

Henderson County
Mary Margaret Wright
County Clerk
Athens, TX 75751

Instrument Number: 2023-00007225

As

Recorded On: 05/19/2023 09:33 AM Recordings - Land

Parties: SOUTHWOOD SHORES PROPERTY OWNERS ASSOCIATION

To: PUBLIC

Number of Pages: 11 Pages

Comment:

(Parties listed above are for Clerks reference only)

****Examined and Charged as Follows:****

Total Recording: 62.00

File Information:

Document Number: 2023-00007225

Receipt Number: 2023-09282

Recorded Date/Time: 05/19/2023 09:33 AM

Recorded By: Janice Hankins

*****DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT*****

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.

I hereby certify that this instrument was filed and duly recorded
in the Official Records of Henderson County, Texas



Mary Margaret Wright

County Clerk
Henderson County, Texas

Record and Return To:

SOUTHWOOD SHORES PROPERTY
PO BOX 5208

MABANK, TX 75147



Adopted at Special Meeting held

March 15, 1986

Amended by Ballot May 10, 2023

BY-LAWS
ADOPTED
FOR
SOUTHWOOD SHORES PROPERTY OWNERS' ASSOCIATION

ARTICLE I

Offices

SECTION 1. The name of the organization shall be the SOUTHWOOD SHORES PROPERTY OWNERS' ASSOCIATION, hereafter referred to as the ASSOCIATION.

SECTION 2. The principal's office shall be with the Association President's Southwood Shores residence located in Southwood Shores, County of Henderson, State of Texas.

SECTION 3. The Association is a not for profit (Non-Profit) organization.

SECTION 4. All correspondence will be addressed to the post office box maintained by the Association. The address is:

Southwood Shores POA
PO Box 5208
Mabank, Texas 75147-5005

ARTICLE II

Purpose and Objects

SECTION 1. To organize those engaged in the ownership of property located within Southwood Shores.

SECTION 2. To provide a unified medium for property owners whereby their interests may be safeguarded and advanced.

SECTION 3. To further the interest of home and property ownership.

SECTION 4. To promote better understanding and cooperation between the property owners and other community or government entities, their representatives, or contractors.

SECTION 5. To unite and educate so that all property owners can obtain the benefits and privileges of membership.

SECTION 6. To encourage and assist with enforcement of the property restrictions of record applicable to Southwood Shores.

ARTICLE III

Membership

SECTION 1. Membership is mandatory for all property owners in the Southwood Shores subdivision. There shall be one class of membership, which shall be called an Active Member.

- a) Active members shall be individuals engaged in the ownership of property located within Southwood Shores.
- b) The membership year shall be from May 1, through April 30.

ARTICLE IV

Privileges and Obligations

SECTION 1. Active Members:

- a) Only active members whose financial obligations to the Association are paid in full shall be entitled to vote or to hold elective offices of the Association.
- b) Active members have the primary responsibility to safeguard and promote the standards, interests, and welfare of the Association.
- c) It shall be the responsibility of each active member to keep the Association informed of their correct mailing address.
- d) Active members shall be entitled to one vote for all properties in which they hold ownership interest. When more than one person holds such interest or interests in any property, all such persons may be members, and the vote for such property shall be exercised as they, among themselves, determine, but in no event, shall more than one vote be cast with respect to any such property.

SECTION 2. Active members of the Southwood Shores Property Owners Association shall abide and, if necessary, help enforce the restrictions of record applicable to Southwood Shores.

ARTICLE V

Dues, Fees and Finances

SECTION 1. Initiation Fee: There shall be a \$50 (one-time) initiation fee payable by all new members in addition to the Annual Membership Dues.

SECTION 2. Membership Dues: The annual dues for membership shall be \$50 per year for each property owner, without regard to the number of lots or pieces of property owned. On May 1, 2023, the annual dues shall increase to \$100.00 per year.

SECTION 3. Dues Payable: Membership Dues for all members shall be payable in annual payments. Dues shall begin on the first day of the month in which a new member joins the Association during the first membership year. New member's dues will be prorated at $1/12^{\text{th}}$ the annual dues times the number of months remaining in the membership year, plus the New Member Initiation Fee of \$50.00. Membership Dues for subsequent years are due on May 1, 2023, and each May first thereafter.

SECTION 4. Non-payment of Dues: If dues are not paid within one month after the due date, the member will be classified as "inactive" until the arrearage is paid. Members that may be delinquent will forfeit all voting rights during the delinquent period. In the event dues are not paid to the Southwood Shores Property Owners Association on or before May 31st of each year, a penalty of 5% for each month delinquent will be assessed. The Board of Directors, at their discretion, shall take steps to enforce payment of all money due the Association.

Each member or property owner is responsible for the proper maintenance of his/her properties, including the mowing of same, and removing Junk Articles and debris from the properties. If Board action becomes necessary to accomplish same, a fee of \$50.00 plus any cost incurred by the POA will be charged to the non-complying property owner for each occasion.

SECTION 5. Deposits: All monies received by the Association for any purpose shall be deposited in an account in the name of the Association in a financial institution selected by the Board.

SECTION 6. Expenditures: The Board shall administer the finances of the Association but shall not incur an obligation in excess of the available cash on hand without authorization by vote of the majority of the Active Members in attendance at the annual meeting or a special called membership meeting.

The financial records of the Association will be maintained in good and current condition at all times. A financial report will be given at each annual meeting or special called meeting of the membership.

SECTION 7. Special assessments may be made to offset the costs of unusual expenses to be incurred for the general welfare of the Association's membership. Such special expenses and assessments must be approved in advance by majority vote of the Active Members in attendance at the annual or a special called meeting.

SECTION 8. For safety and security reasons, the POA park and boat ramp will remain locked at all times. A \$75.00 annual user fee will be collected for the key or code to access this area. The user fees collected are to be kept separate from other POA funds and be used for the maintenance, and upkeep of this common area.

SECTION 9. Short Term Rental Properties will be allowed to advertise, and their renters may utilize the Park and Boat Ramp. A \$500 annual user fee will be assessed per rental property. Upon payment of the annual user fee, a key or access code for the park lock will be granted. There will be a \$25.00 fee for a replacement key if necessary.

Section 10. Long Term Rental Property Owners, properties rented for six months or more, will be assessed a \$100.00 fee in addition to the annual amount for dues and assessments. A separate user fee of \$75 may be paid by the property owner or the renter to have access to the park and boat ramp, as long as the property owner is current on their fees, dues, and assessments.

Section 10. Commercial Property Owners in Southwood Shores subdivision will be assessed a \$100.00 fee in addition to the annual amount for dues and assessments. A separate user fee of \$75 may be paid by the property owner to have access to the park and boat ramp, as long as they are current on their fees, dues, and assessments.

Section 12. A Deed Restriction review will be conducted on all building projects requiring a permit from the City of Payne Springs. An application fee of \$50.00 will be assessed for each project.

ARTICLE VI

Officers and Directors

SECTION 1. Officers: The elective officers of the Association shall be a President, a Vice-President, a Secretary and/or a Treasurer. The Secretary and Treasurer may be, or may not be the same person. The officers shall be elected for terms of one year.

SECTION 2. Duties of Officers: The duties of the officers shall be such as their titles, by general usage, would indicate and such as may be assigned to the by the Board. It shall be the particular responsibility of the Secretary to keep the records of the Association and to carry out all necessary correspondence. The President shall preside over all official meetings of the Board and the Association membership.

SECTION 3. Board: The governing body of the Association shall be the Board of Directors consisting of seven (7) active members of the Association. Directors shall be elected to serve for a term of one year. The officers of the Board will be the President, Vice-President, Secretary and/or Treasurer and three directors.

SECTION 4. Election of Officers and Directors

- a) By March 1st of each year, a nominating committee consisting of a Chairman and two (2) other Active Members shall be appointed by the President. The nominating committee will place into nomination one candidate for each officer position to be filled on the Board, and candidate or candidates for the Director or Directors. The report of the nominating committee will be given to the Board Secretary and the candidates placed into nomination on the ballot. These candidates will be highlighted to reflect the Board's recommendation.
- b) By March 1st of each year, a nomination form shall be placed on the Southwood Shores Property Owner's Association web site for the purpose of soliciting candidates and property owner's recommendations for Board positions and Officer positions. All nomination forms must be received by the Board Secretary by March 20th for consideration. Nomination forms are to be sent to southwoodshorespoa@gmail.com or may also be mailed via USPS to:

Southwood Shores POA
PO Box 5208
Mabank, Texas 75147-5005

Mailed nomination forms must be postmarked by March 20th for consideration.

- c) On or about April 7th of each year, a ballot will be sent out to the membership for consideration and execution. Active Members who have supplied an email address will receive a ballot via email. All other property owners will receive a ballot via USPS mail. The ballot document will also be posted on the Southwood Shores POA website. All executed ballots must be received by the Board Secretary by May 1st of each year. Ballots are to be e-mailed to southwoodshorespoa@gmail.com or may be mailed via USPS to:

Southwood Shores POA
PO Box 5208
Mabank, Texas 75147-5005

Mailed ballots must be postmarked by May 1st for consideration.

- d) The President or his or her designate will announce the ballot results for each office to be filled at the annual meeting in May of each year. Results shall be in the following sequence, President, Vice-President, Secretary and/or Treasurer, followed by each of the directorship offices.
- e) Any person appointed to serve an unexpired term shall be eligible for re-election to that office.

SECTION 5. Vacancies: Vacancies among the Board shall be filled by a majority vote of the remaining Board members until the next annual election.

SECTION 6. Members of the Board shall not be compensated for serving as Board members.

SECTION 7: Recall: Upon an affirmative vote of five (5) Board Members a special membership meeting may be called, and by majority vote of Active Members in attendance, any Board Member may be recalled for cause and his or her successor elected for the unexpired term of that office.

ARTICLE VII

Meetings

SECTION 1. The annual meeting of the Association shall be held in the month of May or as soon thereafter as is possible each year, at which time the announcement of newly elected Board members and officers will be made. The place, date and hour are to be designated by the Board. Notice shall be given via e-mail, the Southwood Shores POA website and a sign at the entrance of the subdivision. This must be done a minimum of two weeks in advance of the meeting.

SECTION 2. Meetings of Board: The Board shall designate a time and place for each Board meeting. Except for Executive Sessions of the Board, notice shall be given via e-mail, the Southwood Shores POA website and a sign at the entrance of the subdivision. This must be done a minimum of two weeks in advance of the meeting. The Board Secretary shall record the minutes of all Board meetings and those minutes are to be posted on the Southwood Shores POA web site within 30 days after the meeting.

Absence from two consecutive Board meetings, without an excuse deemed valid by the Board, shall be construed as resignation therefrom. At least three (3) Board meetings shall be held during each fiscal year.

SECTION 3. Special Meetings: Special Meetings of the Active Members may be called at such times as the majority of the Board may determine, or upon written request of at least ten percent (10%) of the Active Members.

SECTION 4. Notice of Special Meetings: Written notice shall be given to each property owner at least ten (10) days preceding all specially called meetings. Active Members who have supplied an email address will receive notice via email. All other property owners will receive a notice via USPS mail. The notice will also be posted on the Southwood Shores POA website. In the event of a specially called meeting, the purpose for same shall be stated in the written notice.

SECTION 5. Quorum: A quorum for the transaction of business by the Board or any membership meeting shall consist of a majority of the Board or Active Members in attendance.

The Board Secretary shall declare a quorum immediately following the call-to-order of each Board, annual, or special called meeting.

ARTICLE VIII

Amendments

SECTION 1. The By-Laws may be amended by majority vote of all responses received from property owners after a revised document along with a voting ballot is delivered to all property owners. This delivery may be accomplished by e-mail, hand delivery or via USPS mail. The substance of such proposed amendment or amendments must be plainly stated.

SECTION 2. There shall be a minimum of 30 days between the delivery of the revised documents and the tabulation of ballots. This will allow for property owner feedback and the ability to review and clarify the proposed amendments. Proposed changes to the By-laws shall be highlighted and an explanation document shall accompany the revisions. All ballots shall be returned to the Board Secretary by the designated deadline. Ballots are to be sent to southwoodshorespoa@gmail.com or may also be mailed via USPS to:

Southwood Shores POA
PO Box 5208
Mabank, Texas 75147-5005

Mailed ballots must be postmarked by the designated deadline for consideration.

SECTION 3. These By-Laws may not be amended insofar as such amendment would be inconsistent, or in conflict with the restrictions of record established for Southwood Shores.

