

536-08-2429

**AMENDMENTS TO THE BY-LAWS**  
**OF**  
**CROWN COLONY HOMEOWNERS ASSOCIATION, INC.**

Authority to amend:

The Crown Colony Homeowners Association By-Laws may be amended in accordance with Article XVI (Amendments):

**Section 1.** These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy, except that the Federal Housing Administration or the Veterans Administration shall have the right to veto amendments while there is a Class B membership.

**Section 2.** In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

Note that a simple majority of owners present or by proxy is required; and, unlike the Declaration, there is no requirement that the amendment be properly recorded in Harris County, Texas.

However, since the original By-Laws were notarized, any amendments to that notarized document must, likewise, be notarized. This means that the amendments to the by-laws approved November 12, 1975 and January 12 1977 are not legal amendments to the By-Laws.

Since most of the 1975 and 1977 amendments would have clarified the By-Laws or have been beneficial to the Association, they were voted on again. This time they will be notarized. Certain amendments from the 1977 list were in conflict with either the Articles of Incorporation or the Covenants and would not be legal no mater if they were notarized.

In the following, shaded wording will replace or be added to the wording; wording lined out will be removed.

EXHIBIT

“ D ”

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**AMENDMENT A:**

Article II (Definitions) currently reads:

**Section 4, second sentence.** For all purposes hereunder it shall be understood and agreed that said 48 Building Sites constitute two hundred eighty two Lots until such time, if any, as it may be determined that the number of single family Townhouses are more or less than 282 in which case the number of separate lots shall be the number of a single family Townhouses built on the 48 Building Sites.

Article II, Section 4 will be changed to read:

**Section 4, Second sentence** For all purposes hereunder it shall be understood that said Building Sites constitute ~~two hundred eighty two~~ Lots until such time, if any, as it may be determined that the number if single family Townhouses are more or less than ~~282~~ in which case the number of separate lots shall be in the number of single family Townhouses built on the ~~48~~ Building Sites. ...

comment: updates the number of Townhouses in the complex

**AMENDMENT B**

Article III (Membership) currently reads:

**Section 1 Sentence 4** Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

Article III (Membership) will be changed to read:

**Section 1 Sentence 4** Membership shall be ~~appurtenant~~ and may not be separated from ownership of any Lot which is subject to assessment by the Association.

comment: This merely changes a legal word to a more understandable phrase

**AMENDMENT C**

Article IV (Property Rights: Right of Enjoyment) currently reads:

**Section 2.** Irrespective of the fact that Section 1(b) of Article V of the Declaration gives the Association the right to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area, this right shall not be exercised as to members for a period of five (5) years from the date of the recordation of the Declaration, and after this period, only upon written approval of two-thirds (2/3) of the entire Class A membership.

Article IV (Property Rights: Right of Enjoyment) will be changed to read:

**Section 2.** ~~Irrespective of the fact that Section 1 (b) of Article V of the Declaration gives the Association the right to charge reasonable admission and other fees for the use of any recreational facilities situated upon the common Area, this right shall not be exercised as to~~

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~~members for a period of five (5) years from the date of recordation of the Declaration and after this period, only upon the written approval of two-thirds of the entire Class A membership.~~

comment: removes that part of the By-Law that is in conflict with the Declaration of Covenants, Conditions and Restrictions

#### AMENDMENT D

Article V (Board of Directors: Selection: Term of Office) currently reads:

Section 5. 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 approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

Article V (Board of Directors: Selection: Term of Office) will be changed to read:

Section 5 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 approval of all ~~members~~ the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

comment: makes action taken without a formal meeting consistent with actions taken at a formal meeting

#### AMENDMENT E

Article VIII (Powers and duties of the Board of Directors) currently reads:

Section 2 (a) To 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 a special meeting, when such statement is requested in writing by one-fourth (1/4) of the Class A members who are entitled to vote;

Article VIII (Powers and duties of the Board of Directors) will be changed to read

Section 2 (a) To 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 a special meeting, when such statement is requested in writing by one-fourth (1/4) of the ~~class-A~~ members who are entitled to vote;

comment: removes reference to Class A members, there is only one class of membership at this time.

#### AMENDMENT F

Article IX (Committees) currently reads:

Section 1 (d) An Audit Committee to supervise the annual audit of the Association's books and approve the annual budget and statement of income and expenditures to be presented to

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the members at its regular annual meeting, as provided in Article XI, Section 8(d). The treasurer shall be an ex-officio member of this committee when formed.

Article IX (Committees) will be changed to read:

Section 1 (d) An Audit ~~Financial~~ committee to supervise the annual audit of the association's books and ~~approve~~ ~~prepare the annual budget~~ and statement of income and expenditures to be ~~approved by the Board and then~~ presented to the membership at its regular annual meeting, as provided in Article XI, Section 8(d). The treasurer shall be an ex-officio member of this committee when formed.

comment: Changes Audit Committee to Financial Committee and modifies its authority over the annual budget

#### AMENDMENT G

Article X (Meetings of Members) currently reads:

Section 1. Annual Meetings. The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on the same day of the same month of each year thereafter, at the hour of 7:00 o'clock p.m. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour of the first day following which is not a legal holiday.

Article X (Meetings of Members) will be changed to read:

Section 1 Annual Meetings Each regular annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on the same day of the same month of each year thereafter on ~~the first day of January~~ at the hour of 7:00 o'clock p.m. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour of the first day following which is not a legal holiday.

comment: Makes the day and time of the annual meeting of members consistent with current practice

#### AMENDMENT H

Article X (Meetings of Members) currently reads:

Section 2. Special Meetings. Special meetings of the members may be called at any time by the president of the Board of Directors, or upon written request of the members who are entitled to vote one-fourth (1/4) of all the votes of the entire membership or who are entitled to vote one-fourth (1/4) of the votes of the Class A membership.

Article X (Meetings of Members) will be changed to read:

Section 2 Special Meetings Special meetings of the members may be called at any time by the president of the Board of Directors, or upon written request of the members who are entitled

to vote one-fourth (1/4) of all the votes of the entire membership ~~or who are entitled to vote one-fourth (1/4) of the votes of the Class A membership.~~

comment: removed reference to Class A members

## AMENDMENT I

Article X (Meetings of Members) currently reads:

**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 action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcements at the meeting, until a quorum as aforesaid, shall be present or be represented.

Article X (Meetings of Members) will be changed to read:

**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 action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcements at the meeting, until a quorum as aforesaid, shall be present or be represented.

comment: removes reference to classes of membership

## AMENDMENT J

Article XI (Officers and Their Duties)

### Treasurer

(d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association's books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members.

Article XI (Officers and Their Duties) will be changed to read

### Treasurer

(d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association's books to be made by a public accountant at the completion of each fiscal year; and shall ~~prepare~~ ~~oversee the preparation of~~ an annual budget

and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members.

comment: changes treasurer's authority over the annual budget from preparation to oversight

## AMENDMENT K

Article XII (Assessments) currently reads:

(b) From and after January 1st of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above that established Consumer Price Index formula by a vote of the members for the next succeeding three (3) years and at the end of each such period of three (3) years, for each succeeding period of three (3) years, provided that any such change shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than 30 days nor more than 50 days in advance of the meeting setting forth the purpose of the meeting. The limitations hereof shall not apply to any change in the maximum and basis of the assessment undertaken as an incident to a merger or consolidation in which the Association is authorized to participate under its Articles of Incorporation.

Article XII (Assessments) will be changed to read:

(b) From and after January 1st of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above that established Consumer Price Index formula by a vote of the members for the next succeeding three (3) years and at the end of each such period of three (3) years, for each succeeding period of three (3) years, provided that any such change shall have the assent of two-thirds (2/3) of the votes of ~~each class of~~ members who are voting in person or by proxy, at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than 30 days nor more than 50 days in advance of the meeting setting forth the purpose of the meeting. The limitations hereof shall not apply to any change in the maximum and basis of the assessment undertaken as an incident to a merger or consolidation in which the Association is authorized to participate under its Articles of Incorporation.

comment: removes reference to classes of membership

## AMENDMENT L

Article XII (Assessments) currently reads

Section 3(c) After consideration of current maintenance costs and future needs of the Association, the Board of Directors may levy the annual assessments in an amount not in excess of the maximum. As long as there is a Class B membership, the Board of Directors may charge and collect a fraction of the annual assessment on each Lot until the conveyance of said Lot by Declarant to an Owner, provided that any such fractional charge will require the prior approval of the Federal Housing administration and the Veterans Administration, if applicable.

Article XII (Assessments) will be changed to read:

Article XVI (Amendments) will be changed to read:

**Section 1.** These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy, ~~except that the Federal Housing Administration or the Veterans Administration shall have the right to veto amendments while there is a Class B membership.~~

comment: removes reference to Class B Membership and to the FHA and VA

Voted on at the January 16, 1997 Annual Meeting of the Crown Colony Homeowners Association and approved by acclamation by 49 homeowners present in person or by proxy.

  
\_\_\_\_\_  
E. C. Hawley, President

  
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Sonya Pizzitola, Secretary

  
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Duncan Kelly, Vice-president

STATE OF TEXAS )

COUNTY OF HARRIS )



I, the undersigned authority, a Notary Public in and for Harris County Texas,, do hereby certify that on this 6<sup>th</sup> day of February, 1997, personally appeared before me E. C. HAWLEY, SONYA PIZZITOLA and DUNCAN KELLY who being by me first duly sworn, severally declared that they are the persons who signed the forgoing document and that the statements therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

  
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Notary Public in and for Harris County Texas