

GRAND PRAIRIE MOUNTAIN CREEK HOMEOWNERS ASSOCIATION, INC.
FIRST AMENDED PAYMENT PLAN GUIDELINES

(SIGNATURE PAGE FOLLOWS)

Association prior to the date of this action or hereafter that are within the authority conferred hereby are hereby ratified, confirmed and approved as the act and deed of the Association.

BE IT RESOLVED, FURTHER, that any actions taken by the officers or directors of the

and empowered, in the name and on behalf of the Association, from time to time to do and perform all such further acts and things and to execute and deliver all such further instruments as he or she may deem necessary or advisable to carry out and effectuate the intent and purposes of the foregoing resolution and of the action referred to therein.

BE IT RESOLVED, FURTHER, that the President of the Association is hereby authorized

attached hereto and incorporated herein by reference.

Amended Payment Plan Guidelines and Application of Payment Schedule set forth in Exhibit "A", NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the First

Code.

of Payments Schedule which are filed in the Dallas County Official Public Records as Document No. 2014009063. The Board desires to adopt an amendment to such payment plan guidelines to comply with statutory requirements and as required under Section 209.0062 of the

WHEREAS, the Board has previously adopted Payment Plan Guidelines and Application

owed to the Association; and Association must adopt payment plan guidelines for delinquent assessments or other amounts

WHEREAS, Section 209.0062 of the Texas Property Code (the "Code") provides that the

ADOPTION OF FIRST AMENDED PAYMENT PLAN GUIDELINES
AND APPLICATION OF PAYMENTS SCHEDULE

rescinded and is in full force and effect on the date thereof.

held on Feb 25, 2016 and that such preamble and resolutions has not been amended or duly adopted by the Board of Directors of the Association (the "Board") at a meeting of the Board

"Association"), hereby certifies on behalf of the Association that the following resolutions were Grand Prairie Mountain Creek Homeowners Association, Inc., a Texas nonprofit corporation (the

The undersigned Donald Ryan, as the duly elected, qualified and acting President of the

CERTIFIED RESOLUTION OF THE BOARD OF DIRECTORS
OF THE GRAND PRAIRIE MOUNTAIN CREEK HOMEOWNERS
ASSOCIATION, INC. ADOPTING FIRST AMENDED PAYMENT PLAN GUIDELINES
POLICY AND APPLICATION OF PAYMENTS SCHEDULE

EXHIBIT "A"

GRAND PRAIRIE MOUNTAIN CREEK HOMEOWNERS ASSOCIATION, INC. PAYMENT PLAN GUIDELINES

A. Any Member of Grand Prairie Mountain Creek Homeowners Association, Inc., (the "Association") who is delinquent in payment of any regular or special assessments, charges, fees or fines due to the Association, including costs of collection incurred by the Association or any other amounts owed to the Association (the "Assessment Delinquency"), and whose 30 day period to cure the delinquency after proper written notice from the Association under Section 209.0064 of the Texas Property Code has not expired, or who cannot pay a billed amount by the stated due date, may request and shall be entitled to enter into an alternative payment plan (a "Payment Plan") with the Association without incurring additional monetary penalties as set forth in Section 209.0062 of the Texas Property Code. The request must be made in writing and mailed or delivered to the Association at 3402 Beltline Rd., Grand Prairie, Texas 75052.

B. A Payment Plan must include consecutive, sequential monthly payments. The total of all proposed payments under the Plan must equal the current balance owed plus the Payment Plan Administrative Cost Fee of \$75, and may also include accrued interest at the rate of the lesser of the maximum rate permitted by law or twelve percent (12%) per annum. Time is of the essence with respect to payments under a Payment Plan, and the obligation to pay the monthly payments on a date certain must strictly be complied with.

C. Upon written request and signing of a Payment Plan Agreement, any eligible Member of the Association will be approved for a Payment Plan. The Association has established two alternative installment payment plan options for the Member to select from, which options are as follows:

(a) Six Month Payment Plan

Under the Six Month Payment Plan, the Member shall pay the Assessment Delinquency, plus the Payment Plan Administrative Cost Fee of \$75 and accrued interest in equal, or as equal as possible, consecutive monthly installments over a period of six (6) months, due on the 15th day of each month following the date that the Payment Plan Agreement is signed.

(b) Twelve Month Payment Plan

Under the Twelve Month Payment Plan, the Member shall pay the Assessment Delinquency, plus the Payment Plan Administrative Cost Fee of \$75 and accrued interest in equal, or as equal as possible, consecutive monthly installments over a period of twelve (12) months, due on the 15th day of each month following the date that the Payment Plan Agreement is signed.

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- D. Any alternative proposals for Payment Plans by Members other than as set forth in Section C above shall be submitted to the Association Board in writing for consideration. Any such proposal shall be in conformance with the requirements of this Payment Plan Guidelines Policy other than Section C above, and shall not conflict with Section 209.0062 of the Texas Property Code. The Association may also consider any proposed payment plan submitted by a Member after the Member's 30 day cure period following written notice of the delinquency has expired. The Association Board is not obligated to approve any such submitted alternative proposals or any proposals submitted after the Member's 30 day cure period following proper written notice has expired. The Association is not required to allow a Member to enter into a Payment Plan more than once in any 12 month period.
- E. If a Member agrees to a Payment Plan that will extend into the next assessment period, the Member shall be required to pay future assessments by the applicable due date in addition to the payments specified in the Payment Plan.
- F. All Payment Plans must be in writing and signed by the Member on a form provided by the Association, or a form otherwise approved by the Association. The Member will not receive monthly billing statements from the Association relating to the Payment Plan, and it is the responsibility of the Member to make the payments when due.
- G. If a Member defaults on the Payment Plan, it shall constitute a material breach of the Payment Plan. Default of a Payment Plan includes failing to make a timely payment in the amount due on the due date in any calendar month of the Payment Plan.
- H. In the event of a default on the Payment Plan, all unpaid amounts owed under the Payment Plan shall automatically, without any further notice from the Association, be accelerated and shall be immediately due and payable in full to the Association.
- I. In the event of default on any Payment Plan, the Member shall be considered in default until he or she pays the full accelerated amount owed to the Association. In addition, the defaulting Member shall be liable for all costs of collection, including attorneys fees, incurred by the Association to collect any remaining unpaid amounts owed by the Member. Upon default, the Association may pursue all remedies, including legal action, authorized by the Association's Declaration, Bylaws and by Texas law. Any payments received by the Association from a Member who is in default under a Payment Plan may be applied to the Members debt or account in the following order of priority:
- (1) Any attorney's fees or third-party collection costs incurred by the Association in connection with the collection of the Members debt;
 - (2) Any other fees and expenses reimbursable to the Association in connection with collection of the Members debt;
 - (3) Any late charges and interest due by the Member;

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

In accordance with the terms of Section 209.0063 of the Code, except for payments made to the Association by members who are in default under a Payment Plan with the Association (as provided above), a payment received by the Association from a Member shall be applied to the Member's debt or account in the following order of priority:

APPLICATION OF PAYMENTS SCHEDULE

- J. If a Member defaults on a Payment Plan, the Association is not obligated to enter into another Payment Plan with the Member for the next two years after the date of default.
- K. No Payment Plan may be for a term shorter than 3 months. The Association may, but is not required to, allow a Payment Plan that extends for longer than 18 months, and a Member is not prohibited from paying amounts due to the Association earlier than contemplated by a Payment Plan.
- L. The Association is allowed to charge interest and reasonable administrative costs throughout the Payment Plan, but may not charge a late fee or any other monetary penalties as defined in the applicable statute.
- M. Nothing herein is intended to conflict with Section 209.0062 of the Texas Property Code or other Texas law.

- (4) Any past due delinquent assessments (beginning with the oldest);
- (5) Any current assessments;
- (6) Any other amount owed to the Association (excluding fines); and
- (7) Any fines assessed by the Association.

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AFTER RECORDING, RETURN TO:
Jeffrey A. Lacy
Lacy Lyster Malone & Steppick, PLLC
120 W. 3rd St., Suite 350
Fort Worth, Texas 76102

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Jeffrey A. Lacy
Lacy Lyster Malone & Steppick, PLLC 120 W. 3rd St., Suite 350
Fort Worth, TX 76102

AFTER RECORDING PLEASE RETURN TO:

My Commission expires: 05-16-2018

Terry Wilkerson
Notary Public State of Texas



This instrument was acknowledged before me on February 26, 2016 by Donald Ryan, President of the Grand Prairie Mountain Creek Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

STATE OF TEXAS
§
COUNTY OF DALLAS
§
§

Printed Name: Donald Ryan
Title: President, Grand Prairie
Mountain Creek Homeowners Association, Inc.

By: *Donald Ryan*

IN WITNESS WHEREOF, the undersigned has executed this Certificate as President on behalf of the Association to be effective upon filing in the Official Public Records of Dallas County, Texas.