

**AMENDED AND RESTATED BYLAWS  
OF  
PINE HARBOR PROPERTY OWNERS ASSOCIATION, INC.**

(DATED MAY 18, 2024)

In order to provide bylaws which are easier to read and understand, these Amended and Restated Bylaws are crafted to:

1. Incorporate into the document the original bylaws ("**Original Bylaws**") which are dated January 31, 1977, and also containing handwritten amendments dated April 2, 1977; and
2. To clarify the regulations of the Association without any intent to change the substance; and
3. To incorporate or reference laws which have been enacted since the Association was formed and to harmonize any conflicting language contained in the Restrictions.

**ARTICLE I  
ASSOCIATION AND DEFINITIONS**

1.01 **ASSOCIATION.** The Association shall have and continuously maintain in the State of Texas a registered office, and a registered agent whose office is identical with such a registered office, as required by the Texas Nonprofit Corporation Act. The registered office may be, but need not be, identical with the principal office of the Association in the State of Texas, and the address of the registered office may be changed from time to time by the Board.

1.02 **DEFINITIONS.** The use of any of the following defined terms in their capitalized form will have the meaning designated below, while the use of any of the following defined terms in their uncapitalized form will indicate the words have their normal meaning:

- (a) "**Architectural Committee**" or "**AC**" means a committee composed in accordance with Section 4.02 and which has the authority to grant or withhold architectural control approval in accordance with the provisions set forth in the Restrictions.
- (b) "**Association**" means the Pine Harbor Property Owners Association, Inc., a Texas nonprofit corporation.
- (c) "**Board**" means the Board of Directors of the Association.
- (d) "**Bylaws**" means these Amended and Restated Bylaws of the Pine Harbor Property Owners Association, Inc.
- (e) "**Common Area**" means any area designated as a "Common Area" on the Plat of the Subdivision together with any areas accepted by the Association as Common Areas.
- (e) "**Director**" means a member of the Board of Directors.

(f) **“Lot”** (each **“a Lot”** and collectively **“Lots”**) means any of the plots shown on the Plat and subdivision map recorded in Volume 4, at Page 10 of the Plat Records of Polk County, Texas on which there is a single family dwelling. The term Lot does not include any of the Common Areas.

(g) **“Majority Vote”** means, at the time a vote is taken, a vote of more than one-half of the total votes represented at a meeting (whether represented in person, or by legitimate proxy in a form approved by the Board, or by an absentee or electronic ballot in a form approved by the Board) at which a Quorum of Members or Quorum of the Board is present.

(h) **“Member”** has the meaning set forth in Section 2.01.

(i) **“Maintenance Fees”** means an annual charge deposited into the general fund account to pay for postage, rental of clubhouse, legal expenses, and doing any other things necessary or desirable in the opinion of said Association to keep the Property neat and in good order and which it considers of general benefit to the Owners or occupants of the Subdivision.

(j) **“Property”** means the following described real property:

All of Pine Harbor Estates, Section I, II & III, a subdivision out of the A.M. De La Jarza Survey, A-43, Polk County, Texas, being more particularly described by metes and bounds in plat of said subdivision filed for record in Volume 4, Page 10 of the Plat Records of Polk County, Texas.

(k) **“Open Board Meeting”** means a Board meeting for which Members are required to be provided notice in accordance with Section 4.

(l) **“Owner”** means each Person who is a record owner of a fee simple interest in any Lot but excluding (i) any Non-Member Owner and (ii) any Person who holds only a lien or interest in the Lot as security for the performance of any obligation.

(m) **“Person”** means any natural person, corporation, partnership, limited liability company, trust, or other legal entity.

(n) **“Plat”** means the Plat or Plats by Dale Fox, Registered Professional Land Surveyor, dated September 28, 1970, recorded in Volume 4, Page 10 of the Plat Records of Polk County, Texas.

(o) **“Quorum of the Members”** has the meaning set forth in Section 3.07.

(p) **“Quorum of the Board”** has the meaning set forth in Section 4.09.

(q) **“Restrictions”** means the Consolidated, Restated, and Amended Restrictions for Pine Harbor Estates, Section I, II, and III dated December 21, 2001, as Amended on August 30, 2011, and as amended on January 27, 2014, under Volume No. 1248, Page 363; Document No. 2011-1816-728; and Document No. 2014-1969-746 of the Official Public Records of Polk County, Texas, respectively.

## ARTICLE 2 MEMBERSHIP

2.01 MEMBERS. Members shall be composed of all Property Owners of the Association, except for the following, each of which is considered a **“Non-Member Owner”**:

- (a) Polk County is not a Member unless it owns a Lot other than the Common Areas, Streets, or public easements.
- (b) a utility provider is not a Member unless it owns a Lot other than utility easements.

Membership in the Association is appurtenant to and cannot be separated from ownership of a Lot. Any transfer of fee simple title to any Lot automatically transfers membership in the Association to the new Owner. The word “Owner” as used in these Bylaws does not include any Non-Member Owner.

2.02 CLASSES OF MEMBERS. The Association shall have one class of voting Members.

2.03 VOTING. Members will be entitled to one vote for each Lot owned by the Member. If a Lot is owned by more than one Owner, each owner is a Member; however, only one vote may be cast for each Lot.<sup>1</sup>

## ARTICLE 3 MEETINGS OF MEMBERS

3.01 ANNUAL MEETING. The meeting of the Members shall be held on the first Saturday of even numbered months in each year, beginning with the year 1977, at the hour of 7:00 o'clock PM for the transaction of business as may come before the meeting. If the day fixed for the meeting shall be on a legal holiday in the state of Texas, such meetings shall be held on the next succeeding business day. The first meeting of the fiscal year shall be deemed to be the regular annual meeting of the Members at which elections will be held. If the election of directors shall not be held on the day designated herein for any meeting, or at the adjournment thereof, the Board shall cause the election to be held at a special meeting of the Members as soon thereafter as possible.

3.02 SPECIAL MEETING. Special meetings of the Members may be called by the president, the Board, or Members entitled to cast at least 1/10<sup>th</sup> of all the aggregate votes of the Members.

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<sup>1</sup> Article 2 was amended to comply with Section 23 of the Restrictions and meet statutory requirements under Tex. Prop. Code Section 209.0059.

3.03 PLACE OF MEETING. The Board may designate any place in Polk County or in an adjacent county, as the place of meeting for any meeting or for any special meeting called by the Board. If no designation is made or if a special meeting be otherwise called, the place of meeting shall be the registered office of the Association in the state of Texas, so long as the registered office is in Polk County or adjacent to Polk County.

3.04 NOTICE OF MEETING. Written notice to each Member stating the place, day, and hour of all meetings and the purpose for which the meeting is called shall be delivered, either personally, by mail, electronic media or email not less than ten (10) days or more than sixty (60) days before the date of such meeting, by or at the direction of the president, the secretary, or the officers or persons calling the meeting.<sup>2</sup> If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the Member at their address as it appears in the records of the Association, with postage thereon prepaid.

3.05 RECORD DATE. The Board may fix in advance a date not exceeding sixty (60) days before the date of any meeting of Members, as the record date for the determination of the Members entitled to notice of and to vote at any meeting and any adjournment thereof. Only the Members who are Members of record on the date so fixed will be entitled to notice. Only Members may vote at the meeting and at any meeting after adjournment thereof, notwithstanding any change of membership on the books of the Association after the record date.<sup>3</sup>

3.06 UNANIMOUS CONSENT. Any action required by law to be taken at a meeting of the Members or any action which may be taken at a meeting of the Members may be taken without a meeting, if a consent in writing, setting for the action so taken, shall be signed by all the Members entitled to vote.

3.07 QUORUM OF THE MEMBERS. The Members holding 10% of the votes which may be cast at any meeting shall constitute a quorum at such meeting. If a quorum is not present at any meeting of Members, a majority of the Members present may adjourn the meeting from time to time without further notice.

3.08 PROXY VOTING. At any meeting of Members, a Member entitled to vote may vote by proxy executed in writing by the Member or by their duly authorized attorney in fact. No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy. A proxy may not be irrevocable for longer than eleven (11) months.<sup>4</sup>

3.09 VOTING METHOD. Where Directors or officers are to be elected by Members, such election may be conducted by mail, may contain a proxy, and shall contain an absentee ballot or electronic ballot in such a manner as the Board shall determine.<sup>5</sup>

3.10 COUNTING OF ABSENTEE OR ELECTRONIC BALLOTS. If the Board elects to allow voting by absentee and/or electronic ballots, an absentee or electronic ballot:

<sup>2</sup> Amended to comply with Tex. Bus. & Org. Code Section 22.156.

<sup>3</sup> Added to comply with Tex. Bus. & Org. Code Section 22.163.

<sup>4</sup> Added to comply with Tex. Bus. & Org. Code Section 22.160.

<sup>5</sup> Added to comply with Tex. Prop. Code Section 209.00592.

- (a) shall be counted as a Member present and voting for the purpose of establishing a Quorum of Members only for items appearing on the absentee or electronic ballot;
- (b) shall not be counted, even if properly delivered, if the Member attends any meeting to vote in person, so that any vote cast at a meeting by a Member supersedes any vote submitted by absentee or electronic ballot previously submitted for that proposal; and
- (c) shall not be counted on the final vote of a proposal if the motion was amended at the meeting to be different from the exact language on the absentee or electronic ballot.

For purposes of determining whether a vote by absentee or electronic ballot shall be counted, a nomination taken from the floor in an election of Director(s) is *not* considered an amendment to the proposal for the election.<sup>6</sup>

3.11 SOLICITATION FOR VOTES BY ABSENTEE BALLOT. A solicitation for votes by absentee ballot must include:

- (a) an absentee ballot that contains each proposed action and provides an opportunity to vote for or against each proposed action; and
- (b) instructions for delivery of the completed absentee ballot, including the delivery location; and
- (c) the following language: "By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail."<sup>7</sup>

3.12 ELECTRONIC BALLOT. "Electronic ballot" means a ballot:

- (a) given by: (i) email; (ii) facsimile; or (iii) posting on an Internet website; and
- (b) for which the identity of the Member submitting the ballot can be confirmed; and
- (c) for which the Member may receive a receipt of the electronic transmission and receipt of the Member's ballot.

If an electronic ballot is posted on an Internet website, a notice of the posting shall be sent to each Member that contains instructions on obtaining access to the posting on the website.<sup>8</sup>

<sup>6</sup> Added to comply with Tex. Prop. Code Section 209.00592(b).

<sup>7</sup> Added to comply with Tex. Prop. Code Section 209.00592(c).

<sup>8</sup> Added to comply with Tex. Prop. Code Section 209.00592(d).

**ARTICLE 4**  
**BOARD OF DIRECTORS**

4.01 **MANAGEMENT.** The affairs of the Association shall be managed by its Board and officers.

4.02 **NUMBER OF DIRECTORS.** The number of Directors shall be five. Each Director shall hold office for a two-year term until their successor shall have been elected and qualified. Five Directors shall be elected from the Members to serve two-year terms and shall be elected alternately, with two being elected for a one-year term at the first election and thereafter two or three will be elected annually as their terms expire. Their duties shall be to serve on the executive Board and the Architectural Committee and make recommendations to the general meetings on actions that should be taken.

4.03 **OPEN BOARD MEETINGS.** With the exception of action taken by the Board in accordance with Section 4.07, all Board meetings shall be open to Members, subject to the right of the Board to convene in a closed executive session to consider actions involving personnel, pending or threatened litigation, contract negotiations, enforcement actions, confidential communications with the Association's attorney(s), matters involving the invasion of privacy of individual Members, or matters that are to remain confidential by the request of the affected parties and agreement of the Board. Following an executive session, any decision made in the executive session must be summarized orally and placed in the minutes, in general terms, without breaching the privacy of the individual Member, violating any privilege, or disclosing information that was to remain confidential at the request of the affected parties. The oral summary must include a general explanation of expenditures approved in the executive session.

4.04 **REGULAR MEETING.** A regular meeting of the Board shall be held immediately before the annual meeting of the Members or at any other time the Board may designate. The Board shall provide notice in accordance with Article 4.05.<sup>9</sup>

4.05 **SPECIAL MEETING.** Special meetings of the Board may be called by or at the request of the president or any two Directors. The person or persons authorized to call special meetings of the Board may fix any place in Polk County or in an adjacent county as the place for holding any special meetings called for by the Board.<sup>10</sup>

4.06 **NOTICE OF MEETINGS.** With the exception of action taken by the Board in accordance with Article 4.08 below, Members shall be given notice of the date, hour, place, and general subject of an annual, regular, or special Board meeting, including a general description of any matter to be brought up for deliberation in an executive session. The notice shall be:

- (a) Mailed or emailed to each Member not later than the 10th day or earlier than the 60th day before the date of the meeting; or
- (b) Provided at least 72 hours before the start of the meeting by:

<sup>9</sup> Amended to comply with Tex. Prop. Code Section 209.0051.

<sup>10</sup> Amended to comply with Section 209.0051(c-2) of the Texas Property Code.

(1) Posting a notice in a conspicuous manner reasonably designed to provide notice to Members: (i) in a place located on the Association's Common Areas, or (ii) on any Internet website maintained by the Association; and

(2) Sending the notice by email to each Member who has a registered email address with the Association. (It is each Member's duty to keep an updated email address registered with the Association.)

(c) It shall be the responsibility of the Member to inform the Association of any changes to their mailing or email address.

As used herein, "Board Meeting" means a deliberation between a Quorum of the Board, or between a Quorum of the Board and another person, during which the Association's business is considered and the Board takes formal action and does not include the gathering of a Quorum of the Board at a social function unrelated to the business of the Association.<sup>11</sup>

**4.07 BOARD ACTION OUTSIDE AN OPEN BOARD MEETING.** With the exception of those matters listed in Article 4.08 below, the Board may, without giving prior notice to Members in accordance with Article 4.06, take action as follows:

(a) by a vote—including voting by electronic or telephonic means—so long as each Director is given a reasonable opportunity to express his or her opinion to all other Directors and to vote, and so long as a majority of the Directors vote in favor of the action; or

(b) by a written consent setting forth the action taken and signed by a majority of the Directors; provided, however, if action is taken by a written consent that it not signed by all of the Directors, prompt notice of the taking of such action shall be given to each Director who did not consent in writing to the action.

Any action taken without notice to Members must be (i) summarized orally, including an explanation of any known or actual or estimated expenditures approved through such action, and (ii) documented in the minutes of the next Open Board Meeting.<sup>12</sup>

**4.08 CERTAIN VOTES REQUIRING NOTICE TO MEMBERS.** The Board may not, unless done in an Open Board Meeting for which prior notice was given to Members in accordance with Article 4.06, consider or vote on:

- (a) fines;
- (b) damage assessments;
- (c) initiation of foreclosure actions;
- (d) initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;

<sup>11</sup> Amended to comply with Tex. Prop. Code Section 209.0051.

<sup>12</sup> Added to comply with Tex. Prop. Code Section 209.0051.

- (e) increases in Association Fees;
- (f) levying of Special Group Assessments or Special Owner Assessments;
- (g) appeals from a denial of Architectural Committee approval;
- (h) a suspension of a right of a particular Member before that Member has an opportunity to attend a Board meeting to present such Member's position including any defense on the issue;
- (i) lending or borrowing money;
- (j) the adoption or amendment of any governing instrument covering the establishment, maintenance, and operation of the Subdivision, including these Bylaws, the Declaration, the Restrictions, the Certificate of Formation of the Association, and any Rules of the Association;
- (k) the approval of an annual budget or the approval of an amendment of an annual budget that increases the budget by more than 10 percent;
- (l) the sale or purchase of real property;
- (m) the filling of a vacancy on the Board;
- (n) the construction of capital improvements other than the repair, replacement, or enhancement of existing capital improvements; or
- (o) the election of an officer.<sup>13</sup>

4.09 **QUORUM OF THE BOARD.** A majority of the Board shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

4.10 **MAJORITY VOTE.** The act of a majority of the Directors present at a meeting at which a Quorum of the Board is present shall be the act of the Board, unless a greater number is required by law or by these Bylaws.

4.11 **VACANCY.** Any vacancy occurring in the Board and any directorship to be filled by reason of an increase in the number of directors, shall be filled by a majority vote of the Members at the next general Member meeting. A Director elected to fill a vacancy shall be elected for the unexpired term of the predecessor in office.

4.12 **DIRECTOR COMPENSATION.** Directors shall not receive any stated salaries for their services, but by resolution of the Board a fixed sum and expenses of attendance, if any, may be allowed for attendance at each regular or special meeting of the Board; but nothing herein contained shall be construed to preclude any Director from serving the Association in any other capacity and receiving compensation therefore.

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<sup>13</sup> Added to comply with Tex. Prop. Code Section 209.0051.

## **ARTICLE 5 OFFICERS**

5.01 **OFFICERS.** The officers of the Association shall be a president, a vice president, a secretary, a treasurer, and such other officers as may be elected in accordance with provisions of this Article. The Board may elect or appoint such other officers, including one or more assistant secretary and one or more assistant treasurers, as it shall deemed desirable, such officers to have their authority and perform the duties prescribed, from time to time, by the Board. Any two or more offices may be held by the same person, except the offices of president and secretary.

5.02 **ELECTION OF OFFICERS.** The officers of the Association shall be elected annually by a majority vote of the Members at the December meeting of the Members. If the election of officers shall not be held at such a meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Board. Each officer shall hold office until their successor shall have been duly elected and shall have qualified.

5.03 **REMOVAL.** Any officer elected or appointed by the Members may be removed by the Members whenever in its judgment the best interests of the Association would be served thereby, upon 2/3 vote of the Members. Such removal shall be without prejudice to the contract rights, if any, of the officers so removed.

5.04 **VACANCY.** A vacancy in any office because of a death, resignation, disqualification or otherwise, may be filled by a majority vote of the Members for the unexpired portion of the term.

5.05 **PRESIDENT.** The President shall be the principal executive officer of the Association and shall in general supervise and control all of the business and affairs of the Association. The president shall preside at all meetings of the members and of the Board. The president may sign, with the secretary or any other proper officer of the Association authorized by the Board, any deeds, mortgages, bonds, contracts, or other instruments in which the Board have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these Bylaws or by statute to some other officer or agent of the Association; and in general shall perform all duties incident at the office of the president and such other duties as may be prescribed by the Board from time to time.

5.06 **VICE PRESIDENT.** In the absence of the president or in the event of their inability or refusal to act, the vice president shall perform the duties of the president and when so acting shall have all the powers of and be subject to all the restrictions upon the president. Any vice president shall perform such other duties as from time to time may be assigned to the vice president by the president or Board.

5.07 **BOND.** If required by the Board, the Treasurer shall give a bond for the faithful discharge of their duties in such sum and with such surety or sureties as the Board shall determine. The treasurer shall have charge and custody of and be responsible for all funds and securities of the Association; receive and give receipts for moneys due and payable to the Association from any source whatsoever, and deposit all such moneys in the name of the Association in such banks, trust

companies, or other depositories as shall be selected in accordance with the provisions of Article 7 of these Bylaws; and in general perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to the treasurer by the President or by the Board.

5.08 MINUTES OF THE MEETING. The secretary shall keep the minutes of the meetings of the members and of the Board in one or more books provided for that purpose; give all notices in accordance with the provisions of these Bylaws or as require by law; be custodian of the corporate records of the Association; keep a register of the post office address of each member which shall be furnished to the secretary by each member; and, in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned by the president or by the Board.

5.09 ASSISTANT DUTIES. If required by the Board, the assistant treasurers shall give bonds for the faithful discharge of their duties, as the Board shall determine. The assistant treasures and assistant secretary in general shall perform duties as assigned to them by the treasurer or the secretary, or by the president or the Board.

## ARTICLE 6 COMMITTEES

6.01 COMMITTEE FORMATION. The Board, by resolution, adopted by a majority of the Directors in office, may designate and appoint one or more committees, each of which shall consist of two or more Directors, which committees, to the extent provided in said resolution, shall have and exercise the authority of the Board in the management of the Association. However, no such committee shall have the authority of the Board in reference to amending, altering, or repealing the Bylaws; electing, appointing, or removing any member of any such committee, or any Director, or officer of the Association; amending the Articles of incorporation; adopting a plan of merger, or adopting a plan of consolidation with another corporation; authorizing the sale, lease, exchange, or mortgage, at all, or substantially all of the property and assets of the Association; authorizing the voluntary dissolution of the Association, or revoking proceedings, therefore; adopting a plan for the distribution of the assets of the Association; or amending, altering, or repealing any resolution of the Board, which, by its terms provides that it shall not be amended, altered, or repealed by such committee. The designation and appointment of any such committee, and the delegation of authority shall not operate to relieve the Board, or any individual Director, of any responsibility imposed by law.

6.02 OTHER COMMITTEES. Other committees, not having and exercising the authority of the Board in the management of the Association may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a Quorum of the Board is present. Except as otherwise provided in such resolution members of each such committee shall be members of the Association, and the president of the Association shall appoint the members thereof. Any members thereof may be removed by the person or persons authorized to appoint such a member, whenever in their judgment, the best interest of the Association shall be served by such removal.

6.03 **TERM.** Each member of a committee shall continue as such until the first meeting of the year of the Members of the Association, and until their successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee.

6.04 **COMMITTEE CHAIRMAN.** One member of each committee shall be appointed chairman by the person, or persons authorized to appoint the members thereof.

6.05 **VACANCY.** Vacancies in the membership of any committee may be filled by appointments, made in the same manner as provided in the case of the original appointments.

6.06 **COMMITTEE ACTIONS.** Unless otherwise provided in the resolution of the Board, designating a committee, a majority of the whole committee shall constitute a quorum, and the act of the majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

6.07 **COMMITTEE RULES.** Each committee may adopt rules for its own government, not inconsistent with these Bylaws, or with rules adopted by the Board.

## **ARTICLE 7 CONTRACTS, CHECKS, DEPOSITS AND FUNDS**

7.01 **AUTHORITY.** The Board may authorize any officer or officers, agent, or agents of the Association, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute, and deliver any instrument in the name of, and on behalf of the Association. Such authority may be general or limited to specific instances.

7.02 **SIGNATURE.** All checks, drafts, or orders for the payment of money, notes, or other evidence of indebtedness issued in the name of the Association, shall be signed by such officers or officers, agent or agents of the corporation, and in such manner as shall from time to time, be determined by the resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the treasurer, or an assistant treasurer, and countersigned by the president or vice president of the Association. The treasurer, with the approval of the president shall pay such small bills pursuant to the business of the Association, such as printing, mailing, etc., not to exceed \$50. Expenditures over \$50 from the Association dues must be approved by a majority of the Board.

7.03 **DEPOSIT OF FUNDS.** All funds of the Association shall be deposited from time to time to the credit of the Association in such banks, trust companies, or other depositories as the Board may select.

7.04 **MAINTENANCE FEE.** The Association shall collect the \$60.00 per lot maintenance fee as set forth in the Restrictions, and these monies shall be placed in a separate account and used only for the maintenance of the subdivision and enforcing of the Restrictions.<sup>14</sup> The treasurer shall collect and be responsible for this money and shall pay such bills as are pursuant to the maintenance of the subdivision and enforcing the Restrictions as authorized by the Board, not to

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<sup>14</sup> Amended to reflect 2014 Amendment to the Restrictions.

exceed \$2,000.00. Expenditures over \$2,000.00 must be authorized by the Members at a regular meeting.

7.05 GIFTS. The Board may accept on behalf of the Association any contribution, gift, bequest, or device for the general purposes or for any special purposes of the Association.

## **ARTICLE 8 CERTIFICATES OF MEMBERSHIP**

8.01 CERTIFICATES. The Board may provide for the issuance of certificates, evidencing membership in the Association, which shall be in such form, as may be determined by the Board. Such certificates shall be signed by the president or vice president, and by the secretary, or an assistant secretary. All certificates evidencing membership shall be consecutively numbered. The name and address of each Member and the date of issuance of the certificate shall be entered on the records of the Association. If any certificate shall become lost, deleted, or destroyed, a new certificate may be issued therefore on such terms and conditions, as the Board may determine.

