

2  
NOTICE

**CERTIFICATE OF CORPORATE RESOLUTION**

**RELATING TO APPLICATION OF PAYMENTS**

**SPENWICK VILLAGE CONDOMINIUM ASSOCIATION, INC.**

X

The undersigned Officer of **SPENWICK VILLAGE CONDOMINIUM ASSOCIATION, INC.**, a Texas non-profit corporation (the "Association"), does hereby certify that at a duly constituted meeting of the Board of Directors of the Association held on November 22, 2016, with at least a majority of the Board of Directors present, the following resolution was duly made and approved by the Board of Directors:

**WHEREAS**, pursuant to applicable provisions of Chapter 81 and Chapter 82 of the Texas Property Code, that certain "Declaration of Restrictive and Protective Covenants for a Condominium Regime known as SPENWICK VILLAGE CONDOMINIUM NO. 1", recorded in Volume 41, Page 1, et seq. of the Condominium Records of Harris County, Texas, together with all amendments thereto (the "Declaration"), and the Bylaws of the Association, the Association is responsible for administering the **SPENWICK VILLAGE CONDOMINIUM NO. 1 condominium** and the covenants, conditions, and restrictions set forth in the Declaration; and

D  
we

**WHEREAS**, the Texas Property Code, Section 82.102(a)(13) specifically authorizes the Association, acting by and through its Board of Directors, to "adopt and amend rules regulating the collection of delinquent assessments and the application of payments"; and

**WHEREAS**, the Board of Directors is desirous of, pursuant to this Resolution: (i) adopting a policy as to the application of payments received from owners; and (ii) notifying all owners of that policy by providing written notice of same and recording a copy of same in the Real Property Records Harris County, Texas.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. All payments made by owners and received by the Association after the effective date of this Resolution shall be applied to an owners account balance in the following order of the following categories: interest, attorney fees, fines, repair charge-backs, late fees/charges, administrative fees/charges, special assessments, and assessments. The payment will be applied to the oldest amount due in each of the aforesaid categories until all charges in that category are paid in full.
2. The application of payments as set forth in this Resolution shall be made irrespective of any contrary written or verbal instructions of the owner as to application of payments; and the manner of applications of payments set forth herein shall at all times prevail and override any contrary direction by the owner.
3. It shall be the responsibility of the owner to verify that payments are timely received by the Association. The Association is not responsible for delay in payment caused by mail or other form of delivery.
4. By virtue of the application of payments in accordance with this Resolution, it is possible that a late fee/charge may be imposed in a given month notwithstanding that a payment has been received prior to the late date for that month (i.e., pursuant to this Resolution, such timely payment will have been credited toward a prior balance thereby leaving the current month unpaid and delinquent). The Board of Directors shall have the continuing authority to determine whether any such late

RP-2017-62654

fees shall be assessed in such event and shall have the authority to waive the imposition of such late fees in whole or part from time to time as may be determined by the Board in their absolute sole discretion.

- 5. The failure to follow the application of payments set forth herein shall not be considered a waiver or otherwise diminish the Association's right and ability to collect all sums due and owing by any owner to the Association.
- 6. The Board of Directors shall be authorized to vary the application of payments as set forth in this Resolution from time to time as it deems appropriate in its sole and absolute discretion.

This Policy shall supersede and replace any existing policy of the Association relating to the same or similar subject matter, and shall be effective upon the recording of this Policy as a "dedicatory instrument" in the Real Property Records of Harris County, Texas.

10R

**SPENWICK VILLAGE CONDOMINIUM ASSOCIATION, INC.**, a Texas non-profit corporation

By: Jeannie Parker (signature)

JEANNIE PARKER (name printed)

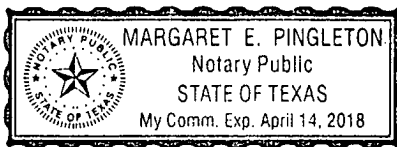
Its: President (Officer position)

**ACKNOWLEDGEMENT**

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on this 2nd day of February, 2017, by Jeannie Parker of **SPENWICK VILLAGE CONDOMINIUM ASSOCIATION, INC.**, a Texas Non-Profit Corporation, on behalf of such corporation.



Margaret E. Pingleton  
Notary Public, State of Texas

Record and Return to:  
Richard C. Lievens  
Frank Elmore Lievens Chesney & Turet LLP  
9225 Katy Freeway Suite 250  
Houston TX 77024

SpenwickVillage.Application of Payments.111516

RP-2017-62654

FILED FOR RECORD

8:00:00 AM

Monday, February 13, 2017

*Stan Stewart*

COUNTY CLERK, HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED; in the Official Public Records of Real Property of Harris County Texas

Monday, February 13, 2017



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

RP-2017-62654