

**SUBDIVISION INFORMATION, INCLUDING
RESALE CERTIFICATE FOR PROPERTY SUBJECT TO MANDATORY
MEMBERSHIP IN AN OWNERS' ASSOCIATION**
(Section 207.003, Texas Property Code)

(NOT FOR USE WITH CONDOMINIUMS)

Resale Certificate concerning the Property (including any common areas assigned to the Property) located at 105 Bentwater Bay Dr. (S- 52 , B- 02 , L- 01), City of Montgomery, Montgomery County, Texas, prepared by the Bentwater® Property Owner's Association (the Owners' Association).

A. The Property () is **(XX)** is not subject to a right of first refusal or other restraint contained in the restrictions or restrictive covenants that restricts the owner's right to transfer the owner's property. If a right of refusal or other restraint exists, see Section 07 of the Declaration.

B. The current regular assessment for the Property is \$ 505.00 per year, and \$ 80.00 per year for the street fund repair dating July 1, 2015 thru June 30, 2016. **There is also an Annual Assessment for Bentwater Bay Estates of \$ 140.00.**

C. A special assessment for the Property due after the date the resale certificate was prepared is (1) \$ -0- payable as follows: Annual Street Fund Repair. There () is **(XX)** is not a special assessment due and unpaid by the Seller to the Owners Association. The total unpaid amount is \$ and includes .
(1) 2015/2016 – paid annually.

Other amounts are () are not () payable by Seller to the Owners' Association. The other amounts unpaid are \$ -0- and are for .

D. The total of all amounts due and unpaid to the Owners' Association that are attributable to the Property is \$ 700.62 **which includes 2015-2016 Annual Assessments plus Late fees and Finance Charges.**

E. The capital expenditures approved by the Owners' Association for its current fiscal year are \$ 253,100.00.

F. The amount of reserves for capital expenditures are \$ 336,978.26 (as of 08/31/2015).

G. Unsatisfied judgments against the Owners' Association total \$ -0-.

H. There () are **(XX)** are not any suits pending against the Owners' Association. The style and cause number of each pending suit is:

I. The Owners' Association's board () has actual knowledge **(XX)** has no actual knowledge of conditions on the Property in violation of the restrictions applying to the subdivision or the bylaws or rules of the Owners' Association. Known violations are: N/A

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J. The Owners' Association () has (XX) has not received notice from any governmental authority regarding health or building code violations with respect to the Property or any common areas or common facilities owned or leased by the Owners' Association. A summary or copy of each notice is attached.

K. The Owners' Association's administrative transfer fee is \$150.00, of which \$100.00 is payable to Bentwater Property Owner's Association, 170 Hillsborough Drive West, Montgomery, TX 77356, AND \$50.00 is payable to FirstService Residential, 5295 Hollister St., Houston, TX. 77040-6205, including a \$15.00 Wire Transfer fee to FirstService Residential.

The Owners' Association's Capital Reserve transfer fee is \$ 252.50, payable in a separate check to Bentwater Property Owner's Association.

L. The Owners' Association's managing agent is:
FirstService Residential (FSResidential)
5295 Hollister St., Houston, TX 77040-6205.
Attn: Rolando Coronado, President
Telephone #: (713) 932-1122 Fax #: (713) 932-6059

M. The restrictions (XX) do () do not allow foreclosure of the Owners' Association's lien on the Property for failure to pay assessments.

O. The Owners' Association has charged a fee of \$250.00 to assemble, copy, and deliver the information required by Section 207.003 of the Texas Property Code of which \$175.00 is payable to Bentwater Property Owner's Association AND \$75.00 is payable to FirstService Residential

The Owners' Association will charge a fee of \$75.00 to prepare and deliver an update of the Resale Certificate, if one is requested.

P. The Owners' Association is not a party to the above-referenced transaction and is providing the information contained in the Resale Certificate at the specific request of the Owner(s). The Owners' Association believes the information contained on the Resale Certificate is accurate. Information regarding deed restriction compliance may vary from day-to-day and is based on a cursory visual observation from a distance at regularly scheduled intervals, which may be as much as 30 days apart. An on-site inspection has not been conducted. Accordingly, a violation may exist at the premises in question of which, the Owners' Association is not aware. The Owners' Association's dedicatory instruments which may include Declaration of Covenants, Conditions and Restrictions (Deed restrictions) Articles of Incorporation, By-Laws, Architectural Control Guidelines and Rules and Regulations, which are the Owners' Association's operative documents, are attached. The Resale Certificate should not be construed, under any circumstances, to affect these documents in any respect.

Q. THE OWNERS' ASSOCIATION IS NOT AND SHALL NOT IN ANY WAY BE CONSIDERED AN INSURER OR GUARANTOR OF SECURITY WITHIN THE SUBDIVISION OR THE PROPERTY OF OWNER.

RESALE CERTIFICATE

RESALE CERTIFICATE ISSUED: this 8th day of October, 2015.

NAME OF OWNER REQUESTING RESALE CERTIFICATE:

Hector E. Santos & Elizabeth Santos Kavanaugh

OWNERS ASSOCIATION:



Bentwater Property Owner's Association
By: Dawn M. Cleboski, General Manager
Address: 170 Hillsborough Drive West
Montgomery, TX 77356

REQUIRED ATTACHMENTS:

1. Restrictions – Section 52
Amendment to Clarify the Declarations of Covenants, Conditions and
Restrictions for Bentwater

2. Rules and/or Policies -

<u>DATE RECORDED</u>	<u>POLICY NAME</u>
January 22, 2004	Policy Resolution: Rules Enforcement Procedures
November 30, 2007	Vacant Lot Mowing Policy Resolution
August 19, 2011	Rescind the portion of the policy resolution for Fines for Speeding
December 19, 2011	Collection Policy and Payment Plan Guidelines
December 19, 2011	Display of Religious Items Policy
December 19, 2011	Document Retention, Access, Production and Copying Policy
December 19, 2011	Fireworks – Zero Tolerance Program
December 19, 2011	Flag Display
December 19, 2011	Rain Barrels
December 19, 2011	Solar Devices Policy
April 20, 2012	Playground Equipment and Trampoline Policy Resolution
April 20, 2012	Tree Removal Policy Resolution
May 31, 2012	Animal Control
May 31, 2012	Bentwater Builder/Owner Construction Rules
May 31, 2012	Bentwater Rules for Golf Cart Permit and Operation
May 31, 2012	Force Mowing Fee
May 31, 2012	Policy Resolution: Pine Bark Beetles
June 19, 2012	Late Fee
July 12, 2012	Docks, Boat Slips and Boat House Policy Resolution
July 12, 2012	House Number Policy Resolution
July 31, 2014	Policy Resolution: Schedule of Fines
January 20, 2015	Signage Display

3. Bylaws (22 Pages)

4. Current Balance Sheet – YTD – Ending 08/31/2015

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5. Current Operating Budget – July, 2015 thru June, 2016 Budget - Revenue & Expense Summary and Capital Expenditures (Total 2 Pages)
6. Certificate of Insurance concerning Property and Liability Insurance for Common Areas and Facilities
7. Any Governmental Notices of Health or Housing – N/A
8. Architectural Control Publications (if any) – Bentwater Life Newsletter – October, 2015 Issue
9. Articles of Incorporation (6 Pages)

NOTICE: This Subdivision Information may change at any time.

This form is a modified version of form 37-1 promulgated by the Texas Real Estate Commission and contains all information that is set forth within the promulgated form and other information which may be of interest.