenants, Conditions and Restrictions for Village at Auburn Lakes, Section One.
- (2) Declaration of Covenants, Conditions and Restrictions for Village of Auburn Lakes, Section Two.
- (3) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Estates.
- (4) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Estates, Section Two (2) a Subdivision in Harris County, Texas.
- (5) First Amendment to Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Estates, Section Two (2) a Subdivision in Harris County, Texas.
- (6) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines.
- (7) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines, Section Three (3) a Subdivision in Harris County, Texas.
- (8) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines, Section Four (4) a Subdivision in Harris County, Texas.
- (9) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines, Section Five (5) a Subdivision in Harris County, Texas.
- (10) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve.
- (11) First Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve.
- (12) Second Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve.
- (13) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Two (2) a Subdivision in Harris County, Texas.
- (14) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Three (3) a Subdivision in Harris County, Texas.
- (15) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Four (4) a Subdivision in Harris County, Texas.
- (16) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Five (5) a Subdivision in Harris County, Texas.
- (17) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat.
- (18) First Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat.
- (19) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Two (2) a Subdivision in Harris County, Texas.
- (20) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Three (3) a Subdivision in Harris County, Texas.

- (21) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Four (4) a Subdivision in Harris County, Texas.
- (22) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Five (5) a Subdivision in Harris County, Texas.

b. Recording Information:

- (1) Harris County Clerk's File No. X202143.
- (2) Harris County Clerk's File No. Y579682.
- (3) Harris County Clerk's File No. Y889494.
- (4) Harris County Clerk's File No. 20100177800.
- (5) Harris County Clerk's File No. 20110535406.
- (6) Harris County Clerk's File No. 20060180454.
- (7) Harris County Clerk's File No. 20080037801.
- (8) Harris County Clerk's File No. 20100154886.
- (9) Harris County Clerk's File No. 20120162826.
- (10) Harris County Clerk's File No. 20060120160 and re-filed under County Clerk's File No. 20060162866.
- (11) Harris County Clerk's File No. 20070234119.
- (12) Harris County Clerk's File No. 20070613068.
- (13) Harris County Clerk's File No. 20070526885.
- (14) Harris County Clerk's File No. 20080508040.
- (15) Harris County Clerk's File No. 20110535407.
- (16) Harris County Clerk's File No. 20120514849.
- (17) Harris County Clerk's File No. Z506141.
- (18) Harris County Clerk's File No. 20070722660.
- (19) Harris County Clerk's File No. 20070673316.
- (20) Harris County Clerk's File No. 20080136278.
- (21) Harris County Clerk's File No. 20110401062.
- (22) Harris County Clerk's File No. 20120514848.

Any subsequent amendments and supplements.

- 1.4. **Dedictory Instruments** - Each document governing the establishment, maintenance or operation of the properties within Auburn Lakes, as more particularly defined in Section 202.001 of the Texas Property Code.

Other capitalized terms used herein have the same meanings as that ascribed to them in the Declarations.

Section 2. Due Date. Each Annual Assessment shall become due and payable in advance on the first day of January. The other Assessment due dates will vary depending on vote approving same.

Section 3. Cost Recovery. As provided in the Declarations, if Assessments are not paid by the Due Date, such Assessments shall become delinquent and shall together with interest, attorney's fees, court costs and the other costs of collection thereof, be a charge on the land, shall be secured by a continuing lien upon the property and shall be the personal obligation of the Owner. All costs, expenses, and fees charged to, or paid by, the Association

collecting, or attempt to collect, Assessments shall be assessed against the Owner as and when incurred.

Section 4. Delinquency Processing. The delinquent date for all Assessments will be thirty (30) days from the Due Date, unless otherwise stated in Declarations or action approving same.

Section 5. Notices. All notices sent to the Owner, other than the Past Due Notice, shall contain notice of the amount then due and the next step to be taken.

- 5.1. **First Delinquent Notice.** Shall be sent by March 1st of each year, regular first class mail.
- 5.2. **Second Delinquent Notice.** Shall be sent by April 1st of each year, regular first class mail.
- 5.3. **Third Delinquent Notice.** Pursuant to Section 209.0062 of the Texas Property Code, this notice must be sent via certified mail/return receipt requested and it must (i) specify each delinquent amount and the total amount of the payment required to make the account current, (ii) advise the Owner of payment options per the Association's Payment Plan Policy adopted in accordance with Section 209.0062 of the Texas Property Code ("Payment Plan Policy"), and (iii) provide at least thirty (30) days to cure the delinquency before further action is taken (which will include turning the delinquency over to the Association's attorney to commence collection activities for which the Owner will be responsible for all attorney's fees).

