

# By-Laws: of the Cypress Crossing Civic Association, Inc.

This Document supercedes all other versions of the By-Laws and Constitution and Harris County Clerks file number "20110139665 of April 7, 2011".

## Article 1 – Name

The name of the organization shall be: Cypress Crossing Civic Association, Inc., hereafter referred to as the Association.

## Article 2 – Purpose

**Section 1** - The purpose of the Association shall be to enforce the deed restrictions to promote the health, welfare, and general safety of the residents; to receive, invest and disburse funds to hold property for the benefit of the Association, and to preserve the residential character of the subdivision.

**Section 2** - No part of the income or assets of the Association shall be to the benefit of any private individual or member.

**Section 3** - The Association shall have no capital stock. Its objective being solely of a benevolent character and not for pecuniary gain or profit to its members.

**Section 4** - The Cypress Crossing Civic Association, Inc. reserves the right to foreclose on property owners for non-payment of annual dues (assessments). In accordance with "The Texas Property Code, Chapter 209 Residential Property Owners Protection Act". Sections 209.009, .0091, and .0092.

## Article 3 – Membership

**Section 1** - All adult property owners in the Cypress Crossing Subdivision are members of the Association.

**Section 2** - Membership shall be classified as active or inactive. To maintain active membership status, at least one member of each household must attend the Annual Membership meeting and whose annual maintenance assessment (Dues) is current.

**Section 3** - The Annual Membership Meeting of the Association shall be for election of Officers and Board members, the setting of the Budget for the following year, and for conducting normal business.

**Section 4** - Special meetings may be held at the call of the President or of one-third of the members of the Board of Officers and Directors or a petition signed by at least ten (10%) of the members of the Association. Provided a notice of the time and purpose of the meeting is provided to each member.

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**Section 5 - Notification of meetings of the Board:** Each board member must be notified by posting, faxing, e-mail, web site, or by mail (in an envelope all postage paid) without exception by the Secretary to all members of the Board. At least ten (10) days prior to the date of the meeting. Notification of meetings shall contain an agenda for the meeting.

**Annual "Membership Meeting":** Each property must be notified by posting, faxing, e-mail, web site, or by mail (in an envelope all postage paid) without exception. By the Secretary to all members of the Association at least thirty (30) days prior to the date of the meeting. Notification of meetings shall contain an agenda for the meeting.

**Section 6 - Voting:** Property owners shall use a written in ballot, no vote by proxy. The ballots of twenty percent (20%) of the property owners shall constitute a quorum for the propose of tallying ballots.

**Membership Voting List:** Members eligible to vote shall be determined from Harris County Tax records (HCAD) and from CCCA, Inc. / Limited Access / Lot Records / Lot #XX / Annual Assessment History / Remittance Received. By the Board of Officers and Board of Directors. A Membership Voting List of voters shall be prepared no earlier than sixty (60) days before an election.

The list of eligible voters shall be included with each ballot mailed out, posted on the Associations web site, made available at the Associations office within second (2<sup>nd</sup>) business day of posting.

**Voting and Ballot Tabulation:** "Summarized in plain English, neither a candidate, nor any relative or in-law of a candidate, may tabulate or be given access to applicable ballots." "In addition, the people who tabulate the ballots cast in a Membership election or vote are expressly prohibited from disclosing to any other person how any particular individual voted."

The Association shall have two classes of voting memberships.

**Class A. Class A:** members shall be all owners with the exception of a Developer (Developer is defined as any person or person's holding title to four or more tracts/lots) and shall be entitled to two votes for each tract (lot) owned. When more than one person holds an interest in any tract (lot), all such persons shall be members. The vote of such tract (lot) shall be exercised as they among themselves determine but in no event shall more than two votes' be cast with respect to a tract (Lot).

**Class B. Class B:** members shall be a Developer or its successors and assigns and shall be entitled to one vote for each tract (lot) owned.

**SECTION 7 -** Each meeting will have an agenda of items to be discussed. Motions at a meeting can be discussed at the meeting and motioned to be placed on a ballot in accordance with Section 4.

#### **Article 4 – Board of Officers and Directors**

**Section 1 - The Board of Officers and Directors:** shall be restricted to active members shall consist of the directors and all elected officers of the Association. All members of the Board shall have full voting privileges. Regular meetings of the Board of Officers and Directors shall be held six (6) times a year at such places and times, as the Board of Officers and Directors shall designate.

**Section 2A -** The business, property, and affairs of the Association shall be managed by the Board of Officers and Directors. They shall have custody of and shall manage the land, buildings, equipment securities, and all other properties of the Association. They shall perform all other powers as maybe necessary to carry out the purpose of the Association as specified in Article 2, Section 1 of these By-Laws.

**Section 2B - The Board of Officers and Directors:** will recommend to the membership for approval the annual budget for the following year (at the Annual Membership meeting), investment of funds, sale purchase, and exchange of properties, and, or securities, etc.

**Section 3 - The Board of Officers:** shall designate one individual in addition to the Treasurer with authority to sign checks.

#### **Section 4 - Committees**

**Sub Section 1A –** The Board shall perform the functions of the architectural control Committee, the finance committee, and the property management committee. The architectural Chairperson shall photograph each property in the subdivision annually in the month of July.

**Sub Section 1B -** The Board of Officers and Directors may create such other committees, as it may deem necessary to direct and carry on the activities of the Association. Other committees maybe created at any general meeting by the members by vote of a majority of a quorum.

**Section 5 - At the Annual Membership Meeting:** all Officers any Directors shall be elected by a written ballot vote. The results of this election to be announced after the annual membership meeting. Officers are to serve a one (1) year term of office. The Directors and Agent are to serve a three (3) year term of office. Any changes in the directors, officers, or agent, must be recorded with the office of secretary of State by the agent (note: this must be up-dated very four (4) years, without exception). The term of office for all newly elected officers and directors will commence at the beginning of the fiscal year following the election(s).

**Section 6 -The Board of Officers and Directors:** shall have the power to fill vacancies in its own membership as well as the offices of President, Vice President. Treasurer and Secretary Such new officers shall hold office only until the Annual Membership Meeting of the Association, at which time un-expired terms shall been filled by election.

**Section 7 - A majority of the members of the Board of Officers and Directors:** shall constitute a quorum at any regular or special meeting of the board.

**Section 8 - Audits:** (See treasurers' duties).

**Article 5 - Board of Officers and Directors shall consist of:**

**Section 1 Directors:** Shall consist of minimum three directors and an agent for the Association.

**Section 2 Officers:** The Officers of the Association shall be a President, a Vice President, a Secretary, a Treasurer and other officers the Association deems necessary to carry out the activities of the Association. Any two or more offices, other than the offices of president and secretary, maybe by held by the same person.

**Section 3 Past President:** The immediate past President shall be a Board Member with full voting rights. For a period of one year after completing the term of office as President.

A committee appointed by the Board can perform the duties of any officer.

**Section 4 Composition of Members (Officers and Directors):** Shall be composed of an odd number of individuals (Three (3), Five (5), Seven (7), or Nine (9)).

In no event shall membership consist of more then two members of one family (One (1) Board Member, One (1) Officer). This includes: any relative(s) or in-law(s). Is limited to a maximum of 19% of the number of member lots.

**Article 6 - Obligations of Elected Officials**

**Each Officer or Director:** is required to submit his or hers certificates of completion of the "Open Meeting and "Public Information" training for scanning into the records of the Associations. This training must be completed within ninety (90) days of assuming office. Any Officer or Board member having failed to complete training or to submit his or hers certificates of completion of the "Open Meeting and "Public Information" training shall be removed from office without exception.

**Attend all meetings of the Board of Officers and Directors:** unless excused by the Board, such request having been submitted (in writing and placed in the notes of the meeting) by another board member in attendance. Repeated absence in excess of twenty-five (25%) of the meetings shall be considered grounds for removal from office by the Board of Officers.

**The Board of Directors:** shall inspect the ditches and culverts annually prior to the Annual Membership Meeting. The findings shall be reported at the Annual Membership Meeting and in the newsletter.

#### **Article 7 - President**

**The President:** shall preside at all meetings of the members of the Association and of the Board of Officers and Directors, shall sign such papers as may be required this office or as may be directed by the Board of Officers and Directors; shall make such reports and recommendations to the Board of Officers, Directors and to the members of the Association at any regular or special meetings concerning the affairs of the Association; may require reports from any officer and/or committee chairman; keep the Board of Officers and Directors fully informed and shall perform such other duties as may be incidental to the office.

#### **Article 8 - Vice President**

**The Vice President:** is to conduct the meetings and the business of the association when the President is absent, facilitate the recommendations of the Board of Officers and Directors.

#### **Article 9 - Secretary**

- 1.) **All Document Shall:** be in the Font of "ARIAL or TAHOMA" size 10 or larger. Times New Roman font is NOT acceptable at any Time for any Reason. All Document created by the Cypress Crossing Civic Association, Inc. with the exception meeting minuets shall be labeled as follows. yyyy-mm-dd (2013-02-25) Subject (Drainage) Lot number (Lot #00).
- 2.) **Board Meetings:** The Secretary shall post, mail (in an envelope all postage paid), and or email notice of Board Meetings.
- 3.) **Minuets of Board Meetings:** If an attendance roster is kept. A voting record of only the names of persons voting against or abstaining from a vote on a measure shall be recorded in the meeting minutes.
- 4.) **Annual Membership Meetings:** The Secretary shall post mail (in an envelope all postage paid), email, and electronic postings notice of all meetings (General and Annual Membership Meetings) of the Association.
- 5.) **All Meetings:** The secretary shall make Draft copies of the meeting minutes including meeting roster and approved agenda available to the members of the board of Officers and Directors within ten (10) working days after a meeting. After reading at the next meeting. The comments and corrections shall be approved and incorporated in these minutes and the final copy signed by the secretary within ten (10) working days.

**Draft Copy:** shall be filed as (Examples) Civ11-10 16 Quorum Draft /

Approved Copy: (Examples) Civ11-10-16 Quorum / Civ11-10-16 No Quorum , Brd11-06-20 Quorum / Brd11-06-20 No Quorum.

- 6.) **Voting List Shall Be Maintained:** a list of all persons eligible to vote. A list of members dropped from active membership. These lists are to be kept up to date as directed by the board of Officers and Directors.

Alphabetical list BUSINESS ORGANIZATIONS CODE TITLE 2  
Chapter 22.158(a)

- (1) Members entitled to notice of such Membership Meeting.
- (2) Members not entitled to vote.
- (3) Address of each voting Member.
- (4) Number of votes each Member is entitled to cast.

- 6.1) No later than the second (2<sup>nd</sup>) business day after notice has been given to the Members: the Voting List must be available at the office of C.C.C.A., Inc. The Voting List must be available at the Membership meeting.

- 7.) **The Secretary Shall:**

- (a) furnish the Board of Officers and Directors with a list of officers and or directors whose terms shall expire at the next Board meeting prior to the Annual Membership Meeting.
- (b) shall mail such other notices including deed restriction violations (first time notice to correct the violation. If not corrected within thirty (30) days). A follow-up letter, "Chapter 209 Notice" (the formal letter is also known as a 209 Letter). It must state the offence, the number of days to make corrections or request a hearing under section 209.007 (the hearing is to be conducted by the full board within 30 days). This letter must be sent "By certified mail, return receipt requested".)

- 8.) **Document Files:** All documents shall organized and filed as outlined in "Document File System" (note this is a evergreen document and maybe modified as required). Documents shall be maintained and retained as shown in "Document File System". The Secretary is responsible for insuring that this document is maintained and is up to date.

The "Document Retention Policy" located in the "Dedicatory Documents" file governs the retention periods for all documents of the Association.

**The Secretary:** shall be custodian of all records of the Association. Shall sign such papers as may be required by the office or as directed by the Board of Officers; and shall perform such other duties as may be incidental to the office.

## Article 10- Treasurer

**The treasurer:** shall sign such papers as may be required by the office or as may be directed by the Board of Officers and shall perform such other duties as may be incidental to the office.

**The Treasurer:** shall receive all moneys of the Association and have custody thereof. The treasurer will deposit the funds of the Association in one or more financial establishments selected by the Board of Officers and Directors and to be disbursed in accordance with the directions of the Board of Officers and Directors.

**The Treasurer:** shall maintain a full set of books of account for seven years consisting of:

1. **A record of assessments (dues):** and payments by lot number (annual statement) consisting of monies received by lot number (date on check, date check or money order, amount, how paid check or money order (number on the check or money order), interest from chart, date check or money order cleared the bank, ("No Cash of any reason").
2. **Pre-payment:** (after December 15<sup>th</sup>, your remittance will be held until mid January of the current year) / There are only two (2) reasons for pre-payment of Annual Assessment before December 15<sup>th</sup>:
  - a). Anticipated Death of the property owner or immediate family member, Father in-law, Mother in-law.
  - b). Out of Country or out for a prolonged period of time.
3. **Over Payment of Annual Assessment:** The treasure shall refund the amount of an overpayment to the payee within fourteen (14) days calendar or ten (10) working days from the date of deposit.

Failure to Refund Overpayment within the allotted time:  
The Treasure Shall Refund the overpaid amount plus interest (see chart for interest rate) for the number of days that the refund was held.
4. Copies of each monthly bank statement shall be retained in the treasurer's records.
5. **A Check Register:** consisting of monies received by lot number ("No Cash of any reason"), and monies paid out ("Money Manager", in the "Notes" field will reflect the number on the check or money order and the date on the check(s) or money order (s).
6. **The treasurer:** shall furnish the owner of each lot an annual statement of account (for each lot) in November of the current year. This Statement shall show the information shown in 1.) above.
7. **The Treasurer:** shall prepare an interest due with payment chart for each property in arrears. Based on a 365-day year.
8. The Treasurer shall issue in maintenance fees arrears letters with the current interest chart, and retain electronic copies there of. A record of the dates of letters and dates mailed or emailed shall be kept.
9. **Annual Assessment History:** The Treasurer Shall maintain a master

copy known as "Annual Statements 2005 20XX Working". Note individual lot records maybe generated from this file, I.F.R. required.

10. Postage required to collect on overdue account(s) above first class, will be charged to the recipient(s) account
11. Owners whose annual maintenance fees are in arrears. A repayment plan is in place. See "Repayment Plan".
12. **Budgets and Reporting:** An Annual Budget consisting of a percentage brake down base on anticipated receipts.

**The treasurer:** shall make three (3) quarterly reports. April first, July first, October first), and End of Year (the Secretary is responsible for keeping the web site up-to-date) Such reports there of to the President and Board of Officers and Directors as they may require. The treasurer shall present a financial statement at each meeting.

13. **Income Tax Records:** The Treasure: shall maintain copies of all income tax filing (Document Retention Policy).

#### **Article 11 – Officers (Articles 7,8,9, and 10)**

**Job description (General):** To manage the affairs of the association on a day-to-day basses in accordance with the Bylaws and their term of office.

#### **Article 12 – Agent**

**Job description:** The Agent is the contact for the State if Texas and as such must have access to all of the records (files) of the association.

**Responsibilities:** Must keep the Secretary of State informed of any change address (see Form 401) or a change in Officers or Board of Directors. Shall maintain (the files) of all correspondence related to the office of Agent.

#### **Article 13 – Directors:**

**Job description:** To plan the affairs of the association two to eight years out (last three years are dictated by the State of Texas).

#### **Article 14 – Members**

- a. Property Owners are responsible for: Maintaining their culverts and the sides of the drainage channel. The sides and bottom shall be planted with grass or a ground cover. The use of herbicides by property owners is prohibited in or near the drainage channel.
- b. The maximum length of any culvert shall not exceed forty feet in length without a catch basin or open drainage channel (a minimum of eight feet (8')



in length).

## **Article 15 – Fiscal Year**

The fiscal year of the Association shall be January 1 – December 31. Maintenance fees will be assessed on the calendar year due January 1<sup>st</sup> of the fiscal year.

Maintenance fees (Dues) maybe paid:

Annually (January 1<sup>st</sup>.) with the understanding that I have a 30 day grace period.

Quarterly (January 1<sup>st</sup>., April 1<sup>st</sup>., July 1<sup>st</sup>. and October 1<sup>st</sup>.) with the understanding that I have a 15 day grace period.

After the expiration of the grace period the penalty shall be calculated from the due date. A penalty will be assessed for late payments Based on the current Harris County Tax fee schedule for late payment.

Late Payment, after April 1<sup>st</sup>. All accounts more than ninety (90) days late are due plus interest to date and payable in full. See Article 10.7

Returned checks. A penalty fee of \$25 per check will be accessed.

## **Article 16 - Amendments**

These By-laws may be amended upon two-thirds vote of the tracts/lots present and voting by written ballot in an election or at any meeting of the Association. A copy of the proposed amendment shall have been furnished to each member of the Association at least thirty (30) days before the date of the meeting (vote) at which the proposed amendment is to be acted upon and shall not become effective until the date of filing with the office of the Harris County Clerk's Office.

**AFFIDAVIT of the OFFICERS  
for the  
CYPRESS CROSSING CIVIC ASSOCIATION, INC.**

**THE STATE OF TEXAS  
COUNTY OF HARRIS**

The Officers of the Cypress Crossing Civic Association, Inc, known to me to be the person whose names are subscribed hereto, and after being by me duly sworn, upon oath, deposed and stated:

1. the attached By-laws of the said CYPRESS CROSSING SUBDIVISION, an unrecorded subdivision in the James Morgan Survey 788, Harris County, Texas, were adopted on February 6, 2014, by more than 2/3 approval (72.3 %) of property owners
2. that said By-laws are in effect to this date, and
3. that no changes have been made or adopted to said By-laws since that date.

Further, we the undersigned, the Officers of the Board of the CYPRESS CROSSING CIVIC ASSOCIATION, INC. have read the above affidavit and it is true and correct.

*10R  
NO EE*

Signed this 6 day of February, 2014.

OFFICERS:

<u><i>Rebecca Hudson</i></u> Rebecca Hudson	President	<u><i>Tim Atchinson</i></u> Tim Atchinson	Treasurer
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<u><i>Chris Haman</i></u> Chris Haman	Vice President	<u><i>Lois Gronau-Fietz</i></u> Lois Gronau-Fietz	Secretary
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**STATE OF TEXAS  
COUNTY OF HARRIS**

This instrument was acknowledged before me on Feb 6, 2014

By *Theresa Melesio*  
Notary Public

*Ret  
CCCA, Inc. ✓  
In Care Of:  
Pet Check Up  
11011 Tower Oaks Blvd  
Houston, TX 77065*

**RECORDER'S MEMORANDUM:**  
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.



2014-02-06 11:54:53

FILED

2014 FEB -7 PM 1:36

*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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.

FEB -7 2014



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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