



December 19, 2013

Accent Real Estate Services

2400 S 57th Street
Temple, Texas 76504
254 773 9936

Homeowner Association Services

What We Do:

- 1 accountable for all money(s) to the HOA
- 2 accountable for all documentation required by§ 5.012, §202, §205, §207, §208 and §209
Texas Property Code, Secy of State (Texas 801/802), Government Code §70.3/551.0015,
Transportation Code §430.002, Parks and Wildlife §43.0612
- 3 Owners, Sellers, Buyers, Agents and Title companies documentation
- 4 Distributing of restrictive covenants as necessary and required
- 5 Clearing house for Architectural Review and Control Committee
- 6 Central place for compliance and complaints
- 7 Roberts Rules compliance
- 8 Oversight to maintenance agreements currently in place
- 9 RFP for any new or renewed maintenance agreements
- 10 Hold harmless agreement from any contractors for continued work relationship
- 11 Repository of documents
- 12 Budget assistance
- 13 Web page statutory provided by 82nd Legislature and oversight
- 14 Organize and provide podium manual for all annual meetings
- 15 Secure meeting place(s) for bylaws compliance meetings
- 16 Copies for all meetings
- 17 Delivery copies for members upon request
- 18 Indemnification through our E/O insurance and the State of Texas

As many of you know, most HOAs are non-profit corporations. A director of a non-profit corporation enjoys the protection found under Art 1396-2.28 of the Non-Profit Corporation Act. The old Nonprofit Corporation Act found in Vernons Texas Civil Statutes was recodified under the new Business Organization Code. New corporations fall under the BOC and old corporations fall under VTCS, but may elect to fall under the new BOC. After 12/31/2009, the new BOC will govern all Texas non-profit corporations.

Generally, as long as the director acts in good faith and uses ordinary care when making his decisions, the director is generally insulated from personal liability. In the most basic of terms, the director should: be reasonably informed, exercise his duties with care, use the best business judgment rule, avoid conflicts of personal interest, and act with the corporations best interest in mind.

Here is the provision in the Non-profit Corporation Act:

Art. 1396-2.28. GENERAL STANDARDS FOR DIRECTORS.

A. A director shall discharge the director's duties, including the director's duties as a member of a committee, in good faith, with

ordinary care, and in a manner the director reasonably believes to be in the best interest of the corporation.

B. In the discharge of any duty imposed or power conferred on a director, including as a member of a committee, the director may in good faith rely on information, opinions, reports, or statements, including financial statements and other financial data, concerning the corporation or another person that were prepared or presented by:

- (1) one or more officers or employees of the corporation;
- (2) legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence;
- (3) a committee of the board of directors of which the director is not a member; or
- (4) in the case of religious corporations, religious authorities and ministers, priests, rabbis, or other persons whose position or duties in the religious organization the director believes justify reliance and confidence and whom the director believes to be reliable and competent in the matters presented.

C. A director is not relying in good faith, within the meaning of this article, if the director has knowledge concerning a matter in question that makes reliance otherwise permitted by this article unwarranted.

D. A director is not liable to the corporation, any member, or any other person for any action taken or not taken as a director if the director acted in compliance with this article. A person seeking to establish liability of a director must prove that the director has not acted:

- (1) in good faith;
- (2) with ordinary care;
and
- (3) in a manner the director reasonably believes to be in the best interest of the corporation.

E. A director is not deemed to have the duties of a trustee of a trust with respect to the corporation or with respect to any property held or administered by the corporation, including property that may be subject to restrictions imposed by the donor or transferor of the property.

Insurance per quote per year \$1,000,000 plus \$1,000,000 personal and advertising injury plus \$5,000 medical and \$100,000 damage to premise

- 19 we will put together newsletters (desktop publishing)
- 20 Ombudsman service
- 21 Provide real estate forms (many are copyright forms)

What we don't do:

- 1 keep minutes
- 2 design web pages for your HOA only site
- 3 serve on ARC committee
- 4 vote on any issue before the committee

- 5 give legal advise
- 6 write the articles for new letters

What we charge:

- 1 \$225.00 per month from the homeowners association as a base price for administration fee.
- 2 Each uniquely identified property as the owner that will occupy of cause to occupy the subject property accepts conveyance of title will increase this amount by \$4.40 per month. This increase is activated by the receipt of the payment for the Resale Certificate (TPC §207.003).
- 3 Cost of preparation of the Resale Certificate is not an expense to the Association unless otherwise directed. Preparation of the Resale Certificate is agreed by the Association to be paid directly to Accent Real Estate Services.
- 4 All "Transfer Fee, Initial Assessment Fee, Builder Assessment or any (all) other fees to be paid by either party, at closing is to be directly to the Association and is, unless directed otherwise, is a budgeted as a line item.
- 5 accounting for actual and real expenses (i.e. postage)
- 6 As required testimony Court, insurance claims, city council, interrogatories, depositions are first hour included and \$275 per hour after that in any same 30 day period.
- 7 Actual cost of web site if specific to your HOA only
- 8 Mediation is first hour included subsequent time is \$175 per hour and any part of an hour is in quarter hour segments
- 9 A further explanation for billing is you are getting as required hours of staff time and as required hour(s) of my time.
- 10 Research requiring staff to leave our office (travel) is billed at \$70 per hour (example : abstracting a title)

A further explanation for billing is you are getting 6 hours of staff time and 2 hour of my time per month this rolls over and there is a startup cost that will far exceed this only to settle out in our estimate after 6 months

What you get but do not pay for directly

License Texas Real Estate Broker (0290465)

Member of Legislative Management team at Texas Association of REALTORS;

Member of Institute of Real Estate Managers;

Vice Chair and Commissioner of the Texas Real Estate Commission;

Member of Texas Apartment Association;

Member of National Association of Real Estate Managers;

Community Association Institute member

Association of Real Estate License Law Officials (ARELLO)

Legal Teams advice from Texas Association of REALTORS and Texas Real Estate Commission

Respectfully,



Bill Jones, broker
TREC # 0290464