

AFTER RECORDING, PLEASE RETURN TO:

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

**THIRTEENTH SUPPLEMENTAL CERTIFICATE AND MEMORANDUM
OF RECORDING OF DEDICATORY INSTRUMENTS FOR
HACKBERRY CREEK HOME OWNERS ASSOCIATION**

STATE OF TEXAS §
 §
COUNTIES OF DALLAS §

The undersigned, as attorney for the Hackberry Creek Home Owners Association (the “Association”), for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

- ***Assessment Collection and Deferred Payment Policy for Hackberry Creek Home Owners Association [Effective August 18, 2020]*** (Exhibit “A”).

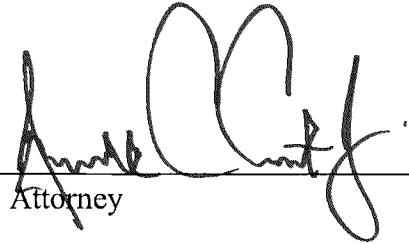
All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instrument. The attached dedicatory instrument shall replace any dedicatory instrument previously filed by the Association covering the same subject matter.

IN WITNESS WHEREOF, the Hackberry Creek Home Owners Association has caused this Thirteenth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to

be filed with the Office of the Dallas County Clerk and, except as stated above, serves to supplement that certain Notice of Governing Instruments Affecting Hackberry Creek Residential Community and its Property Owners Association, filed on December 30, 1999, and recorded in Volume 99252, Page 06422, *et seq.* of the Official Public Records of Dallas County, Texas; that certain First Supplemental Certificate and Memorandum of Recording of Association Documents for Hackberry Creek Home Owners Association, filed on February 28, 2001, and recorded in Volume 2001041, Page 05547, *et seq.* of the Official Public Records of Dallas County, Texas; that certain Second Supplemental Certificate and Memorandum of Recording of Association Documents for Hackberry Creek Home Owners Association, filed on July 23, 2003, and recorded in Volume 2003142, Page 4105, *et seq.* of the Official Public Records of Dallas County, Texas; that certain Third Supplemental Certificate and Memorandum of Recording of Association Documents for Hackberry Creek Home Owners Association, filed on October 26, 2006, and recorded as Instrument No. 200600396768 in the Official Public Records of Dallas County, Texas; that certain Fourth Supplemental Certificate and Memorandum of Recording of Association Documents for Hackberry Creek Home Owners Association, filed on October 25, 2007, and recorded as Instrument No. 20070382552 in the Official Public Records of Dallas County, Texas; that certain Fifth Supplemental Certificate and Memorandum of Recording of Association Documents for Hackberry Creek Home Owners Association, filed on July 14, 2008, and recorded as Instrument No. 20080228698 in the Official Public Records of Dallas County, Texas; that certain Sixth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Hackberry Creek Home Owners Association, filed on January 20, 2011, and recorded as Instrument No. 201100340418 in the Official Public Records of Dallas County, Texas; that certain Seventh Supplemental Certificate and

Memorandum of Recording of Dedicatory Instruments for Hackberry Creek Home Owners Association, filed on November 27, 2013, and recorded as Instrument No. 201300365115 in the Official Public Records of Dallas County, Texas; that certain Eighth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Hackberry Creek Home Owners Association, filed on September 15, 2015, and recorded as Instrument No. 201500251699 in the Official Public Records of Dallas County, Texas; that certain Ninth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Hackberry Creek Home Owners Association, filed on August 11, 2016, and recorded as Instrument No. 201600222036 in the Official Public Records of Dallas County, Texas; that certain Tenth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Hackberry Creek Home Owners Association, filed on July 26, 2017, and recorded as Instrument No. 201700209128 in the Official Public Records of Dallas County, Texas; that certain Eleventh Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Hackberry Creek Home Owners Association, filed on March 5, 2020, and recorded as Instrument No. 202000064717 in the Official Public Records of Dallas County, Texas; and that certain Twelfth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Hackberry Creek Home Owners Association, filed on April 1, 2020, and recorded as Instrument No. 202000086872 in the Official Public Records of Dallas County, Texas.

**HACKBERRY CREEK
HOME OWNERS ASSOCIATION**

By: 
Its: Attorney

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for the Hackberry Creek Home Owners Association, known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 19th day of August, 2020.


