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Norchester Maintenance Fund, Inc.
Board of Directors

RE: Community Service Fees

Dear Board of Directors:

Per your request, we are writing this letter to address the questions raised by residents concerning the Community Service Fee assessed by the Board of Directors for Norchester Maintenance Fund, Inc. (the "Board") under Section 204.010(a)(9) of the Texas Property Code. Please be advised that effective August 28, 1995, the Texas Legislature enacted legislation which was designed to strengthen the effectiveness of home owner associations in Texas. More specifically, this legislation allows for the imposition of mandatory fees or charges for services provided by the Association (e.g. courtesy and patrol fees, landscaping services, pool service fees...)

Section 204.010(a)(9) provides, in pertinent part, that an association may "impose and receive payments, fees, or charges for the use, rental, or operation of the common area and for services provided to property owners". Furthermore, the Office of the Attorney General of the State of Texas issued a written opinion on November 4, 1996 (Letter Opinion No. 96123) supporting a Board's authority to institute such a fee without a vote of the homeowners. Accordingly, the fees that were recently voted to be assessed for 2016 are mandatory. **Questions have been raised that because this fee is not mentioned in the Association's documents, it cannot be assessed. Case law in Texas states that the Association may not assess fees that are contrary to the Association's documents and silence on an issue is not interpreted as being contrary. As a Community Service Fee is not mentioned in Norchester's documents, it is not contrary to the documents. Additionally, as in all assessments, an Owner's duty to pay is not dependant upon an Owner's usage of the common areas and so is not optional.**

Your inquiry regarding this matter is appreciated and we are hopeful that the information contained herein satisfactorily responds to any questions your residents may have regarding the community service fee.

Sincerely,

Kathy Ann Terry