

Questions and Answers

1. If we increase dues and fix the roads, could we vote to decrease dues at some point?
 - Base dues should continue to increase with inflation.
 - Decreases in annual costs associated with roads may decrease or increase depending on the option selected by the community as well as the actual cost of construction, the amount of new construction being performed, and damage caused by weather events.
 - It should be noted that incremental dues increases would only support incremental road repairs and would not likely result in the Association ever being “caught up” with repairs and maintenance.

1. What is an assessment?
 - An assessment (also known as a special assessment) is an amount that a property owner is required to pay a Property Owners’ Association (POA) or the county.
 - Assessments are used by POAs to cover the cost of unexpected or unbudgeted costs.
 - The county may assess the costs of improvements against owners in a subdivision. For example, if we voted to convert our roads to county roads, they would assess each property owner the cost of improvements on a pro rata basis.

2. What are the requirements in our governing documents for imposing a special assessment?
 - We will have to change our bylaws to allow a one-time assessment.
 - Two thirds of the lot owners would have to vote (one vote per lot) for the assessment.

3. What are the requirements for an increase in dues?
 - At least 10% of the lot owners would need to be present at the annual meeting to constitute a quorum.
 - No action may be approved without the vote of at least a majority of the number of members required to constitute a quorum.

5. If we did an assessment, could we pay in installments? Does that change the amount of the assessment?
 - Yes, we can pay in installments. State law requires that we offer a payment plan with a minimum term of 3 months. Annual dues must be paid in the year they are due.
 - The management company does charge a fee for a payment plan.

6. If there is Board turnover how can a dues increase be safeguarded for roads only?
 - The Board is working with its legal counsel to find the appropriate tool to safeguard dues for our roads. For example, a trust account may serve this function.

7. Can we increase dues for next year, work on the hybrid plan with the increase, with the goal of an assessment?
 - This is a potential option for consideration.

8. If we do nothing this year what might our roads look like next year?
 - They will continue to worsen. The East side of Stars and Stripes between Let’s Roll and Freedom, One Nation west of Lets Roll, and parts of Let’s Roll drive are good examples of continued roadway degradation.

9. Can't we just patch potholes ourselves until the neighborhood is mostly built out?

- We do not recommend this. The rate of buildout is unpredictable, and some roads are getting to the point where rebuilding will be required, and costs will increase exponentially.
10. What's wrong with dirt roads, we live in the country?
 - This would significantly reduce home values and continue to require maintenance.
 - We would see an increase in dust and roadway hazards (potholes, pooling, channeling and washboard sections).
 11. Why isn't the Board fixing the potholes as has been done in the past?
 - Surplus funds were used by the previous Board to repair roads. There are no surplus funds available. A limited number of volunteers in the subdivision have fixed potholes.
 12. If we decide to pass the roads to the county and each lot will be assessed for the required improvements (1.5" of asphalt, removal of the gate, changing street signs, culvert repairs, etc.) how will the costs be divided among property owners?
 - a. Pursuant to Transportation Code Chapter 253 Section 003 the commissioners court will "assess all or part of the costs of the improvement pro rata against the record owners of the real property of the subdivision or a defined part of the subdivision."
 - b. The methodology for allocation is determined by the subdivision, however, the commissioners court must approve and agree that methodology meets the "pro rata" requirement.
 - c. Different methods have been used and approved including by lot, by road frontage or some combination thereof. However, the governing documents for Summit Estates at Fischer require that the cost be allocated by lot.
 13. If we decide to keep our roads private and chip seal and/or asphalt the entire subdivision what method will be used to assess our property owners for the cost?
 - a. Costs will be allocated on a per lot basis per our governing documents.
 14. There may be a significant number of lot owners who do not pay the assessment if we elect to keep our roads private and chip seal and/or asphalt the entire subdivision. How can we perform all of the work if we do not have all of the money?
 - a. We will have to change our bylaws to allow a one-time assessment.
 - b. Annual dues must be increased to fund maintenance of the roads to ensure continued maintenance and maximize the life of the new roads and minimize long-term costs.
 - c. There will be an option to establish a payment plan.
 - d. There will also be significant ongoing penalties assessed for delinquent payments as part of the assessment.
 - e. We hope it will never be necessary, however, legal means will be used to obtain assessments, recover legal costs and penalties.
 - f. We may have to perform the work in multiple phases.