

**AFTER RECORDING, RETURN TO:**

**Judd A. Austin, Jr.  
Henry Oddo Austin & Fletcher, P.C.  
1700 Pacific Avenue  
Suite 2700  
Dallas, Texas 75201**

**STATE OF TEXAS                   §  
  §  
COUNTY OF DENTON           §**

**CERTIFICATE AND RESOLUTION OF THE BOARD OF DIRECTORS  
OF HERITAGE LAKES HOMEOWNERS ASSOCIATION, INC.  
ESTABLISHING A LATE FEE**

**WHEREAS**, the Board of Directors of Heritage Lakes Homeowners Association, Inc. (the "Board") is the entity responsible for the operation of the Heritage Lakes Homeowners Association, Inc. (the "Association") in accordance with and pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Heritage Lakes, filed of record on December 28, 1999 and recorded in Volume 4494, Page 2218, *et seq.* of the Real Property Records of Denton County, Texas and any and all supplements thereof and amendments thereto (collectively, the "Heritage Lakes Declaration"); and

**WHEREAS**, this Resolution shall apply to all entities or individuals who own record title to or any interest in that certain real property located in the City of Frisco, Denton County, Texas and more particularly described on Exhibit "A" attached hereto and incorporated herein for all purposes (the "Property"); and

**WHEREAS**, under Article IV, Section 4.1 of the Heritage Lakes Declaration, each Owner of a Lot subject to Heritage Lakes Declaration is obligated to pay:

- 1. Annual assessments or charges;
- 2. Special assessments for capital improvements and unexpected operating costs; and
- 3. Special individual assessments levied against individual Lot Owners; and

**WHEREAS**, under Article IV, Section 4.12 of the Heritage Lakes Declaration, any assessment or any part thereof not paid thirty (30) days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum, or \$5.00, whichever is greater, and a late fee may also be imposed on any unpaid assessment in an amount to be determined by the Board;

**WHEREAS**, a meeting of the Board of Directors was held on the 20<sup>th</sup> day of May, 2002; and

**WHEREAS**, a quorum of the Directors was present at the meeting; and

**WHEREAS**, a Motion was made that the Association adopt a late fee in the amount of Twenty Five and No/100 Dollars (\$25.00) for each month that any assessment remains unpaid; and

**WHEREAS**, the Motion was discussed and presented for a vote at the meeting; and

**WHEREAS**, the Board determined that it is within the best interest of the Association to adopt the motion; and

**WHEREAS**, the hereinafter described resolution was adopted unanimously by the Board of Directors of the Heritage Lakes Homeowners Association, Inc. on the above date.

**NOW, THEREFORE, BE IT RESOLVED** that, commencing July 1, 2002, any Owner's assessment account that is not paid in full thirty (30) days after the due date shall be subject to a monthly late fee in the amount of Twenty Five and No/Dollars (\$25.00) which shall be assessed to such Owner's account each and every month until all such assessments (annual, special or special individual) are paid in full.

**IT IS FURTHER RESOLVED**, that this Certificate and Resolution shall forthwith be recorded in the Real Property Records of Denton County, Texas and shall affect the Property and all Owners until otherwise modified or rescinded by the Board. All Owners (as defined in Heritage Lakes Declaration) shall receive notice of this Certificate and Resolution prior to its effective date of July 1, 2002.

Executed to be effective on July 1, 2002.

**HERITAGE LAKES HOMEOWNERS  
ASSOCIATION, INC.**

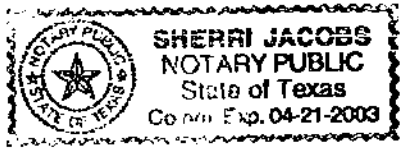
By: Jay Wissink  
Jay Wissink, President

By: Ricky Sandlin  
Ricky Sandlin, Secretary

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

This instrument was acknowledged before me on the 17 day of June, 2002 by Jay Wissink, President of the Heritage Lakes Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

[SEAL]

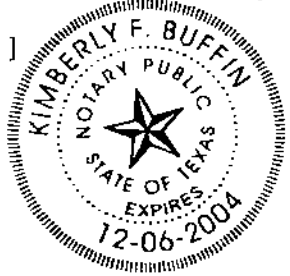


Sherri Jacobs  
Notary Public, State of Texas

STATE OF TEXAS           §  
  §  
COUNTY OF DENTON       §

This instrument was acknowledged before me on the 14 day of June, 2002 by Ricky Sandlin, Secretary of the Heritage Lakes Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

[SEAL]



Kimberly Buffin  
Notary Public, State of Texas