

4450
AMENDED BYLAWS
OF
LAKEVIEW ESTATES PROPERTY OWNERS'
ASSOCIATION, INC.

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ARTICLE I

NAME AND LOCATION

Section 1. Name: The name of the Corporation is LAKEVIEW ESTATES PROPERTY OWNERS' ASSOCIATION, INC. hereinafter referred to as the Association.

Section 2. Location: The principal office of the Corporation shall be located at Lot 123, Lakeview Estates Subdivision, San Jacinto County, Texas, but meetings of members and directors may be held at such places within the State of Texas, Counties of Harris and San Jacinto, as may be designated by the Board of Directors. The mailing address for the Association shall be: P.O. Box 1071, Coldspring, Texas 77331.

ARTICLE II

DEFINITIONS

Section 1. "Association" shall mean and refer to Lakeview Estates Property Owners' Association, Inc., its successors and assigns.

Section 2. "Board of Directors" shall mean the seven (7) members of the Association elected to manage the affairs of the Association.

Section 3. "Properties" shall mean and refer to that certain real property described in the Articles of Incorporation, Subdivision Dedications, Conditions and Restrictions, and such additions thereto as may be brought within the jurisdiction of the Association.

Section 4. "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the owners, members of their families, and guests.

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the properties with the exception of the park areas.

Section 6. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot that is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of any obligation.

Section 7. "Declarant" shall mean and refer to the Association, the Developer, and the property owners who adopted the Restrictive Covenants applicable to LAKEVIEW ESTATES SUBDIVISION duly recorded:

Section I - Volume 102, Page 140

Section II - Volume 236, Page 404

Section III - Volume 236, Page 408;

in the office of the County Clerk of San Jacinto County, Texas.

Section 8. "Declaration" shall mean and refer to the Declaration of Amended Covenants, Conditions and Restrictions, applicable to LAKEVIEW ESTATES SUBDIVISION, Section I, II, III, and future sections, duly recorded (or: to be recorded) in the official records, of San Jacinto County, Texas, in the office of the County Clerk of said county.

Section 9. "Member" shall mean and refer to every owner/owners of a lot which is subject to assessment in sections I, II, and III and any future sections.

ARTICLE III

MEETINGS OF MEMBERS

Section 1. Annual Meetings: Regular annual meetings of the members shall be held at appropriate times as called by the Board of Directors.

Section 2. Special Meetings: Special meetings of the members may be called at any time by the President or by the Board of Directors, or upon written request of forty percent (40%) of the members entitled to vote.

Section 3. Notice of meetings: Written notice of each meeting of the members shall be given by, or at the direction of the Secretary or person authorized to call the meeting, by mailing a copy of such notice postage prepaid, at least thirty (30) days in advance. Notice to each member entitled to vote thereat will be addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting. If applicable, such notice shall specify any proposed amendments to the Bylaws.

Section 4. Quorum: The presence at the meeting of members entitled to cast, or of proxies entitled to cast, forty percent (40%) of the votes of membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum is present or represented.

Section 5. Proxies: At all meetings of members, each member may vote in person or by proxy. 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.

Revocations of proxies shall also be in writing and filed with the secretary. Votes cast by a duly appointed proxy whose appointment is on file with the Association's Secretary prior to the receipt of a revocation of such proxy by the Secretary shall be valid though they may have taken place after the date of execution of revocation. All proxies shall be in writing for a specified time, and filed with the Secretary.

Section 6. Voting Rights: At each meeting, the owner/owners of one or more lots shall be entitled to vote as follows:

- (a) Owner or Owners of single lots - ONE VOTE
 - (b) Owner or Owners of more than one lot - ONE VOTE
 - (c) Joint Owner or Owners of one or more lots - ONE VOTE
- AMONGST THEMSELVES, to be exercised as they amongst themselves determine.

Votes may be cast in person, or by written proxy executed by property owners and received by the Board.

Any member who is delinquent in the payment of his/her assessment shall not be entitled to vote on any matter which comes before the membership.

ARTICLE IV

BOARD OF DIRECTORS, SELECTION, TERM OF OFFICE

Section 1. Number: The affairs of this Association shall be managed by a board of seven (7) directors who shall be members of the Association.

Section 2. Term of Office: The members shall elect three (3) directors for a term of two (2) years on odd numbered years, and four (4) directors for a term of two (2) years on even numbered years. Directors may succeed themselves in office.

Section 3. Removal: 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. In the event of unexcused absence at three (3) consecutive meetings of the Board a director is automatically removed.

Section 4. Compensation: No director shall receive compensation for any service he/she may render to the Association. A director may be reimbursed for his actual expenses incurred in the performance of his duties as directed by the Board.

ARTICLE V

NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination: Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations also may be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two members of the Association who are not current members of the Board. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion decide, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members only.

Section 2. Election: Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VI

MEETINGS OF DIRECTORS

Section 1. Regular Meetings: Regular meetings of the Board of Directors shall be held at least quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the Board.

Section 2. Special Meetings: Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two directors after not less than three (3) days notice to each director.

Section 3. Quorum: A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board. Members of the Board shall not be eligible to cast their vote by proxy in the Board of Directors' meetings.

ARTICLE VII

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers: The Board of Directors shall have power to:

- (a) Adopt and publish rules and regulations governing the use of the park areas and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof.
- (b) Suspend the voting rights and rights for the use of all the recreational facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights also may be suspended after notice and hearing, for a period not to exceed thirty (30) days for infraction of published rules and regulations.
- (c) Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration.
- (d) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors, if the absences are unexcused.
- (e) Employ independent contractors when deemed necessary to carry out prescribed tasks.

Section 2. Duties: It shall be the duty of the Board of Directors to:

- (a) Cause to be kept a record of its acts and corporate affairs and to present a statement of it to the members at the annual meeting of the members, or at any special called meeting.
- (b) Supervise all officers, agents, and contractors of this Association, and to see that their duties are completed.
- (c) Determine the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period.

- (d) Send written notice of each assessment to every owner subject thereto in advance of each annual assessment period.
- (e) Impose an additional \$5.00 charge per lot per year for assessments not paid by June 1.
- (f) Place a lien against any property for which annual or special assessments have not been paid. If required, legal action may be taken against the owner obligated to pay the assessment.
- (g) Charge interest and court costs concerning these actions.
- (h) Issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether any assessment is paid. A reasonable charge may be made by the Board for the issuance of said certificate. If a certificate states an assessment is paid, such certificate shall be conclusive evidence of payment.
- (i) Obtain and maintain liability and hazard insurance on property owned by the Association.
- (j) Cause all officers or contractors having fiscal responsibilities to be bonded, as deemed appropriate by the Board.
- (k) Cause the park areas to be maintained.
- (l) Cause the exterior of the dwellings and surrounding property to be maintained in keeping with subdivision regulations as outlined in the Restrictive Covenants.

Section 3. The Board of Directors shall be authorized to collect and expend, in the interest of the Subdivision as a whole and of the property owners of said Subdivision, the maintenance fund created. The Board of Directors also shall be authorized to enforce the Restrictive Covenants, as amended; collect assessments fees and to do anything else necessary and proper for the efficient management and operation of the Subdivision for the benefit of property owners therein.

ARTICLE VIII

OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices: The offices of this Association shall be a President, Vice-President, Secretary, and Treasurer, and such other officers as the Board may name from time to time by resolution.

Section 2. Selection of Officers: The selection of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members. All officers shall be members of the Board.

Section 3. Term: The Officers of this Association shall be selected annually by the Board, and each shall officer hold office for one (1) year unless he/she shall sooner resign, or shall be removed, or otherwise is disqualified to serve.

Section 4. Special Appointments: The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and do such duties as the Board may from time to time decide.

Section 5. Resignation and Removal: Any officer may be removed from office by the Board. Any officer may resign by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect on the date of receipt of notice or at any later time specified therein, and unless specified therein, the acceptance of resignation shall not be necessary to make it effective.

Section 6. Vacancies: A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he/she replaces.

Section 7. Multiple Offices: The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Duties: The duties of the officers are as follows:

PRESIDENT

(a) The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds, promissory notes, and other written instruments, and may sign checks.

VICE-PRESIDENT

(b) The Vice-President shall act in the place and stead of the President in the event of his/her absence, and shall exercise and discharge such other duties as may be required of him/her by the Board.

SECRETARY

(c) The Secretary shall record the votes and keep the minutes of the meetings and proceedings of the Board and meetings of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and meetings of the members of the Association; keep appropriate current records showing the members of the Association with their addresses; and shall perform such other duties as required by the Board.

TREASURER

(d) The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an audit of the Association books if required by the Board; and shall prepare a statement of income and expenditures to be presented to the membership at its regular annual meeting.

ARTICLE IX

COMMITTEES

The Board of Directors shall appoint committees as deemed appropriate in carrying out its purpose.

ARTICLE X

BOOKS AND RECORDS

The books, records, and papers of the Association shall be subject to inspection by any member. The Declaration, the Articles of Incorporation, and the Bylaws of the Association shall be available for inspection by any member of the Association.

ARTICLE XI

ASSESSMENTS AND ENFORCEMENT

Section 1. All member lot owners of the Association are hereby subjected to an annual assessment which shall be an assessment against said lots and the owners thereof for the purpose of creating a fund to be expended by the Association in the interest of the Subdivision as a whole. The amount of said assessment shall be \$25.00 per lot. At the discretion of the Board, a five percent (5%) increase/decrease may be made annually without a vote of the members of the Association. Each lot owner shall pay the amount of the charge against his/her lot to the Association on or before March 1st of each year for the current year, and such money shall be held by the Association in trust, and shall be used for the benefit of all lot owners in said subdivision. After June 1st, a late charge of five dollars (\$5.00) per lot will be added to unpaid assessments. Unpaid assessments shall accrue interest at the maximum legal rate added annually until paid.

Any increase of annual assessments exceeding 5% may be changed by a vote of the majority of the property owners subject to assessment.

Lots owned by Developers for resale (See article I - Section 2 - Definitions) are exempt from assessments.

Section 2. Authorized uses of assessment funds may include but are not limited to: lighting, collecting and disposing of garbage, trash, and other debris, policemen or watchmen, caring for vacant lots, fogging or spraying for insects, and improving and maintaining the parks and other facilities.

Section 3. Delinquent assessments, late charges, interest, attorneys' fees, and all other related costs may be secured by a lien on such lot/lots; and such lien shall be enforceable through appropriate proceedings at law by the Association.

Section 4. For unforeseen contingencies such as significant damage to Association property by acts of God, legal fees, and other extraordinary expenditures not covered by the available assessment fund, but NOT for capital improvements, the Board shall be authorized to levy emergency assessments, which in any one calendar year shall not exceed the lesser of: (a) four times the annual assessment, or (b) the actual cost involved.

Section 5. Any member who is delinquent in the payment of his/her assessment shall not be entitled to vote on any matter which comes before the membership.

ARTICLE XII

CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference a star and the words: Lakeview Estates Property Owners' Association, Inc.

ARTICLE XIII

AMENDMENTS

Section 1. These Bylaws may be amended at a regular or special meeting of the members, by a vote of a majority of the quorum of members represented, either in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

ARTICLE XIV

MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year.

At the annual meeting May 4, 1991 of the Lakeview Estates Property Owners Association, Inc., the Property Owners voted to amend their different Restricted Covenants by a majority vote in Section I and by a one hundred percent (100%) vote in Sections II and III. Hereafter these Sections shall vote and amend these Bylaws as one entity.

WITNESS OUR HANDS this 6th day of May, 1991 and ADOPTED
at a Board of Directors Meeting of the LAKEVIEW ESTATES PROPERTY
OWNER'S ASSOCIATION, INC.

LAKEVIEW ESTATES PROPERTY OWNERS ASSOCIATION, INC.

BY:

Kathleen Deming
Kathleen Deming
President 1990/92

Betty Bough
Betty Bough 1990/91

Blanchard Andries
Blanchard Andries
Vice President 1990/91

George Conklin
George Conklin 1990/92

Towson Ellis
Towson Ellis
Vice President 1991/92

Mitch Harvey
Mitch Harvey 1990/92

Mary R. Montgomery
Mary Montgomery
Secretary 1990/92

Phyllis Carney
Phyllis Carney
Treasurer 1990/92

L.H. Wellmeyer, Jr.
L.H. Wellmeyer, Jr. 1991/92

Sworn to and subscribed before me on this
6th day of May 1991

Mildred Andries



THE STATE OF TEXAS
COUNTY OF SAN JACINTO.

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This instrument was acknowledged before me on the 6th
day of May, 1991, by Kathleen Deming

Micred Andrias
Notary Public, State of Texas
Notary's printed name:

My commission expires:

11-21-94



FILED FOR
RECORD
91 OCT -1 PM 3:40

Joyce Hogue
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF SAN JACINTO

I, Joyce Hogue, hereby certify that this instrument was FILED
in the number sequence on the date and at the time stamped
hereon by me; and was duly RECORDED, in the official public
records of San Jacinto County, Texas as stamped hereon by
me on

OCT 1 1991



JOYCE HOGUE
COUNTY CLERK
SAN JACINTO COUNTY, TEXAS