

Amended

20120022843
01/18/2012 RP2 \$40.00

AMENDMENT TO BYLAWS
OF
SPRING CREEK COURT HOMEOWNERS ASSOCIATION, INC.

STATE OF TEXAS }
 }
COUNTY OF HARRIS }

DOCUMENTS GOVERNING THE FOLLOWING SUBDIVISION(S):

SPRING CREEK COURT

UNOFFICIAL

01-21-59-080 AM

Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

2012 JAN 18 PM 12:03

FILED

COPY

FILED OF RECORD IN COMPLIANCE WITH SECTION 202.006 OF THE TEXAS
PROPERTY CODE, AS PART OF THE DEDICATORY INSTRUMENTS GOVERNING THE
/ABOVE-DESCRIBED SUBDIVISIONS

RESOLUTION REGARDING AMENDMENT

TO BY- LAWS OF

SPRING CREEK COURT HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the Spring Creek Court Homeowners Association (“the Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the Association's By-Laws, the respective Declaration of Covenants, Conditions & Restrictions encumbering all properties governed by Spring Creek Court Homeowners Association (collectively referred to as “the Declaration”), as well as applicable State and Federal laws; and

WHEREAS, The Board of Directors of the Spring Creek Court Homeowners Association is empowered to amend the by-laws of the Association pursuant to §22.102 of the Texas Business Organizations Code;

WHEREAS, the Board of Directors has considered and discussed certain modifications to one or more provisions of the Association’s By-Laws, and has determined that the following amendments would be in the best interest of the Spring Creek Court community, and all persons owning property and/or residing therein.

WHEREAS, the Board of Directors of Spring Creek Court Homeowners Association, desires to adopt the following amendments to the By-Laws of Spring Creek Court Homeowners Association, on the date indicated hereon, to become effective on the 17th day of JANUARY, 2012.

NOW, THEREFORE, BE IT RESOLVED that the following provisions are hereby adopted on behalf of the Association;

Article Four, Section 1 of the By-Laws is hereby amended to read as follows:

1. The annual membership meeting of this organization shall be held on the third Wednesday of the month of January each and every year. Or, at such other date during the month of January as may be set by the Board of Directors. The secretary shall cause to be mailed to every member notice of the annual the meeting at his or her address as it appears in the membership roll book of this organization.

Article Four, Section 2 of the By-Laws is hereby amended to read as follows:

2. Regular meetings of this organization shall be held monthly on the second Tuesday of each month. The secretary shall cause to be mailed to every member notice at his or her address as it appears in the membership roll book of this organization. Members shall be given notice of the date, hour, place, and general subject of a regular or special board meeting, including a general description of any matter to be brought up for deliberation in executive session.

Article Four, Section 3 of the By-Laws is hereby amended to read as follows:

3. Unless otherwise provided in the Articles of Incorporation, Members entitled to cast ten percent (10%) of the votes of the membership, represented in person, by proxy and/or by absentee ballot, shall constitute a quorum at a meeting of Members. If, however, a quorum shall not be present or represented at any meeting of the Members, the Members present in person or represented by proxy shall have power to adjourn and/or reschedule the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present or represented. At such adjourned / rescheduled meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. If the required quorum is not forthcoming at such a meeting, the meeting may be adjourned and/or rescheduled to a new date, not later than seven (7) days from the date of that adjourned / rescheduled meeting, and the required quorum at such meeting shall be one-half (1/2) of the required quorum at the immediately preceding meeting. This procedure shall be continued until a quorum has been obtained, provided however, that such reduced quorum requirement shall not be applicable at a subsequent meeting held more than sixty (60) days following the originally scheduled meeting.

Article Four, Section 4 of the By-Laws is hereby amended to read as follows:

4. Special meetings of this organization may be called by the President when he/she deems it in the best interest of the organization. Notices of such meeting shall be mailed to all members at their addresses as they appear in the membership roll book.

Article Four of the By-Laws is hereby amended to include/add the following provision:

5. Members shall be given notice of the date, hour, place, and general subject of a regular or special board meeting, including a general description of any matter to be brought up for deliberation in executive session.
 - a. Notice of Annual or Special Meetings: The notice shall be mailed to each property owner not later than the tenth (10th) day or earlier than the sixtieth (60th) day before the date of the meeting.

In addition to the aforementioned mailing requirements, notice of any Annual or Special meeting of the members may also be posted in a conspicuous manner reasonably designed to provide notice to members, in a place located on the Association's common property or, with the property owner's consent, on other conspicuously located privately owned property within the subdivision; on any Internet website maintained by the Association or other Internet media; or by sending the notice via e-mail to each Owner who has registered an e-mail address with the Association. It is an Owner's responsibility to keep an updated e-mail address registered with the Association.

- b. Notice of Regular or Special Board Meetings: The notice shall be mailed to each property owner not later than the tenth (10th) day or earlier than the sixtieth (60th) day before the date of the meeting.

Or, notice must be provided at least 72 hours before the start of the meeting by posting the notice in a conspicuous manner reasonably designed to provide notice to members, in a place located on the Association's common property or, with the property owner's consent, on other conspicuously located privately owned property within the subdivision; on any Internet website maintained by the Association or other Internet media; and sending the notice by e-mail to each owner who has registered an e-mail address with the Association. It is an owner's responsibility to keep an updated e-mail address registered with the Association.

If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the Member(s) at his or her address as it appears on the records of the Association, with postage thereon paid.

Article Five, Section 1 of the By-Laws is hereby amended to read as follows:

1. At all meetings of members, each member may vote in person, by proxy, or by absentee ballot. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot. Except as hereinafter provided, all members of this Association shall have a right to vote on any matter duly submitted to a vote of the membership and shall have the right and privilege to use and enjoy the properties, facilities and services of the Association and to serve on the Board of Directors and participate in all meetings, activities and functions of the membership of this Association. The foregoing is subject to the following exceptions: (a) not more than one member from any single household or lot situated in the Association shall be entitled to vote on any matter submitted to a vote of the membership; (b) the Board shall have the right and power to suspend a Member's right to use of the recreational facilities during any period in which such member shall be in default in the payment of any assessment levied by the Association; such right to use the recreational facilities may also be suspended after notice and hearing, for a period not to exceed 60 days for infraction of these By-Laws, the Articles of Incorporation or the Declaration; and (c) all rights and privileges of the members shall be subject to the terms of the Articles of Incorporation and By-Laws of the Association and such other reasonable rules and regulations as may be promulgated by the Board of Directors.

Article Seven, Section 2 of the By-Laws is hereby amended to read as follows:

2. Election to the Board of Directors shall take place at the Annual Meeting and shall be by written ballot or absentee ballot. At such Assembly the members or their proxies may cast, in respect of each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration and By-Laws, such directors to serve for a term of two years each. The persons receiving the largest number of votes shall be elected. Cumulative voting shall not be permitted.

Article Seven, Section 3 of the By-Laws is hereby amended to read as follows:

3. The Board of Directors shall have control and management of this affairs and business of this organization. Such Board of Directors shall only act in the name of the organization when it shall be regularly convened by its chairman after due notice to all the Directors and Members of such meeting.

Article Seven, Section 7 of the By-Laws is hereby amended to read as follows:

7. Any vacancy resulting from death, resignation or disability may be filled by appointment by the remaining Director(s). The person appointed by the remaining Director(s) shall serve for the remainder of the unexpired term of said appointed Director's predecessor.

Article Seven, Section 9 of the By-Laws is hereby amended to read as follows:

9. Any Director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a Director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor. If the Board is presented with written, documented evidence from a database or other record maintained by a governmental law enforcement authority that a board member has been convicted of a felony or a crime involving moral turpitude, the board member is immediately ineligible to serve on the Board, and automatically considered removed from the Board, and prohibited from future service on the Board.

The Board of Directors may entertain charges against any director. A Director may be represented by counsel upon any removal hearing. The Board of Directors shall adopt such rules as it may in its discretion consider necessary for the best interests of the organization, for this hearing.

THE UNDERSIGNED Board of Directors hereby adopt the foregoing Amendment to By-Laws of Spring Creek Court Homeowners Association, Inc. The amendment to the By-Laws set forth above shall be deemed to be a part of and shall be interpreted in accordance with the By-Laws. All provisions of the By-Laws not amended herein are hereby ratified and confirmed in all respects.

IN WITNESS WHEREOF, the undersigned have executed this Amendment to By-Laws of Spring Creek Court Homeowners Association, Inc., on 17th day of JANUARY, 2012.

SPRING CREEK COURT HOMEOWNERS ASSOCIATION, INC. BOARD OF DIRECTORS:

*for
No ee*

Donavon F. Smith
Signature
DONAVON F. SMITH
Print Name

Tim Holian
Signature
TIM HOLIAN
Print Name

THOMAS JA
Signature
[Signature]
Print Name

[Signature]
Signature
STEPHEN M. SAFFIOTI
Print Name

Marcello Belden
Signature
MARCELLO BELDEN
Print Name

[Signature]
Signature
[Signature]
Print Name

2012-05-17 15

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AFFIDAVIT REGARDING AUTHENTICITY OF DOCUMENTS

STATE OF TEXAS }
 } KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS }

THAT the foregoing and attached document is an original document which was adopted in connection with the operation and administration of the Spring Creek Court Homeowners Association, Inc., and all of the properties governed thereby. Such documents constitute a supplement to the Association's "dedicatory instrument," as such term is defined within Section 202.001(1) of the Texas Property Code. The foregoing and attached document is hereby filed/recorded in compliance with the mandate of Section 202.006 of the Texas Property Code.

All facts recited and statements made herein are true, correct and in all respects accurate."

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

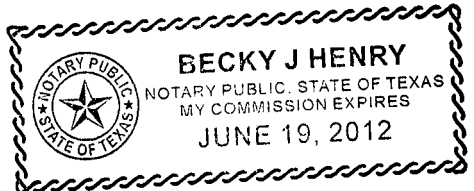


Michael J. Treece, Attorney
for Spring Creek Court
Homeowners Association, Inc.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 18th day of JANUARY, 2012.



NOTARY PUBLIC - STATE OF TEXAS



After Filing
Please Return to: ✓

Treece Law Firm
1020 Bay Area Blvd.
Suite 200
Houston, Texas 77058

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE RENTAL OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas

JAN 18 2012


Stuart Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

21-59-030-1716

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