



Southwyck MASTER

OFFICIAL COMMUNITY NEWSLETTER
WWW.SOUTHWYCKTEXAS.COM

VOLUME 2 | ISSUE 1 | JANUARY 2016



DID YOU KNOW?

Southwyck CAI has a reserve fund that we contribute to yearly? Reserve funds are used for major repair. We fund for future incidents.



DID YOU KNOW... we have our financials audited EVERY year by an outside auditor? An audit is a perfect means for the board to show the homeowners that the board is looking out for the best interests of the community.



DID YOU KNOW... homeowners can receive financial information for free on the website?



BE INFORMED – THE LAST 3 YEARS OF HOA LAW REFORMS ENACTED BY THE TEXAS LEGISLATURE?

SUMMARY OF THE 2011 HOA LAW REFORMS ENACTED BY THE TEXAS LEGISLATURE:

[http://www.texasoalaw.com/wp-content/
uploads/2012/09/SSJM-Summary-of-the-2011-HOA-Law-
Reforms-Enacted-by-the-Texas-Legislature.pdf](http://www.texasoalaw.com/wp-content/uploads/2012/09/SSJM-Summary-of-the-2011-HOA-Law-Reforms-Enacted-by-the-Texas-Legislature.pdf)

SUMMARY OF THE 2013 TEXAS HOA LAW REFORMS ENACTED BY THE TEXAS LEGISLATURE:

[http://www.texasoalaw.com/wp-content/
uploads/2013/06/Brief-Summary-of-the-2013-HOA-Law-
Reforms-Enacted-by-the-Texas-Legislature.pdf](http://www.texasoalaw.com/wp-content/uploads/2013/06/Brief-Summary-of-the-2013-HOA-Law-Reforms-Enacted-by-the-Texas-Legislature.pdf)

TEXAS HOA LAW – 2015 LEGISLATIVE UPDATE:

<http://www.texasoalaw.com/2015-texas-hoa-legislation-report/>

DID YOU KNOW... that the SOUTHWYCK CAI does not handle architectural reviews? This is a section responsibility. We also do not have any pools that we are responsible for.

NEIGHBORING ASSOCIATIONS ASSESSMENTS

Amounts obtained from HAR.com

- Cambridge Lake: \$450 annually
- Silvercreek: approx. 748 homes; \$662 annually
- Silverlake: approx. 2500 single-family residences; \$580 annually
- Southdown: over 1500 single-family residence; \$168.00 annually
- South Hampton: \$277 annually
- Southwyck: 1673 single-family residences;
- Master portion \$306.00 annually;
 - Section I: \$238.00 annually (\$544.00 total),
 - Section IV: \$222.00 annually (\$528.00 total);
 - Section V: \$ 487.00 annually (\$793.00 total)
- Sunrise Lakes: 708 single-family residence; \$450 annually
- Villages of Edgewater Estates: \$580 annually
- West Oaks Village: \$435 annually

DID YOU KNOW... although we in Southwyck feel that our Master and Village Associations concept is unique, in fact they are actually quite common. Looking in our local area we have the huge Shadow Creek Ranch with 2 “Master” Associations and 4 “Village” Associations. There is also Waterford Harbor Master Association, Bay Colony Master Association and South Shore Harbour with the master and village concept as additional examples.

The majority of these “Master” Associations carry the responsibility for semi-yearly and yearly dues collection as well as numerous community duties including common area and monument maintenance along with stewardship of parks and lakes as we have in our own Southwyck Master Association.

YOUR BOARD OF DIRECTORS & MANAGEMENT COMPANY

SOUTHWYCK MASTER BOARD OF DIRECTORS:

John J. Fisher President
Helen Bilyeu Vice President
Lloyd Powell Treasurer
Steve Bounds Secretary
Larry Smith Director

BOARD MEETINGS:

1st Thursday of the month @ 6:30 p.m.

