

BYLAWS OF
FOREST CREEK NORTH II HOMEOWNERS ASSOCIATION

ARTICLE 1

NAME AND LOCATION

The name of the corporation is Forest Creek North II Homeowners Association, a Texas non-profit corporation, hereinafter referred to as the "Association." Meetings of members and directors may be held at such places within the County of Collin, State of Texas, as may be designated by the Board of Directors.

ARTICLE 2

DEFINITIONS

The following words, when used in these bylaws, unless a different meaning or intent clearly appears from the context, shall have the following meanings:

- 2.01 "ARC" shall mean the Architectural Review Committee established pursuant to the provisions of Article V of the Declaration.
- 2.02 "Association" shall mean and refer to Forest Creek II Homeowners Association, a Texas non-profit corporation.
- 2.03 "Articles" shall mean and refer to the Articles of Incorporation of the Association.
- 2.04 "Areas of Common Responsibility" shall mean and refer to the maintenance easement and landscaping and irrigation system improvements thereon located at the entry to the property on Hedgcoxe Road (Limestone Creek entrance) and maintenance responsibility but not ownership of the wall along Hedgcoxe Road to the extent such wall is not maintained by the City of Plano.
- 2.05 "Declaration" shall mean and refer to that certain Declaration of Covenants, Conditions and Restrictions applicable to the properties and recorded at Clerk's File No 96-010396 of the Deed Records of Collin County, Texas, and as the same may be amended or supplemented from time to time as therein provided.
- 2.06 "Lot" shall mean and refer to any plot or tract of land shown upon any recorded subdivision map of the properties which is shown as a lot thereon and which is or is to be improved with a residential dwelling.
- 2.07 "Member" shall mean and refer to each owner as provided herein in Article 3.
- 2.08 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot situated upon the properties but, notwithstanding any applicable theory of the mortgage or other security device, shall

not mean or refer to any mortgagee or trustee under a deed of trust unless and until such mortgagee or trustee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

- 2.09 “Properties” shall mean and refer to the land and premises in the City of Plano, Collin County, Texas, containing approximately 33.625 acres of land and known as “Forest Creek North II,” a residential subdivision comprised of 110 single family residential lots, public streets and related amenities, and such additions thereto as may hereafter be brought within the jurisdiction of this corporation by annexation as provided in the Declaration (as hereinafter defined).

ARTICLE 3

MEMBERSHIP

- 3.01 Membership. Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is subject by covenants of record to assessment by the Association shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. No owner shall have more than one membership. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment by the Association. Ownership of such lot shall be the sole qualification for membership.
- 3.02 Suspension of Membership. During any period in which a member shall be in default in the payment of any annual or special assessment levied by the Association, the voting rights and right to use the areas of common responsibility of such member may be suspended by the Board of Directors until such assessment has been paid. Such rights of a member may also be suspended, after notice and hearing for a period not to exceed thirty (30) days, for violation of any rules and regulations established by the Board of Directors governing the use of the areas of common responsibility.

ARTICLE 4

PROPERTY RIGHTS: RIGHTS OF ENJOYMENT

- 4.01 Use of Properties. Each member shall be entitled to the use and enjoyment of the properties and facilities owned, if any, by the Association from time to time as provided in the Declaration. Any member may delegate his rights of enjoyment of properties and facilities to the members of his family, his tenants or contract purchasers, who reside on his lot. Such member shall notify the secretary in writing of the name of any such delegee. The rights and privileges of such delegee are subject to suspension to the same extent as those of the member.

ARTICLE 5

BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE

5.01 Number. The affairs of this Association shall be managed by a board of five (5) directors until the first annual meeting, and thereafter the number of directors shall be established by the Board of Directors at each annual meeting, which number shall never be less than five (5). Only one member of each household in the Association may be a sitting member of the Board of Directors.

5.02 Election. At the first annual meeting members shall elect five directors who shall serve for the following terms:

The three (3) directors receiving the highest number of votes shall each serve for a term of two (2) years, and the remaining two (2) directors shall each serve for a term of one (1) year.

At each annual meeting thereafter, the members shall elect new directors to fill any vacancy created by expired terms of existing directors or directors moving outside the boundaries of the Association in a manner so that the corporation will at all times have at least five (5) and not more than eleven (11) directors, always keeping an odd number of directors, all of whom shall have two-year terms.

5.03 Removal. Any director may be removed from the Board of Directors, 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/her successor shall be selected by the remaining members of the Board of Directors and shall serve for the unexpired term of his/her predecessor.

5.04 Compensation. No director shall receive compensation for any services he/she may render to the Association. However, any director may be reimbursed for his/her actual reasonable expenses incurred in the performance of his/her duties.

5.05 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 or electronic approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

ARTICLE 6

MEETING OF DIRECTORS

6.01 Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly in January, April, July, and October with at least six (6) days notice to members of the Association, at such place and hour as may be fixed from time to time by resolution of the Board of Directors. Should said meeting fall upon a legal holiday, then that meeting

shall be held at the same time on a day selected by the directors which is not a legal holiday.

- 6.02 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 delivered to the members of the Association by posting notice in a conspicuous manner (temporary outside signs used by the HOA) or on the HOA website and sending the notice by email to each owner who has registered an email address with the Association.
- 6.03 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 of Directors.

ARTICLE 7

NOMINATION AND ELECTION OF DIRECTORS

- 7.01 Nomination. A nominating committee may 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. Such nominations may be made among members. Nominations may be made from the floor at the annual meeting.
- 7.02 Election. Election to the Board of Directors shall be by secret written ballot or by unanimous acclamation if the number of nominations exactly matches the number of Director positions to be filled. 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 8

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

- 8.01 Powers. The Board of Directors shall have the power to:
- (a) Adopt and publish rules and regulations governing the use of the properties and facilities of the Association, the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;
 - (b) 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, or the Declaration;

- (c) 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; and
- (d) Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

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

- (a) Cause to be kept 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 members who are entitled to vote;
- (b) Supervise all officers, agents and employees of the Association, and to see that their duties are properly performed;
- (c) As more fully provided herein, and in the Declaration, to:
 - (i) Fix the amount of the annual assessment against each lot in advance of each annual assessment period, and fix the amount of all special assessments and default assessments as provided in Article IV of the Declaration; and
 - (ii) Send written notice of each assessment to every owner subject thereto at least thirty (30) days in advance of each annual assessment period;
- (d) Issue, or 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 of Directors 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 areas of common responsibility to be maintained as provided in the Declaration.

ARTICLE 9

COMMITTEES

- 9.01 The Architectural Review Committee and Other Committees. The Board of Directors shall appoint the ARC, as provided in the Declaration, and as provided in these Bylaws. No member of the Architectural Review Committee may be a member of the Board of Directors, nor may their spouse or a person residing in their household. In addition, the Board of Directors may appoint other committees as deemed appropriate in carrying out its purposes, such as the following:
- (a) Social Committee which shall advise the Board of Directors on all matters pertaining to the social programs and activities of the Association, shall welcome new residents, shall establish social functions as the Board determines, and shall perform such other functions as the Board in its discretion determines;
 - (b) Landscape/Maintenance Committee which shall advise the Board of Directors on all matters pertaining to the maintenance, repair or improvement of the properties, and shall perform such other functions as the Board of Directors in its discretion determines;
 - (c) Communication/Security Committee which shall inform all members of all activities and functions of the Association, shall, after consulting with the Board of Directors, make such public releases and announcements as are in the best interests of the Association, and shall be responsible for setting up and maintaining the Crime Watch program;
 - (d) Education Committee which shall keep all Members informed on activities at the PISD schools within the attendance zones of the Association and request members' actions on such items as affect the members and shall perform such other functions as the Board of Directors in its discretion determines; and
 - (e) Finance Committee which shall supervise the annual review of the Association's books and assist in preparation of the budget and the statement of income and expenditures to be presented to the membership at its regular annual meeting. The treasurer shall be an ex officio member of the Committee.
- 9.02 Complaints from Members. It shall be the duty of each committee to receive complaints and suggestions from members on any matter involving Association functions, duties, and activities within its field of responsibility. It shall dispose of such complaints as it deems appropriate or refer them to such other committees, director, or officer of the Association as is further concerned with the matter presented.

ARTICLE 10

MEETINGS OF MEMBERS

- 10.01 Place of Meetings. Meetings of the members for the election of directors shall be held at such location within the City of Plano or the City of Allen, State of Texas, as shall be stated in the notice of the meeting or in a duly executed waiver of notice thereof. Meetings of members for any other purpose may be held at such place, within or without the State of Texas, and at such time as shall be stated in the notice of the meeting, or in a duly executed waiver of notice thereof.
- 10.02 Annual Meetings. Annual meetings of the members shall be held at a time and date decided by the Board of Directors at which the members shall elect by a plurality vote a Board of Directors and transact such other business as may properly be brought before the meeting.
- 10.03 Special Meetings. Special meetings of the members may be called by the president or the Board of Directors or by the secretary upon written request of members entitled to cast one-fourth (1/4) of all the votes of the entire membership. When so requested, the president or Board of Directors shall call a meeting within thirty (30) days of the date when a proper request is received, allowing at least six (6) days' notice or as defined below.
- 10.04 Notice. Members shall be given notice of the date, hour, place, and general subject of a regular or special meeting. The notice shall be mailed to each owner not later than the 10th day or earlier than the 60th day before the date of the meeting, (for board meetings, provided at least 144 hours before the start of a regular board meeting or at least 72 hours before the start of a special board meeting) or by posting notice in a conspicuous manner (temporary outside signs used by the HOA) or on the HOA website and sending the notice by email to each owner who has registered an email address with the Association.
- 10.05 Purpose. Business transacted at any special meeting shall be confined to the purposes stated in the notice thereof.
- 10.06 Quorum. The presence at any meeting of members entitled to cast twenty percent (20%) of the votes of the membership, represented in person or by proxy, shall constitute a quorum at meetings of members except as otherwise provided in the Declaration or the Articles. If, however, a quorum shall not be present, the Board of Directors will have voting proxy rights for all members not in attendance so the business agenda can be accomplished at the meeting. A quorum is only necessary for votes on those issues requiring notice.

- 10.07 Majority Vote. The vote of members entitled to cast a majority of the votes thus represented at a meeting at which a quorum is present shall be the act of those members meeting, unless the vote of a greater number is required by law, the Declaration, or the Articles.
- 10.08 Voting Rights. Each member may cast as many votes as he/she is entitled to exercise under the terms and provisions of the Articles on each matter submitted to a vote at a meeting of members, except to the extent that the voting rights of any member have been suspended in accordance with these Bylaws. At each election for directors, every member entitled to vote at such election shall have the right to cast as many votes as he/she is entitled to exercise under the terms and provisions of the Articles, in person or by proxy, for as many persons as there are directors to be elected and for whose election he/she has a right to vote, and members of the Association are expressly prohibited from cumulating their votes in any election for directors of the Association.
- 10.09 Proxies. A member may vote in person or by proxy executed in writing by the member or by his duly authorized attorney in fact. No proxy shall be valid after ninety (90) days from the date of its execution unless otherwise provided in the proxy. Each proxy shall be revocable unless expressly provided therein to be irrevocable, and in no event shall it remain irrevocable for a period of more than twelve (12) months from the date of its execution. Members who do not provide written proxy prior to a duly called meeting and who do not attend the meeting de facto assign their voting proxy to the Board of Directors for voting all actions as may be brought before the members at that meeting.
- 10.10 List of Members. The officer or agent having charge of the corporate books shall make, at least ten (10) days before each meeting of members, a complete list of the members entitled to vote at such meeting or any adjournment thereof, arranged in alphabetical order, with the address of each, which list, for a period of ten (10) days prior to such meeting, shall be kept on file and shall be subject to inspection by any member at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any member during the entire time of the meeting.
- 10.11 Record Date. The Board of Directors may fix in advance a date, not exceeding sixty (60) days preceding the date of any meeting of members, as a record date for the determination of the members entitled to notice of, and to vote at, any such meeting, and any adjournment thereof, and in such case such members and only such members as shall be members of record on the date so fixed shall be entitled to such notice of, and to vote at, such meeting and any adjournment thereof, notwithstanding any change of membership on the books of the Association after any such record date fixed as aforesaid.

- 10.12 Action Without Meeting. Any action required by the statutes 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 forth the action so taken, shall be signed by all of the members whose vote is required for the approval of the subject-matter thereof, and such consent shall have the same force and effect as a vote of members. The same rules regarding voting rights of the Board of Directors listed under Quorums and Proxies shall apply in this regard.
- 10.13 Conflict. In the case of any conflict between the Articles 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 11

OFFICERS AND THEIR DUTIES

- 11.01 Enumeration of Officers. The officers of this Association shall be a president, a vice president, a secretary, and a treasurer who shall at all times be members of the Board of Directors.
- 11.02 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.
- 11.03 Term. The officers of this Association shall be elected annually by the Board of Directors and each shall hold office for two (2) years unless a successor is not elected, he/she shall sooner resign, or shall be removed, or otherwise be disqualified to serve.
- 11.04 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.
- 11.05 Resignation and Removal. Any officer may be removed from office with or without cause by the Board of Directors. Any officer may resign at any time by giving written notice to the Board of Directors, the president, or the 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.
- 11.06 Vacancies. A vacancy in any office may be filled in the manner prescribed for regular election or may be selected by the remaining members of the Board of Directors. The officer elected to such vacancy shall serve for the remainder of the term of the officer he/she replaces.
- 11.07 Multiple Offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

11.08 Duties. The duties of the officers are as follows:

- (a) President. The president shall preside at all meetings of the Board of Directors, shall see that orders and resolutions of the Board of Directors are carried out, shall sign all leases, mortgages, deeds and other written instruments, and may co-sign all checks and promissory notes.
- (b) Vice President. The vice president shall act in the place and stead of the president in the event of his/her absence, inability, or refusal to act, and shall exercise and discharge such other duties as may be required of him/her by the Board. The vice president may also co-sign all checks and promissory notes.
- (c) Secretary. The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board of Directors and of the members, serve notice of meetings of the Board of Directors and of the members or have the communication chairperson provide the notice to members via electronic email, keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board. The secretary may also co-sign all checks and promissory notes.
- (d) Treasurer. The treasurer shall receive and deposit in appropriate bank accounts all moneys of the Association and shall disburse such funds as directed by resolution of the Board of Directors, co-sign all checks and promissory notes of the Association, keep proper books of account, cause an annual review of the Association books to be made by a public accountant at the completion of each fiscal year, and shall prepare (1) an annual budget and (2) a statement of income and expenditures to be presented to the membership at its regular annual meeting, a copy of each of which shall be made available to each member upon request.

ARTICLE 12

ASSESSMENTS

12.01 The rights of membership in the Association are subject to the payment of annual and special assessments levied by the Association, the obligation of which assessments is imposed against the owner of and becomes a lien upon each lot against which such assessments are made as provided by Article IV of the Declaration, which is incorporated herein by reference and made a part hereof for all purposes.

ARTICLE 13

BOOKS AND RECORDS

13.01 The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles

and the Bylaws of the Association shall be available for inspection by any member on the HOA website and copies may be purchased at reasonable cost.

ARTICLE 14

AMENDMENTS

14.01 These bylaws may be amended at a regular or special meeting of the Board of Directors.

ARTICLE 15

FISCAL YEAR

15.01 The fiscal year of the Association shall begin on the first day of January and end on the thirty-first day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

ARTICLE 16

INDEMNIFICATION OF OFFICERS AND DIRECTORS

16.01 Pursuant to Article VII, Section 7.11 of the Declaration, the Association may indemnify an officer or director who was, is, or is threatened to be made a named defendant or respondent in a proceeding because such person is or was a director or officer if it is determined that the person:

(a) Conducted himself/herself in good faith;

(b) Reasonably believed:

- (i) In the case of conduct in his/her official capacity as a director or officer of the Association that his/her conduct was in the Association's best interests;
- (ii) In all other cases that his/her conduct was at least not opposed to the Association's best interests; and
- (iii) In the case of any criminal proceeding had no reasonable cause to believe that his/her conduct was unlawful.

IN WITNESS WHEREOF, we, being all of the directors of the Forest Creek North II Homeowners Association have hereunto set our hands this 8th Day of January, 2002.

REVISION HISTORY: The following revisions to these By-Laws were unanimously approved at the January 8, 2002 Board Meeting:

Article 2.06 – "PA-Forest Creek North II, Ltd." was changed to "Forest Creek North II" to reflect the correct name of the organization.

Article 2.07 – the Clerk's File number was corrected to read 96-010396.

Article 2.11 – a " was added after "Forest Creek North II."

Article 9.01 – "audit" was changed to "review."

Article 11.8(d) – "audit" was changed to "review."

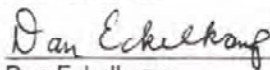
Signatures were changed to reflect the officers who voted to accept these changes.



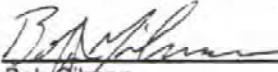
Brad Bleack



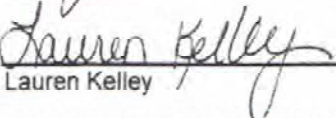
Terri Childress



Dan Eckelkamp



Bob Gilman



Lauren Kelley

IN WITNESS WHEREOF, we being the directors of the Forest Creek II Homeowners Association have hereunto, March 2023, set our hands to the following:

REVISION HISTORY:

The following revision to these bylaws was unanimously approved at the March 2, 2021, meeting of the Board of Directors:

Article 5:02 – the addition of “at least.....and not more than eleven (11).

The following revision to these bylaws was unanimously approved at the May 20, 2021, meeting of the Board of Directors:

Article 6.01 – “monthly” was changed to “quarterly in January, April, July and October.”

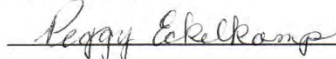
A full revision of these Bylaws was made by the Board of Directors at a special meeting on March 23, 2023, to bring them into compliance with Property Code Title 11, Restrictive Covenants, Chapter 209, Texas Residential Property Owners Protection Act.



William Linton



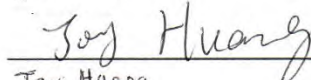
Paul DeFrain



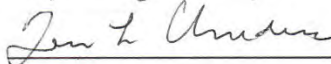
Peggy Eckelkamp



Hamal Doshi



Joy Huang



Terri Childress