

AFTER RECORDING, PLEASE RETURN TO:

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

**ELECTRONICALLY RECORDED 201700301361
10/24/2017 03:15:18 PM DEDICATION 1/9**

**FIRST SUPPLEMENTAL CERTIFICATE AND MEMORANDUM OF
RECORDING OF DEDICATORY INSTRUMENTS
FOR
HILLTOP HOMEOWNERS' ASSOCIATION, INC.**

**STATE OF TEXAS §
 §
COUNTY OF DALLAS §**

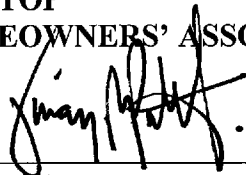
The undersigned, as attorney for Hilltop Homeowners' Association, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto (the "*Property*"), hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

- ***Payment Plan and Priority of Payments Policies for Hilltop Homeowners' Association, Inc. (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 and it replaces and supersedes all previously recorded dedicatory instruments addressing the same or similar subject matter and shall remain in force and effect until revoked, modified or amended by the Board of Directors.

IN WITNESS WHEREOF, Hilltop Homeowners' Association, Inc., has caused this First Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to be recorded in the Official Public Records of Dallas County, Texas and supplements that Certificate and Memorandum of Recording of Dedicatory Instruments recorded on June 17, 2015, as Instrument No. 201500157918 in the Official Public Records of Dallas County, Texas.

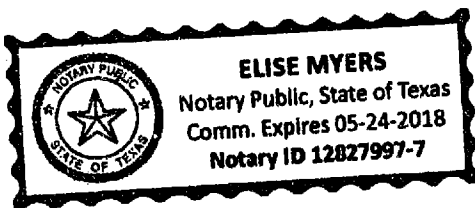
**HILLTOP
HOMEOWNERS' ASSOCIATION, INC.**

By: 
Its: Attorney

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Vinay B. Patel, attorney for Hilltop Homeowners' Association, Inc., 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 24th day of October, 2017.



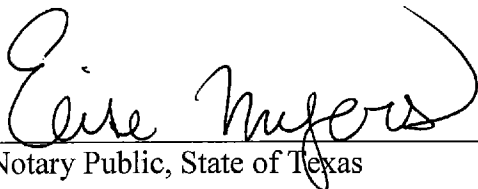

Notary Public, State of Texas

EXHIBIT A

Payment Plan and Priority of Payments Policies for Hilltop Homeowners' Association, Inc.

Purpose: The purpose of this policy is to provide a uniform and consistent way to manage homeowner's requests for payment plans to address their delinquent assessments and fees due to the Hilltop Homeowners' Association, Inc. ("Association").

It is the intention of the Board of Directors to work with homeowners to satisfy their obligation to the Association. Therefore, in an effort to assist those homeowners in the payment of their obligations to the Association, the Board of Directors has established the following policy.

Payment Plans:

- 1) The Association will allow payment plans for repayment of delinquent amounts with a minimum of three (3) months' duration.
- 2) Terms for repayment of delinquent amounts shall not exceed twenty-four (24) months. Any requests for plans longer than 24 months must be approved by the Board of Directors.
- 3) Assessments that become due and are added to the homeowner's account during the term of the payment plan must be paid when due in addition to repayment of delinquent amounts or must be addressed in the payment plan.
- 4) The Association may charge a fee to negotiate, establish and initiate a payment plan for the homeowners' delinquent balance and charge a monthly fee to administer the plan for the duration of the payment plan.
- 5) The plan must include the total debt owed to the Association, including late fees, interest, fines and other collection costs.
- 6) There shall be no waiver of any charges on the homeowner's account unless the homeowner submits a request for consideration of a full or partial waiver.
- 7) To be eligible for a payment plan, the homeowner must not have defaulted on a prior payment plan within the two (2) year period preceding the request for a payment plan.
- 8) Interest on the unpaid balance on the homeowner's account will be abated during the payment plan. Should the homeowner default any interest waived during the payment plan will be reapplied to the homeowner's account.
- 9) The plan must contain a schedule setting forth the date that each payment will be made and the exact amount of each payment to be made.
- 10) Payment plans approved after the account has been turned over to the Association's attorney for collection must be paid in certified funds.
- 11) Payment plans approved after notice has been given to a homeowner that the property is in foreclosure must include a minimum amount established by the Board of Directors in the individual payment plan request and the initial payment must be received on or before the deadline established by the Association's attorney.
- 12) Any waived charges are conditional to the completion of the payment plan. Should the homeowner default, any waived charges will be reapplied to the homeowner's account.

Settlements:

The Board of Directors will consider offers to settle an account once the homeowner is at the foreclosure stage. Settlements must be paid in certified funds and are subject to the deadlines established by the Association's attorney.

Default:

The Board of Directors shall herein establish criteria for determining what constitutes "default" on payment plans.

"Default" may include one or all of the following:

- 1) Failure of homeowner to make a payment by the proposed date in accordance with the approved payment plan.
- 2) Failure of homeowner to make the full amount of a payment as stated in the approved payment plan.
- 3) Failure of homeowner to make a timely payment of any additional assessments that come due during the term of the payment plan.

Should the homeowner default on a payment plan:

- 1) The Board of Directors, at their sole discretion, can declare the outstanding balance due and payable immediately in certified funds.
- 2) The Board of Directors reserves the right to proceed with appropriate collection measures in accordance with the Association's Collection Policy in order to secure payment of amounts due to the Association.

Priority of Payments:

Except as otherwise provided for and authorized by law, any payment received the homeowner shall be applied to the homeowner's debt in the following order of priority:

- 1) Delinquent assessments
- 2) Current assessments
- 3) Attorneys' fees and collection costs associated solely with delinquent assessments, and any other charge that could provide the basis for foreclosure
- 4) Other attorneys' fees not associated with the collection of assessments
- 5) Fines
- 6) Other amounts owed the Association which are unsecured

EXHIBIT B

Being Lots 1 thru 28, Block A; Lots 1 thru 9, Block B; Lots 1 thru 25, Block C; Lots 1 thru 42, Block D; Lots 1 thru 16, Block E; Lots 1 thru 22, Block F; Lots 1 thru 10, Block G; Lots 1 thru 18, Block H; Lots 1 thru 19, Block I; Lots 1 thru 8, Block J and Lots 1 thru 17, Block K of Hilltop Estates, an Addition to the City of Balch Springs, Dallas County, Texas, according to the plat thereof recorded in Volume 87134, Page 3269, Map Records, Dallas County, Texas; and Plat Correction filed 05/26/92, recorded in Volume 92103, Page 3080, Deed Records, Dallas County, Texas; SAVE & EXCEPT from Lot 17, Block K and Lot 19, Block I the following two tracts:

Save & Except from Lot 17, Block K

(Parcel 8.2-DE)

Being a tract of land situated in the W. H. Bennett Survey, Abstract No. 93, Dallas County, Texas, and being portions of Hilltop Estates, an Addition to the City of Balch Springs as recorded in Volume 87134, Page 3269, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the south line of Bruton Road (100 ft. ROW) and the west line of Hilltop Drive (50 ft. ROW), a point for corner;

THENCE South 18 degrees 55 minutes 09 seconds East along the said west line of Hilltop Drive, 8.00 feet to a point for corner;

THENCE South 72 degrees 55 minutes 36 seconds West, departing the said west line of Hilltop Drive, 15.01 feet to a point for corner;

THENCE North 18 degrees 55 minutes 44 seconds West, 7.51 feet to a point on the said south line of Bruton Road;

THENCE North 71 degrees 04 minutes 16 seconds East along the said south line of Bruton Road, 15.00 feet to the PLACE OF BEGINNING and containing 116 square feet or 0.0027 acres of land, more or less.

Save & Except from Lot 19, Block I

(Parcel 9-DE)

BEING a parcel of land situated in the W. H. Bennett Survey, Abstract No. 93, Dallas County, Texas, and being a portion of Lot 19 of Block I of Hilltop Estates, an addition to the City of Balch Springs as recorded in Volume 87134, Page 3269, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northeasterly corner of said Lot 19, Block I of Hilltop Estates being also on the south line of Bruton Road (100 Ft. ROW);

THENCE South 2 degrees 13 minutes 57 seconds West, along the east line of said Lot

19, Block I, 37.53 feet to a point for corner;

THENCE South 71 degrees 04 minutes 16 seconds West, 18.45 feet to a point for corner;

THENCE North 18 degrees 55 minutes 44 seconds West, 35.00 feet to a point on the said south line of Bruton Road;

THENCE North 71 degrees 04 minutes 16 seconds East, along the said south line of Bruton Road, 32.00 feet to the PLACE OF BEGINNING and containing 884 square feet or 0.0203 acres of land, more or less.

PRIVATE PARK TRACT

BEING a 9.22 acre tract of land situated in the William H. Bennett Survey, Abstract No. 93, City of Balch Springs, Dallas County, Texas, and a part of a 59.22 acre addition to the City of Balch Springs known as "Hilltop Estates" as recorded in Volume 87134, Page 3269, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the south right-of-way of Bruton Road (100 Foot R.O.W.) said point being the northwest corner of said "Hilltop Estates" and the northeast corner of a tract of land deeded to 635/Bruton Road Joint Venture in Volume 84205, Page 3611, of the Deed Records of Dallas County, Texas, said point also being the beginning of a curve to the left;

THENCE along said Bruton Road south right-of-way, curving to the left, having a central angle of 36 degrees 35 minutes 57 seconds, a radius of 1005.37 feet, a tangent length of 332.49 feet, for an arc distance of 642.21 feet to a point for corner,

THENCE South 18 degrees 32 minutes 00 seconds East, departing said Bruton Road, a distance of 169.72 feet to a point for corner,

THENCE South 20 degrees 22 minutes 38 seconds East, a distance of 118.00 feet to a point for corner,

THENCE South 60 degrees 14 minutes 31 seconds West, a distance of 463.79 feet to a point for corner,

THENCE South 76 degrees 24 minutes 19 seconds West, a distance of 365.07 feet to a point for corner,

THENCE South 77 degrees 11 minutes 28 seconds West, a distance of 278.41 feet to a point for corner,

THENCE North 40 degrees 25 minutes 14 seconds West, a distance of 110.00 feet to a point for corner and the beginning of a curve to the left;

THENCE along said curve to the left, having a central angle of 35 degrees 48 minutes 36 seconds, a radius of 60.00 feet, a tangent length of 19.39 feet, for an arc distance of 37.50 feet to a point for corner,

THENCE South 76 degrees 13 minutes 49 seconds East, for a distance of 64.79 feet to a point for corner;

THENCE North 15 degrees 03 minutes 37 seconds East, for a distance of 104.35 feet to a point for corner;

THENCE North 05 degrees 43 minutes 60 seconds East, for a distance of 56.55 feet to a point for corner;

THENCE North 67 degrees 53 minutes 04 seconds East, for a distance of 285.60 feet to a point for corner;

THENCE North 00 degrees 00 minutes 00 seconds East, for a distance of 370.00 feet to the POINT OF BEGINNING;

CONTAINING, 9.2202 acres (401,632.06 square feet) of land.

SAVE AND EXCEPT THE FOLLOWING TRACT FROM TRACT II: Save & Excepted from Park tract

(Parcel 8.1-DE)

BEING a tract of land situated in the W. H. Bennett Survey, Abstract No. 93, Dallas County, Texas, and being portions of Hilltop Estates, an addition to the City of Balch Springs as recorded in Volume 87134, Page 3269, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the northwest corner of said Hilltop Estates, a point on the south line of Bruton Road (100 ft. ROW) and the beginning of a curve to the left having a central angle of 33 degrees 49 minutes 17 seconds a radius of 1005.37 feet and a chord bearing South 81 degrees 09 minutes 23 seconds East;

THENCE along said curve and the said south line of Bruton Road an arc distance of 593.46 feet to the PLACE OF BEGINNING;

THENCE continuing along the said south line of Bruton Road and a curve to the left having a central angle of 0 degrees 23 minutes 56 seconds, a radius of 1005.37 feet and a chord being North 81 degrees 44 minutes 01 seconds East, an arc distance of 7.00 feet to a point for corner;

THENCE South 8 degrees 27 minutes 57 seconds East, departing the said south line of Bruton Road, 5.00 feet to a point for corner and the beginning of a curve to the right having a central angle of 0 degrees 23 minutes 56 seconds, a radius of 1010.37 feet and a chord bearing South 81 degrees 44 minutes 01 seconds West;

THENCE along said curve an arc distance of 7.03 feet to a point for corner;

THENCE North 8 degrees 04 minutes 01 second West, 5.00 feet to the PLACE OF BEGINNING and containing 35 square feet or 0.0008 acres of land, more or less.

FLOODWAY EASEMENT TRACT

BEING a 3.47 acre tract of land situated in the William H. Bennett Survey, Abstract No. 93, in the City of Balch Springs, Dallas County, Texas, and a part of a 59.22 acre addition to the City of Balch Springs known as "Hilltop Estates" as recorded in Volume 87134, Page 3269 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the south right-of-way line of Bruton Road (100 Foot R.O.W.) with the east right-of-way line of Hilltop Drive (50 Foot R.O.W.), as dedicated in Volume 87134, Page 3269 of the Deed Records of Dallas County, Texas:

THENCE North 71 degrees 28 minutes 00 seconds East, along said Bruton Road south right-of-way, a distance of 182.94 feet to the POINT OF BEGINNING;

THENCE North 71 degrees 28 minutes 00 seconds East, continuing along said Bruton Road, a distance of 115.00 feet to a point for corner at the northwest corner of Hodges Park, a City of Mesquite Public Park;

THENCE South 61 degrees 53 minutes 00 seconds East, departing Bruton Road and along a common line with said Hodges Park, a distance of 299.00 feet to a point for corner;

THENCE South 42 degrees 38 minutes 00 seconds East, a distance of 136.29 feet to a point for corner;

THENCE South 49 degrees 50 minutes 25 seconds West, departing said common line of park, a distance of 510.00 feet to a point for corner;

THENCE North 12 degrees 42 minutes 50 seconds West, a distance of 376.74 feet to a point for corner;

THENCE North 02 degrees 37 minutes 41 seconds East, a distance of 166.21 feet to the POINT OF BEGINNING;

CONTAINING 3.4669 acres (151,016.07 square feet) of land.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
10/24/2017 03:15:18 PM
\$58.00
201700301361