Additionally, if an Owner's use rights in the common area are to be suspended, the notice will include the notice and right to hearing provisions of Section 209.006 of the Texas Property Code.

Section 6. Interest and Late Fees. As provided in the Declarations, if the Assessment is not paid within thirty (30) days of the Due Date, the Assessment shall bear interest from the Due Date at the rate of 18% per annum. Additionally, if not paid within thirty (30) days after the due date a late fee of \$10.00 per month will also become due from the Owner (unless the Owner enters a payment plan in accordance with Section 7 below, in which case no late fees will be charged so long as the Owner remains current under the Payment Plan Policy).

Section 7. Payment Plan and Partial Payments. All Owners will be offered a payment plan in accordance with the Association's Payment Plan Policy. 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 two (2) years following the Owners default under the previous payment plan. Partial payments shall be posted in accordance with Section 209.0063 of the Texas Property Code. Any payment for less than the full amount due at the time payment is made shall not constitute waiver or forgiveness of the remaining balance.

Section 8. Dishonored Checks. Checks dishonored by the bank (e.g., NSF checks) shall be re-deposited, if possible. Checks that cannot be re-deposited shall incur a dishonored check processing cost to offset the additional processing involved, and a Dishonored Check Notice shall be sent requesting payment in full by cashier's check or money order. Ten (10) days (or more) after the mailing of the Dishonored Check Notice, normal delinquency processing shall be initiated or continued, as appropriate. Bank fees charged to the Association

because of the dishonored check shall be charged against the Owner's account and the amount of the Dishonored Check shall be reposted to the Owner's account as allowed by law.

Section 9. Owner's Address. It is the responsibility of each Owner of a Lot in Auburn Lakes to provide the Owner's mailing address to the Association and to promptly notify the Association in the event the Owner's mailing address changes. Notice of the Owner's mailing address or a change of the Owner's mailing address must be provided to the Association in writing. Unless the Association is otherwise notified in writing, the Owner's mailing address shall be deemed to be the address of the Owner's property in Auburn Lakes or the last alternative mailing address provided to the Association by the Owner in writing. All notices to an Owner pursuant to this Policy shall be mailed to the Owner at the Owner's last known mailing address. If mail to an Owner is returned undelivered, or the Association otherwise reasonably determines that the last known mailing address of the Owner may not be valid, the Association shall have the right, but not the obligation, to conduct a title search or other searches for the purpose of attempting to either verify the Owner's current mailing address or obtain the Owner's current mailing address. Any costs incurred by the Association to verify an Owner's current mailing address or obtain an Owner's current mailing address shall be, to the extent permissible under the Association's Dedicatory Instruments and state law, charged to the Owner. Failure to receive notices shall in no way waive or negate any assessment or charges due.

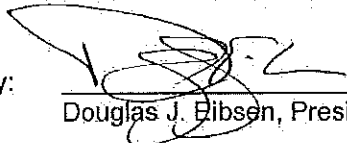
Section 10. Foreclosure Authority. Upon approval by the Board of Directors, the Association's attorney shall be instructed to take the necessary legal steps to accomplish the foreclosure of the property to satisfy the Assessments and any other charges due.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Assessment Collection Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

To certify which witness my hand this the 15th day of February, 2013.

AUBURN LAKES HOMEOWNERS ASSOCIATION, INC.

By:



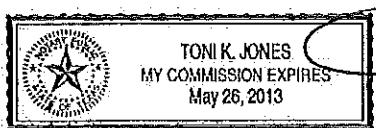
Douglas J. Eibsen, President

THE STATE OF TEXAS

COUNTY OF Harris

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BEFORE ME, the undersigned notary public, on this 15th day of February, 2013 personally appeared Douglas J. Eibsen, President of Auburn Lakes Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



Toni K. Jones
Notary Public in and for the State of Texas

Return To:
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8901 Gaylord, Suite 100
Houston, Texas 77024
209371

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