

Henderson County
Mary Margaret Wright
County Clerk
Athens, TX 75751

Instrument Number: 2019-00013399

As

Recorded On: 09/23/2019 02:11 PM Recordings - Land

Parties: LOON BAY PROPERTY OWNERS ASSOCIATION INC

To: PUBLIC

Number of Pages: 9 Pages

Comment:

(Parties listed above are for Clerks reference only)

****Examined and Charged as Follows:****

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Recorded By: Leslie Adair

*****DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT*****

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.

I hereby certify that this instrument was filed and duly recorded
in the Official Records of Henderson County, Texas



A handwritten signature in cursive script, appearing to read "Mary Margaret Wright".

County Clerk
Henderson County, Texas

Record and Return To:

LACY MALONE STEPPIGK RYDER & MENEFFEE
303 MAIN STREET SUITE 200
FORT WORTH, TX 76102



BYLAWS

LOON BAY PROPERTY OWNER'S ASSOCIATION

ARTICLE I

Offices

- Section 1 The name of this organization shall be the LOON BAY PROPERTY OWNER'S ASSOCIATION, INC., hereinafter referred to as the Association.
- Section 2 The mailing address is: P.O. Box 5275, Mabank, Texas 75147.

ARTICLE II

Objectives

- Section 1 To organize those engaged in the ownership of property located in the Loon Bay Subdivision.
- Section 2 To provide an association for those property owners whereby their interests may be safeguarded and advanced.
- Section 3 To further the interest(s) of home and property owners.
- Section 4 To promote better understanding and cooperation between the Property Owner's Association, Board of Directors, and the property owners; and
- Section 5 To unite and educate so that all parties concerned can obtain the benefits and privileges of membership therein.

ARTICLE III

Membership

- Section 1 Loon Bay is a mandatory Property Owner's Association. All property owners are members of the Association and subject to the Association Deed Restrictions and Bylaws.
- Section 2 Active Members are defined as those property owners who are in compliance with the Association Deed Restrictions and Bylaws and whose accounts with the Association are current.

ARTICLE IV

- Section 1 The privileges and conditions of the members, in addition to those provided in these Bylaws, shall be as specified in this Article.

- Section 2
- a. All members have the primary responsibility to safeguard and promote the standards, interests, and welfare of the Association through diligence and compliance with the Deed Restrictions and Bylaws.
 - b. It shall be the responsibility of all members to pay their dues and keep the Association informed of their current mailing address, and other contact information, and changes in property ownership.
 - c. All property owners are obligated to comply with the Deed Restrictions, City Codes, County Codes and other laws and regulations now and in the future.
 - d. All members of the Association shall be entitled to vote or hold elective office of the Association. Only Active Members are entitled to use of the Common Areas and Facilities.
 - e. All members shall be entitled to one vote for each resident address owned and dues assessed thereon as provided in Article V, Section 1. In cases of multiple owners, each of them individual shall be a member of the Association; however, together they shall constitute a single member for voting purposes. Any violation(s) of voting privileges shall be addressed by the sitting Board of Directors.
 - f. Voting shall be carried out in accordance with Texas Property Code, Title 11, Chapter. 209

ARTICLE V
Dues, Fees and Finances

- Section 1 Mandatory Dues as of January 1, 2020 will be as follows:
- a. One lot, with or without residence, will be assessed \$130.00 per year. Any additional lots platted to or as part of that lot are included in that assessed amount.
 - b. Any additional undeveloped lots owned by the same owner within the subdivision, but not platted as part of another lot, will be assessed \$40 per lot per year.
 - c. Any owner of multiple residences within the subdivision will be assessed \$130.00 per year for each lot on which a residence stands.

Mandatory annual dues may be increased by no more than 5% above the previous year's set dues at the discretion of the Board of Directors.

Effective January 1, 2016, Members who qualify may request a Veteran's discount. The amount of discount available is currently 10% of the dues owed and may be changed by a majority vote the Board.

