

INSTRUMENT TO RECORD DEDICATORY INSTRUMENTS

This Instrument is being recorded by **Birnam Wood-Fairfax Homeowners Association, Inc.**, a Texas nonprofit corporation (the "Association") pursuant to Section 202.006 of the Texas Property Code.

Section 202.006 of the Texas Property Code requires a property owners' association to record each dedicatory instrument in the real property records of the County in which the property to which the dedicatory instrument relates is located, if such instrument has not previously been recorded; and

Restrictive covenants and other matters concerning the Subdivision are set forth in Declaration previously recorded as follows: Harris County Clerk's File No. D671461, D671460.

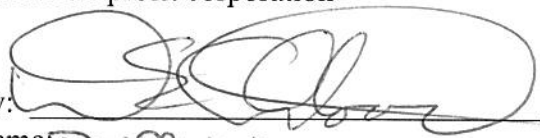
The Association is currently subject to the following dedicatory instruments which have not previously been recorded, to-wit:

Payment Plan Policy
Records Retention Policy
Records Production Policy
Maintenance Assessment Delinquency Program

Pursuant to Section 202.006 of the Texas Property Code, the Association does hereby record such dedicatory instruments, copies of which are attached hereto in the order set forth hereinabove.

Executed on the 27th day of October, 2011.

Birnam Wood-Fairfax Homeowners Association, Inc., a Texas non-profit corporation

By: 
Name: Don Drakwood
Title: President

FILED FOR RECORD
8:00 AM

JAN 24 2012

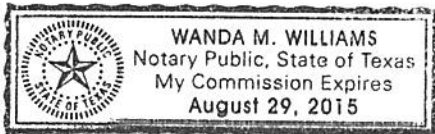

County Clerk, Harris County, Texas

THE STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on 27 OCTOBER, 2011, by

DON DRAHOOD, as PRESIDENT of Birnam Wood-Fairfax Homeowners Association, Inc., a Texas nonprofit corporation, on behalf of said entity.



Hande M. Bellver
Notary Public, State of Texas

WHEN RECORDED RETURN TO:

ACMI
12603 Louetta Rd., Ste. 101
Cypress,

TX

77429-5136

RESOLUTION ADOPTING APPROVED ASSOCIATION RECORDS PRODUCTION POLICY

The Records Production Policy was approved by the board of Directors of Birnam Wood-Fairfax Homeowners Association, Inc. the 27th day of October, 2011.

- I. Association documents will be available to all Owners upon their proper request and their own expense. A proper request:**
- a. is sent certified mail to the Association's address as reflected in its most recent management certificate;
 - b. is from an Owner, or the Owner's agent, attorney or certified public accountant; and
 - c. contains sufficient detail to identify the records being requested.
- II. Owners may request to inspect the books and records or may request copies of specific records.**
- If the Owner makes a request to inspect the books and records, then the Association will respond within 10 business days of the request, providing the dates and times the records will be available and the location of the records. The Association and the Owner shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the Owner with copies of specific documents upon the owner paying the Association the appropriate cost.
 - If an Owner makes a request for copies of specific records, and the Association can provide the documents easily or with no cost, then the Association will provide the records to the owner within 10 business days of the Owner's request.
 - If the Owner makes a request for copies of specific records, the Association shall send a response letter advising on the date the records will be made available (within 15 business days) and the cost the Owner must pay before the records are provided. Upon paying the cost to provide the records, the Association shall provide the records to the Owner.
- III. The Association hereby adopts the following schedule of costs:**
- COPIES: 10 cents per 8.5 X 11 " page
\$1.00 per CD
\$3.00 per DVD
- LABOR: \$15.00 per hour for actual time to locate, compile and reproduce records
(can only charge if request is greater than 50 pages)
- OVERHEAD: 20% of total labor charge (can only charge if request is greater than 50 pages)
- MATERIALS: Actual cost of labels, boxes, folders, and other supplies, used in producing the Records, along with postage for mailing the records

- IV. The Association hereby adopts the following form of response to Owners who request to inspect the Associations Books and Records:

Birnam Wood-Fairfax Homeowners Association, Inc.
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS

Date:

Dear Homeowner:

On August 10, 2012, the Association received your request to inspect the books and records of the Association. The books and records of the Association are available for you to inspect on regular business days between the hours of 9:00am and 4:00pm at the office of ACMI 12603 Louetta Rd., Ste 101 Cypress, TX 77429.

Please contact ACMI at 281-251-2292 or at info@ACMIgmt.com to make arrange for a mutually agreeable time for you to come and review the records. Please be advised that if you desire copies of specific records during or after the inspection, you must first pay the associated costs before copies will be provided to you. A schedule of costs is included with this response.

Sincerely,

Birnam Wood-Fairfax Homeowners Association,

Inc.

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- V. The Association hereby adopts the following form of response to Owners who request copies of specific records.

Birnam Wood-Fairfax Homeowners Association, Inc.
RESPONSE TO REQUEST FOR ASSOCIATION RECORDS

Date:

Dear Homeowner:

On August 10, 2012, the Association received your request for copies of specific Association records. The requested records will be will be available to you no later than 15 business days after the date of this response.

In order to obtain the records you must first pay the Association the cost of providing the records to you. The estimated cost of providing the records you requested is \$-----. Upon receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at the office of ACMI 12603 Louetta Rd., Ste 101 Cypress, TX 77429.

Sincerely,

Birnam Wood-Fairfax Homeowners Association,

Inc.

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- VI. If the estimated cost provided to the Owner is more or less than the actual cost of producing the document, the Association shall, within 30 days after providing the records, submit to the Owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.
- VII. Unless authorized in writing or by court order, the Association will not provide any records that contain the personal information of an Owner, including deed restriction violations, delinquent assessments, financial information or contact information.

Birnam Wood-Fairfax Homeowners Association, Inc.

CERTIFICATION

"I, the undersigned, being the President of **Birnam Wood-Fairfax Homeowners Association, Inc.**, hereby certify that the foregoing Resolution was adopted by at least a majority of the **Birnam Wood-Fairfax Homeowners Association, Inc.** Board of Directors."

By:  , President

Print Name: Don DeHaven Date: 10/27/11

000-72-1076

**RESOLUTION ADOPTING
APPROVED ASSOCIATION RECORDS RETENTION POLICY**

The Records Retention Policy was approved by the board of Directors of Birnam Wood-Fairfax Homeowners Association, Inc. the 27th day of October, 2011.

The Association shall maintain its records as follows:

<u>RECORD</u>	<u>RETENTION PERIOD</u>
Certificate of Formation, Articles of Incorporation, Bylaws, Declarations and all amendments to those documents	PERMANENT
Association Tax Returns and Tax Audits	SEVEN (7) YEARS
Financial Books and Records	SEVEN (7) YEARS
Account Records of Current Owners	FIVE (5) YEARS
Contracts with a Term of More than 1 Year	FOUR (4) YEARS AFTER CONTRACT EXPIRES
Minutes of Member Meetings and Board Meetings	SEVEN (7) YEARS

Records not listed above are not subject to retention. Upon expiration of the retention date, the applicable record will be considered not maintained as a part of the Association books and records.

Birnam Wood-Fairfax Homeowners Association, Inc.

CERTIFICATION

"I, the undersigned, being the President of Birnam Wood-Fairfax Homeowners Association, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Birnam Wood-Fairfax Homeowners Association, Inc. Board of Directors."

By: , President

Print Name: Donald E. Orland Date: 10/27/11

**RESOLUTION ADOPTING
APPROVED ASSOCIATION PAYMENT PLAN POLICY-
DELINQUENT ACCOUNTS ONLY**

This Payment Plan Policy was approved by the Board of Directors for **Birnam Wood-Fairfax Homeowners Association, Inc.** on the 27th day of October, 2011.

The payment plan program is defined as follows:

- Homeowner may elect to pay their outstanding balance plus interest and administration fees in up to three equal monthly payments.
- Longer payment terms require special Board approval.
- The homeowner's account will be charged a Payment Plan Administration Fee and three payment processing fees plus applicable interest at the time the Payment Plan Agreement is prepared.
- The management company will invoice the association for the administration fee and a payment processing fee for each payment due.
- Interest will be charged at the applicable rate for the period the payment plan is in place and will be added to the account at the time the Payment Plan Agreement is prepared. If payments are not made according to the plan interest will continue to be added until payment in full is received.
- A Payment Plan Agreement will be mailed to the homeowner by the management company. A signed copy of the agreement along with the first payment must be returned within 10 days of receipt of the Agreement. If the Agreement is not received within 10 days, the account will be returned to the "Collection Program" and will be processed in a manner consistent with other delinquent accounts.
- Payment coupons indicating the amount due in each payment, the due date and other relevant information will be included with the Payment Plan Agreement.
- If homeowner does not make a payment by the scheduled due date the account will be returned to the "Collection Program" and will be processed in a manner consistent with other delinquent accounts.

CERTIFICATION

"I, the undersigned, being the President of **Birnam Wood-Fairfax Homeowners Association, Inc.**, hereby certify that the foregoing Resolution was adopted by at least a majority of the **Birnam Wood-Fairfax Homeowners Association, Inc.** Board of Directors."

By: , President

Print Name: Don Draper Date: 10/27/11

RESOLUTION ADOPTING MAINTENANCE ASSESSMENT DELINQUENCY PROGRAM

The Maintenance Assessment Delinquency program was approved by the board of Directors of Birnam Wood-Fairfax Homeowners Association, Inc. the 27th day of October, 2011.

- The Maintenance Assessment Delinquency Program is initiated following approval of an operating budget for the upcoming year by the Association Board of directors. The approved budget will determine the annual or monthly assessment required from each property. This process follows the process defined in the association Declaration of Covenants, Conditions and Restrictions (restrictions).
- The following procedures have been approved by the Board, and will be implemented by the management company under the direction of the Board. The intent of the program is to encourage owners to pay the assessment on time without having to proceed to legal collection. Therefore, several steps with associated notices are included in the program. One or more of these steps will be used in the collection process and implementation may vary depending on the balance due and circumstances for each account.
- **Payment Plan:** A payment plan is available for members who may not be able to make payment prior to the delinquency date. Details are provided in the association payment plan resolution and may be implemented through discussions with the management company.
- **Payment Options:** The management company offers several different options for payment of the assessment (check, bank issued check, credit card, etc.).
- **Annual Maintenance Assessment Statement:** The annual assessment invoice will be mailed to each property owner once the budget is approved. This invoice will include the current year assessment plus any balance that remains unpaid on the account. The invoice will provide owners with the opportunity to pay the assessment through multiple payments without a processing fee or other charge so long as the payments are made prior to the original assessment due date. A formal payment plan agreement is not required for the owner to implement this option.
- **Past Due Reminder:** The past due reminder is mailed to each property owner that has not paid their account balance in full prior to the due date established in the restrictions.
- **Delinquency Notice:** The delinquency notice will be mailed to each property owner that has not paid their account balance in full by the delinquency date established in the restrictions. This invoice will include the amount due shown in the original invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company.
- **Lien Assessment Notice:** The lien assessment invoice notifies the owner a lien will be assessed if payment is not made by the due date or a payment plan is not established. The notice will be sent via certified and regular mail. This invoice will include the amount due shown in the last prior invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company. A certified letter fee that includes the cost of postage and preparation for mailing will be added for the certified notice.
- **Lien Assessment:** A lien will be established if the account balance is not paid in full by the due date from the last prior notice or a payment plan entered into. The property owner will be notified that a lien is being established. The related invoice will include the amount due shown in the last prior invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company and the cost for establishing and recording the lien and releasing and recording the lien release.
- **Final Notice before Legal Action:** The final notice before legal action invoice will be mailed to owners via certified and regular mail. It provides notification that the account balance must be paid in full with 30 days or the account will be sent to an attorney. The notice will be sent via certified and regular mail. This invoice will include the amount due shown in the last prior invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company. A certified letter fee that includes the cost of postage and preparation for mailing will be added for the certified notice.
- **Transfer to Attorney:** An account will be transferred to the Association attorney with board approval, after a waiting period of 30 days for payment or implementation of a payment plan by the owner. All costs related to legal action will be for the account of the property owner.
- **Interest:** Interest will be added to the account balance each month utilizing the interest rate established in the restrictions.
- **Lien Release:** The lien will be released by association when payment in full is received from the property owner. A copy of the recorded lien form will be mailed to the property owner following receipt from the County Clerk.
- **Account balance:** can include the current assessment, prior year assessments, interest, collection fees, fines, legal fees or other similar charges made to the account.

CERTIFICATION

"I, the undersigned, being the President of Birnam Wood-Fairfax Homeowners Association, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Birnam Wood-Fairfax Homeowners Association, Inc. Board of Directors."

By: [Signature], President

Print Name: Don Ormond Date: 10/22/11

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

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

JAN 24 2012



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS