

**SCHEDULE C**

**CYPRUS VILLAS  
HOMEOWNER'S ASSOCIATION, INC.**

**Alternative Payment Schedule Guidelines for Certain Assessments**

**WHEREAS**, the Board of Directors (the "Board") of Cyprus Villas Homeowner's Association, Inc. (the "Association") wishes to amend the guidelines established regarding an alternative payment schedule recorded on April 6, 2017, by which an owner may make partial payments to the Association for delinquent regular or special assessments or any other amount owed to the Association; and

**WHEREAS**, the Board wishes to amend these guidelines in compliance with the most up to date legislative changes occurring as of September 01, 2021 with regard to Section 209.0062 of the Texas Property Code and hereby acknowledge the effectiveness of this policy as of September 01, 2021; and

**WHEREAS**, the Board intends to file these amended 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 following amended guidelines are established by the Board:

1. Upon the request of a delinquent owner, the Association shall enter an alternative payment schedule with such owner, subject to the following guidelines:
  - a. An Alternative Payment Schedule is only available to owners who have delinquent regular assessments, special assessments or any other amount owed to the Association.
  - b. An Alternative Payment Schedule will not be made available in the following cases: (1) to owners who have failed to honor the terms of a previous Alternative Payment Schedule during the two years following the owner's default of such previous Alternative Payment Schedule; (2) to owners who have failed to request an Alternative Payment Schedule prior to the 45-day deadline to cure the delinquency as set forth in the Association's letter sent pursuant to Tex. Prop. Code § 209.0064(b); and/or (3) to owners who have entered an Alternative Payment Schedule within the previous twelve (12) months. Notwithstanding the foregoing, the Board has discretion to allow any owner to enter an Alternative Payment Schedule.
  - c. During an Alternative Payment Schedule, additional monetary penalties shall not be charged against an owner so long as the owner timely performs all obligations under the Alternative Payment Schedule and does not default. However, the Association may charge reasonable costs for administering the Alternative Payment Schedule ("Administrative Costs") and, if interest is allowed under the Declaration, then interest will continue to accrue during the

term of the Alternative Payment Schedule. The Association may provide an estimate of the amount of interest that will accrue during the term of the Alternative Payment Schedule.

- d. The total of all proposed payments in an Alternative Payment Schedule must equal the sum of the current delinquent balance, the estimated interest, and any Administrative Costs; and may include any assessments that will accrue during the term of the Payment Plan.
- e. All payments under an Alternative Payment Schedule shall be due and tendered to the Association by the dates specified in the Alternative Payment Schedule and shall be made by way of online payment, cashier's checks, or money orders.
- f. The minimum term for an Alternative Payment Schedule is three (3) months from the date of the owner's request for an Alternative Payment Schedule. The Association is not required to allow an Alternative Payment Schedule for any amount that extends more than eighteen (18) months from the date of the owner's request for an Alternative Payment Plan.
- g. Any owner may submit to the Board a request for an Alternative Payment Schedule that does not meet the foregoing guidelines, along with any other information he/she believes the Board should consider along with such request (e.g. evidence of financial hardship). The Board, in its sole discretion, may approve or disapprove such a request for a non-conforming Alternative Payment Schedule. An owner who is not eligible for an Alternative Payment Schedule may still request an Alternative Payment Schedule, and the Board, in its sole discretion, may accept or reject such a request.
- h. Default
  1. The following shall result in an immediate default of an Alternative Payment Schedule:
    - i. The owner's failure to timely tender and deliver any payment when due under the Alternative Payment Schedule;
    - ii. The owner's failure to tender any payment in the full amount and form (e.g., cashier's check or money order) as specified in the Alternative Payment Schedule; or
    - iii. The owner's failure to timely comply with any other requirement or obligation set forth in the Alternative Payment Plan.
  2. Any owner who defaults under an Alternative Payment Schedule shall remain in default until his/her entire account balance is brought current.
  3. The Association is not required to provide notice of any default.

4. Owners are not entitled to any opportunity to cure a default.
5. While an owner is in default under an Alternative Payment Schedule, the owner's payments need not be applied to the owner's debt in the order of priority set forth in Tex. Prop. Code § 209.0063(a). But, in applying a payment made while the owner is in default, a fine assessed by the Association may not be given priority over any other amount owed to the Association.
6. The failure by the Association to exercise any rights or options shall not constitute a waiver thereof or the waiver of the right to exercise such right or option in the future.
  - i. All other terms of an Alternative Payment Schedule are at the discretion of the Board of Directors.
  - j. The Association may, from time to time, by Resolution of the Board, and as a stand-alone policy modify, amend, or supplement this Policy or any other rules regarding Alternative Payment Plan.

This is to certify that the foregoing Alternative Payment Schedule Guidelines for Certain Assessments was approved in an open meeting of the Board held on November 30th, 2022, and amended by the Board of Directors, in accordance with Section 209.0062 of the Texas Property Code.

Cyprus Villas Homeowner's Association, Inc., a  
Texas non-profit corporation

Name: \_\_\_\_\_

Title: Armin Afzalipour, Board President