

# Southwyck

OFFICIAL COMMUNITY NEWSLETTER

WWW.SOUTHWYCKTEXAS.COM



*Southwyck Sunset Park – White Ibis Visiting*

## NAGGING FOR EMAIL ADDRESSES SO YOU CAN STAY INFORMED

Yep, we are going to ask again for homeowners to give our management company your email address.

- we DO NOT spam
- we DO NOT sell your email address
- we DO send reminders of monthly meeting
- we DO send reminders that assessments are coming due
- we DO try to send out important information about burglaries in the neighborhood or other important announcements a homeowner may want to hear about.

NOTE: the master association does not send out ARC violation letters. That would come from the section if you violate any of those issues and they will contact you by mail.

Please email Kathy Dooley:

[kathy@CMSISolutions.com](mailto:kathy@CMSISolutions.com),

our property manager and owner of CMSI with your email address. Emails are the easiest and fastest way for us to quickly communicate with you

## DID YOU KNOW?

*We do not allow motorized vehicles in our parks including four-wheelers and motorcycles unless approved by the Southwyck CAI board.*

Our parks are private property owned by Southwyck CAI. We have irrigation heads throughout our property AND we have many folk enjoying our park. Their safety is important to us. The folk who visit our park enjoy being able to stroll the sidewalks, practice t-ball or soccer, play with their children, walk their dog and they do not expect to have to worry about their safety. Please respect this rule.

## HAS YOUR CREDIT CARD BEEN COMPROMISED?



These days I am apprehensive to use any of my credit or debit cards just about anywhere and you may be too. In a past newsletter (Q4-2017) we gave you

details about skimmers at gas station pumps. Since writing that article, I have found a little app that, hopefully, will help me and some of you detect a skimmer at a gas station pump. It is available to Android users only at this time. Sorry iPhone users! I have heard they are working on an iPhone version. The FREE app is available on Google Play and is called Skimmer Scanner and it is from SparkFun. The app detects Bluetooth based credit card skimmers found most commonly at gas pumps.

Scammers can install the skimmers at a gas pump in less than 30 seconds using a universal key to access the electronics area. SparkFun, a Boulder, Colorado-based company worked with local police in Colorado to create the app that detects the extremely common skimmer.

Download Skimmer Scanner before you head to the gas station, so you are ready the next time you go fill up and use your card. BEFORE you put your card into the scanner, activate the app (this takes some time getting into the habit of doing) and click on the scan button in the app. You will see several lines about devices being found. DON'T worry! The software is smart enough to identify the malicious skimmer devices. When I click on the scan button, it usually finds all my Tile devices and my car's Bluetooth device and even the neighboring individuals with Bluetooth devices. So far, I have only gotten the 'No Skimmer found' screen with a green circle and exclamation symbol, but should you locate a suspicious device, you will see 'Probable Skimmer Found' with an orange circle and exclamation symbol. Should the software identify a potential problem, DO NOT PUT YOUR CARD INTO THE CARD READER! Contact your local police department and let them know which pump you suspect is a problem including the date and time the software identified a suspicious device.

The app is not going to stop all skimmers, but for now, it is another tool to add to your protection efforts. Also, review your bank's efforts to help you on this front. Check out the types of text alerts that are available and sign up for those you feel could help you stay vigilant for fraudulent use of your card. Get an alert on your balance once a day if available or for every time your card gets used for gas station purchases or when your card is used for an amount over a certain limit. Check with your credit card and banks to see if any of these features are available to you.

Here is a YouTube video from CNET about ATM skimmers and the app that can help you not get scammed:

[https://www.youtube.com/watch?v=7\\_mnCElDg-0](https://www.youtube.com/watch?v=7_mnCElDg-0).

Also, take a look at 10 INSANE ATM SCAMS YOU NEED TO LOOK OUT FOR:

[https://www.youtube.com/watch?v=\\_5jzB9ganiI](https://www.youtube.com/watch?v=_5jzB9ganiI)

which has some great information that could protect you as well. It is approximately 6 minutes and worth watching.

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## NEW TREES ADDED



Four new trees planted at Southwyck Lake Park that should help add some fall color - Chinese Flame and Pistache.

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## TIME TO TAKE CARE OF THE HOUSE BEFORE SUMMER HEAT ARRIVES

By tackling some of these issues, you might spare yourself from getting one of those letters from your Village HOA that no one wants to get.



**TREE & BUSH TRIMMING** - If you have not taken care of trimming your trees and bushes, now is the time to do that yourself or hire someone to do it. It is amazing how just doing this can greatly enhance your home and open the yard up so your grass can grow. It also helps with high winds. Instead of winds slamming into the tree, the wind passes through the tree. Trim the trees off fences and rooflines (including your neighbor's roof if it is your tree). If you do not want to get a notice from the HOA about your trees' limbs over the sidewalks or into the street, you should make sure you have those limbs trimmed up too. Make sure your trees are not growing over to your neighbor's roofline as well.

**SWEEP OR BLOW** – Those cobwebs on your light fixtures on the outside of your house need to be blown or swept off occasionally. You might look at your doors as well. Better now when it is still cooler.

**FENCE** – Check out your fence and gate for any boards that may need to be replaced or secured. Is the hardware on your fence still in working order? Have you piled a bunch of mulch or dirt up against the wooden fence? That wooden fence will rot faster with dirt and debris piled up against it.

**BRICK & SIDING WITH ALGAE, MOSS & MOLD** – While you can try to power wash this off; there might be a less intrusive way to achieve the same results. Wet & Forget is bleach and phosphate free product which does not require scrubbing, rinsing or pressure washing the product off. You spray and leave it to do its thing on walkways, roofs, siding, desk, eaves, gutters, patios, screens, downspouts or any other outdoor surface. It is safe to use around landscape and plants when used as directed. It removes tough moss, mold, mildew, lichen and algae over time, without damaging the surface being cleaned.

For more details about Wet & Forget visit:

[http://www.wetandforget.com/surfaces\\_all\\_wet\\_and\\_forget.html](http://www.wetandforget.com/surfaces_all_wet_and_forget.html).

## **GARAGE SALE**

So you have a few items you think you could sell, but you do not have enough for a reasonable size garage sale or you hate the idea of setting one up and spending a portion of your day in the heat holding a garage sale. Try out the Facebook page ‘Pearland & surrounding areas online garage sales’ page. Garage sales could not be simpler!

**\*\*\* REMEMBER** if you do wish to hold an actual physical garage sale and you live in the City of Pearland, you are required to get a permit.

Garage Sale Guidelines:

- Two garage sale events per year not to exceed three days per sale
- The city will provide three signs per event & only those signs may be used to advertise
- No more than three families per event
- A fee of \$20 shall be assessed for each event
- Each participant in a community-wide garage sale is required to have an individual permit.

For more detail on garage sales in the city limits, visit <https://www.pearlandtx.gov/residents/get-connected/garage-sales>.

At the bottom of that page is the Permit Application.

## **WHAT’S GOING ON IN PEARLAND – APRIL/MAY/JUNE**



Earth Day Celebration – 4/28/2018 10:00 am – 2:00 pm Southdown Park, 2150 Country Place Parkway

Pearland Farmer’s Market Saturday – April 8, May 13, June 10 – 8:00 am – noon at the Memorial Hermann Pavilion at Pearland Town Center.

## **RECYCLING, GREEN WASTE & HEAVY TRASH – CURBSIDE PICKUP (In the City of Pearland city limits)**



RECYCLING - Here is what you CAN put in those big large recycle bins:

**PLASTIC:**

Number 1 – clear & colored  
Number 2 – plastic bottles, i.e. soft drink and milk bottles including the tops  
Number 3, 4, 5 & 7  
NO PLASTIC BAGS and NO STYROFOAM

**PAPER:**

Newspaper  
Magazines  
Catalogs  
Telephone books  
Printer and Copier paper  
Mail (junk mail)  
Chipboard (like cereal boxes but NOT pizza boxes)  
Wax-coated papers and cartons

**GLASS:**

Colored and clear glass

**METAL:**

Aluminum cans  
Steel cans  
Steel lids

**\*\*\* REMEMBER to move your recycling bins out of view from the street after they have been emptied. Your HOA thanks you!**

**GREEN WASTE** - For those of you who are trimming trees and bushes and getting your gardens ready for spring, you may have green waste (plant material) that you are placing at the curb. Southwyck green waste pickup is on Wednesday. If you just pile your cut limbs out to the curb without following the guidelines below, the city will tag the pile and not take it.

The City of Pearland Guidelines for Green Waste:

- Green waste should be placed in clear translucent bags and bags should weigh no more than 35 lbs.
- Brush or tree limbs must be cut to a length not to exceed 4 feet and they should be tied in bundles not to exceed 18 inches in diameter and weigh no more than 50 lbs.

**HEAVY TRASH** - For those who live in the city limits and not ETJ, your heavy trash day is the 2nd

trash day - Saturday. Heavy or bulk trash consists of appliances, furniture, mattresses, carpet (cut in 4-foot lengths), lawn mowers (with gas emptied), etc. Refrigerators must have refrigerant drained and tagged by a certified refrigerant recycler before disposal. UNACCEPTABLE ITEMS include automobiles, scrap iron, heavy metal, vehicle tires, boats, car or boat motors, large tree trunks, debris from construction or renovation projects and items too heavy or bulky to be handled without specific equipment.

**HAZARDOUS WASTE** - Hazardous material like oil, paint, pesticides, batteries cannot be picked up at curbside on normal trash days. Household hazardous waste can be collected at curbside by appointment. You will need to contact the Waste Management Call Center to schedule the collection, 1-800-449-7587 or [atyourdoor@wm.com](mailto:atyourdoor@wm.com). The call center hours are Monday – Friday 6 am to 6 pm.

**LOST A PET – FOUND A PET?**

**LOST DOG**



**REWARD**

Whether you have found or lost a pet, if you are going to post on any social media site, you might want to remember to include where the pet was found or lost, giving a street and including the subdivision or village name. We have lots of wonderful folk who would love to help reunite pets with their family, but you need to give us some

details, so we can be on the lookout and help you find your pet or the homeowner. You do not have to be a breed expert to be able to give approximate size, color and gender. Was there a collar? What color was the collar? Remember, the more places you post at, the more likely that pet and family can be reunited.

There are several Facebook pages where you can start the posting – ‘Pearland, TX – Lost Dogs, Cats & Pets’, ‘Lost and Found Pets – Pearland, Manvel, Alvin’, ‘Pearland Animal Advocates’ and then you should try your local neighborhood sites. Try posting on Nextdoor as well. Nextdoor is a private social network for you, your neighbors and the community surrounding you.

Contact the Pearland Animal shelter in person if you are missing a pet. You need to check the pets there yourself. You know better than anyone else what your pet looks like.

Have you created a poster and hung it at the mail stations or community bulletin board? Your poster on the mail station boxes will not last long, but hopefully just long enough for someone to spot your lost pet. Please remember to remove any signs you put up once you locate your lost or found pet or as soon as you can, so you do not receive any more calls about your lost pet.

If you can take a found pet to a local vet or even PetSmart, they will be able to scan the pet for a micro chip where you may be able to find the owner much more quickly. They do this for FREE!

Speaking of micro chips – have you moved and not updated your new location or a new phone number where you can be contacted should your pet need finding? You can usually update that information online if you know the chip’s manufacture. Often your vet will have the maker in their records for your pet. Pet owners are expected to register the chip with their contact information. Shelters generally do not do that for you.

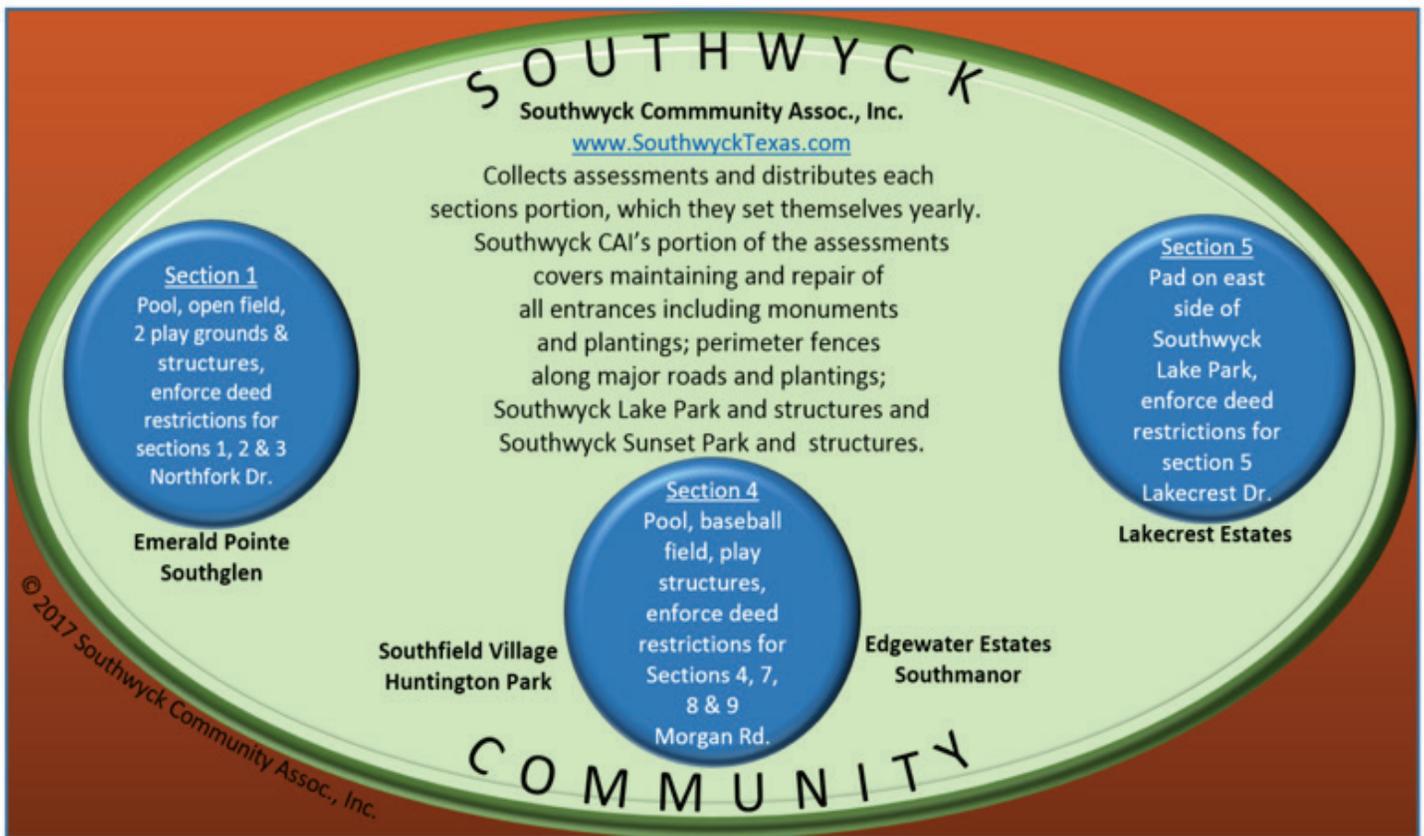
## CHECKING YOUR CREDIT REPORT



Federal law allows you to get a free copy of your credit report every 12 months from EACH credit reporting company to ensure that the information on all of your credit reports is correct and up-to-date. Consider getting one from one of the three bureaus - Equifax, Experian and TransUnion every four months at the government-mandated AnnualCreditReport.com, so you are checking it throughout the year. It is probably the quickest way to request reports.

When you get your report from AnnualCreditReport.com, look for accounts that are not yours or you did not authorize; incorrect, negative information; negative information that is too old to be included. Most information other than bankruptcies falls off after seven years.\*\* Watch out for the up sell at this site unless you want it.\*\*





## RANDY LEMMON LAWN FERTILIZATION SCHEDULE

So, is your lawn looking pretty pitiful after this past winter? If you have been around for any length of time in the Houston area and you enjoy listening to home improvement and garden shows on the radio, then you may already know about Randy Lemmon the host of GardenLine on Newsradio 740 KTRH. His show can be heard on the AM station, 740, weekend mornings starting at 6:00 AM. Some of us do get our day going pretty early.

Randy's lawn fertilization schedule is legendary in these parts of south Texas and he gives you hope for having one of the best looking lawns in your neighborhood if you follow it faithfully.

Go to <http://www.randylemmon.com/lawns/fertilize.html> for the complete schedule.

Randy also has a 'Lawns Tip Sheet' with numerous topics about your lawn and the bugs and weeds trying to take it over, <http://www.randylemmon.com/lawns.html>.

Randy has a Facebook page, <https://www.facebook.com/GardenLineWithRandyLemmon/> if you want to receive small snippets of good information AND, of course, he also has a website, [www.RandyLemmon.com](http://www.RandyLemmon.com). You can find podcasts there as well.

May your lawn look better than last year if you follow his schedule...or at least as close as you can get it!

# NEW COLLECTION POLICY

Partial payments will not be accepted from property owners unless such owners have signed a written payment agreement with the Master Association.

Collection Schedule: The following collection schedule is to be used as a general guideline; however, the Board of Directors reserves the right to vary from this schedule as necessary. Assessments to be collected semi-annually in arrears.

**January 1 assessment: Delinquent February 1**  
(Collection Cost of \$50.00 assessed)

Interest of 10% per annum begins to accrue February 1

Mail late notice in February  
Mail certified letter in March

**July 1 assessment: Delinquent August 1**  
(Collection Cost of \$50.00 assessed)

Interest of 10% per annum begins to accrue August 1  
Mail late notice in August  
Mail certified letter in September

Once an account is delinquent for two consecutive payment cycles, the account will be turned over to the Association's attorney for legal action.

## Priority of Payments:

*Payments received from property owners shall be applied in the following order:*

1. Delinquent Master Association assessments;
2. Delinquent Section or Village Association assessments;
3. Current Master Association assessments;
4. Current Section or Village Association assessments;

5. Attorney's fees incurred by the Master Association associated solely with assessment collection;
6. Collection costs incurred by the Master Association associated solely with assessment collection;
7. Attorney's fees incurred by the Village Association associated solely with deed restriction enforcement, provided the Master Association's management company has been notified in writing of such fees at least thirty (30) days prior to the date a payment to be applied is received from the property owner;
8. Any other amounts owed to the Master or Village Associations, including, but not limited to, interest and late fees, if any.

The complete document files with Brazoria County can be found on our website at

<http://www.southwycktexas.com/documents---forms.html> under the Southwyck CAI – Master heading.

# SO, YOU DID NOT PAY YOUR ASSESSMENTS

It was asked at our annual meeting for us to provide an example of how delinquent assessments can cause you to owe even more. Below is a typical example:

Jul-15	Assessment	\$153.00
	Section Fee	\$119.00
	Interest	\$9.08
Jan-16	Assessment	\$153.00
	Section Fee	\$119.00
	Interest	\$27.16
	Certified Postage	\$5.33
	Cert. Admin. Fee	\$20.00
Jul-16	Assessment	\$153.00
	Section Fee	\$119.00
	Collection Fee	\$50.00
	Interest	\$40.62
Jan-17	Assessment	\$153.00
	Section Fee	\$119.00
	Collection Fee	\$50.00
	Interest	\$45.15
	Attorney Fees	\$302.00
<b>TOTAL DUE:</b>		<b>\$1,637.34</b>

Here is an example of an initial demand letter:

Dear Property Owner:

Please be advised that the undersigned has been retained to represent the above referenced Association in the collection of delinquent maintenance assessments. You should direct all further communications regarding this matter to my attention at the address and phone number on this letter.

It is our understanding you are not represented by an attorney. If this is incorrect, please forward this letter to your attorney and have him or her notify this office in writing as soon as possible. We will then communicate only with your lawyer.

When you purchased the above property, you became legally obligated to observe and comply with the terms and provisions of the Declaration of Covenants, Conditions and Restrictions of the Association. The Declarations impose certain rules on your subdivision in order to protect the investment of all property owners. The rules cover a variety of subjects, including provisions of the payment by each and every property owner of certain assessments.

You have not paid your assessments as they became due. Accordingly, **you now owe** the amounts to the Association as detailed on the attached Statement of Account.

**PLEASE MAKE YOUR CHECK PAYABLE TO THE ABOVE-NAMED ASSOCIATION BUT SEND THE CHECK TO ME AT 17044 EL CAMINO REAL, HOUSTON, TEXAS 77058.**

Do not send payment to the Association. If you do, additional attorneys' fees and expenses may be incurred as a result of the bookkeeping problems created by your failure to send the payment to this office. Should any negotiations be necessary in settling your account, you may be charged additional attorneys' fees and expenses to cover the expense of handling the same.

The Association is willing to enter into a payment plan for the delinquent assessments. However, payment plans will require additional work on our part which will result in additional attorneys' fees and expenses to you. If you are interested in a payment plan, please contact me at the phone number or address shown.

The above-referenced Declaration and/or the Texas Property Code further provide that in the event a lot owner is in default of payment of the assessments to the Association, the Association is entitled to and may:

- (1) file suit for collection of the unpaid assessments;
- (2) foreclose the vendor's lien described in the Declarations against the house or lot; and
- (3) collect attorneys' fees and expenses, interest, and court costs.

Unless you, the consumer, within 30 days after receipt of this notice, disputes the validity of the debt or any portion thereof, the debt will be assumed to be valid by this firm, the debt collector. If you, the consumer, notify this firm, the debt collector, in writing within the 30 day period that the debt or any portion thereof is disputed, this firm, the debt collector, will obtain a verification of the debt or a copy of a judgment against you, the consumer, and a copy of such verification or judgment will be mailed to you, the consumer, by this firm, the debt collector. Upon your, the consumer's, written request within the 30 day period, this firm, the debt collector, will provide you, the consumer, with the name and address of the original creditor, if different from the current creditor. **You are put on notice that this firm is a debt collector and we are attempting to collect a debt and any information obtained will be used for that purpose.**

The Association would prefer not to take legal action. However, if this matter has not been resolved within 35 days of your receipt of this letter, suit for foreclosure may be filed without further notice to you. In the event a lawsuit becomes necessary and the Association prevails, you could be liable for all of the attorneys' fees and expenses incurred in the filing and prosecution of that lawsuit. Please be advised that those attorneys' fees and expenses could easily exceed \$2,000.00. Thus, it is very important that you contact me immediately so that we may attempt to amicably resolve this matter.

Although we must charge for our time, we will be happy to discuss this matter with you or your attorney, if you have retained one.

Below is an example for a final demand letter that would be sent should you not resolve the delinquency.

Dear Property Owner:

As you know from my previous letter to you, the undersigned has been retained to represent the above referenced Association in the collection of delinquent maintenance assessments. **You are put on notice that this firm is a debt collector and we are attempting to collect a debt and any information obtained will be used for that purpose.** If you are now represented by an attorney, please have him or her contact us immediately and we will cease communicating with you directly.

This is my client's final notice to you. Because you have failed to pay the balance owed as indicated in our previous letter to you, additional attorneys' fees and expenses have been incurred. Accordingly, you now owe the amounts to the Association detailed on the attached Statement of Account. If you fail to respond to this letter, my client will file suit without further notice to you. In the event suit becomes necessary, my client will seek from you any and all attorneys' fees and expenses it incurs in the prosecution of that lawsuit, which, in all likelihood, will be in excess of \$2,000.00. Thus, your immediate attention to this matter is imperative.

**PLEASE MAKE YOUR CHECK PAYABLE TO THE ABOVE-NAMED ASSOCIATION BUT SEND THE CHECK TO ME AT 17044 EL CAMINO REAL, HOUSTON, TEXAS 77058.**

The Association would prefer not to take legal action. However, if this matter has not been resolved within 10 days from the date of this letter, suit will be filed against you without further notice. **This is the last notice you will receive prior to suit being filed.**

Here are some amounts that you will most likely incur when we have to file suit:

<b>Example of Potential Costs to File Suit</b>	
Receipt and review abstract of judgement	\$57.00
Forward abstract for recording	\$57.00
Preparation of petition	\$380.00
Preparation of requests for admission	\$237.50
Preparation of first set of interrogatories	\$237.50
Preparation of civil case information sheet	\$57.00
Preparation of civil process request form	\$57.00
File petition and discovery requests	\$57.00
Receipt and review of citation for error	\$57.00
Receipt and review of emailed notice of service	\$57.00
Receipt and confirmation of service and review return	\$57.00
<b>TOTAL</b>	<b>\$1,311.00</b>
<b>Example of Other Legal Fees:</b>	
Recording fee	\$40.95
File petition/issue citation	\$302.81
Private process server fee	\$76.00
<b>TOTAL Fees and expenses for above</b>	<b>\$1,787.76</b>
<b>Examples of More Potential Costs:</b>	
Preparation of Motion and Order for Substitute Service	\$190.00
Prepare and attend motion for default hearing	\$570.00

So, you can see how this adds up.

## ASSESSMENT REMINDER

**REMINDER – PLEASE MAKE SURE YOU CONTACT OUR MANAGEMENT COMPANY IMMEDIATELY:**

- If you think there is any portion of your assessment invoice that is incorrect.
- If you move and are renting your property out.
- If you are getting a divorce and you believe your ex is taking care of the assessments.

You are also responsible for paying your assessments whether you get your invoice or not, twice a year. We are not responsible for the post office getting your mail to you or someone in your household tossing correspondence from us in the trash. Your assessment **STILL NEED TO BE PAID.**

Do not ignore the notices from our management company, CMSI OR our lawyer, Daughtry & Farine PC (recent name change). The issue will not go away. In nearly all cases, the situation will get considerably worse.

## SOUTHWYCK SECTION 1 NEWS

Your Southwyck Section 1 Board of Directors is gearing up for the 2018 Swim Season! We are working closely with our pool company, Aquatico, to plan some fun events for our residents – 4 movie nights, open-late nights with pool noodles and more.

### Pool Opening Day is May 26!

As you are aware, residents must be current in their assessments or enrolled in an approved payment plan to receive facility access cards. If you already hold a pool card, you do not need to do anything. For new residents or those who would like to purchase replacement pool cards or need an additional card, a form is available from FirstService

Residential, 12234 Shadow Creek Pkwy., Bldg 3, Suite 112, Pearland.

Watch your mail for more information.

We wish to thank Emerald Pointe resident George Smithley, owner of Space City Spudz Food Truck. Mr. Smithley and his family have been providing Southwyck Section 1 with “No-Cook Thursday” the last Thursday of each month since last summer. Watch for the signs at the entrances to Southwyck Section 1 announcing the Food Truck at the pool and plan to enjoy “No-Cook Thursday”.

### Cross-usage Agreement

Over the years, Southwyck Section 1 has enjoyed having a cross-usage agreement with Silverlake. When this agreement ran out, Southwyck Section 1 Board approached Silverlake Board to extend and continue this agreement. Unfortunately, Silverlake Board of Directors have decided not to renew. Therefore, Southwyck Section 1 residents are no longer allowed to use the Silverlake pool or tennis courts or permitted to rent the Silverlake Clubhouse.

### Recent emails from FirstService Residential

Residents in Southwyck Section 1 have received several emails recently from FirstService Residential Corporate Office announcing a new payment system. **PLEASE DISREGARD THESE EMAILS.** As a resident in Southwyck Section 1, all payments are made through the Master Association’s community management company. If you have any questions concerning payments, please contact Kathy Dooley at Community Management Solutions, Inc (281)-480-2563. We apologize for any confusion caused by these emails.

REMINDER – Anyone wishing to use the Southwyck Lake Park or Southwyck Sunset Park for a large event needs to reserve the park by contacting our manager, Kathy Dooley, 281-480-2563 or email [Kathy@CMSIsolutions.com](mailto:Kathy@CMSIsolutions.com).

# PRESS RELEASE – SOUTHWYCK V. SOUTHWYCK SECTION IV LAWSUIT UPDATE



## SOUTHWYCK v. SOUTHWYCK, SECTION IV LAWSUIT UPDATE (01/17/2018)

**Background:** Beginning in 2014, Southwyck, Section IV Homeowners' Association, Inc. (the "Village Association" or "Section IV") attempted to unilaterally amend and restate its Declarations of Covenants, Conditions and Restrictions ("Declaration") so that it could withdraw itself from the existing property owner association structure associated with Southwyck Community Association, Inc. ("Master Association"), despite the fact that the Declaration states that any amendment must be approved by a majority of both the Master Association and the Village Association. The trial court rendered summary judgment in favor of the Master Association, holding that no genuine issue of material fact existed and that the Master Association is entitled to judgment as a matter of law. Section IV appealed the trial court's judgment. In October, 2017, the 14<sup>th</sup> Court of Appeals affirmed the trial court's judgment in favor of the Master Association, and Section IV filed a motion for rehearing, which was denied. No petition for review was filed with the Texas Supreme Court. Accordingly, the Court of Appeals' opinion is final.

Below are excerpts taken directly from the Court of Appeals' opinion, which can be found in its entirety online at <https://law.justia.com/cases/texas/fourteenth-court-of-appeals/2017/14-16-00139-cv.html>

- *...an amendment to the associations' governing instrument requires a majority vote from both associations.*
- *The Declaration has governed the associations' relationship since 1984.*
- *[The Village Association, et al.] ...are permanently enjoined from recording or attempting to record any document that amends or purports to amend or restate (or both amend and restate) the Declaration... unless that document is signed by those persons holding a majority of votes in the Southwyck Community Association, Inc. ("Master Association") and signed by those persons holding a majority of votes in the Southwyck, Section IV Homeowners' Association, Inc. ("Village Association").*
- *...the Declaration vests the master association with greater authority to resolve conflicts between the associations in the areas of covenant enforcement, architectural control, and amenity designation. The Declaration also provides that the master association alone can collect maintenance fees from Southwyck residents; these fees are disbursed to the village association only after the master association receives its allotted portion.*
- *Had the drafters of the Declaration intended amendments to be solely within the province of Section IV residents, they could have omitted altogether any mention of the "Master Association" in the amendment provision.*
- *In short, the village association's interpretation of the amendment provision and its related sections ignores the structure created by the Declaration to govern the associations' integrated operations and the master association's dominant role in the arrangement. In stark contrast to this scheme, the village association's interpretation would permit the village association to withdraw from the master association-village association paradigm without any input or consent from the master association. The Declaration, considered as a whole, does not support that forced construction.*

17044 EL CAMINO REAL \* HOUSTON, TEXAS 77058-2630  
PHONE 281.480.6888 \* TOLL FREE 1.866.480.6888 \* FAX 281.218-9151



PRSR STD  
US POSTAGE  
PAID  
WEBSTER, TX  
PERMIT NO 184

OFFICIAL COMMUNITY NEWSLETTER

WWW.SOUTHWYCKTEXAS.COM

*When contacting our management, please let them know you are a Southwyck resident.*

## **YOUR 2018 BOARD OF DIRECTORS & MANAGEMENT COMPANY – CONTACT INFO**

### **SOUTHWYCK CAI – BOARD OF DIRECTORS:**

President .... Helen Bilyeu  
Vice President .... John J. Fisher  
Treasurer .... Sangeeta Bakshi  
Secretary .... Vanessa Williams  
Director .... Vacant

### **MANAGEMENT AGENT:**

Community Management Solutions, Inc. (CMSI)  
2615 Bay Area Blvd.  
Houston, Texas 77058  
Kathy Dooley, [kathy@CMSIsolutions.com](mailto:kathy@CMSIsolutions.com)

### **BOARD MEETINGS:**

1st Thursday of the month @ 6:30 P.M.

#### **Location:**

Calvary Baptist Church  
3302 County Road 89 – Pearland, Texas 77584

### **NEWSLETTER**

Our newsletter is published quarterly – January, April, July and October. If you think you have something that we should include in our newsletter, please use the ‘Contact Information’ form on the ‘About Us’ page at <http://southwycktexas.com>. We may include your article in our next newsletter

*Newsletter articles were provided by: Helen Bilyeu and Cathie Tydelski for Section 1 articles.*