

3  
Amend  
J

**AMENDMENT TO THE BY-LAWS OF THE  
CIMARRON COMMUNITY IMPROVEMENT ASSOCIATION, INC.  
PROVIDING FOR ABSENTEE BALLOT ELECTION OF DIRECTORS**

WHEREAS, this document amends the By-laws of the Cimarron Community Improvement Association, Inc. ("the Association"), filed of record under Harris County, Texas Clerk's File Number E522070 (the By-laws"); and

WHEREAS, this by-law Amendment is applicable to the following property:

Cimarron, Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, additions in Harris County, Texas, according to the maps or plats thereof recorded in the Map Records of Harris County, Texas, under Clerk's File Nos.: E262339, E363704, E812476, E812477, E994941, F308098, F172811, F316682 and F565838, respectively, along with any amendments, supplements, replats and annexations, and to any other properties subsequently annexed to or brought under the jurisdiction of the Cimarron Community Improvement Association, Inc. (collectively referred to as the "Subdivision"); and

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 have never been amended by 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 III, Section 4 of the current By-laws contains the quorum requirement for meetings of Members; and

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

WHEREAS, despite the language in the existing By-laws that provides for a three member Board of Directors, the Association has operated with a five member board for over twenty years and the Board desires to make the By-laws consistent with the historical practice; and

WHEREAS, this Amendment to the By-laws has been approved by a majority of the Board as certified by the President of the Cimarron Community Improvement Association, Inc. herein below;

NOW THEREFORE, pursuant to the above recitals, the By-laws are hereby amended by amending Article IV, Section 2 and Article V, Section 2 of the previously existing By-laws, as follows:

I. Article IV, Section 2 had previously read:

Section 2. Term of Office. At the first annual meeting the members shall elect one director for a term of one year, one director for a term of two years and one director for a term of three years; and at each annual meeting thereafter the members shall elect one director for a term of three years.

Article IV, Section 2, is hereby amended to read as follows:

Section 2. Term of Office. At the 2012 annual meeting the members shall elect one director for a term of three years. At the 2013 annual meeting the members shall elect two director(s) for a term of three years. At the 2014 annual meeting the members shall elect two directors(s) for a term of three years. At each annual meeting thereafter the members shall elect the number of directors whose terms are expiring for a term of three years. 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.
- vii) 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.

KT 002-19-2113

RP 082-14-2014

II. Article V, Section 2 had previously read:

Section 2. Election. Election to the Board of Directors shall be by secret written ballot. At such election, the members or their proxies may cast, in respect of each vacancy, as many votes as they are entitled to cast under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting shall not be permitted.

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

Section 2. Election. Election to the Board of Directors shall be by signed written ballot either at an annual meeting of members or by the Absentee Ballot Election procedure. For any election of directors, the members or their proxies (if at an annual meeting of members) may cast, in respect of each vacancy, as many votes as they are entitled to cast under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting shall not be permitted.

IN WITNESS HEREOF, this Amendment to the By-laws of the Cimarron Community Improvement Association, Inc. Providing for Absentee Election of Directors has been enacted as recited above and is executed this the 16th day of April, 2012.

CIMARRON COMMUNITY IMPROVEMENT ASSOCIATION, INC.

By: [Signature]

Print Name: James E Knobel

Title: President

101  
None

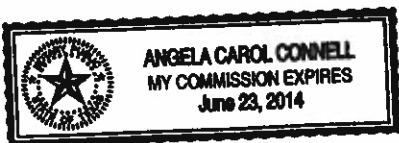
STATE OF TEXAS §

§

COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared James E Knobel, President of the Cimarron Community Improvement 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 16th day of April, 2012.



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

FILED FOR RECORD  
8:00 AM

MAY - 8 2012

Stan Stewart  
County Clerk, Harris County, Texas

Ref  
Holt & Young  
11200 Richmond Ave., # 450  
Houston, TX 77072

RP 082-14-2015

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.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time  
stamped herein by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris  
County, Texas.

MAY -8 2012



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS