



20111214001347670 12/14/2011 11:13:05 AM MA 1/4

**Gentle Creek Estates Residential Association, Inc.
3102 Oak Lawn, Suite 202
Dallas, TX 75219**

Dedicatory Instruments

Collection Policy

WHEREAS, Lots in Gentle Creek Estates are subject to the Declaration of Covenants, Conditions & Restrictions for Gentle Creek Estates Residential Association Inc., recorded with File No. 98-0013081 and for Phase II as Document Number 2001-0124076 in the Real Property Records, Collin County, Texas. **The Association wishes to adopt reasonable guidelines to establish a collection policy for the Association for delinquent regular or special assessments or any other amount owed to the Association; and**

WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and

WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and

NOW, THEREFORE, IT IS RESOLVED that the attached collection policy has been established by the Board and is to be recorded with the Real Property Records.

Gentle Creek Estates Homeowners Association, Inc.
3102 Oak Lawn, Suite 202
Dallas, TX 75219

Gentle Creek Estates Homeowners Association, Inc. COLLECTION POLICY		
Gentle Creek Estates Homeowners Association, Inc. collection process includes the following steps <i>unless authorized exceptions to this process are communicated in writing from the Board of Directors through the Association Manager.</i>		
Notice	Description	Fees
1 st Friendly Notice	<ul style="list-style-type: none"> Issued by the billing department after the Association's late date as a statement showing the total amount due. The late date is the 10th. Only issued to owners <u>with a balance of \$10 or more.</u> <ul style="list-style-type: none"> Late/interest fees may vary based on governing documents. Interest is not calculated on balances under \$2. Late date may vary based on governing documents. 	\$25.00 + 12% per annum + \$8.00 processing fee
2 nd Formal Notice	<ul style="list-style-type: none"> Issued by the billing department as a late letter (typically 30 days after the Friendly Notice). Includes the Fair Debt Collections verbiage and allows the account holder 30 days from receipt of notice to address the delinquent account. <ul style="list-style-type: none"> Per the Texas Property Code, these notices must be mailed certified (also mailed first class) and include language regarding restricted access to amenities and the right to cure. Only issued to owners <u>with a balance of \$50 or more.</u> <ul style="list-style-type: none"> A second late statement may be sent to owners in lieu of or in addition to the second notice, but the processing fees and collateral costs (print, envelopes, postage, etc.) still apply to each review and mailing. 	\$18.00 processing fee
Demand Letter	<ul style="list-style-type: none"> This is a second 30-day collection notice (similar to the 2nd Formal Notice); sent via certified mail. The billing department will automatically proceed with referring an account for demand <i>unless the Manager or Board of Directors stipulates otherwise.</i> Association collection policies may require demand letter processing through an attorney's office. NOTE: For Associations under developer control, builder referral for advanced collection action requires approval from the divisional Director in addition to the Manager. 	\$35.00 request for demand + collection agency/attorney fees (fees vary by office/agency)

Loyalty • Integrity • Respect • Fun

Premier Communities Management Company
3102 Oak Lawn Avenue
Suite 202
Dallas, TX 75219



Teamwork • Work Ethic • Positive Attitude

Office: 214.871.9700
Toll Free: 866.424.8072
Fax: 214.889.9980
www.premiercommunities.net

Lien	<ul style="list-style-type: none"> • If an account is referred directly to an attorney’s office, the billing department will automatically proceed with an Authorization to Lien <i>unless the Manager or Board of Directors stipulates otherwise.</i> • If an account is referred to a collection agency (e.g., Red Rock), the account is automatically processed for a lien subsequent to the 30-day timeline referenced in the demand letter. • The lien is filed with the county clerk where the property is located and is a legal record that a debt is owed and is secured against the property in question. • Processing and filing a lien with the county clerk can take up to 30 (thirty) days. 	<p>\$20.00 request for lien + collection agency/attorney fees <i>(fees vary by office/agency and county)</i></p>
Foreclosure	<ul style="list-style-type: none"> • <i>Authorization for Foreclosure must be Board-approved in writing.</i> <ul style="list-style-type: none"> ○ The approval should be in the form of Board-approved meeting minutes or a signature on an approved form. ○ The collection agency or attorney’s office requires the Board to sign an Assignment of Substitute Trustee (AST) that allows the chosen representative to post and settle a foreclosure on behalf of the Board. • Processing an account for foreclosure can take up to ninety (90) days • A homeowner has a six-month (180 day) period to redeem property that has been foreclosed by paying the amount owed in full, including all dues, legal, and collection fees; a condominium owner has a three month (90-day) right of redemption. <ul style="list-style-type: none"> ○ If the property is not redeemed, the next step is Authorization to Sell or Authorization to Evict. ○ The Association can proceed with Authorization to Evict once the property has been foreclosed. • <i>NOTE 1:</i> The Association lien is subordinate to the first lien holder (mortgage company). If the mortgage company forecloses on the property, the Association lien is relinquished and the amount owed is written off to unrecovered assessments. The mortgage company is responsible for all dues and fees incurred after the date of foreclosure, as they are the new legal owners of the property. • <i>NOTE 2:</i> There are two types of foreclosure available to Associations, judicial and expedited non-judicial. The governing documents for each community will specify which methods of foreclosure are available to the Association. <ul style="list-style-type: none"> ○ Expedited non-judicial foreclosure is a new requirement for Associations that do not require judicial foreclosure per HB 1228 effective 1/1/2012. 	<p>\$20.00 request for foreclosure + collection agency/attorney fees <i>(fees vary by office and county)</i></p>

Creating the most desirable residential communities in which to live.

This is to certify that the foregoing Collection Policy was adopted by the Board of Directors, in accordance with Section 209.0062 of the Texas Property Code.

Molly Ann Huie

Name: Molly Ann Huie

Title: Resident

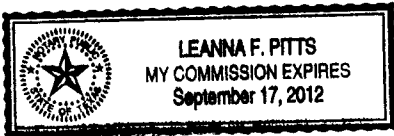
Date: 21 September 2011

STATE OF TEXAS

COUNTY OF Dallas

§
§
§

This instrument was acknowledged before me on the 21st day of Sept, 2011, by Molly Ann Huie, President of Gentle Creek Estates Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Leanna Pitts

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

*Premier Communities
3102 Oak Lawn Avenue, Suite 202
Dallas, Texas 75219*

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
12/14/2011 11:13:05 AM
\$28.00 CJAMAL
20111214001347670



Stacey Kemp