SECTION 4. Rules and Regulations shall be created for Southwood Shores for the improvement and betterment of the subdivision. These initial Rules and Regulations shall be approved by unanimous vote of all Board members. Any future revisions shall be approved by a majority of the current Board members at the time of the revision.

ARTICLE IX

Committees

SECTION 1. The president shall appoint, subject to confirmation of the Board, special committees as he or she may deem necessary.

SECTION 2. Organization: All committees shall be of reasonable, effective size, and shall have such duties, functions, and powers as may be assigned to them by the President as confirmed by the Board.

SECTION 3. The President or a designated Board member shall be an ex-officio member of all committees and shall be notified as to time and place of any committee meeting.

ARTICLE X

Rules of Order

SECTION 1. Robert's Rules of Order, latest edition, shall be recognized as the authority governing the proceedings or format of meetings for the Association, the Board, and committees.

ARTICLE XI

Assumption of Property Management Function

SECTION 1. The Board of Directors, acting in behalf of the property owners, shall have the authority to assume and facilitate the efficient operation and maintenance of the common elements of Southwood Shores, including but not limited to, the roadways, the launching ramp area, any designated recreational areas, or any other areas designated for community or utility use within the boundaries of Southwood Shores.

SECTION 2. The Board shall have the express authorized right and power to enter into one or more management agreements with third parties in order to facilitate the efficient operation of the common elements of Southwood Shores. It shall be the primary intent and purpose for such management agreements to provide for the administration, management, repair, and maintenance of the common elements that would be in the best interests of the property owners with Southwood Shores.

SECTION 3. The terms of such management agreements shall be as determined by the Board.

SECTION 4. Books and records of all cash funds and including membership records shall be kept by the Secretary and/or Treasurer of the Board, and in accordance with reasonable standards of accounting procedures and prudence. At the close of each fiscal year, the books and records shall be audited by an audit committee consisting of three (3) Active Members that are appointed by the Board. An audit report will be submitted in writing to the Board by the audit committee Chairman for examination at the next following Board meeting. The Secretary and/or Treasurer will make available for inspection and present a financial statement of income and disbursements at each annual meeting, or any special called meeting.

SECTION 5. Financial reports, membership records and all other association documents that a property owner is entitled to are available upon written request. A charge of \$1.00 per page will be assessed and a \$15.00 per hour charged for producing the documents. The requesting person will be given a written estimate of the anticipated charge which shall be paid in advance. Any difference will be charged or refunded upon completion of the document production.

All Association documents shall be maintained per the following:

Governing documents – By-Laws, Restrictions, Articles of Incorporation, and all amendments to any of these shall be kept indefinitely.

Financial Books and Records – shall be retained for seven years.

Account Records of Current Owners – shall be retained for five years.

Contracts with a term of one year or more shall be kept for four years

Minutes of meetings of the owners or the Board shall be retained for seven years.

Tax Returns and audit records shall be retained for seven years.

SECTION 6. All notes, disbursement checks, and contracts, or any other obligations committed on behalf of the Southwood Shores Property Owner's Association shall be executed by signature of two parties, the President, Secretary and/or Treasurer or another designated Board member.

ARTICLE XII

Dissolution

SECTION 1. Upon dissolution or winding up of the affairs of this Association, the Board, after providing for the payment of all obligations, shall distribute any remaining assets within its discretion to any improvements for the betterment of all members of the Association.

SIGNED this 18th day of May, 2023.

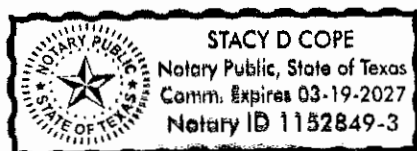
SOUTHWOOD SHORES PROPERTY OWNERS ASSOCIATION

By: MARCUS WIESMANN
Name: MARCUS WIESMANN
Title: Treasurer
Marcus Wiesmann

STATE OF TEXAS

COUNTY OF HENDERSON

The above instrument was acknowledged before me by Marcus Wiesmann
the Treasurer of SOUTHWOOD SHORES PROPERTY
OWNERS ASSOCIATION, on this 18 day of May, 2023.



Stacy D. Cope
NOTARY PUBLIC, STATE OF TEXAS