

**AMENDMENT TO THE BY-LAWS
OF COLONY CROSSING HOMEOWNERS ASSOCIATION, INC.
(Regarding Absentee Ballot Election)**

WHEREAS, this document amends the By-laws of the Colony Crossing Homeowners Association, Inc. ("the Association"), adopted by the initial board of directors July 26, 1986; as amended October 16, 1991; March 4, 1992; and December 5, 1994 (the By-laws"); and

WHEREAS, this by-law Amendment is applicable to the subdivisions of:

Fondren Grove Section One-A, Colony Crossing Village of Talbots Mill Sections One and Two, additions in Fort Bend County, Texas, according to the maps or plats thereof, recorded in the Plat Records of Fort Bend County, Texas, under Slide Nos. 831/A & B, 787/B-788/A, and 1264/B-1265/A, respectively, along with any amendments, replats, or supplements thereto; and

Fondren Grove Section One-A, Colony Crossing Village of Talbots Mill Sections One and Two, Colony Crossing Village of Sawyers Crossing, and Colony Crossing Villages of Sanders Ridge additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Plat Records of Harris County, Texas, under Clerk Film Code Nos. 355101, 356071, 332028, 360094 and 382110, respectively, along with any amendments, replats, or supplements thereto.

WHEREAS, the Articles of Incorporation of the Association vest the management of the Association in the board of directors and do not reserve the right to amend by-laws to the members; and

WHEREAS, the By-laws were adopted by the initial board of directors of the Association and no amendment has ever limited the right to amend to By-laws to only the members; and

WHEREAS, Chapter 22.102(c) of the Texas Business Organizations Code provides that the board of directors may amend bylaws; and

WHEREAS, Chapter 209.00593(b) of the Texas Property Code provides that a board of a property owners' association may amend the bylaws of the property owners association to provide for elections to be held as required by Section 209.00593(a);

WHEREAS, Article II, Section 4 of the current By-laws contains provisions regarding the election of directors; and

WHEREAS, the Board desires to add an alternative procedure by which directors may be elected by the members in the event a quorum is not attained at a meeting of members; and

WHEREAS, these amendments to the By-laws has been approved by a majority of the Board as certified by the President of the Colony Crossing Homeowners Association, Inc. herein below;

NOW THEREFORE, pursuant to the above recitals, the board of directors for the Colony Crossing Homeowners Association, Inc., hereby amends the provisions of the By-Laws to adopt, establish and impose upon the Association, the following amendments:

I. Article II, Section 4 had previously read as follows:

Section 4. Quorum. The presence at the meeting of members holding one-tenth (1/10) of the votes entitled to be cast, represented in person or by proxy, shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration or these By-laws. If such quorum shall not be present or represented at any meeting, the members entitled to vote at such meeting shall have the power to adjourn the meeting, from time to time without notice other than announcement at the meeting, until a quorum as previously defined shall be present or be represented.

Article II, Section 4, is hereby amended to read as follows:

Section 4: Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes of each class of membership shall constitute a quorum for any meetings of members except as otherwise provided in the Articles of Incorporation, the Declaration or the By-laws. In the event a quorum is not attained at an annual meeting, there shall be an election of directors by absentee ballot alone ("Absentee Ballot Election"). The procedure for such Absentee Ballot Election shall be as follows:

- i) The annual meeting for which a quorum was not attained shall be adjourned.
- ii) Prior to adjournment of the annual meeting, each person present at the annual meeting will be provided an absentee ballot that may be submitted for the Absentee Ballot Election. Persons holding proxies will not be entitled to submit an absentee ballot on behalf of the person whose proxy they hold.
- iii) Immediately following the adjournment of the annual meeting the sitting board of directors shall call to order a meeting of the board of directors to conduct the Absentee Ballot Election and supervise the tabulation of the absentee ballots submitted for the Absentee Ballot Election consistent with the provisions of Chapter 209.00594 of the Texas Property Code.
- iv) The ballots tabulated shall include all absentee ballots properly submitted by members at the adjourned annual meeting, through the mail, by fax, e-mail or other electronic means approved by the Association. The board shall set a deadline for receipt of Absentee Ballots submitted by mail or electronic means at a time prior to the time set for the annual meeting of members.
- v) The notice of the annual meeting sent to each member shall include a notice that in the event a quorum is not attained for the annual meeting, there will be a meeting of the board of directors immediately following at which the Absentee Ballot Election will be completed.

- vi) Such notice shall also inform the members that a proxy does not constitute an absentee ballot and should the Absentee Ballot Election occur, no vote will be cast on their behalf if they have given their proxy to another member.

Following tabulation of the ballots the results of the Absentee Ballot Election shall be announced at the board of director meeting and in any other manner in which the board of directors deems appropriate.

II. Article II, Section 5 had previously read as follows:

Section 5 Proxies. At all meeting of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

Article II, Section 5, is hereby amended to read as follows:

Section 5 Proxies. At all meeting of members, each member may vote in person, by proxy or by absentee ballot. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

IN WITNESS HEREOF, this Amendment to the By-laws of the Colony Crossing Homeowners Association, Inc. has been enacted as recited above and is executed this the 29th day of October, 2013.

COLONY CROSSING HOMEOWNERS
ASSOCIATION, INC

By: [Signature]

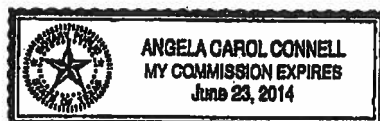
Print Name: JEFF GASPAR

Title: President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Jeff Gaspar, President of the Colony Crossing Homeowners Association, Inc., a Texas non-profit corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that this instrument was executed for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 29th day of October, 2013.



[Signature]
Notary Public, State of Texas
My commission Expires:

RET Holt & Young PC
9821 Katy Fwy Ste 350
Houston, TX 77024

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dianne Wilson

Dianne Wilson, County Clerk
Fort Bend County, Texas

November 19, 2013 11:48:40 AM

FEE: \$23.00 DA
MISC

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