Notary Public, State of Texas

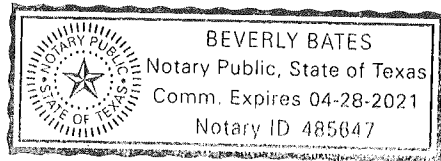


EXHIBIT A

**ASSESSMENT COLLECTION AND DEFERRED PAYMENT POLICY FOR
HACKBERRY CREEK HOME OWNERS ASSOCIATION**

Date	Responsibility	Activity
June 1	Management Company	<ul style="list-style-type: none"> Send out Annual Home Owners Assessment invoices.
July 1	--	<ul style="list-style-type: none"> Annual Home Owners Assessment due and payable.
July 31	--	<ul style="list-style-type: none"> Annual Home Owners Assessment delinquent.
August 1	Management Company	<ul style="list-style-type: none"> Send August 1st Assessment invoice including late charge and 1 month's accrued interest.
September 1	Management Company	<ul style="list-style-type: none"> Send September 1st Assessment invoice including late charge and 2 month's accrued interest.
October 1	Management Company	<ul style="list-style-type: none"> Send October 1st Assessment invoice including late charge and 3 month's accrued interest.
November 1	Management Company	<ul style="list-style-type: none"> Send November 1st Assessment invoice, late charge and 4 month's accrued interest. Send certified letter with invoice notifying owner: (i) of each delinquent amount and total amount that must be paid to bring the account current; (ii) that total unpaid balance must be paid within 30 days before further collection action is taken and that attorney's fees will be charged to the owner's account; (iii) that deferred payment arrangements are available; (iv) that visitor approval privileges (other than by personal appearance at the gate) will be suspended as of Nov. 30th, if balance not paid; and (v) of the owner's right to request a hearing before the Board.
December 1	Management Company	<ul style="list-style-type: none"> Send a list of all delinquent accounts to Attorney with instructions to send Attorney Demand Letter and charge Attorney Demand Letter fee to the account. Suspend visitor privileges for all delinquent accounts
No later than December 17	Attorney	<ul style="list-style-type: none"> Send Attorney Demand Letter
January 1	Management Company	<ul style="list-style-type: none"> Send January 1st Assessment invoice including late charge, 6 month's accrued interest, and Attorney fees
January 17	Management Company	<ul style="list-style-type: none"> Review Past Due List with attorney and authorize attorney to file Notice of Assessment Lien on all past due Owners without an approved Deferred Payment Arrangement.

--	--	--

Date	Responsibility	Activity
January 18	Attorney	<ul style="list-style-type: none"> Order title searches for all properties on approved delinquent list.
No later than January 23	Attorney	<ul style="list-style-type: none"> Prepare and file Notice of Assessment Lien with County Clerk and send copy to Owner. Send notice of delinquency to any inferior lienholders and allow 61 days to pay Association amounts due.
February 1	Management Company	<ul style="list-style-type: none"> Send February 1st Assessment invoice including late charge, 7 month's accrued interest, Attorney fees, and title search fee
February 23	Management Company & Board President	<ul style="list-style-type: none"> Meet personally (or by phone, if the owner is unavailable for a personal meeting) to discuss the seriousness of the situation and attempt to work out an acceptable payment agreement.
March 1	Management Company	<ul style="list-style-type: none"> Review Past Due list with attorney and prepare a recommended foreclosure list for Board approval. Send March 1st Assessment invoice including late charge, 8 month's accrued interest, and Attorney fees
3rd Wednesday in March	Board of Directors	<ul style="list-style-type: none"> Vote to begin Foreclosure proceedings on list of delinquent accounts. (Note: No Foreclosure proceedings may begin until after the Village Manager and the Association President have made a diligent effort to meet personally (or by phone, if the owner is unavailable for a personal meeting) to discuss the seriousness of the situation and attempt to work out an acceptable payment agreement.)
March 20-31	Attorney	<ul style="list-style-type: none"> Attorney to file Application for Expedited Order under 736 of the Texas Rules for Civil Procedure
Upon Entry or Grant of Expedited Order Application	Attorney	<ul style="list-style-type: none"> Begin Foreclosure proceedings - Post foreclosure notice at Courthouse, file foreclosure with County Clerk, send foreclosure notice to Owner and all lienholders
Upon Entry or Grant of Expedited Order Application	Management Company	<ul style="list-style-type: none"> Update all charges and fees related to accounts in foreclosure and send list to attorney.
One week before date of Foreclosure	Management Company & Attorney	<ul style="list-style-type: none"> Coordinate to determine exact amount due on date of sale. Authorize attorney to bid on behalf of Hackberry Creek if necessary

Sale-		
First Tuesday of the Month	Attorney	<ul style="list-style-type: none">• Conduct Foreclosure Sale – County Courthouse• Prepare appropriate legal paperwork to transfer property.

Access decals may be denied to an Owner or any vehicle associated with such Owner's property in the event the Owner's account reflects unpaid assessments, fines, attorney's fees or maintenance charges. Upon payment of these delinquent amounts by the Owner, access decals shall be provided to the Owner for any vehicle associated with such Owner's property, subject to the Association's standard decal issuance policy.