Location:

Calvary Church
3302 County Road 89 • Pearland TX 77584

MANAGING AGENT --

FIRSTSERVICE RESIDENTIAL

12234 Shadow Creek Pkwy, Bldg 3, Suite 112
Pearland, TX 77584

PHONE: 713-332-4675

CONTACTS:

Sarah Lee - Director, FSR Pearland
email: Sarah.Lee@fsresidential.com

Tami Smith - Community Manager
email: Tami.Smith@fsresidential.com

Veronica Davila - Service Specialist
email: Veronica.Davila@fsresidential.com

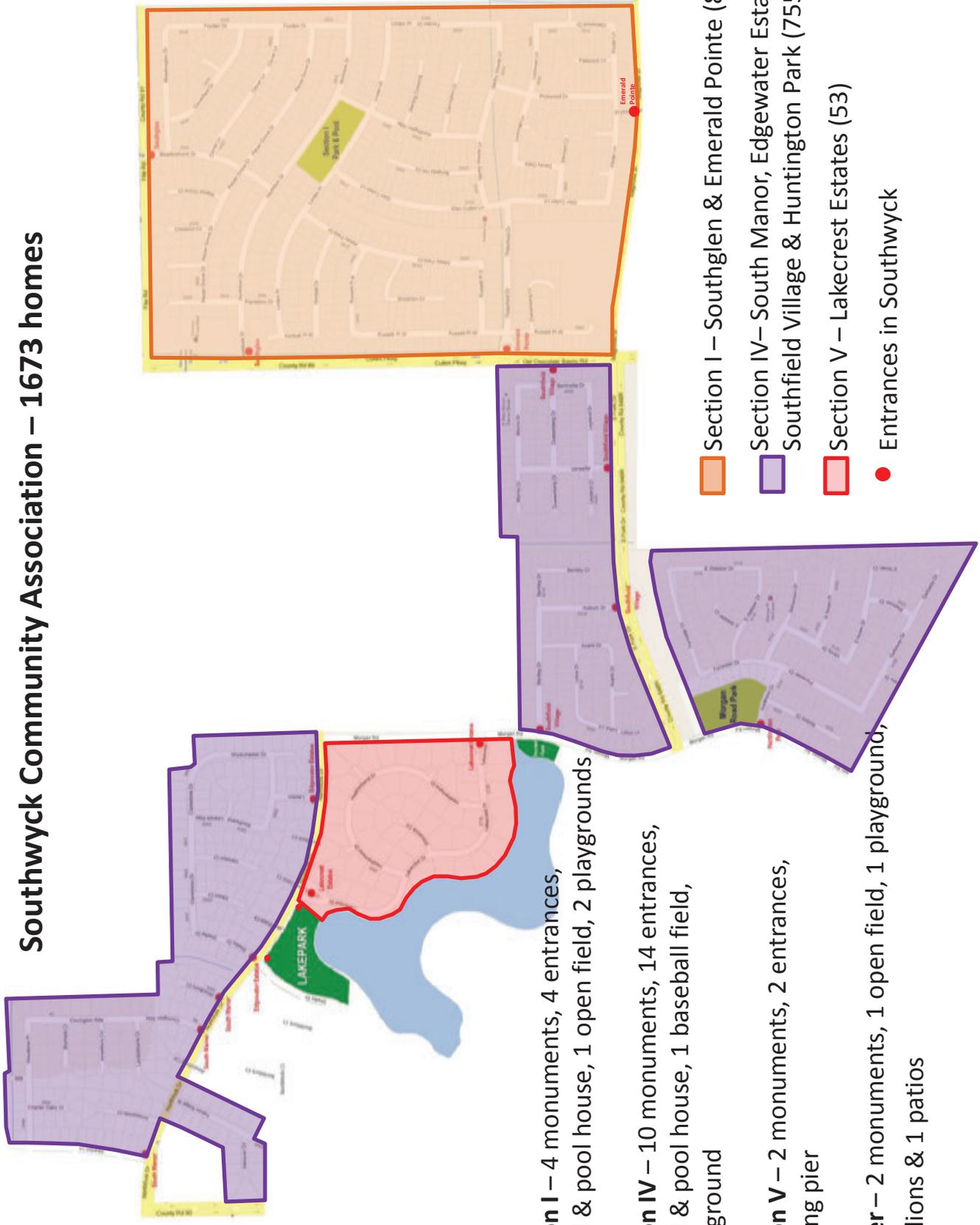
SECTION CONTACTS:

