



ROBERTS MARKEL WEINBERG BUTLER HAILEY

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January 22, 2014

Via E-mail: ruthsouthard@gmail.com
BellaVita Green Tee Homeowners' Association, Inc.
c/o Ruth Southard

RE: BellaVita Green Tee Homeowners' Association, Inc.
Our File No: to be assigned

Dear Board Members:

We are pleased that BellaVita Green Tee Homeowners' Association, Inc. (the "Association") has invited us to respond to its request for information regarding our firm as relates to legal services. Our firm has been representing developers, builders, property owners associations, and non-profit corporations for over thirty years. Our firm enjoys the distinction of being AV rated and being listed in the roster of Preeminent Law Firms by *Martindale Hubbell*.

The purpose of this letter is to clarify the terms and conditions of our engagement agreement. It is our understanding that the scope of legal services my firm will perform at this time will be to assist the Association in matters that are referred to us by the Board.

Non-routine legal services are billed at a preferred rate to our clients who engage our full line of services. Charges are based on an hourly fee of \$105.00 for paralegal time, \$225.00 - \$250.00 for associate attorney time, and \$275.00 - \$325.00 for shareholder and senior counsel time. Fees for services and other charges are billed monthly and are payable within thirty days of receipt.

The uniform, but reasonable, enforcement of deed restrictions is of vital importance in maintaining property values. Failure to enforce deed restrictions over time may lead to a waiver of a certain provision or a waiver of all of the restrictions. We will work with the Board to determine a course of action to follow based on the Association's dedicatory instruments, Texas law, and the Association's policies. If the Association does not have the appropriate Board policies, my attorneys can work with the Board to establish policies that conform with the law and establish a uniform plan for gaining compliance from all owners.

In order for us to be successful as your attorneys, we will need full documentation of the matters we will handle. This will include accurate, up-to-date bookkeeping records on maintenance assessments that conform with proper allocation of payments received. All information must be provided to our office in writing, including instructions from the Board giving authority to proceed with specific legal actions. Please be advised that we will not be responsible for errors in accounting supplied to the law firm by the Association or its

management company. Additionally, the Association is authorizing the undersigned to rely upon the data provided.

After our review of your governing documents we will determine what remedies are available to the Association for collection of delinquent assessments. We can advise you as to the cost to pursue collection through the appropriate foreclosure proceedings. Be advised that the most recent legislative session resulted in sweeping changes to the law related to community associations, and we can assist the Board in ensuring compliance with the new legislative changes.

Once a file has been referred to our office, it is understood that the Association itself has already used its internal procedure to seek compliance from the homeowner and all future communications with that homeowner should be handled through our office. This will help to ensure that the Board's instructions are carried out, decisions are given in one, unequivocal form and payoff amounts quoted to the violator will include all legal expenses recoverable up to the time of payment.

Once we have thoroughly reviewed copies of all recorded (and/or adopted) governing documents, the cost to confirm that current operations are in compliance with applicable statutes will depend upon the number of policies and rules that have been adopted by the Board. However, such a review is not typically very time intensive, and you would only be billed for the actual time it takes to review such policies and rules and report back to the Board as to our findings.

It is our belief and practice that management and the Association must function as a team and from time to time we will be requested to assist management and associations with legal issues. To maintain the team concept and encourage the free flow of information we are letting the Association know as we have similarly provided notice to management that if a dispute develops between the Association and a management company, our firm will not advise or represent the Association or its management company in pursuit of an affirmative claim against the other party.

Thank you for considering Roberts Markel Weinberg Butler Hailey PC as your legal advocates. We would be pleased to meet and provide answers to any questions you may have. We look forward to assisting the Association with its legal needs.

Sincerely,

ROBERTS MARKEL WEINBERG BUTLER HAILEY PC



MARC D. MARKEL

MDM:

AGREED AND ACCEPTED:

BELLAVITA GREEN TEE HOMEOWNERS' ASSOCIATION, INC.

By: *Sean K. Southard*
Title: *President, HOA*
Date: *1-22-2014*

BY: *Ronald H. Senlech* *1/22/2014*
V.P., BellaVita HOA