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*Mary Louise Garcia*  
Mary Louise Garcia

**CERTIFICATE OF RECORDING POA DOCUMENTS  
PURSUANT TO §202.006 TEXAS PROPERTY CODE**

**NAME OF PROPERTY OWNERS ASSOCIATION:** Quail Ridge Estates Phase II Homeowners Association, Inc.

**INSTRUMENT ATTACHED FOR FILING:** Bylaws of the Quail Ridge Estates Phase II Homeowners Association, Inc., as amended effective November 15, 2011.

**DECLARATION TO WHICH SUBDIVISION IS SUBJECT:** The Declaration of Covenants, Restrictions, and Easements for Quail Ridge Estates, Phase II, recorded at Volume 12785, Document 0168, Real Property Records, Tarrant County, Texas, as amended.

**CERTIFICATION & EXECUTION:** I hereby certify that I have been instructed by the Board of Directors of Quail Ridge Estates Phase II Homeowners Association, Inc., to execute this Certificate to effect the recording of the instrument attached hereto on behalf of the association, for the purpose of complying with the requirements of Property Code Section 202.006.

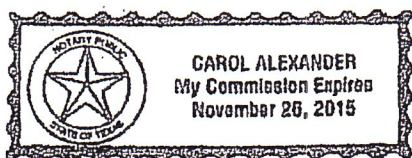
**Quail Ridge Estates Phase II Homeowners Association, Inc., a Texas non-profit association**

By: *James R. Keyes*  
Printed Name: James R. Keyes  
Title: President

STATE OF TEXAS       §  
                                      §  
                                      §  
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 3rd day of January, 2012, by James R. Keyes, President of the Quail Ridge Estates Phase II Homeowners Association, Inc., a Texas non-profit association, on behalf of such entity.

*Carol Alexander*  
Notary Public, State of Texas



**BYLAWS OF QUAIL RIDGE ESTATES PHASE II HOMEOWNERS  
ASSOCIATION, INC.**

A Texas Non-Profit Association  
(Adopted November 22, 2004)  
(Amended November 15, 2007)  
(Amended November 15, 2011)

**ARTICLE I**

Name of the Organization

QUAIL RIDGE ESTATES PHASE II HOMEOWNERS ASSOCIATION, INC.

**ARTICLE II**

General

The QUAIL RIDGE ESTATES PHASE II HOMEOWNERS ASSOCIATION, INC. is the "Association" described within the Declaration of Covenants, Restrictions, and Easements for Quail Ridge Estates, Phase II, recorded at Volume 12785, Document 0168, Real Property Records, Tarrant County, Texas (the "Declaration," as amended hereafter). In the event of any conflict or ambiguity between the Declaration and the Bylaws, the terms and conditions of the Declaration shall control and govern, except to the extent that the Declaration or any part thereof is inconsistent with applicable law.

**ARTICLE III**

Purpose

The Association exists to fulfill the following purposes:

1. To ensure compliance with the Declaration of Covenants, Restrictions and Easements for Quail Ridge Estates, Phase II.
2. To promote neighborhood unity, civic spirit and goodwill through communication among Owners.
3. To promote and protect the best interests of the residents by the promotion of improved public services and facilities.
4. To assure cooperation with government, civil and public organizations, and to promote the general welfare of the residents as deemed appropriate and/or necessary by the membership.
5. To assist the Architectural Control Committee ("ACC") in exercising their duties and/or responsibilities as pertains to the restrictive covenants of all areas of the QUAIL RIDGE ESTATES PHASE II subdivision, both current and future.
6. To have and exercise any and all powers, rights and privileges that exist, now or hereafter, under the Texas Non-Profit Corporation Act.

7. To develop programs which increase and maintain property values in the QUAIL RIDGE ESTATES PHASE II subdivision, and to generate funds necessary to finance such programs.

#### **ARTICLE IV**

##### Office and Registered Agent

The registered office and registered agent of the Association shall be designated from time to time by the appropriate filing by the Association with the Office of the Secretary of State of the State of Texas.

#### **ARTICLE V**

##### Members

Section 1. Membership in the Association.

A "Member" shall be an "Owner," as defined in the Declaration, or a person who maintains his or her principal residence with said Owner. Members must be over the age of eighteen (18) years. Each "Lot," as defined in the Declaration, is limited to no more than two (2) eligible voting members with each Lot having a single vote.

Section 2. Termination of Membership.

Membership shall cease only when a person ceases to be an Owner.