First Service - Section I (One)
email: Denise.Sumlin@fsresidential.com

SCS Management - Section IV (Four)
Phone: 713-463-1777

Alexa St. Julian - Section V (Five)
email: Alexa_St_Julian@yahoo.com

Southwyck Community Association – 1673 homes



Section I – 4 monuments, 4 entrances, 1 pool & pool house, 1 open field, 2 playgrounds

Section IV – 10 monuments, 14 entrances, 1 pool & pool house, 1 baseball field, 1 playground

Section V – 2 monuments, 2 entrances, 1 fishing pier

Master – 2 monuments, 1 open field, 1 playground, 2 pavilions & 1 patios

- Section I – Southglen & Emerald Pointe (865)
- Section IV– South Manor, Edgewater Estates, Southfield Village & Huntington Park (755)
- Section V – Lakecrest Estates (53)
- Entrances in Southwyck

DID YOU KNOW... about master association?

DID YOU KNOW... that the Master has not raised their portion of the assessments for at least 7 years and maybe longer? The very last thing we would ever do is increase our portion of the assessment. We are homeowners too!

DID YOU KNOW?

you can email the board about any questions you have? Our email address is directors@southwycktexas.com. The email goes directly to **ONLY** board members.

DID YOU KNOW... that while Southwyck Lake Park use to have restrooms when the subdivision was first created, that they had to be removed because of constant vandalism? We have no plans to put restrooms into the park as a stand-alone structure at this time. There are safety issues as well.

DID YOU KNOW... that we try to keep track of which large groups use our parks, so that we know how to better equip our parks? If you have

a large group that wants to use our park, please make sure you request the use of the park by filling out a Lake Park Release Form from our website, www.southwycktexas.com > Documents & Forms – scroll down to the bottom and link is on the left side along with the park rules. The form needs to be filled out and sent back to our management company at least 10 days ahead of your need.

Please send to Tami Smith at FirstService Residential – tami.smith@fsresidential.com or Fax: 713-332-4695. She will verify that the date you request is not already taken and she will put you down on our calendar.

FirstService Residential contact information is also provided on the signage near the parking lot. Our park is used quite a bit by large groups, so make sure your get your request in early.

“Daniel and I are incredibly thankful for the use of the Southwyck Lake Park for our wedding. We couldn’t have been happier.”



DID YOU KNOW?

The Master's portion of the semi-yearly assessments goes towards:

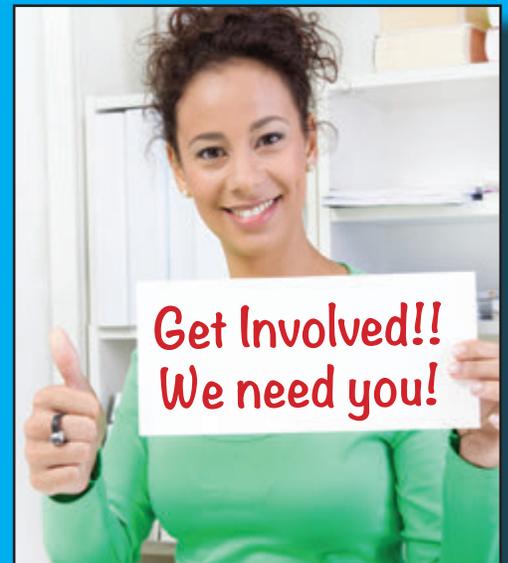
- lawn mowing, edging, blowing, plantings, irrigation system and watering of 18 entrances and 2 parks
- seasonal plantings at entrances and the 2 parks
- lighting for all 18 entrances and in 2 parks
- tree trimming and vine removal on all fence lines we oversee
- repair/replacement of all fences we oversee
- play equipment, sun shades, picnic tables, benches, swings, water fountains & foot washing station, volley ball court, sand box, trash cans and doggy stations in our 2 parks
- upkeep of the lake
- covered structures at 2 parks

DID YOU KNOW... that just because you may see the sprinklers going off at one of our parks or entrances during a rain, it does not mean we intended to water? What it does mean is we are having a hardware malfunction. The best thing you can do is to contact the board by emailing a note to us at directors@southwycktx.com. The email will go out to all of our board members. Please include helpful information like location including main street and the closest cross street. If you can get a picture and email it to, that would be helpful. Please also include the date and time you saw it going off. If you say it is on Northfork, Northfork covers a large area and is not specific enough for us to easily and quickly locate the problem.



DID YOU KNOW... you can be a part of the solution instead of a problem?

It is easy to sit back and fire off disparaging emails or making negative comments about our association on social media, but if you truly want to be a part of the solution and help make our community a successful, volunteer when asked, notify the board when you see something out of place or in need of attention, come to our board meetings and actually learn what we are working on in the community instead of assuming you know more than you do when you have not attended a single meeting. Talking or writing smack about your community is not a positive way to address issues. Communicating with the board and coming to our meetings once in a while is much more productive. By attending meetings and helping us find solutions, you help us improve our community. Be a part of the solution.



DID YOU KNOW... that all property owners in Southwyck CAI can ask for a payment plan instead of not paying and racking up late fees, interest and possibly attorney fees? Once a payment plan is issued, you are expected to follow the payment schedule that you agree upon and make your payments on time according to the contract you enter into. If for any reason, you cannot make an assessment payment when due, please do not ignore the issue. Always contact our management company and speak to our community manager and go over the situation with her. You can save yourself a lot of money because of late fees, interest and legal cost if you do so. Tami Smith is our community manager and she can be reached at 713-332-4691 or by email at tami.smith@fsresidential.com. FirstService Residential's main number is 713-332-4675.

DID YOU KNOW... that if you change your mailing address, that you need to make sure you contact our management company and give them your new contact information? We do not want you incurring additional charges because you failed to update our management company with your new mailing address. Please contact Tami Smith at 713-332-4691 (direct), 713-332-4675 (main) or email her at tami.smith@fsresidential.com.

DID YOU KNOW... board members do take time to visit our parks and common areas on a regular basis as well as our community manager, Tami Smith? We are always looking at ways to improve the property we are charged with overseeing. Does this mean we catch everything? No. We are human too and each of us sees different things, so the more eyes we have, the more likely we are to address issues.

And just like many of you know, not all projects can be worked on overnight. Once we identify a project that needs to be worked on, like tree trimming, fence repairs, etc., we have to determine the scope of the project, ask vendors to provide bids on the work needed, arrange for a site visit with the vendors in some cases, review all bids, re-contact vendors if they did not bid on the scope of the project we issued or locate additional vendors if we do not get enough bids in. Bids are then presented to the board....remember, we only meet once a month all together for 2-2.5 hours....and then determine if we can proceed with the job depending on the cost and timing. We then contact the winning vendor and work with their schedule. And just like some of you have discovered, not all vendors work out at times. Emergency repairs do go faster but again, we sometimes have to wait for insurance companies on occasion and vendors to be able to schedule repairs.

Support **Southwyck Master** **ADVERTISE NOW**

To advertise in this Official Publication of the community, call 713.331.0344 or email advertise@hoanewsmag.com for rates and requirements.