Section 2 **Dues Payable:** Annual Dues are due on January 1 of each year and are considered late if not paid by February 15 of each year. The Association accepts cash or checks made payable to Loon Bay Property Owner's Association (Loon Bay POA). Access cards to the Parks will be cut off as of February 16 if payment is not received by February 15, and a \$30.00 Late Fee will be assessed. There will be no reconnect fee for late payment cut offs **only**. If a property owners' dues remain unpaid as of July 1, the owners delinquent account will be turned over to a collection agency by the Association. If the property owners' dues are not collected in a reasonable amount of time, a lien may then be placed on the owners' property, which could eventually lead to foreclosure. It is the responsibility of each owner to pay annual dues, whether or not a bill has been received.

Property owners may request approval from the Board to make two installments rather than the one annual installment. The first installment will be due January 1 for the current year and the second installment will be due July 1. If the first payment is not received by February 15, a \$30 late fee will be charged. If the second payment is not received by August 15, a \$30 late fee will be charged. If the property owner makes all payments on time, the property owner will be entitled to access to the Parks.

Section 3 **Non-Payment:** The Association shall have the ability to enforce violations at Loon Bay POA docks / parks and enforcement of dues payments, late fees, and payment plans, including utilization of 3rd party collection agencies, prior to any lien being filed on the property with respect to outstanding or delinquent amounts. Notice of the pending lien will be included with the annual bill and/or by other appropriate means. Costs incurred for notice and filing shall be the responsibility of the property owner and shall be added to the owner's account. All proceeds received as a result of dues payments shall be used for the maintenance of and the providing of street lighting, maintenance and upkeep of the common areas (i.e. two parks with facilities for recreation) and other expenses as established by the Bylaws, General Membership, and/or the Board of Directors for the good of the Association and its members.

A delinquent owner may request a repayment plan from the Board, and the agreement of length and payment amount will be decided on an individual basis. Written or email acceptance of the plan is required by the property owner. The Association is not required to offer a repayment plan to an owner who has defaulted on a previous plan in the preceding two (2) years. The existence of a repayment plan shall not preclude the placement of a lien on the subject property.

Section 4 **Property Transfer:** There shall be a \$50.00 Transfer Fee assessed on any property transferred to another party by sale or any other means. Both parties to the transfer are responsible for notifying the Treasurer of the transaction. A Transfer Fee that is not paid at the time of transfer shall become the responsibility of the new owner.

Additionally, any dues or other charges outstanding at the time of transfer shall become the responsibility of the new owner.

Section 5 **Deposits:** All monies received by the Association for any purpose shall be deposited by the Treasurer to the credit of the Association in a financial institution selected by the Board of Directors. A separate bank account shall be used for all funds received and expended in regard to Park Improvement Reserves. The Treasurer shall be authorized to issue checks and/or authorize payment for the routine expenses as defined in Article XI, Section 3. Additionally, the Treasurer shall be authorized to issue checks and/or authorize payment for incidental expense of \$100.00 or less and for any expenses pre-approved by the Board of Directors. The Board of Directors may name and/or require an additional co-signer to the Association's financial accounts, and may provide for emergency situations in the event the Treasurer becomes unable to render services.

The Park Improvement Reserves fund shall be used only for the purposes of major park repairs or improvements or for emergency funds necessary for shortages in the operating fund account. Emergency fund transfers must be approved by the Board of Directors and must be repaid before the year-end closing.

Section 6 **Finances:** The Board of Directors shall administer the finances of the Association, but shall not incur an obligation in excess of the cash on hand without the authorization of a majority vote of the Members present at a regular or special meeting, in accordance with the provisions of Article VII, Section 5. In the event a major expense or capital improvement becomes necessary, the Board with approval by majority vote of the members / property owners present in person and by proxy at a meeting called for that purpose, may authorize a "special assessment" or special assessment dues to be charged against all lots as determined by the Board. The financial records of the Association shall be maintained by the Treasurer, and a report shall be given at all regular Board Meetings, the January and August General Meetings, and at other such times as shall be deemed necessary by the Board or by request of the Members at large, through the Board of Directors.

Section 7 **Treasurer:** The Board shall employ or contract with a firm or individual to be the Treasurer of the Association. The Treasurer shall be compensated for the services rendered and may not be an elected officer of the Association. This is to ensure quality control and to maintain a control over the Association accounts.

ARTICLE VI Officers and Directors

Section 1 **Board of Directors:** The governing body of the Association shall be the Board of Directors, consisting of five (5) resident active members of the Association. Directors shall be elected for a two (2) year term, with two terms expiring one year, and three terms expiring the next, or as is necessary to fill the vacancies.

- Section 2 **Election of Officers and Directors:** At such time as is deemed necessary, the Board shall name a nominating committee of two to five resident active members to select, interview, and propose to the Board nominations to be placed before the General Membership at the January General Meeting, for election to the Board of Directors. These names shall be included in the notice of the January General Meeting. Immediately upon being elected by a majority vote of the active members present, the new Board shall seat, elect their officers, per Section 3, and continue with the business of the Association.
- Section 3 **Elected Officers:** The elected officers of the Association shall be the Board of Directors, as defined in Sections 1 and 2. The Officer positions shall be President, Vice President, Secretary and two Board Members at Large.
- Section 4 **Duties:** The duties of the officers shall be as their titles, by general usage, would indicate, or as otherwise specified in these Bylaws. The Vice President shall serve as liaison to all Committees. It shall be the particular duty of the Secretary to keep and maintain a complete record of the Association, and to carry out all correspondence that is within their capability. It is the duty of the Board to ensure that all duties are carried out by any internal means necessary.
- Section 5 **Vacancies:** Vacancies among the Board of Directors shall be filled by the Board of Directors until the next annual election.
- Section 6 **Renumeration:** Members of the Board of Directors shall not be paid for serving as Board Members.
- Section 7 **Removal From Office:** Upon an affirmative vote of all other Board members, a Board member may be removed from office for malfeasance, misconduct, nonperformance (such as missing meetings), or other reasons determined to be detrimental to the Association.

The General Membership reserves the right to impeach a Board Member upon just cause in a special meeting called for such a purpose, and this action shall cause the Board to take immediate action for an informal hearing, and to remove that officer from the Board, if the Board concurs with the decision of the Membership.

ARTICLE VII

- Section 1 Regular Meetings of the Association shall be held in January and August of each year at a place and time deemed most convenient for the majority of property owners. Election of members of the Board of Directors shall occur during the January meeting. Each of the meetings shall include a financial report prepared by the Treasurer, reading of the previous meeting minutes by the Secretary, a review of items of interest to the general body, and other such reports and discussions deemed necessary by the Board or General Membership.

- Section 2 **Board of Directors Meetings:** the Board shall designate a regular time and place for Board meetings. Board members are obligated to attend all meetings, and shall attend, such as is practical, all regular and special meetings, with notification to the President or Vice President if they cannot attend. The number of meetings will be determined by the Board as a body, or as is required for the effective operation and good of the Association.
- Section 3 Special Meetings may be held at such times as deemed necessary by either a majority of the Board of Directors, or as a result of the request of at least twenty (20) active members presented to the Board with the reason affixed to the signature page.
- Section 4 Notice of meetings of the Board and General Membership shall be given as much as is practical for the purpose required, with the January and August General meetings notice at least fifteen (15) days in advance. In certain circumstances the Board may conduct a telephone meeting for emergencies. A formal Board meeting shall follow as closely as possible to enter into the records the purpose and results of such meeting. Special meeting notices shall always contain the purpose of the meeting being called.
- Section 5 **Quorum:** To ensure an accurate representation of the General Membership, a quorum for the transaction of business of the General Membership shall be considered met if at least twenty (20) active voting members are present at a regular or special meeting. A majority vote is set at fifty percent (50%) plus one of those voting.
- A quorum of the Board of Directors shall be set at four (4) officers, with an affirmative vote by three members required for the passage of an item.
- Section 6 Notice of any meeting or vote or the members / property owners or Directors may be provided by email if the member or Director has provided an email address to the Association.

ARTICLE VIII

- Section 1 These Bylaws may be amended by a majority vote at a regular meeting or a special meeting called for that purpose, in accordance with Article VII, Section 3 and Section 5 and the voting procedures detailed in Article IV, Sections E and F. The amendments shall be made available to as many members as is practical, prior to the meeting, with copies available at the meeting for those who could not be served beforehand.
- Section 2 These Bylaws shall not be amended insofar as such amendment would be in conflict with the Deed Restrictions, City and County Codes, and other governing laws and regulations.

**ARTICLE IX
Committees**

- Section 1 The Board shall appoint such committees, regular or special, as it shall deem necessary for the good of the Association. The Board Vice President shall serve as Board Liaison for all such committees.
- Section 2 **Organization:** All committees shall be of such size and shall have such duties and functions as may be assigned to them by the Board of Directors, with the express exclusion of entering into debt or contract without the express approval of the Board of Directors.

**ARTICLE X
Rules of Order and Conduct**

- Section 1 Robert's Rules of Order, latest edition, shall be recognized as the authority governing all meetings of, for, or on behalf of, the Association, except where a conflict would exist with City, County, State, or National regulations, codes, and laws.

Conduct of the Board, its members of the Association shall be maintained in a manner consistent with the spirit of harmony and good will at all meetings, and invite cooperation between all those present.

**ARTICLE XI
Assumption of Property Management Functions**

- Section 1 The Board of Directors, by vote of the Board, or as directed by the General Membership, as provided for in Article VII, Section 5, shall have the authorization and power to enter into third party agreements for the efficient operation of the common areas of the Association, with the following limitations:
- a. Expenditures above \$2500.00 shall not be made without a competitive bid process, except where an emergency life-threatening situation may exist or except when competitive bidding is not practical.
 - b. Non-budgeted expenditures above \$5000.00 shall not be made without the prior approval of the General Membership, in accordance with Article VII, Section 5, except where an emergency life-threatening situation may exist.
 - c. The terms of any and all agreements shall be made in the best interests of the Association.
- Section 2 The Board of Directors and the General Membership, in accordance with Article VII, Section 5, reserves the right to audit the Association Records and Accounts at any time they, as a group, shall deem necessary and prudent to ensure accurate record keeping, and to serve the interests of the Association.

Section 3 The Treasurer shall, without prior approval of the Board or General Membership, cause the normal and recurring bills to be paid. These are specified as the electric utility bills, lighting, taxes, insurance, account, meeting expenses, park maintenance, waste services, collection and lien filing fees, Post Office box rental fee and postage.

The Treasurer shall serve as the Registered Agent for the Association and shall maintain the Association records in compliance with Chapter 209.005 of the Texas Residential Property Owners Protection Act (the Act). Additionally, access to the Association Records shall be governed by the provisions of Chapter 209.005 of the Act and shall require payment in advance of estimated costs for the Association's compliance with the request. The final amount charged will include all direct costs for postage, photocopies and delivery, a \$0.25 charge per page for printing, and \$20.00 per hour for labor. Labor charges apply to time spent in consultation, compilation, delivery, response and assistance, including on-site inspection.

ARTICLE XII Dissolution

Section 1 No standing or sitting Board, committee, or other body of the Association shall have the authority to dissolve the Association without the express approval of the General Membership. Since the future cannot be predicted, the General Membership, in a meeting called for the purpose of dissolution, shall establish the terms and criteria for causing such dissolution.

ARTICLE XIII

Upon approval by the General Membership these Bylaws shall become effective and any previous bylaws, amendments or other articles in their entirety or portion thereof shall become null and void.

The Board of Directors, by the authority of the General Membership, affix their signatures to this document and certify that the same was approved by the General Membership on August 24, 2019.

John R. Hyatt
Daryl Traeger
A. Schleich

Robert J. Hanzel
Debra Jones