

**AMENDED RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
HARBOR POINT PROPERTY OWNERS ASSOCIATION CONCERNING  
VOTING BY SECRET BALLOT AND ABSENTEE VOTING**

The Board of Directors (the "Board") of the HARBOR POINT PROPERTY OWNERS ASSOCIATION (The "ASSOCIATION"), at a meeting of the Board on May 4, 2024, at which a quorum of the Directors were present as required by the Bylaws of the Association, and after consideration, motion and vote, adopted by a unanimous vote of the directors present, the following amended resolution concerning the voting by secret ballot and absentee voting in accordance with the By-Laws of the Harbor Point Property Owners Association. This resolution supersedes the December 2, 2018 and December 6, 2022 Board Resolutions concerning Voting by Secret Ballot and Absentee Voting.

RESOLVED Where as the members of the Harbor Point Property Owners Association on May 7, 2016 has passed a motion to amend the By-Laws of the Association to allow for secret ballots during elections requiring written ballots. The Association's formal policy as to voting by secret ballot and absentee voting shall be as follows:

**1. Voting Rights**

The right to vote of a member in any Association election shall not be denied regardless such members standing.

- a. Any ballot cast in an election or ballot initiative by a member shall be secret and in writing except for uncontested Board Member races.
- b. Each member household shall be entitled to cast two (2) votes regardless of the number of lots owned. Failure to vote on a specific item where a yes or no choice is given will be considered a non-vote on that item and not included in the vote totals for that issue.
- c. Voting shall be in person, by proxy or by absentee ballot.
  1. Proxies must be signed by the property owner assigning the proxy and notarized.
  2. Proxies are valid for a period of eleven (11) months from the notarized date and are retained by the member holding the proxy.
  3. No member or member household shall vote more than five (5) proxies.
- d. Absentee ballots must be requested by the member and returned to the Association by the close of business on the day prior to the date of the election.
- e. Voting by e-mail or facsimile is allowed if the e-mail or facsimile can be verified.
- f. The Board of Directors may vote as a member as long as the Association maintains ownership of Harbor Point property not considered as common property.

**2. Association Duties and Responsibilities**

The Association shall maintain a current property owners list and indicate on such list who received ballots and the total of the number of ballots issued for the specific election or ballot initiative. Such list shall be available to any member for inspection prior to and after voting on the day of the election or ballot initiative.

- a. Access to ballots prior to, during the voting process and subsequent counting shall be governed by Texas Property Code 209.00594.
- b. Early voting by members may be allowed at the business office of the Association for a period specified by the Board of Directors.
  - 1. Early vote ballots shall be placed in a locked ballot box at the time of the vote.
  - 2. The voting list shall reflect that such member voted.
- c. Absentee voting shall be allowed according to the following:
  - 1. Requests for absentee ballots shall be required from the property owner at least 15 business days prior to the date of the meeting at which ballots will be cast.
  - 2. All requests shall include a self- addressed postage paid envelope.
  - 3. When the ballots are mailed to the member the voting list shall indicate the member voted absentee and the following advisory MUST be included with each absentee ballot solicitation:

TX. PROPERTY CODE 209.00592(c)(3)

“By casting your vote via absentee ballot, you will forego 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.”

- d. Ballots shall be of a specific design and/or color specific to the election and shall not be of the same design or color for the past three elections.
  - 1. Each ballot shall be specific to the issues and include the exact date or month and year of the meeting in which ballots are cast.
  - 2. Candidates for Board of Director Positions shall be listed alphabetically by their last names. Current Board members seeking re-election will be identified by the (I) notation after their name or the word incumbent under their name.
  - 3. Each initiative for changes to the Deed Restrictions or By-Laws shall list both a yes and no choice for each paragraph or sub paragraph under consideration.
- e. Votes shall be counted by any public office holder in the County where the election is held. If no public official is available by a person or persons approved by the Board of Directors.
  - 1. A candidate for a Board position has the right to designate an unrelated individual to observe the vote counting process.
  - 2. Any Association member may observe the vote counting process except for the restriction listed above in 2.d.1.
- f. The total ballots counted may not exceed the total ballots issued as listed in the voting list for that election. If the number of ballots counted exceeds the number of ballots issued the election is INVALID and a revote must be held at a later date and time to be determined by the Board of Directors.



1. A blank ballot or a ballot indicating a yes or no vote that is left blank for an individual ballot item will be considered a non-vote and shall not be counted toward any percentage required for passage
- g. All records, i.e., voting lists, ballots, vote tally sheets shall be retained by the Association until the required period of time has passed as required by the Laws of the State of Texas for any challenge and/or recount to the election or vote.
  1. If no request for recount is received by the statutory period the records may be destroyed upon approval of the results by the Board of Directors and recorded by the Secretary in the minutes of the meeting.
  2. If a recount request is received within the statutory period, and all notifications and payments are received, the recount process shall begin in accordance with Article IV, Membership and Voting Rights of the Association By-Laws.
  3. Failure to meet the statutory notification requirements of a recount request or if the invoice payment is not received within the stated period the recount request will be considered null and void and no action will be taken by the Association and the process listed in 2.g.1 will prevail.

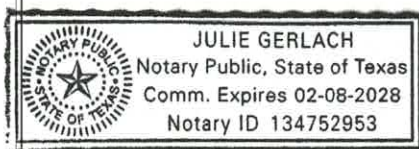
Executed on this 31st day of May, 2024.

HP OWNERS ASSOCIATION, d/b/a HARBOR  
POINT PROPERTY OWNERS ASSOCIATION

By: [Signature]  
GLENN SANFORD, President

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF POLK       §

This instrument was acknowledged before me on the 31st day of May, 2024 by Glenn Sanford, President of the HP OWNERS ASSOCIATION, d/b/a HARBOR POINT PROPERTY OWNERS ASSOCIATION, on behalf of said Association.



[Signature]  
Notary Public, State of Texas

**FILED**  
at 11:50 o'clock A M

**JUN 12 2024**

AFTER FILING RETURN TO:  
Skelton Slusher Barnhill Watkins Wells PLLC  
501 W. Church Street  
Livingston, Texas

THE STATE OF TEXAS  
COUNTY OF TRINITY

I hereby certify that the instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Trinity County, Texas in the Volume and Page as noted hereon by me.

Shasta Bergman  
County Clerk, Trinity County

By: [Signature] Deputy



SHASTA BERGMAN  
COUNTY CLERK, TRINITY CO., TEXAS  
[Signature] Deputy