**HOMEOWNER ASSOCIATION
NEWSLETTER MAGAZINES**

**Official Community Magazines
that Local Residents READ.**

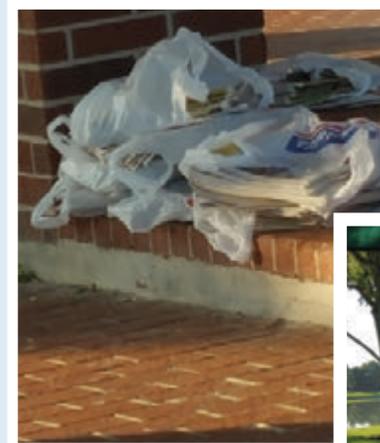
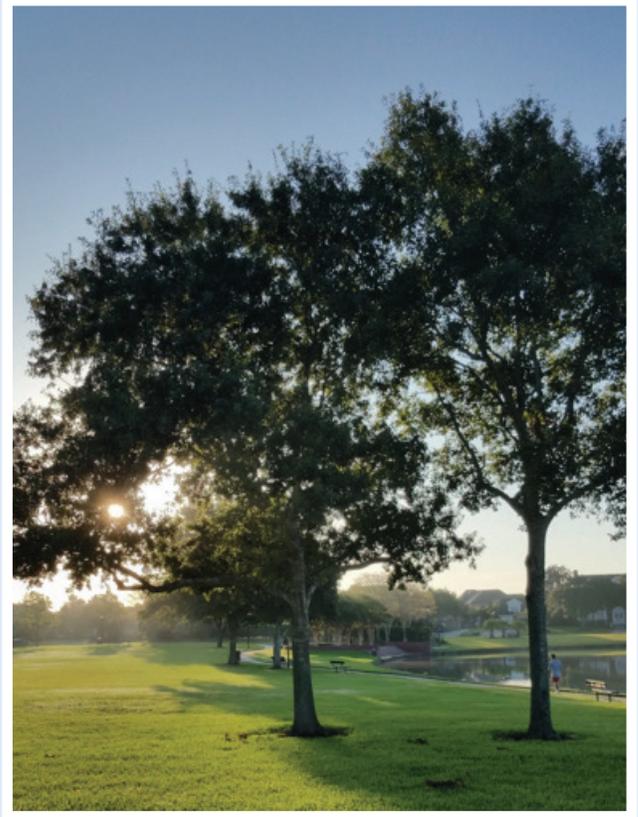


This Newsletter is funded in part by the Advertisers.

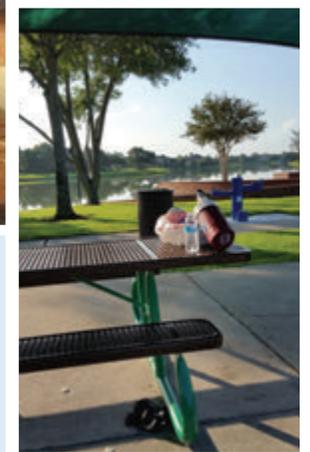


DID YOU KNOW... our board meetings are held once a month? We meet the first Thursday of each month at 6:30 p.m. at Calvary Baptist Church, 3302 County Road 89. Look for email reminders from FirstService Residential...if you have given them your email contact. If we do not have your email contact, please send an email to contactus.tx@fsresidential.com, place your address in the subject line and in the body of the email state, 'add to e-blast list'.

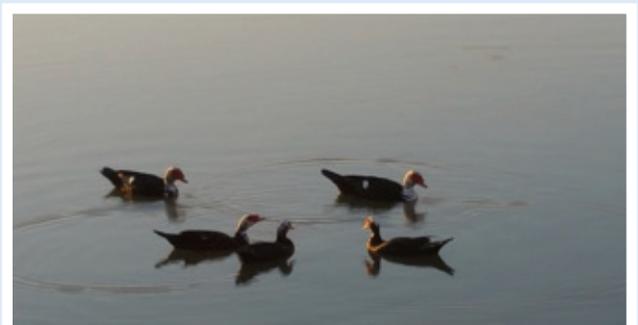
DID YOU KNOW... the board and community would be very appreciative if youngsters would be supervised when playing in the sandbox at Southwyck Lake Park. Please see if you can communicate to your youngster the proper way to use the facilities at our park. The doggy water fountain should NOT have sand put down it. None of the drinking fountains should have sand put down them. We have provided a foot washing station to help clean up after playing in the sand. Even this station is not meant to have large amounts of sand dumped down it. Please try to brush off as much sand as possible before going to the foot washing station to clean up. The drinking fountains and foot washing station should be treated with care, in order for us to be able to afford their upkeep. We have graphical signs up to help you and your youngster understand what the different stations are for or what should not be put down them. If your household sink does not benefit from sand, please remember, ours does not either.



It's OUR Park!



Please clean up after your visit!



NAVIGATING THE www.SouthwyckTexas.com WEB SITE

The Home Page is the first thing you see on the web site. On this page we show you the different sections and which villages are associated with each section. You will also see the associations meeting date, time and location when the sections have provided us with that information.

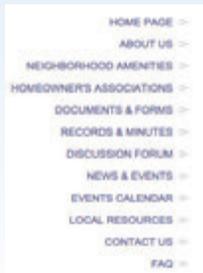
On the left side is a menu of additional pages with important information found under them.

The menu includes:

- **HOME PAGE** – quick reference on the Master and sections.
- **ABOUT US** – maps showing the different section coverage, villages and MUDs.
- **NEIGHBORHOOD AMENITIES** – lists what amenities are available in each section and a bit about shared usage with Silverlake HOA.
- **HOMEOWNER'S ASSOCIATIONS** – menu for each section and Master – gives contact information.
- **DOCUMENTS & FORMS** – shows link to each section's web site to obtain relevant documents from; Lake Park Release Form & Southwyck Lake Park Rules .
- **RECORDS & MINUTES** – a link to FirstService Residential Southwyck CAI web page where our latest meeting minutes and governing documents reside. A login is required for this site. This is the Master's login site. Since Section One also has a site at FirstService Residential just for them, contact information is provided so that you can request a login from FirstService Residential. A separate login is needed for Section One and the Master. Make sure you request one for each or be specific which one you want access to.

After providing your login information on the FSR Southwyck page, you will see links to Governing Docs, Meeting Minutes, Financials, Southwyck CAI website (this takes you back to www.SouthwyckTexas.com) and Certification of Insurance on the right side near the bottom. Only minutes and financial reports that have been board approved are uploaded. There are times when this information needs to be adjusted and then the board will approve at their next meeting.

- **DISCUSSION FORUM** – a link to our Southwyck Texas Yahoo Group. You must request access to this group. The members of this group are not just confined to homeowners of Southwyck. We allow neighboring homeowners to join also.
- **NEWS & EVENTS** – a recap of what we are currently working on and information that Southwyck homeowners may be interested in. We try to update this monthly shortly after the board's monthly meeting.
- **EVENTS CALENDAR** – self-explanatory.
- **LOCAL RESOURCES** – common contact information for local city and county agencies plus Centerpoint link for reporting power outages or light poles out. We also provide the City of Pearland's garbage holiday schedule.
- **CONTACT US** – a contact form that is sent to all of the Southwyck CAI board should you have any questions you would like answers to. If the question is more for the section board, we will forward it on to them.
- **FAQ** – Frequently asked questions - self-explanatory.



PRESS RELEASE

December 14, 2015

SOUTHWYCK MASTER PREVAILS OVER SECTION IV VILLAGE IN LAWSUIT OVER THE INTERPRETATION OF THE SECTION IV DECLARATION AS TO AMENDMENTS.

The Southwyck Community Association, Inc. (“Master Association”) recently obtained a final judgment on November 20, 2015, against the Southwyck, Section IV Homeowners’ Association, Inc. (“Section IV Association”). The judgment concluded almost 18 months of litigation between the two associations over the interpretation of the Southwyck Section IV Declaration regarding the vote required to amend it, among other issues. Judge W. Edwin Denman of the 412 Judicial District Court of Brazoria County, Texas, presided over the case.

Some Southwyck History...

The Southwyck subdivision was created by General Homes Corporation in 1984. General Homes Corporation (“Developer”) was the original owner of the actual land on which the subdivision was developed. The Developer subdivided the land and developed the various sections in phases which ultimately became known as Southwyck Sections I, IV, V, VII, VIII, and IX. Southwyck Section IV was the first phase developed.

In conjunction with the actual land development, the Developer also created several property owner associations and tasked them with certain responsibilities associated with the management and maintenance of the overall subdivision. Each association is a separate non-profit corporation with its own board of directors that was initially appointed by the Developer and later elected by each association’s respective membership.

The Developer created the Southwyck Master Association first on or about June 11, 1984, and soon thereafter signed the Declaration of Covenants, Conditions and Restrictions, now known as the Section IV Declaration on or about July 17, 1984, and applicable to the land contained within the Section IV subdivision. On August 15, 1985, the Developer created the Section IV Association. The Developer later created property owner associations for the rest of Sections I, V, VII, VIII and IX, each with their own boards of directors initially appointed by the Developer. As each section was added, the Developer incorporated the property owners of each new section as members of the Master Association as well as members of their own individual village association.

The Declarant amended the Section IV Declaration twice in the past on July 10, 1985, which was before the Developer ever created the Section IV Association, and again on October 27, 1986. Later, the Section VII, VIII, and IX properties merged into the Section IV subdivision through a process called annexation and in similar fashion the Section VII, VIII and IX associations merged into the Section IV Association. In the end, the Section IV Association remained, along with the other Section I and Section V associations which remained independent. As a result of these annexations and mergers, there are now a total of four property owner associations – one “master” association (e.g., the Southwyck Master) and three “village” associations (e.g., Southwyck Sections I, IV and V). Based on the current declarations applicable to the subdivision, every property owner in the Southwyck subdivision is a member of their respective village association as well as a member of the Southwyck Master Association. Membership is mandatory in all associations and both the village associations and the Southwyck Master Association impose their own annual assessments upon their respective members.

The fact that every property owner in the Southwyck subdivision is a mandatory member of a property owners association is not unique. Property owner associations with mandatory membership requirements are prevalent, if not now the norm in Texas subdivisions. The fact that Southwyck Sections I, IV and V each have their own individual property owners associations is also not unique. Even the fact that there is a “master” association of which every Southwyck property owner is a mandatory member in addition to their individual membership in their respective “village” association is not an anomaly. The rights, duties, and obligations of each village association and the rights, duties and obligations of each member are contained in each village association’s declaration, bylaws and other governing documents. In Southwyck, one declaration establishes both the Master Association and each village association, which has been a source of confusion and conflict – specifically between the Southwyck Master Association and the Southwyck Section IV Association. This confusion and conflict has been exacerbated by the fact that our Texas legislature has changed on multiple occasions the law applicable to property owners associations like Southwyck without considering how their changes would affect intertwined master-village style associations.

Why did the Southwyck Master sue Section IV?

The dispute between the Southwyck Master Association and the Section IV Association arose over the interpretation of the Section IV Declaration as to which votes from which members of the Southwyck Master Association and Section IV Village Associations were required to amend the Section IV Declaration.

The Southwyck Master Association actually filed its lawsuit against the Section IV Association on June 3, 2014, in response to the Section IV Association’s efforts, specifically those of its board of directors, to gather proxy votes from only Section IV members to authorize an amendment to the Section IV Declaration that would permanently sever the relationship between the Section IV Association and the Southwyck Master Association. In other words, the Section IV Board sought to completely alter the scheme put in place by the Southwyck developers and change the makeup of the Master Association without a vote of the Master Association’s members who reside outside of Section IV. The Southwyck Master Association’s lawsuit claimed, among other things, that any amendment to the Section IV Declaration required the votes of both Section IV Association members (property owners) as well as votes from the Southwyck Master Association members (property owners), which is the same requirement expressly contained in the amendment provision of the Section IV Declaration.

What happened during the lawsuit and what was the outcome?

Shortly after the Southwyck Master Association filed its lawsuit, the judge entered a temporary injunction against the Section IV Association and its board. The temporary injunction was a temporary restraint of sorts that prevented the Section IV Association and its board from filing in the public records any document that amended the Section IV Declaration. The purpose of temporarily restraining the Section IV Association from filing anything was to preserve the “status quo” until such time that both the Southwyck Master Association and the Southwyck Section IV Association could each present their respective sides to the court regarding how the Section IV Declaration should be interpreted, specifically with respect to the votes required to amend it as well as how Texas law, particularly Texas Property Code Section 209.0041(h), influenced the procedure for amending the Section IV Declaration.

In March 2015, both the Southwyck Master Association and the Section IV Association began filing their respective briefs (known as motions for summary judgment) with the court that argued in writing their respective sides of the case. Each side offered their interpretation of the Section IV Declaration in terms of the votes required to amend it and the applicable Texas law. Each side also had opportunities to respond to the other sides’ briefing.

On April 20, 2015, lawyers for both the Southwyck Master Association and the Southwyck Section IV Association appeared before Judge Denman and orally argued their respective positions. On April 29, 2015,

the court issued an order agreeing with the Southwyck Master Association that votes from both the Southwyck Master Association members and the Section IV Association members were required to amend the Section IV Declaration. Despite the Southwyck Master Association's request that it be reimbursed for its attorney's fees from the Section IV Association, the court declined to award the Southwyck Master Association its attorney's fees. However, the court did grant the Southwyck Master Association's request for a permanent injunction against the Section IV Association which provides that the Section IV Association and its current and future board of directors are forever prohibited from filing a document in the public records that amends the Section IV Declaration without first obtaining the required votes of both the Southwyck Master Association members and the Southwyck Section IV Association members. If anyone on behalf of the Section IV Association violates the court's permanent injunction, they could be found in contempt of the court.

On November 20, 2015, the court finalized the case and entered a final judgment which incorporated all of the court's previous orders in the case. In conjunction with signing the final judgment, the court also denied the Section IV Association's request for a new trial.

It is important to note that every document filed in the lawsuit is a public record that may be obtained from the court and reviewed by anyone. For those property owners who are interested, the lawsuit is entitled Cause No. 77417-CV, Southwyck Community Association, Inc. v. Southwyck, Section IV Homeowners' Association, Inc., in the 412th Judicial District Court of Brazoria County, Texas.

What's next now that the court has entered a judgment?

Now that the court has entered a final judgment, the Section IV Association now has the opportunity to appeal the court's rulings in the case to the Court of Appeals. In other words, the Section IV Association can get a second opinion based on everything that each side filed during the original lawsuit and argued to Judge Denman in court. Usually the appellate court's review is limited to the documents previously filed in the case and the arguments made to the court. In this case, however, the Texas legislature changed the language of Texas Property Code Section 209.0041 which became effective September 1, 2015. This recent change in the law could have an impact on the final outcome of the case. The Southwyck Master Association anticipates that the Section IV Association will begin the appeal process in early Spring 2016.

If you should have any questions regarding the information above, please contact Directors@SouthwyckTexas.com

DID YOU KNOW...The Assessment for your community association is due Semi-Annually. Due on January 1 and July 1 each year. If your payment is received after the 30th day of the month due, you will be charged a late fee of \$50. If received more than 15 days after the month due, you will be charged a finance charge of 10% per year until paid in full.

Southwyck MASTER

FIRSTSERVICE RESIDENTIAL, INC.
12234 SHADOW CREEK PARKWAY
SUITE 3112
PEARLAND TEXAS 77584
WWW.SOUTHWYCKTEXAS.COM

**DID YOU
KNOW...**

that Southwyck CAI takes care of all perimeter fences along major roads. Please refer to the 2009 document 'Resolution Regarding Maintenance of Common Areas and Conflict of Interest Policy - RECORDED.pdf' under governing documents folder. The document can be found on our FirstService Residential Southwyck CAI website*. This year we repaired quite a bit of brick, wooden and combination fencing. We also trimmed trees hanging on our fences, removed ivy on brick fences and re-stained some fences. Fence repairs seem to be a never ending process for us. To make sure that the esthetic appearance of our community was kept consistent, Southwyck CAI clarified after the 2008 hurricane to be the custodians of fences along major roads.

*There are two ways to get to this site. The first is by going to www.fsresidential.com, click on 'Homeowners > Find My Community Website' on the right-hand side. Then scroll down to Southwyck CAI and select. At the very bottom of this page under Website Address you will see <http://southwyck.fsrtx.com>. FirstService Residential takes care of this site and uploaded relevant documents for Southwyck CAI.

The second way is to go to www.southwycktexas.com, click on the 'Documents & Forms' option on the left and then click on the link under 'Southwyck CAI Governing Documents, Minutes and Financials at FirstService Residential Southwyck CAI secured website' where it says 'Click here'. You can then log into the secured site if you have requested a login for the Master.