#### **ARTICLE VI**

##### Officers / Board Members of the Association

All Officers and Board Members (Board) of the QUAIL RIDGE ESTATES II HOMEOWNERS' ASSOCIATION (Association) shall be Members of the Association. Any Member can run for the Board or for President. Any Officer or Board Member who has been convicted of a felony or a crime involving moral turpitude will be immediately removed from the Board and prohibited from future service.

The Officers of the Association shall be the President, Secretary, Treasurer, and the ACC Chairman.

#### **ARTICLE VII**

##### Elections

Section 1. Elections

The President and the Board shall be elected by the Members. The annual election will be held at the Annual General Meeting (AGM). Any Board member whose term has expired must be elected by members of the Association.

Notification of the election or vote will be communicated in writing to the members no later than the 10<sup>th</sup> day or earlier than the 60<sup>th</sup> day before the date of the meeting.

Section 2. Terms of Office

The President shall serve a term of at least two (2) years and Board member(s) shall serve a term of at least two (2) years. The terms shall be staggered so that the entire Board is never up for election at the same time. At any given AGM, no more than two Director Positions may be up for election at one time.

Section 3. Voting Procedure

A majority vote of the Members attending the AGM shall be required for election. Nominations shall be accepted from the floor immediately after each name has been placed for a specific office or Board position by the Chairman of the NC, provided that indications of willingness to serve accompany each nomination.

Section 4. Ballots

Ballots must be in writing and signed by the Member, except for uncontested elections. Absentee ballots are permitted if presented at or before the meeting. Ballots may not be tabulated by a candidate or to the relative of a candidate. Only ballot tabulators may have access to ballots.

Section 5. Recounts

A member may request a recount. The request for a recount must be in writing by certified mail, return receipt requested or in person to the President within 15 days after the date of the election. The Association shall, at the expense of the owner requesting the recount, retain the services of a person qualified to tabulate votes. The qualified person shall not be a member or the relative of a member. The qualified person may be a county judge, county elections administrator, justice of the peace, county voter registrar or a person agreed to by the Association and the person requesting the recount.

**ARTICLE VIII**

Appointments

The ACC chairman and committee members shall be appointed by the President with the consent of the Board and shall serve a term of one (1) year. The Secretary and Treasurer shall be appointed by the President with the consent of the Board and shall serve a term of one (1) year.

**ARTICLE IX**

Annual General Meeting

The Board shall call an annual meeting of the members of the Association. Notification of the AGM will be communicated in writing to the members no later than the 10<sup>th</sup> day or earlier than the 60<sup>th</sup> day before the date of the meeting.

If the Board fails to call an annual meeting, a member may demand of the Board an election meeting. If the Board again fails to call the meeting, three or more owners may form an election committee and cause an election meeting to be held, following the notice requirements set out in the Bylaws.

## **ARTICLE X**

### **Duties of the Elected and Appointed Officials**

#### **Section 1. The President**

The President shall perform the functions conferred by the terms of the Declaration and these Bylaws and shall generally be responsible for the execution of the policies and programs decided by the Board. The President may appoint Standing Committees and Special Committees composed of members at large to assist in the execution of Association duties. The President shall have the power to call meetings of the Board, general meetings, and shall preside over such meetings. The President shall recommend to the Board any action deemed necessary and proper for the welfare of the Association. All documents legally binding on the Association, other than negotiable instruments executed by the Treasurer, shall be signed by the President. The President shall maintain the records of the Association.

#### **Section 2. The Secretary**

The Secretary shall be appointed by the President and confirmed by the Board. The Secretary shall perform such administration duties as are required by the President. The Secretary shall be responsible for recording the minutes of the meetings. The Secretary shall maintain communication with various committees and assist when necessary.

#### **Section 3. The Treasurer**

The Treasurer shall be appointed by the President and confirmed by the Board. The Treasurer shall:

1. Collect Association dues, assessments and other monies from the members;
2. Make timely and proper disbursements from the Association funds;
3. Maintain custody of all Association funds;
4. Ensure that a Financial Report is prepared reflecting all income and expense activity for the preceding time period on a cash basis. The financial report shall be produced monthly at board meetings and yearly at the annual general meeting;
5. Prepare an annual Budget projecting income and expenditures for the fiscal year to be presented to the Board for adoption at the first regularly called meeting in the fiscal year. Prepare a budget report for distribution to the members at the AGM and at the midyear meeting, if one is held;
6. Reconcile the monthly bank statements with the checkbook for each HOA account;
7. Prepare a yearly Account Status Report reflecting the status of all HOA accounts; and

8. Prepare a yearly Delinquency Report listing all members who have been delinquent during the preceding 12 months in paying the assessments and who remain delinquent at the time of the report and describing the status of any action to collect such amounts which remain delinquent.

At the direction of the President, the Treasurer shall be bonded. Checks for payment of expenses in the amount of less than \$1,500 shall be signed by the treasurer. Checks for payment of expenses in the amount of \$1,500 or more shall be signed by the treasurer and the president.

Section 4. The Board of Directors

The Board shall consist of the President, Secretary, Treasurer, and four Directors elected, at large, by the Members. The Board shall formulate, enforce and supervise policies that affect the membership at large. The Board shall meet at the call of the President and establish rules for itself and its internal committees.

Section 5. The Architectural Control Committee

The ACC shall consist of no less than three, or more than five, Members. Members of the ACC shall be appointed by the President with the consent of the Board and shall serve for a term of one (1) year. The President and Secretary shall also serve as voting members of the ACC. The ACC's purpose, powers and duties are contained in Article VI of the Declaration.

Section 6. Standing and Special Committees

Standing Committees may be appointed by the President with the consent of the Board and may be those committees of a permanent or semi-permanent nature, to include but not be limited to: the Hospitality Committee and the Nominating Committee. Special Committees shall be appointed by, and serve at the pleasure of, the President and Board for one-time or special requirements

Section 7. Nominating Committee

A Nominating Committee ("NC") shall consist of a Chairman and two (2) other members appointed by the President. The NC shall prepare a slate of nominees, and obtain a statement of willingness to serve by those nominated, prior to the AGM. At that AGM, the NC shall present its report and nominations.

**ARTICLE XI**

Financial Accountability

The cash accounts of the HOA shall not be commingled with any other accounts.

No remuneration shall be accepted by the president, the treasurer or the budget officer from vendors, independent contractors, or others providing goods or services to the association, whether in the form of commissions, finder's fees, service fees, prizes, gifts, or otherwise. Anything of value received shall benefit the association.

The fiscal year shall be the 12 month period beginning on the first day of January and ending on the last day of the following December.

**ARTICLE XII**  
Resignation

Any Officer, Board member and/or ACC member may resign by providing written notice to the President. The President may resign by providing written notice to the Board.

**ARTICLE XIII**  
Vacancies

Section 1. Board Vacancies

A Member may be elected by the Board only to fill a vacancy caused by a resignation, death, or disability. A board member elected to fill a vacant position shall serve the unexpired term of the predecessor board member. A vacant Board position may be filled by a majority vote of the remaining members of the Board.

If the President of the Association resigns, the Board and Officers shall promote a sitting member of the Board to serve as President until the next AGM.

Section 2. Restrictions

The Board may not fill more than two such vacancies during a period between any two successive AGMs without an at-large election of the Members.

Any Board member whose term has expired must be elected by members of the Association.

**ARTICLE XIV**  
Board Meetings

Section 1. Open Meetings

Board meetings are open to the Members. Members shall be given notice of the date, hour, place and general subject of a regular or special board meeting, including a general description of any matter to be brought up for deliberation in executive session. Notice shall be provided at least 72 hours before the start of the meeting by posting the notice on the QREII website and sending the notice by e-mail to each member who has registered an e-mail address with the Association.

Section 2. Minutes

The Board will keep written minutes as a record of each regular and special meeting. The Board will give the Members access to approved minutes by e-mail. Members have a duty to register their e-mail with the Association and to update that e-mail if it changes. Decisions made in Board meetings must be summarized

orally in general terms, including any expenditures approved, and recorded in the minutes.

Section 3. Closed Session

The Board has the right to adjourn an open Board meeting and reconvene in a closed executive session for certain issues as follows: personnel matters, litigation, contract negotiations, enforcement actions, confidential attorney communications, matters involving the invasion of Member's privacy, or matters involving parties who have requested confidentiality and the Board has agreed to honor that request.

**ARTICLE XV**  
Assessments

Section 1. Payment Plan

The Association will allow a Member to enter in a payment plan in any calendar year. A Member who has defaulted on a payment plan in the last two (2) years will not be given a payment plan. A Member must contact the President and request a payment plan within 10 business days of the date of the assessment notice. A Member may pay the total assessment plus any late fee or delinquent fee in three (3) equal monthly payments, beginning the month the assessment is due.

The payments submitted by the Member will be applied in the following order, unless at the time the Member submits a payment he is in default under an existing payment plan:

1. Delinquent assessments,
2. Current assessments,
3. Attorney fees or third party collection costs incurred by the Association related to the assessment,
4. Other attorney fees,
5. Fines,
6. Other amounts.

Section 2. Non-payment

The Board will employ an attorney to draft and file any instrument that affects title to real property because of the non-payment of the assessment, including liens, notice of claim of lien or similar document.

**ARTICLE XVI**  
Association Records

Section 1. Open Records

Members, or their agents designated in writing, may have access to Association records on written request by certified mail to the President. The request must identify the record requested and indicate whether the member wants



to inspect the record or have the Association forward copies. Inspection must take place at a mutually agreed time during normal business hours.

The Association has ten (10) business days from receipt of the request to:

1. Provide written notice of dates on which records may be inspected,
2. Provide the requested copies, or
3. Provide the member written notice that it is unable to produce the records within the 10 day period and provide a date, within an additional 15 business days, by which date the records will be sent or made available to the member for inspection.

## Section 2. Record Production and Costs

Records can be produced in hard copy, electronic, or other format reasonably available to the Association. The estimated costs of production and copying of Association records must be paid by the requesting member in advance, before the documents are provided. If the requested documents are 50 pages or less, the cost will be the actual cost of photocopying. If the requested documents are more than 50 pages, the cost will include the cost of materials, labor and overhead, but no more than \$2.50 per page.

If the estimated costs are lesser or greater than the actual costs, the Association shall submit a final invoice to the member. If the estimated costs exceed the final costs, the member is entitled to a refund that shall be issued not later than the 30<sup>th</sup> business day after the date the invoice is sent to the member. If the final invoice is greater than the estimated costs, the amounts may be added to the member's account as an assessment.

## Section 3. Confidential Records

The Association keeps confidential and declines to release the following:

1. violation history of members,
2. personal financial information,
3. members' contact information, and
4. HOA personnel files.

## Section 4. Record Retention

Association records will be physically retained by the President. Records will be retained as follows:

- Financial records for 7 years,
- Account records of current owners for 5 years,
- Contracts for terms of at least one year for 4 years after expiration of contract,
- Minutes of Association meetings and Board meetings for 7 years,
- Tax returns and audits for 7 years, and
- Governing documents permanently.

**ARTICLE XVII**  
Resale Certificates

The owner, prospective purchaser, the agent of either, or the title company may request a resale certificate of the Association. The purchaser must pay the resale certificate fee unless otherwise agreed by the purchaser and seller.

The Association charges \$100 to complete a resale certificate. Payment must be received before beginning the process to issue a resale certificate. Payment will not be processed until the certificate is available for delivery.

If the prospective purchaser or his agent requests the resale certificate, he must provide a copy of the signed contract.

**ARTICLE XVIII**  
Property Use

Section 1. Rain Barrels

Members may install and use rain-harvesting devices. The devices must be the same or consistent with the home's color scheme and the home's construction material, must not be visible from the street or common areas, must not display language or content of any kind, and must be approved by the ACC before installation.

Section 2. Solar Panels

Members may install solar panels. The devices must only be located on the owner's roof or fenced yard or patio, must have a frame that is consistent with the home's color scheme, must be properly installed in a manner consistent with the warranties, must not substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities, and must be approved by the ACC before installation. If affixed to the roof, the device must not extend beyond the roofline, must have an edge that is not parallel to the roofline, must conform to the slope of the roof.

Section 3. Storm Shingles

Members shall be allowed to install storm shingles if the storm shingles resemble other approved shingles, are more durable or of better quality than normal shingles, and match the aesthetics of the property surrounding the owner's property and are approved by the ACC before installation.

Section 4. Flags

Members shall be permitted to display flags of the United States, Texas, or a military branch. Flags must be displayed in accordance with the United States and Texas flag codes.

Flagpoles must be constructed of permanent, long-lasting materials, with a finish that is harmonious with the home and approved by the ACC before

installation. One flagpole may be installed on each member's property. The flagpole may not be more than 20 feet in height and must be maintained in good condition and must comply with all applicable zoning ordinance, easements, and setback requirements.

Flags must be maintained in good condition and may not be larger than 3 feet by 5 feet. At nighttime, the flag can be illuminated by a floodlight not stronger than 150 watts that points directly at the flag.

Section 5. Religious Displays

Members shall be permitted to display religious items on their front door or door frame so long as the display is not patently offensive to a passerby. The display may not be larger than 25 cumulative square inches in size and must be consistent with the home's color scheme.

**ARTICLE XIX**  
Amendments

Amendments to these Bylaws and Declarations must be submitted in writing by a Member to the President of the Association no less than thirty (30) days prior to the next AGM. The Secretary shall read the proposed amendment to the Members at the next AGM. The amendment shall be voted on by the Members present at the AGM and requires two-thirds (2/3) vote in favor of the proposed amendment to become effective and incorporated into the Bylaws as proposed.