

**AMENDMENT TO THE BYLAWS OF  
SPRING CREEK COURT HOMEOWNERS ASSOCIATION, INC.  
REGARDING VIRTUAL MEMBER MEETINGS AND ELECTIONS**

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS      §

WHEREAS, Spring Creek Court Homeowners Association, Inc., a Texas nonprofit corporation, (the "Association"), is the governing entity for Spring Creek Court, an addition in Harris County, Texas, according to the map or plat thereof, recorded in the Map Records of Harris County, Texas, under Clerk's File No. under Clerk's File No. X434971, along with any amendments, supplements and replats thereto (the "Subdivision"); and

WHEREAS, the Association Bylaws are recorded in the Real Property Records of Harris County, Texas, under Clerk's File No. RP-2018-153880, along with any amendments and supplements thereto (the "Bylaws"); and

WHEREAS, the Bylaws and applicable law, require the Association to hold an annual meeting of the members and to provide for the election of Directors, and there is a need to allow the Association's members to attend such meetings electronically, and provide for elections in advance of such meetings; and

WHEREAS Section 22.102(c) of the Texas Business Organizations Code authorizes the Board of Directors to amend the Bylaws, the members have never passed an amendment to the Bylaws which expressly prohibits the Board of Directors from amending any provision of the Bylaws, the Articles of Incorporation of the Association vest the management of the Association in the Board of Directors and do not reserve the right to amend bylaws to the members;

NOW THEREFORE, pursuant to the foregoing and as evidenced by the certification attached hereto, the Association hereby amends its Bylaws, as follows:

**Article Four, Section 1, which had previously read:**

1. The annual membership meeting of this organization shall be held on the 15<sup>th</sup> day of January each and every year except if such day be a legal holiday then in that event the Board of Directors shall fix the day but it shall not be more than two weeks from the date fixed by these by-laws. The secretary shall cause to be mailed to every member in good standing at his or her address as it appears in the membership roll book of this organization a notice telling the time and place of such meeting.

**is hereby amended to read as follows:**

1. The annual meeting of the members shall be held each year at a date, time, and place designated by the Board of Directors, with the intent being that the meeting should be held in the same month each year to the extent practical.

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**Article Four, Section 2, which had previously read:**

2. Regular meeting of this organization shall be held monthly on the second Tuesday of each month. The secretary shall cause to be mailed to every member in good standing at his or her address as it appears in the membership roll book of this organization a notice telling the time and place of such monthly meeting.

**is hereby amended to read as follows:**

2. Regular meetings of this organization may be held as established by the Board of Directors, from time to time.

**There shall be an Article Four, Section 5, which shall read as follows:**

5. Virtual Meetings of the Members: The Association's Board of Directors may elect to hold any meeting of Members, by using remote communications technology, including videoconferencing, teleconferencing, the internet, or any combination of those methods, as provided by §22.002 of the Texas Business Organizations Code, (a "Virtual Meeting"), and may elect to hold the election of Directors in advance of the Virtual Meeting as set forth in this Section. Subject to the requirements herein, the Virtual Meeting shall be in all respects valid and all elections, decisions, votes, and/or outcomes determined in such a meeting shall be binding.

(a) Notice of Virtual Meeting of the Members: Notice of a Virtual Meeting and election shall be given to the Members in the manner provided by this Section and the Texas Property Code. Notice of the Virtual Meeting of the Members must include clear instructions describing how every Member may access the Virtual Meeting, and how to cast ballots for elections held in advance of such Virtual Meeting. Such instructions must be sufficient so that each Member may, free of any access charge or payment, follow said instructions and access the Virtual Meeting.

(b) Voting: If the election is held in advance of the Virtual Meeting, the Association will designate a location at which members may cast their ballot in person, in advance of the meeting. The Association will also provide absentee ballots and may, at its option, provide for electronic ballots, in accordance with the Texas Property Code. The deadline for submitting ballots cast by any method will be established by the Board of Directors in advance, not more than 36 hours prior to the start of the Virtual Meeting, and contained in the Notice of Virtual Meeting.

(c) Ballots and Tabulation: If the election is held in advance of the Virtual Meeting, said ballots shall be prepared and mailed to the Members no later than twenty (20) days prior to the date of the election. Ballots for the election of Directors shall be collected and tabulated by the Association's managing agent, or any other person(s) designated by the Board of Directors in advance, so long as such persons are qualified to tabulate the ballots under §209.00594 of the Texas Property Code. All ballots, no matter how cast, shall be counted in the same manner as all other ballots cast for the election. The winners of the election will be announced at the Virtual Meeting.

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- (d) Nominations: Nomination for election to the Board of Directors, when elections are taking place in advance of the Virtual Meeting under this Section, will be made solely in accordance with § 209.00593 of the Texas Property Code, nominations shall not be made by committee or from the floor at the meeting.
- (e) Procedure of Virtual Meetings of the Members: Virtual Meetings of the Members shall proceed in substantially the same fashion as any in-person meeting of the Members, except that no vote taken at, or in advance of, the Virtual Meeting of the Members shall be final until all ballots cast on or before any deadline requirement, have been counted.
- (f) Quorum for Virtual Meeting of the Members: All Members present online, via teleconference, or other format utilized in the Virtual Meeting, and by electronic ballot, absentee ballot or proxy, shall constitute the required quorum at any Virtual Meeting of the Members.
- (g) Conflict: Should any provision in this Section 5 conflict with any other provision in these Bylaws, the provisions of this Section 5 shall control, including without limitation, provisions regarding elections, balloting, nomination, methods of voting, quorum, notice, and procedure.

**CERTIFICATION**

“I, the undersigned being a Director of Spring Creek Court Homeowners Association, Inc., hereby certify that the foregoing amendments were approved by at least a majority of the Association’s Board of Directors at an open meeting of the Board, properly noticed to the members, at which a quorum of the Board was present.”

By: *[Signature]* Date: 12/12/20  
 Print Name: DOMAVON F. SMITH Title: PRESIDENT

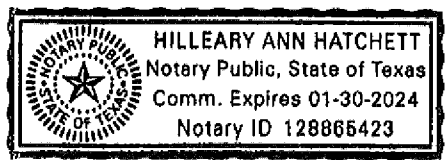
STATE OF TEXAS                   §  
   §  
 COUNTY OF HARRIS               §

BEFORE ME, the undersigned notary public, on this day personally appeared Domavon Smith the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose in the capacity and with the authority therein expressed, as the act and deed of the corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 12 day of December 2020, to certify which witness my hand and official seal.

*[Signature]*  
 Notary Public, State of Texas

**E-Recorded By:**  
 HOLT & YOUNG, P.C.  
 9821 Katy Freeway, Suite 350  
 Houston, Texas 77024



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# Pages 4  
12/15/2020 11:12 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$26.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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