

BYLAWS  
OF  
CRESCENT PARK VILLAGE TOWNHOMES (HOUSTON)  
OWNERS ASSOCIATION, INC.

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Bylaws  
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ARTICLE I.  
NAME AND LOCATION

Section 1.1 Name. The name of the Corporation is CRESCENT PARK VILLAGE TOWNHOMES (HOUSTON) OWNERS ASSOCIATION, INC., hereinafter referred to as the "Association."

Section 1.2 Location. The principal office of the Corporation shall be located at 11320 Richmond Avenue, Houston, Texas 77082, but meetings of Members and Directors may be held at such places within or without the State of Texas as may be designated by the Board of Directors.

ARTICLE II.  
DEFINITIONS

Section 2.1 "Association" shall mean and refer to CRESCENT PARK VILLAGE TOWNHOMES (HOUSTON) OWNERS ASSOCIATION, INC., a Texas nonprofit corporation, its successors and assigns.

Section 2.2 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the Properties (as defined below), including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 2.3 "Properties" shall mean and refer to that certain real property made subject to the Declaration of Covenants, Conditions and Restrictions for Crescent Park Village Townhomes Subdivision as described in Exhibit "C" of the Declaration, and such additional property that may annexed pursuant to the Declaration.

Section 2.4 "Common Area" shall mean and refer to all real property to be owned and/or maintained and/or otherwise controlled by the Association for the common use and enjoyment of the Owners as more particularly described in the Declaration.

Section 2.5 "Lot" shall mean and refer to all plots of land subjected to the Declaration of Covenants, Conditions and Restrictions for Crescent Park Village Townhomes Subdivision, with the exception of the Common Area.

Section 2.6 "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions for Crescent Park Village Townhomes Subdivision applicable to the Properties and filed of record on Novmber 28, 2005 as instrument number Y923524 of the Real Property Records of Harris County, Texas.

Section 2.7 "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

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Section 2.8 Any word or phrase not set forth above but used herein shall have the meaning set forth in the Declaration, if therein defined.

### ARTICLE III. MEETING OF MEMBERS

Section 3.1 Annual Meetings. The first annual meeting of the Members shall be held within one (1) year from the date of incorporation of the Association, and each subsequent regular annual meeting of the Members shall be held during the same month of each year thereafter at the hour of 7:00 o'clock p.m.

Section 3.2 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 one-tenth (1/10) of the Membership.

Section 3.3 Notice of Meetings. Written notice of each meeting of the Members shall be given by, or at the direction of, the Secretary or the person authorized to call the meeting, by mailing a copy of such notice (postage prepaid, at least ten (10), but not more than sixty (60) days) before such meeting to each Member entitled to vote thereat, 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.

Section 3.4 Quorum. The presence at the meeting of Members entitled to cast (or of proxies entitled to cast) one-tenth (1/10) of the votes, 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, and reconvene and adjourn as necessary until a quorum as aforesaid shall be present or be represented.

Section 3.5 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. The Board of Directors of the Association may designate an official proxy form, in which case only proxies on the official form shall be valid.

### ARTICLE IV. BOARD OF DIRECTORS: SELECTION; TERM OF OFFICE

Section 4.1 Number. The affairs of this Association shall be managed by a Board of three (3) Directors, none of whom need be Members. The number of Directors may be changed by amendment of these Bylaws of the Association. Notwithstanding the foregoing, until the election of Directors at the first annual meeting of the Members, the three (3) initial Board of Directors, as provided in the Articles of Incorporation, shall so serve.

Section 4.2 Term of Office. At the first annual meeting, Members shall elect the entire Board of Directors as follows: the candidate receiving the third-highest number of votes shall be elected for a term of one (1) year, the candidate receiving the second-highest number of votes shall be

elected for a term of two (2) years, and the candidate receiving the highest number of votes shall be elected to a three (3) year term; and at each annual meeting thereafter, all Directors shall be elected for three (3) year terms.

Section 4.3 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.

Section 4.4 Compensation. No Director shall receive compensation for any service he may render to the Association; however, any Director may be reimbursed for his actual expenses incurred in the performance of his duties.

Section 4.5 Action Taken Without a Meeting. The Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

#### ARTICLE V. NOMINATION AND ELECTION OF DIRECTORS

Section 5.1 Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also 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 one or more Members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the Members to serve from the close of such annual meeting until the close of the next annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

Section 5.2 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 6.1 Regular Meetings. Regular meetings of the Board of Directors shall be held at least once each year, at such place and hour as may be fixed from time to time by resolution of the Board.

Section 6.2 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 6.3 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.

ARTICLE VII.  
POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 7.1 Powers. The Board of Directors shall have the power to:

- (a) Adopt and publish rules and regulations governing the use of the Common Area 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 right to use of recreational facilities, if any, 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 may be suspended after notice and hearing for a period not to exceed sixty (60) 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.
- (e) Enter into contracts with independent contractors or municipalities for police or security protection, fire protection, landscaping services, and sanitary services, such as garbage collection.
- (f) Employ a manager, independent contractors, attorneys, accountants, auditors, or such other employees as they deem necessary, and to prescribe their duties.
- (g) Cause audited or unaudited reports of the business affairs of the Association to be prepared from time to time.

Section 7.2 Duties. It shall be the duty of the Board of Directors to:

- (a) Keep a complete record of all its acts and corporate affairs, and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the membership;
- (b) Supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;
- (c) As more fully provided in the Declaration, to:
  - (1) Fix the amount of the annual assessments against each Lot at least thirty (30) days in advance of each annual assessment period;
  - (2) Send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and,

(3) Foreclose the lien against any property for which assessments are not paid within sixty (60) days after due date or to bring an action at law against the Owner personally obligated to pay the same;

(d) Issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) Procure and maintain adequate liability and hazard insurance on property owned by the Association;

(f) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate; and,

(g) Cause the Common Area to be maintained.

## ARTICLE VIII. OFFICERS AND THEIR DUTIES

Section 8.1 Enumeration of Offices. The officers of this Association shall be a President and Vice President, who shall at all times be members of the Board of Directors, a Secretary and a Treasurer, and such other officers as the Board may, from time to time, create by resolution.

Section 8.2 Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the Members.

Section 8.3 Term. The officers of this Association shall be elected annually by the Board, and each shall hold office for one (1) year unless he shall sooner resign or shall be removed or otherwise disqualified to serve.

Section 8.4 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 perform such duties as the Board may, from time to time, determine.

Section 8.5 Resignation and Removal. Any officer may be removed from office without cause by the Board. Any officer may resign at any time, giving written notice to the Board, the President or Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 8.6 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 replaces.

Section 8.7 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 8.4 of this Article.

Section 8.8 Duties. The duties of the officers are as follows:

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

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

(c) Secretary. The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members; serve notice of meetings of the Board and of the Members; keep appropriate current records showing the Members of the Association, together with their addresses; certify official actions of the Association; and shall perform such other duties as required by the Board.

(d) Treasurer. 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 unaudited annual financial statement of the Association books to be prepared at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the Members.

ARTICLE IX.  
BOOKS AND RECORDS

Section 9.1 The books, records, and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any Member, pursuant to the requirements of the Texas Non-Profit Corporation Act. The Declaration, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any Member at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE X.  
COMMITTEES

Section 10.1 The Board shall appoint a Nominating Committee, as provided in these Bylaws. In addition, the Board of Directors may appoint other committees as deemed appropriate in carrying out its purpose.

ARTICLE XI.  
ASSESSMENT

Section 11.1 As more fully provided in the Declaration, each Member is obligated to pay to the Association monthly and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within sixty (60) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of ten percent (10%) per annum, and the Association may bring an action at law against the Owner personally obligated to

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pay the same or foreclose the lien against the Property, and interest, costs and reasonable attorneys' fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his Lot.

ARTICLE XII.  
NO CORPORATE SEAL

Section 12.1 The Association shall not be required to have a seal for any purposes.

ARTICLE XIII.  
AMENDMENTS

Section 13.1 These Bylaws may be amended at a regular or special meeting of the Members by a vote of a majority of a quorum of the Members present in person or by proxy. These Bylaws may also be amended by a vote of a majority of The Board of Directors.


Section 13.2 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

Section 14.1 The fiscal year of the Association shall begin on the first day of January in each year and end on the last day of December in each year, except that the first fiscal year shall begin on the date of incorporation.

IN WITNESS WHEREOF, we, being all of the initial Directors of CRESCENT PARK VILLAGE TOWNHOMES (HOUSTON) OWNERS ASSOCIATION, INC., have hereunto set our hands as of this 1st day of June, 2005.

  
\_\_\_\_\_  
Anthony Garza

  
\_\_\_\_\_  
Gretchen Caesar

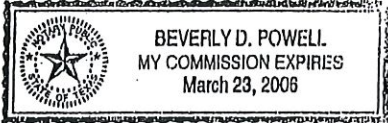
  
\_\_\_\_\_  
Enrique Canfa

STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, a notary public, on this day personally appeared Anthony Garza, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of this office on the 24<sup>th</sup> day of February, 2006.



Beverly D. Powell  
Notary Public in and for the State of Texas

My Commission Expires:

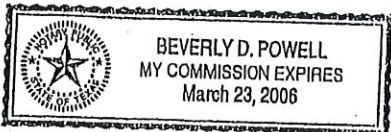
3-23-2006

STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, a notary public, on this day personally appeared Gretchen Caesar, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of this office on the 24<sup>th</sup> day of February, 2006.



Beverly D. Powell  
Notary Public in and for the State of Texas

My Commission Expires:

3-23-2006

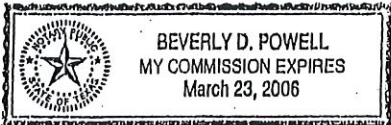


STATE OF TEXAS §

COUNTY OF HARRIS §

Before me, a notary public, on this day personally appeared Enrique Cantu, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of this office on the 24<sup>th</sup> day of February, 2006.



*Beverly D. Powell*  
Notary Public in and for the State of Texas

My Commission Expires:

3-23-2006

After Recording Return To:

KB HOME LONE STAR LP  
Attn: Tony Garza  
11320 Richmond Avenue  
Houston, Texas 77082

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 on

FEB 28 2006



*Dorely B. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

FILED  
2006 FEB 28 PM 1:12  
*Beverly D. Powell*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS