

SWAN LAKE CLUB BY- LAWS

As Amended May 2024

I. PURPOSES AND POWERS

- A. Swan Lake Club is a non-profit corporation existing under the laws of the State of Texas for the purpose of owning a lakesite, which such tract has been surveyed and is set forth on the plat of such lake and this development as is attached hereto, reference to which such plat is here made for all purposes and which such lakesite will be used for the primary benefit of the members of this corporation and in accordance with these by laws and the rules and regulations of this club.

- B. This club shall be maintained by the assessment and collection of fees and charges for membership in accordance herewith and used for social and recreational opportunities as the facilities provide and as are authorized in accordance with the by-laws and the rules and regulations of the club and this club shall have the general powers granted to such a corporation by Article 2.02 of the Texas Non-Profit Corporation Act and such other incidental powers granted to such corporations by law.

II. MEMBERSHIP

- A. The plat attached to these by-laws shows a portion of the land surrounding the lake to be subdivided into lots. This subdivision has been effected under the direction of the developers, Sam Bailey, Ted Saba and Morris Dorbandt. The owner of any lot or lots as shown in such plat at the time of the passage of these by-laws shall be entitled to be a member of this club without further action. Each such owner shall be entitled to one vote or unit of per lot owned (2002). As a special concession to the developers each such developer shall be entitled to one vote so long as they have an interest in one or more of the platted lots. The developers or any one of them who holds lots which have not been sold at this time shall be entitled to continue to hold such lots jointly or separately and when such lots are so sold by such developers the person to whom such lot or lots is conveyed shall be deemed an original owner under the terms of these by-laws and shall be entitled to automatic membership in this club.

- B. Subject to the terms of Sub-paragraph A, supra, membership in Swan Lake Club may be acquired only by meeting all of the following requirements:
 - 1. The ownership of one or more lots in the platted subdivision.
 - 2. The approval of the Board of Directors of Swan Lake Club.
 - 3. The prompt payment of all dues and fees and assessments of this Club.

- C. The Board of Directors shall have the right to enact additional requirements for membership and establish the dues or assessments program of this club. Upon the failure of any holder of membership to pay such dues or assessments within thirty days of their due date, the Board of Directors shall suspend his right of membership and use of the premises. The lake and the facilities thereto are for the private use of members of this club and the members of their immediate family and the holder of such membership in good standing in the club shall be entitled to all the rights and privileges of the club and its facilities. Such

use of the premises and the rights and privileges appurtenant thereto shall be subject to the compliance of the member and his family with the rules and regulations as established for the use of the Club facilities and the violation thereof shall give the Board of Directors the right to suspend his right of membership and use of the premises.

- D. In all meetings of the membership each unit of membership shall be entitled to one vote per lot (2002) and the vote may be cast by any of such record owners or their proxy.
- E. There shall be a regular business meeting of the members annually during the month of October to elect directors for the succeeding year and to transact such other business as may be properly brought before it. The secretary shall give each member written notice of the meeting not less than ten (10) nor more than fifty (50) days prior to said meeting.
- F. Special meetings of the members may be called by the President or by a majority of the Board of Directors by giving written notice to said members at least ten (10) days but not more than fifty (50) days prior to said meeting.
- G. A majority of those present at any regular or special meeting of the members may decide any question which shall properly come before the meeting.

III. BOARD OF DIRECTORS

- A. The Board of Directors shall consist of seven (7) members to be elected annually by the members at their annual meeting in accordance with the following: elections shall be held annually, however, beginning upon adoption of these by-laws and applicable upon the next election cycle, in "year one" 3 board members shall be elected, and year two" the remaining 4 board members shall be elected. Such elections shall continue to alternate each year. The directors in office shall continue to hold office until new directors are elected. Regular meetings of directors shall be held at a time and place as they may determine. No notice to them of such regular meetings shall be required, and it shall be the duty of each director to attend the regular meetings without notice. A majority of the Board of Directors shall constitute a quorum. When the president shall call a special meeting of the Board of Directors as provided herein, notice shall be given by said president to each member of the Board of Directors at least seven (7) days prior to said meeting.
- B. Special meetings of the directors may be called by the president or such special meetings may be held at any time by the consent of a majority of the directors.
- C. In case of any vacancy on the Board of Directors through death, resignation, disqualification or other cause, the remaining directors, by an affirmative vote of a majority thereof, may elect a successor to hold office for the unexpired portion of the term, and until the election of his successor.
- D. The Board of Directors shall promulgate the rules and regulations providing for membership in the club and supervise generally through its officers where necessary the compliance with those rules and regulations of membership and shall also be empowered to set up such further and additional rules and regulations concerning the use of the premises and properties of the club as are deemed necessary by them and shall have the power of suspension from membership of those who violate any of such rules and regulations. The

Board of Directors shall annually meet following the general membership meeting for the purpose of electing officers provided herein for the ensuing year.

- E. The attendance of a director or a member at any business meeting shall constitute a waiver of notice of such meeting, except when such attendance is for the purpose of objecting to the transaction of business on the grounds that the meeting is not lawfully called.

IV. OFFICERS

- A. The officers of Swan Lake Club shall consist of a president, vice president, secretary and treasurer. The offices of secretary-treasurer may be combined and held by one person.
- B. The president of Swan Lake Club shall preside at all meetings of the directors and member of said club. The President may call special meetings of the directors or members. They shall have general supervision and management of the club and shall perform all other duties that usually pertain to the office of president and general manager, or as are delegated to him by the Board of Directors.
- C. The vice president shall in case of the absence or disability of the president perform the duties of president.
- D. The treasurer shall have custody of all monies and securities of the club and shall keep proper books and accounts of the business of the Swan Lake Club. All monies of the club shall be deposited in such bank as the Board of Directors shall determine to be withdrawn upon the orders of the Board of Directors.
- E. The secretary shall keep the complete minutes of all meetings of directors and members. He shall perform all other duties that usually pertain to such office or as may specially be delegated to him by the Board of Directors. The secretary shall have the custody of the seal of the club and affix it as directed hereby or as by resolution duly passed by the directors or stockholders.

V. CORPORATION PROPERTIES

- A. No conveyance, mortgage or lease of any real or personal property owned by said club shall be valid unless authorized by the Board of Directors at a regular or a special meeting of which all the directors shall have had notice as prescribed herein, specifying the proposed lease or sale.
- B. No conveyance, mortgage, lease or bill of sale of real or personal property executed pursuant to authority given by the Board of Directors shall be valid unless signed by the president or vice-president, sealed with the seal of said corporation and attested by the secretary of Swan Lake Club.
- C. Swan Lake Club shall not be held liable for any liabilities, damages, claims, demands, suits, judgments, costs and expenses (including reasonable attorney fees) arising out of or related to any incident occurring on the property of one of its members. The Member shall promptly notify the Club in writing of any claims or demands made against the Member or the Club arising out of or relating to any incident occurring on the property of the Member. The Club shall not be obligated to indemnify the Member for any liabilities, damages,

claims, demands, suits, judgments, costs or expenses arising out of or related to any incident occurring of the property of the member. (2024)

VI. AMENDMENT

- A. These by-laws may be amended, repealed or altered in whole or in part by a majority vote of the entire outstanding membership of Swan Lake Club at any regular business meeting of the members or any special meeting where such action has been announced in the call or notice of said meeting.
- B. The Board of Directors shall not alter or repeal any by-law adopted by the members but may adopt additional by-laws in harmony herewith.

VII. MISCELLANEOUS PROVISIONS

- A. Any notice required by these by-laws to be given to any member or Director of the company may be waived in writing by the person or persons entitled to such notice and such waiver may be executed either before or after the stated time.
- B. Any action of or by the members of this club may be taken without a meeting, if a consent in writing setting forth the action so taken shall be signed by all the stockholders and such consent shall have the same force and effect as a unanimous vote of such body in a properly convened session.

VIII. Renters or Lessees

In the event a member of Swan Lake Club move from a legal residence on Swan Lake and rents or leases said residence to a non-member of Swan Lake Club, the renter or lessee will under no circumstances be considered a member of Swan Lake Club and will have lake privileges only after the following conditions are met, to wit:

1. Said renter or lessee will apply to the Board of Directors of Swan Lake Club for permission to use the facilities of Swan Lake.
2. Said renter or lessee will pay an annual fee, equal to amount of dues that have been approved by members at the annual meeting. The payment of this fee under no condition relieves the property owner from paying dues to retain membership in Swan Lake Club.
3. No fees will be accepted, or lake privileges granted to said renter or lessee until all conditions of Article II, Section C, of the by-laws of Swan Lake Club are met by the property owner.
4. Said renter or lessee shall be considered a guest of Swan Lake Club, and not a guest of property owner.
5. Said renter or lessee shall be presented with a copy of the by-laws and rules and regulations of Swan Lake Club.

6. Rented or leased property shall be limited to one boat and motor. Guests of renters or lessees will be restricted to the pier area, unless accompanied by renters or lessees in boat.
7. Said renter or lessee will not be eligible to serve on the Board of Directors, and will have no vote on Club affairs, but may be invited to the annual members meeting, whenever called.
8. Said renter or lessee will abide by all rules and regulations governing Swan Lake Club or suffer prompt expulsion of lake privileges.
9. Said renter or lessee shall have a rent or lease agreement of at least 6 months. No short term rentals are allowed. (2022)
10. In the event that a short-term renter (less than 6 months) is discovered to be residing within a member's property, a penalty of \$30.00 per day will be assessed against the property owner beginning on the date of the first violation to the date of compliance with the by-laws.
11. If any property owner refuses to pay the penalties and fees herein, then they will also become liable for any damages incurred by Swan Lake Club in enforcing and collecting such penalties.
12. Prohibition on Fractional Ownership Transfers: No member of Swan Lake Club shall transfer a fractional ownership interest in their property to any individual or entity who is ineligible for membership in the Club as per the established membership criteria. Members shall not distribute fractional percentages to non-members for a period of time under six (6) months in order to avoid being classified as a short term rental for membership qualification.
13. Notification Requirement: Members shall be required to notify the Club in writing of any proposed transfer of fractional ownership interest in their property, providing details of the transference and the nature of The proposed transfer. The Board of Directors shall then have the discretion to determine the spirit of the transfer and whether or not the transfer is qualified or intended to by-pass the rules for short-term rentals.

IX. MEMBERSHIP REQUIREMENTS

Membership is acquired only by meeting all of the following:

- A. The ownership of one or more lots in the platted subdivision.
- B. Notice to the Board of Directors of Swan Lake Club.
- C. The prompt payment of all dues and fees and assessments of this club. Each member owning one or more lots on the lake site is eligible to apply for membership in the Swan Lake Club. Unless an owner of a lake lot becomes a member of the Swan Lake Club, the owner of the lake lot is not entitled to the use or privileges of the lake itself. In the event a lake lot owner desires to join the Swan Lake Club at some future date, they will be required

to pay all back dues beginning January 1, 1963, and in the event a lake lot owner should sell their lake lot, the new owner or purchaser will not be eligible to join the Swan Lake Club unless all past dues are paid in full.

X. VOTING

An owner of a lot or lots bordering the lake is entitled to one vote or unit of membership per lot owned.

XI. DUES

The Board of Directors is responsible for establishing the dues and/or assessments program on an annual basis.

Provision: Dues will be assessed based upon an anticipated program expense. The dues amount as established by the Board of Directors is subject to majority approval at the annual membership meeting.

XII. RESTRICTIONS

1. Boat motors are limited to 10 horse power or under. (2002)
2. No water skiing permitted on lake.
3. No guests are permitted on the lake unless accompanied and/or supervised by a club member. The supervising member must be over the age of 18 and an immediate family member of the Owner of the qualifying property.
4. The only firearms allowed on the lake are shotguns and then only for the use of invasive and/or damaging animal control.
5. Plans and construction materials for boat houses must be approved by the Board of Directors before construction.
6. All boat houses and storage buildings must be constructed of a material and have an appearance that does not detract from the property around the lake.
7. Suitability of buildings mentioned in item 5 will be passed upon by the Board of Directors acting in the best interest of the club members. Any further action must be by way of a request to the Board of Directors in writing for a special membership meeting with all paid-up members concurring in the decision.
8. Efforts should be made by the Secretary-Treasurer to persuade owners of existing items in question to comply with these regulations on a voluntary basis. Regulations can be enforced by loss of club (lake) privileges such as boating, swimming, etc., by order of the Board of Directors. Notification of loss of privileges to be sent by registered letter with reason for said loss stated and provisions for reinstating outlined.
9. No nets to be set in Swan Lake unless approved by a membership vote. (1977)

10. Lot numbers must be painted on boats and barges where they can be seen for identification. (1978)
11. Trot line(s) not to be over 200 feet long with white floats and the name of the owner on floats. Ends of trot line to be at least 40 feet from shoreline and cannot be tied to a pier. Trot line(s) must be removed when not in use. (1979)
12. A 10% per month late fee will be charged for delinquent dues. (1982, 2002)
13. No waterfowl shall be placed on the lake. (1984)
14. Reinstatement fee of one thousand dollars, if denied lake privileges by the Board of Directors. (1984)

XIII Covenants and Property Conditions

- A. There shall be placed on each lot no more than one dwelling, a single-family dwelling, and same shall be of new construction erected on the premises and shall contain no less than 850 square feet of floor area, excluding porches, garages, carports, etc. Such dwelling shall be constructed of quality building materials. Construction plans must be approved by the board of directors before construction is initiated. (2022)
- B. Any building other than a dwelling shall be constructed with the same quality and workmanship as the dwelling, and all structures on the premises shall be kept painted and repaired at all times.
- C. No trailer houses shall be established on the premises.
- D. Any boathouse and dock shall be constructed only on the lake adjacent to the premises and shall not protrude over the lake for more than 30 feet from the normal shore line at spillway level. Such boat house shall be constructed only of new outside materials such as corrugated metal, aluminum siding, or new lumber painted and kept in good repair at all times.
- E. Septic tanks, grease traps, and sewer lines shall not be closer than 50 feet from the nearest water well then existent on any of the premises surrounding the lake and same shall not be allowed to drain into the lake or into any open ditches, but such waste shall be diffused in the usual manner of properly installed septic tanks and grease traps.
- F. Premises shall at all times be kept clear of weeds and underbrush, and no signs shall be erected on the premises save those identifying the premises with the ownership. Property owners are responsible for maintaining their trees to prevent them from causing harm to others or their property. Prompt removal of dead, decaying or fallen trees is required pursuant to applicable Texas laws. (2024)
- G. These covenants shall run with the land and shall be binding for a period of twenty-five years from the date of this instrument, at which time the provisions of this instrument shall be automatically extended for successive periods of ten (10) years unless an instrument is executed by the then owners of a majority of lots, changing in whole or in part the provisions of this instrument.

- H. Invalidation of any one of these covenants by judgment or court order shall in nowise affect any of the other covenants and provisions, but same shall remain in full force and effect.
- I. Enforcement of these covenants shall be proceedings at law or in equity against any person or persons violating or attempting to violate any covenant.

SIGNED

Board of Director: _____ **Date** _____

Board of Director: _____ **Date** _____

Board of Director: _____ **Date** _____