All owners will be offered a minimum three months, Deferred Payment Arrangement, the term of which may be extended to a maximum of eighteen months, at the Board's sole discretion. Owners on Deferred Payment Arrangements will not pay monthly collection fees, but interest and administration costs may be incorporated into the Payment Plan. An owner is not eligible for a payment plan during the two (2) year period following the date an owner defaulted under a prior payment plan.

Deferred Payment Arrangements will be terminated due to breach when an owner fails to make payments according to the terms of the arrangement. Owner's account shall be subject to collection procedure at the stage they had reached prior to executing the Deferred Payment Arrangement.

Owners whose payment checks are returned for NSF, and who do not replace the check with good funds within 5 days, shall be considered to have breached the Deferred Payment Arrangement and their account will be subject to further collection procedures at the appropriate stage.

Except as otherwise provided and authorized by law, all payments received from Owners shall be applied to outstanding amounts as follows:

1. Delinquent Special Assessments
2. Delinquent Regular Assessments
3. Current Special Assessments
4. Current Regular Assessments
5. Attorney Fees (including title search and recording fees) or third party collection fees incurred by the Association solely for assessments or any other charge that may provide the basis for foreclosure
6. Attorney Fees incurred by the Association that are not subject to the preceding subpart
7. Maintenance Fees
8. Any other amount owed to the association.

If at any time a payment is received from an Owner and the Owner is in default under a Payment Plan, the Association is not required to apply the payment as set forth above, except that fines may never be given priority over any other amount owed to the Association.

At any time in this process, the Board may suspend legal action if the Owner agrees to payment terms acceptable to the Board.

In the event that the Association's lien on a property is extinguished as a result of the foreclosure of a Permitted Lien, the Association's attorney will within five days, 1. File a document in the Official Public Records of Dallas County stating that all Permitted Liens are subordinate to any right of the Association to regulate the use of and access to the Common Properties under Article IV of the Declaration and under no circumstances shall the foreclosure of a Permitted Lien operate to prevent the Association from exercising its rights under Article IV hereof in the event any amounts owed to the Association on the Lot and/or Parcel foreclosed upon (as of the date of the foreclosure) remain unpaid; 2. Send a letter to the purchaser of the property at foreclosure sale or its agents who contact

the Homeowners Association regarding access to the Lot and/or Parcel and advising that while the Homeowners Association account for the Lot and/or Parcel remains unpaid, the Association will impose a suspension of the Guest Privileges associated with the Lot and/or Parcel. During this restricted access period, no one, other than the owner of the Lot and/or Parcel, will be permitted access to the Lot and/or Parcel through the Village gates unless the owner comes to the gate to escort them through the Village and that Guest Privileges will be restored when the account is paid in full, or after payment arrangements are made.

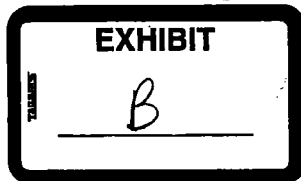
Policy Regarding Property Owner Bankruptcy

In the event that a Property Owner files for bankruptcy while there is an unpaid balance in their account, the Association will follow the following procedure:

1. Set up pre and post-bankruptcy accounts for the property and allocate the unpaid balance between the two accounts based on the date of the bankruptcy filing.
2. Send association attorney the current pre-bankruptcy account balance.
3. Association attorney to file Homeowners Association proof of claim with bankruptcy court.
4. Association attorney to send "informational purposes only" letter to debtor informing them that the Association may proceed to enforce its lien rights against the Property until the assessment lien is satisfied.
5. If bankruptcy petition is dismissed, association attorney to reinstate collection process at appropriate place in collection procedure.
6. If bankruptcy petition is discharged and debtor is no longer liable for pre-petition debt, set up separate account for discharged debt so that amount can be included in any future resale certificate letters.
7. Mark lot address so that CCMC accounting department will know that the still valid portion of debt (within statute of limitations) should be included in all resale certificates issued by management company.
8. Re-initiate collection process to collect post-petition debt from debtor.

This is to certify that the foregoing amended Resolution was adopted by the Board of Directors of the Hackberry Creek Home Owners Association, effective as of August 18, 2020, until such date as it may be modified, rescinded or revoked.

|
Stephanie W. Bodker, Director



A description of the land parcels included within, and the village-related restrictive covenants covering, the Hackberry Creek single-family residential community.

The Hackberry Creek single-family residential community generally consists of the six (6) separate land areas described as follows [and all references hereinbelow to recorded documents are to the Public Real Estate Records of Dallas County, Texas]:

1. **Area L (50):** Being a 51.511 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Declaration" filed and recorded in Volume 83121, Page 3049 et seq. (particularly within pages 3071-3074) of the Deed Records of Dallas County, Texas. Area L (50) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat Kinwest Sector 20 - Residential Phase I - First Installment	82132/2416

and Area L (50) (as well as all the other Areas within Hackberry Creek) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 50	83120	4159
Declaration: Area L	83121	3049
Corrected Supplementary Declaration No. 50	83223	2864

2. **Area LXV (65):** Being a 32.938 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and being more particularly described by metes and bounds within that certain "Supplementary Declaration No. 65" filed and recorded in Volume 84170, Page 1891 et seq. (particularly within pages 1901-1902) of the Deed Records of Dallas County, Texas. Area LXV (65) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Preliminary Final Plat Hackberry Creek Village Phase IV 32.938 acres	85202/2561

and Area LXV (65) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 65	84170	1891
Supplementary Declaration No. 1	84170	1904
Corrected Supplementary Declaration No. 1	85236	5809
Corrected Supplementary Declaration	85236	5820

3. **Area LXVI (66):** Being a 84.241 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and being more particularly described by metes and bounds within that certain "Supplementary Declaration No. 66" filed and recorded in Volume 84236, Page 427 et seq. (particularly within pages 437-440) of the Deed Records of Dallas County, Texas. Area LXVI (66) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Hackberry Creek Village Phase II 47.245 acres	86028/5072
Hackberry Creek Village Phase III 37.393 acres	89127/3693

and Area LXVI (66) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 2	84236	414
Supplementary Declaration No. 66	84236	427

4. **Area LXVII (67):** Being a 104.371 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 196, I&G.N.R.R. Co. Survey, Abstract No. 1624, and the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 67" filed and recorded in Volume 87203, Page 4947 et seq. (particularly within pages 4954-4956) of the Deed Records of Dallas County, Texas. Area LXVII (67) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Amended Final Plat Hackberry Creek Estates Phase I 30.6120 acres	88225/1607
Amended/Preliminary Final Plat Hackberry Creek Estates Phase II 20.6589 acres	88225/1623
Preliminary/Final Plat Hackberry Creek Estates Phase III 25.0633 acres	90016/4010 and 4011
Final Plat Hackberry Creek Estates Phases IV, V 22.6828 acres	91065/4537

and Area LXVII (67) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 67	87203	4947
Supplementary Declaration No. 3	87203	4958

5. **Area LXXI (71):** Being: (i) a 71.27 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 196, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 71" filed and recorded in Volume 84202, Page 914 et seq. (particularly within pages 924-925) of the Deed Records of Dallas County, Texas; and (ii) being a 1.2127 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2272) of the Deed Records of Dallas County, Texas; and (iii) being a 0.1707 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2273) of the Deed Records of Dallas County, Texas; and (iv) being a 0.4167 acre tract of land situated in the B.B.B. and C.R.R. Co. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 4" filed and recorded in Volume 89203, Page 2259 et seq. (particularly within page 2274) of the Deed Records of Dallas County, Texas. Some, but not all, of Area LXXI (71) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat of Hackberry Creek Village Phase VI 72 lots - 27.247 acres	91165/3842
Final Plat Hackberry Creek Village Phase VI, Section 1 7.252 acres 25 Lots	94057/1946

and Area LXXI (71) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 71	84202	914
Supplementary Declaration No. 4	89203	2259

6. **Area LXXII (72):** Being a 51.250 acre tract of land situated in the B.B.B. and C.R.R. Survey, Abstract No. 197, in the City of Irving, Dallas County, Texas and more particularly described by metes and bounds within that certain "Supplementary Declaration No. 72" filed and recorded in Volume 84202, Page 901 et seq. (particularly within pages 911-912) of the Deed Records of Dallas County, Texas. Some, but not all, of Area LXXII (72) has been platted as follows:

<u>Name of Plat</u>	<u>Plat Recording Data</u>
Final Plat Hackberry Creek Estates, Tract III - Phase I 26.6575 acres	91196/4764

and Area LXXII (72) has been subjected to previously recorded restrictive covenants as follows:

<u>Instrument</u>	<u>Volume</u>	<u>Page</u>
Supplementary Declaration No. 72	84202	901
Supplementary Declaration No. 5	87203	4936

**Dallas County
John F. Warren
Dallas County Clerk**

Instrument Number: 202000223431

eRecording - Real Property

Recorded On: August 19, 2020 11:08 AM

Number of Pages: 16

" Examined and Charged as Follows: "

Total Recording: \$82.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

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.

File Information:

Document Number: 202000223431
Receipt Number: 20200819000376
Recorded Date/Time: August 19, 2020 11:08 AM
User: Daniel M
Station: CC46

Record and Return To:

Simplifile



**STATE OF TEXAS
COUNTY OF DALLAS**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.

John F. Warren
Dallas County Clerk
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW".