

ARTICLES OF ASSOCIATION
FOR THE BRUSHY BEND PARK
PROPERTY OWNERS' ASSOCIATION

ARTICLE 1

1.01 NAME - The name of the Association will be BRUSHY BEND PARK PROPERTY OWNERS' ASSOCIATION, and may be abbreviated _____ or simply "the Association" if the context makes the meaning clear.

1.02 PURPOSE - The purpose of the Association shall be the betterment of the quality of life in Brushy Bend Park. [see Note 1]

ARTICLE 2 – MEMBERS

2.01 ELECTION OF MEMBERS - Any person over the age of eighteen (18) years may be elected to membership by the Officers of the Association, ut such admission to membership shall be subject to ratification by the members.

2.02 VOTING BY HOUSEHOLDS - Voting shall be by household and not by member. Each household owning and residing on (or having its future house under construction on) real property in Brushy Bend Park shall, upon complying with the requirements of Article 2.03, be entitled to one vote on any matter subject to a vote of the membership. That one vote may be cast by any adult member of the household who has _____ in his or her immediate possession and prominently displayed on his or her person the current Certificate of Membership for that household.

2.03 CERTIFICATE OF MEMBERSHIP AND "VOTING MEMBERS" - Any adult person who has been admitted to membership and who is a member of a household described in Article 2.02 may purchase from the Association Secretary the Certificate of Membership for his household for the current year. That adult is referred to in these Bylaws as a "Voting Member", and the Certificate of Membership shall be issued in his or her name. The price of such Certificate shall be one full year's dues. Only one such Certificate may be held by a qualified household during any calendar year. The color of the Certificates issued each year shall be different from those issued in any previous year.

2.04 ANNUAL DUES - The Association dues shall be \$15.00 per year or any fractional part of a year. All dues are due and payable on the first day of January each year. [see Note 3]

2.05 TERMINATION - Membership shall be terminated upon submission of the member's written resignation and/or surrender of any Certificate of Membership, to the Association's Secretary; or of the membership (sic). Memberships are not transferable.

ARTICLE 3 – MEETINGS

3.01 ANNUAL MEETING - There shall be an annual meeting of the membership for the purpose of electing officers for the coming year, and for the conduct of other Association business. That meeting shall be at 7:30 P.M. on 2nd Friday of January at Round Rock, Texas. Notice other than this Bylaw shall not be required.

3.02 CALLED MEETINGS - The Association President, or any two Vice Presidents, may call a membership meeting, on not less than three day's written notice to all Voting Members, at any time or place within Williamson or Travis Counties. Such notice shall state the place and time of the meeting and shall contain an agenda of matters to be considered. Provided, however, that any other Association business may also be conducted if a quorum of members attends such called meeting.

3.03 QUORUM - At least 25% of all Voting Members, in person or by proxy, shall constitute a quorum at any membership meeting, annual or called.

3.04 INFORMAL ACTION - If a majority of all Voting Members shall meet at any time or place in person or be represented by proxy and shall all consent to the transaction of Association business, such meeting and all action taken there shall be valid without call or notice. Furthermore, any action which the Association might take at its annual or called meetings may be taken without such meetings if the consent of a majority of Voting Members is obtained in writing setting out the action taken.

3.05 PROXIES - Any Voting Member may cause his vote to be cast through written proxy, with or without limitation. Such proxy vote must be cast in the absent members' behalf by another Voting Member in good standing who shall display the absent member's Certificate of Membership. No proxy shall be valid for more than eleven months.

ARTICLE 4 – OFFICERS

4.01 The officers of the Association shall be a President, two or more Vice Presidents including an Activities Vice President and a Membership Vice President, a Secretary, and a Treasurer. [see Note 2] All officers must be Voting Members.

4.02 ELECTION AND TENURE - the Association's Officers will be elected or removed by the majority of the Voting Members present at the annual meeting, or at any other meeting where a quorum is present, or under the provisions of Article 3.04.

4.03 VACANCIES - Vacancies in office shall be filled for the remainder of the term by the remaining officers.

4.04 DUTIES - The duties of the individual officers shall be those implied by the name of their office. Additionally, the Secretary shall keep complete minutes of all meetings and shall be responsible for giving the Voting Members all required notices of meetings ([sic] and/or reports of actions taken as provided in Article 4.09-B. In the absence of the President, the Vice President [sic] in the order of their election, shall preside over meetings of the membership and Officers.

4.05 OFFICERS MEETINGS - Meetings of the Officers will be held immediately after the Association Annual Meeting or immediately after any Association meeting in which an officer has been removed or elected. Officers meetings will also be held once each month and from time to time during the year at the call of the President or any Vice President.

4.06 QUORUM - A majority of the Officers shall constitute a quorum, provided that either the President or the Secretary must be present before Association business may be conducted and before the Officers may act for the Association as provided in Article 4.07.

4.07 POWERS - The daily affairs of the Association shall be managed by its Officers, and the acts of the Officers, if in compliance with these Bylaws, shall be the acts of the Association.

4.08 ACTION OF OFFICERS WITHOUT MEETING - Any action which may be taken by the Officers at any of their meetings may also be taken without such meeting if written consent to such action is signed by at least 2/3rds of the officers, including the President, and the provisions of Article 4.09 are met.

4.09 NOTICE OF OFFICERS' ACTIONS - No action by the Officers on any matter shall be valid unless:

A. Written notice of intention to consider the matter shall have been mailed or delivered to all Voting Members at least 7 days before the action is taken;

or,

B. After the action is taken a written report of the action is mailed or delivered to all Voting Members, in which case the action shall not become valid until 7 days after such report is so mailed or delivered.

ARTICLE 5 – COMMITTEES

5.01 The Voting Members of the Officers may from time to time appoint Committees to conduct investigations and report findings, or to preform [sic] other tasks. However, authority to act for the Association or the Officers shall not be delegated.

ARTICLE 6 – AMENDMENTS

6.01 These Bylaws may be amended at any regular or special meeting by a 2/3 vote of all of the members present or by proxy eligible to vote, in accordance with Section 3.03, provided that:

a) any proposed amendment shall have been read and offered by three members of the Association or by a committee at the previous meeting of the Association, and

b) a notice of such proposed amendment shall have been sent to each member of the Association by the Secretary of the Association at least 15 days prior to the meeting at which a vote shall be taken. [see Note 4]

ADDENDUM

This is an addendum to the Articles of Association for the Brushy Bend Park Property Owners Association and is in reference to the Deed Restrictions, Section A, "The premises herein conveyed shall be used only for lodge or home site and not for any business or commercial purposes". Our intent is to clarify this Section and to establish a process to enforce these restrictions. [see Note 5]

A lodge or home site is to consist of a single family dwelling and shall not include shared living quarters such as a boardinghouse, dormitory, fraternity, sorority, convent, private club, rooming house, transitional family care home, transitional group facility, hospice, halfway house, nursing home, protective residential care facility, hotel/motel, bed and breakfast, duplex or apartments.

Any house or residence where the use of that house or residence includes the sale, rental, servicing and distribution of goods or the provision of services for profit on an on-going basis **AND** that house or residence receives customers is considered a business. Any residence that advertises on the premises (such as a sign); advertises a business located at the residence address by pamphlet, business card, etc., which might attract traffic to the neighborhood, and/or makes it apparent that business is being conducted, will be considered a business.

Any resident or prospective resident who is considering conducting business of any kind, in or out of their residence, must contact the officers of the Brushy Bend Park Property Owners Association for consideration for a variance.

Any resident or prospective resident who purposefully and/or intentionally operates a business in or out of a residence, is in direct violation of these restrictions and is subject to the enforcement procedures outlined herein.

PROCEDURE FOR ENFORCEMENT OF RESTRICTIONS

1. The Association, upon notification of a potential violation of the restrictions, shall send a notice of the alleged violation to the alleged violator. Said notice shall state the alleged violation and the portion of the restrictions violated. The notice shall be sent to the last known address of the alleged violator by [certified] return receipt requested mail. In the notice, the Association shall set a date and time for a meeting of the officers of the Association and the alleged violator to review the circumstances related to the alleged violation.
2. Said meeting shall be held at a reasonable time and place and shall be held no earlier than ten (10) nor later than thirty (30) days from the date the notice is sent to the alleged violator. All members in good standing of the Association who have an interest in the circumstances related to the alleged violation may attend the meeting, and, if requested by the officers of the Association or the alleged violator, may be allowed to address the meeting.
3. At the meeting the alleged violator shall be given a reasonable opportunity to present his or her position on the alleged violation, and the officers shall have an opportunity to question the alleged violator and/or any other persons with knowledge of facts about the alleged violation on matters related to the alleged violation. The Association, in its discretion, may make a record of the meeting.
4. After the notice and meeting, the Association shall make a decision on whether a violation of the Association restrictions exists and what action the Association will take to address the violation. If the Association determines that a violation does in fact exist, then the Association shall provide the violator with written notice of the Associations determination that a violation exists.
5. The notice of determination of violation shall set forth the specific nature of the violation, the steps necessary to eliminate and or remove the violation, a time period to eliminate and or remove the violation and the action the Association will take if the violation is not removed or eliminated. The period of time for the elimination and or removal of the violation shall be not less than ten (10) days nor more than ninety (90) days from the date of the notice of determination of violation. The notice of determination of violation shall be sent to the violator at his or her last known address by [certified] return receipt requested mail within ten (10) days of the determination by the Association that a violation exists.

ADOPTED BY THE UNDERSIGNED at Round Rock, Williamson County, Texas, this 16 day of January, 1976.

[Signed by the original members]

- Note 1: As amended January 12, 1979.
- Note 2: As amended January 16, 1978.
- Note 3: As amended in November, 1986.
- Note 4: As amended in February, 1987.
- Note 4: As amended August 5, 1993.

DEED RESTRICTIONS

The following "Deed Restrictions" were filed at the Courthouse when the subdivision was platted. The restrictions for Brushy Bend Park Section I are printed, followed by a list of differences for Section II Phase I and Section II Phase II (see map in centerfold).

- A. The premises herein conveyed shall be used only for lodge or home site and not for any business or commercial purposes. No residence trailers or mobile homes shall be allowed. No old houses shall be moved in. Used lumber may be used for construction only after the prior consent of the Architecture committee is obtained.
- B. No lodge or home shall be constructed on this tract having an area of less than 1600 square feet exclusive of garage and porches. A separate garage building, servant's quarters of one story or a one-story guest house not to exceed 600 square feet of floor area will be permitted provided that such structure or structures be attached to the main residence by a common wall or by a covered passageway, and the outer walls of such structure be in the same construction and percentage by area of masonry as the main dwelling; provided that the main dwelling be substantially completed prior to the erection of such structure and provided further that all other restrictions, covenants, conditions and uses herein are complied with.
- C. No building shall be nearer than 30' to the road upon which property abuts and no nearer than 10' to any of the other property lines. No fence shall be placed forward of the front of any residence except that a chain link fence enclosing the entire tract shall be permitted.
- D. Any lodge or residence constructed on this tract shall have a three piece bathroom minimum and may have a lavatory, commode, and shower stall with septic tank and drain field acceptable to Subdivider; the kitchen shall have a minimum of one kitchen sink; and all plumbing is to be installed in keeping with good plumbing practices. No outside toilets shall be permitted.
- E. In the event of the installation of septic tank soil-absorption sewage-disposal system same shall be in accordance with minimum recommendations by the Division of Sanitary Engineering, Texas State Department of Health and inspected by duly authorized agent of the Williamson County Health Department. Written certification by inspecting agency that said installation is within said recommendations shall be presented to Subdivider by Owner prior to occupancy of premises.
- F. Outside wall area of lodge or home shall have a minimum of fifty (50%) per cent masonry construction consisting of brick, ledge-stone, fieldstone, or native type of stone veneer.
- G. No hogs will be allowed and it is agreed by Owner herein he will keep said tract in a clean and orderly manner at all times. If this is not done and a complaint is filed against Owner by a majority of tract owners owning lands within 500 feet of this tract, Subdivider shall have the right to clean said tract and add such cost to the remaining balance on this contract and to charge ten per cent (10%) per annum interest thereon. Lots 1 through 26 inclusive, Lots 65, 66, 68, 69, 70, 79, 80 through 89, inclusive, and Lots 90 through 102, inclusive shall be considered as two animal unit tracts, excluding hogs, and not more than two animals shall be allowed on each of said tracts. Buildings, fences, equipment and housing to be used by such animals must be approved by said architecture committee. Said premises where said animals are located must be kept clean, odorless, sanitary, insect free and otherwise in a good sightly condition. If the premises whereupon animals are located are not so maintained and a complaint is filed concerning said condition by a majority of the tract owners owning land within 500 feet of the tract in question, the architecture committee shall have the right to cause such work to be performed and the cost of such work shall be charged against the owner of the tract in question plus 10% interest and said sum by be added to this contract and to prevent such conditions said committee may, if it deems advisable, after ten (10) days notice in writing to the owner of said tract by certified mail return receipt requested for the animals to be removed from the premises and to dispose of said animals. In this connection said committee shall be held harmless by owner from any and all liability incident to such conduct.
- H. No tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No junk or wrecking yards shall be located on any tract. Material of any kind stored on said property shall be arranged in an orderly manner on the rear one-third of said property, shall be properly covered, and shall be allowed only so long as Subdivider in its best and sole judgment deems such storage to be in the best interests of the property.
- I. These restrictions are to run with the land until January, 2000, and extend automatically for additional periods of 10 years each unless the record owners of a majority of the tracts in Brushy Bend Park through a duly recorded written instrument or instruments amend or cancel the same.
- J. All covenants and restrictions shall be binding upon the Owner, his successors, heirs, or assigns, and said covenants and restrictions are for the benefit of all tract owners.
- K. Invalidation of any one of these covenants or restrictions by judgment of any Court shall in no wise [sic] affect any of the

other provisions which shall remain in full force and effect. Such restrictions may be changed only by vote of the owners of the tracts in said subdivision, with each tract carrying one vote, not counting fractional tracts.

L. Owner agrees to deliver to Subdivider one (1) copy of the plans and specifications at least fifteen (15) days prior to the commencement of construction of any improvements upon said land and no such construction shall be commenced until Subdivider, acting through its committee as hereinafter provided, shall have approved the plans as being consistent with the overall scheme or plan of development of the subdivision. At the same time of the delivery of the plans and specifications owner shall also deliver a plot plan of said tract showing the exact location of the improvements to be constructed reflecting set-back and other information that may be desired by the committee.

M. No tract within this subdivision shall be resubdivided without the prior written approval of the architecture committee for a period of ten (10) years from January 1, 1974.

N. Subdivider hereby appoints a committee of three (3) initially composed of N. G. Whitlow, Perry O. Mayfield and Tom Nelson and expowers [sic] it to consider requests for variances from the restrictions contained herein and to grant same if found by the committee to be desirable from the standpoint of balancing the needs of the applicant with the needs of all owners within the subdivision to avoid substantial disruption at the overall plan or scheme of development of said land. Said committee is hereby empowered to relocate easements anywhere within said subdivision provided that in the case of utility easement, utility companies have not already installed utilities. [See Note]

O. No fireworks shall be ignited, firearms discharged nor explosives of any kind discharged on the premises.

Note: in November 1984, Mr. Whitlow asked Si Holt, Charles Land, and May Cherry to serve on the committee.

Section II Phase I Deed Restrictions differ as follows:

1. Item G. Replace third sentence with "Lots 23, 24, and 25 shall be considered as 1 animal unit tracts excluding hogs, and not more than 1 animal shall be allowed on each of said tracts."
2. Item I. Add Section II Phase I after words Brushy Bend Park.
3. Item M. Replace 1974 with 1975.
4. Item N. Replace expowers with empowers.

Section II Phase II Deed Restriction differ as follows;

1. Item G. Replace third sentence with "All lots shall be allowed to keep 1 animal unit per each 2 acres, excluding hogs."
2. Item I. Add Section II Phase II after words Brushy Bend Park.
3. Item M. Replace 1974 with 1975.
4. Item N. Replace expowers with empowers.