8.02 DELIVERY. When a Member has paid any Initiation Fee, a certificate of membership may be issued in their name, and delivered to the Member by the secretary, if the Board shall have provided for the issuance of certificates of membership under the provisions of paragraph 8.01 of this Article 8.

## **ARTICLE 9 BOOKS AND RECORDS**

9.01 RECORDS & INSPECTION. The Association shall keep correct, and complete books and records of account, and shall also keep minutes of the proceedings of its Members, Board, and committees, having any of the authority of the Board, and shall keep at the register or principal office, a record giving the names and addresses of the Members entitled to vote. All books and records of the Association may be inspected by any Member or their agent or attorney for any proper purpose at any reasonable time.

## **ARTICLE 10 FISCAL YEAR**

10.01 FISCAL YEAR. The fiscal year of the Association shall begin on the first day of January, and end on the last day in December of each year.

## **ARTICLE 11 DUES**

11.01 INITIATION FEE. The Board may determine from time to time the amount of the initiation fee, if any, payable to the Association by Members of each class ("Initiation Fees"). Initial dues shall be \$12 per Member for the first year and \$6 per Member for each subsequent year.

11.02 **TIMING.** Dues shall be payable in advance on the first day of January in each fiscal year and shall be delinquent by January 15. Dues of a new Member shall be prorated from the first day of the month in which such new Member is eligible for the remainder of the fiscal year of the Association.

11.03 **DEFAULT.** When any Member of any class shall be in default in the payment of dues for a period of three (3) months from the beginning of the fiscal year or a period for which such dues become payable, that Member shall be deprived of all privileges of the use and enjoyment of common facilities, amenities, and other privileges.<sup>15</sup>

## **ARTICLE 12 WAIVER OF NOTICE**

12.01 **WAIVER OF NOTICE.** Whenever any notice is required to be given under the provisions of the Texas Nonprofit Corporation Act, or under the provisions of the Articles of Incorporation, or these Bylaws, a waiver thereof in writing, signed by the person or persons, entitled to such notice, whether before, or after the time stated therein, shall be deemed equivalent to the giving of such notice.

## **ARTICLE 13 AMENDMENT TO BYLAWS**

13.01 **AMENDMENT.** These Bylaws may be amended at any regular meeting provided amendment shall have been submitted in writing at the previous regular meeting, and the adoption of the amendment shall require two-thirds (2/3) vote in the affirmative of the Members.

{Signature to follow}

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<sup>15</sup> Amended to reflect Section 25 of Restrictions.

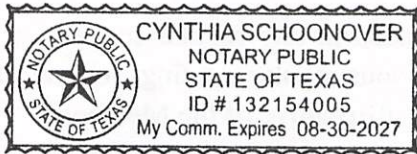
Dated the 18th day of May 2024.

PINE HARBOR PROPERTY OWNERS  
ASSOCIATION, INC.,  
a Texas nonprofit corporation

By: Deborah K O'Donnell  
PHE POA, President

THE STATE OF TEXAS           §  
  §  
COUNTY OF Polk               §

This instrument was acknowledged before me on this the 18th day of May 2024, by Deborah O'Donnell President of Pine Harbor Homeowners Association, Inc., a Texas nonprofit corporation, on behalf of said corporation.



Cynthia Schoonover  
Notary Public

FILED FOR RECORD

May 31 2024 11:01:41

Schelana Hock  
SCHELANA HOCK  
POLK COUNTY CLERK



STATE OF TEXAS • COUNTY OF POLK  
I, SCHELANA HOCK hereby certify that the instrument was FILED  
in the file number sequence on the date and at the same time stamped  
heron by me and was duly RECORDED in the Official Public Records  
in Volume and Page of the named RECORDS OF Polk County, Texas  
as stamped heron by me.

Schelana Hock CT May 31, 2024  
COUNTY CLERK  
POLK COUNTY, TEXAS