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HV of Fork Owners' Association

Amended and Restated – July 17, 2022

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HV of Fork Owners Association

HV OF FORK OWNERS' ASSOCIATION BY-LAWS

Amended and Restated

July 17th, 2022

Declaration of Association Purposes and Powers

1. Association Principal Office location is Wood County, Texas
2. Mailing address of the Association is 335 Geronimo, Quitman, Texas 75783
3. Purpose of the Association. In addition to the purposes set forth in the Articles of Incorporation of the Association, the purposes for which the Associations organized, subject to any Texas law providing otherwise, are:
 - (A) To be a property owners association as defined by the Texas Property Code. And shall discharge the duties of property owners association in interpreting and enforcing the Restrictions applicable to the Subdivision, according to the plats of said subdivision recorded in the Map of Records of the County Clerk of Wood County, Texas.
 - (B) To promote the welfare and enjoyment of the residents and owners of property within the Subdivision.
 - (C) To compute, assess, collect and enforce the payment of all charges to which the property within the Subdivision is subjected or may be subjected hereby and/or under virtue of any reservations, restrictions and covenants applicable to the Subdivision on file in the Official Records of the County Clerk of Wood County.

(D) To exercise and perform any and all other rights, powers, duties remedies granted to, or imposed by the Restrictions, by any easement granted to the corporation, or by any other instrument granted to or by the benefit of the corporation:

(E) To do or cause to be done all things and acts permitted by the laws of the State of Texas and to have all the powers enumerated in the Texas Property Code for property owners associations and in the Texas Business Organizations Code for non-profit corporations including but not limited to for any lawful purpose or purposes not expressly prohibited under chapters 2 or 22 of the Texas Business Organizations Code, including any purpose described by section 2.002 of the Code.

ARTICLE ONE

Membership

SECTION 1. Each owner of one or more lots or undivided interests and each purchaser under a contract to purchase one or more lots or undivided interests (with such contract then being in force) in Holiday Villages of Fork Subdivision is deemed to be a member of this Association; provided, however, that Fork Holiday Villages, L.P. may resign its membership at any time. An "undivided interest", as such term is used herein, shall mean each of the 1,700 undivided interests in Section B and C of the Subdivision (being each 1/500 undivided interest in Section B and each of 1/1200 undivided interest in Section C); including but not limited to each such undivided interest owned by Fork Holiday Villages, L.P. For purposes of these By-Laws, an undivided interest shall not be considered a lot, and a lot shall not be considered an undivided interest.

SECTION 2. The Association shall have only one class of voting members. Members shall be entitled to one vote (at all meetings of the members and otherwise) regardless of the number of lots or undivided interest owned: provided that not more than one vote shall be cast with respect to each lot or each undivided interest. All members of a single family (as defined by the Board of Directors of the Association) who are owners or purchasers, as described in **SECTION ONE** of this **ARTICLE ONE**, of an undivided interest shall collectively entitled to one vote at all meetings of members or otherwise, and any of such members may cast such vote. With the exception noted in the last sentence of this Section, votes shall not be divided into fractional votes. In the event that a lot is validly subdivided, and a member or members

is (are) the owner(s) or purchaser(s) of at least 40% but not more than 60% (in area) of such lot, such member shall be entitled to 1/2 vote for such lot.

SECTION 3. All members of the association, in good standing (not owing any assessment monies on current or previously owned properties), their families, authorized guests shall have the right to use all of the Association's facilities; including swimming pool, park, and recreational areas, to the extent permitted by and in accordance with the terms and conditions that may be set out in the Association's rules, which may from time to time be established by its Board of Directors.

Resident non-members may have access to Association's facilities, provided they are current on the monthly assessed impact fee of \$45.00. This would allow resident non-members to be considered authorized guests of the property owner giving them access all Association's facilities. This monthly fee will be adjusted as costs increase without notice as approved by the Board of Directors. It is the property owner's responsibility to ensure this fee is paid to the association each month. The 45.00 impact fee shall apply to all structures and recreational vehicles or recreational vehicle parking areas intended for rental purposes as well as any separate residence used for any tenancy at will, independent of any fees collected by the property owner. This fee shall apply even if said structure is on the same lot as primary residence of property owner and shall apply to each and every recreational vehicle that is connected to utilities. In cases of recreational vehicles use of electricity alone to maintain batteries will not constitute full time use, hookup of electric and water or sewer shall be prima facie evidence of residential use. Such assessed impact fee is required to offset costs associated with additional use loads on infrastructure as well as amenities. Failure to keep the monthly impact fee current by the resident non-member or property owner shall be grounds for restriction from the previously stated amenities. Such restriction would include the property owner's right to use the amenities as well.

Infractions of deed restrictions or by-laws by resident non-members, whether monthly fees are paid or not will result in restrictions to use of Association's facilities. The Property owner that rents to or furnish a residence for resident non-member's will ensure the names and total number of resident non-members up to date through the the POA offices listing their place of residence and providing a copy of the most recent terms of the resident's agreement with the

actual owner of the property in which the resident non-member is residing within the subdivision and acquire a new gate entry code. The POA will cancel each resident non-member code one day after lease end, or notification by the owner that the tenancy has ended or was terminated, it is the responsibility of the property owner and the non-member resident to update the POA. In addition, the use of such facilities is governed by and subject to the provisions of the recorded Subdivision Restrictions for the Subdivision as filed with the Wood County Texas Clerks office. As to each membership, which is held by other than a single individual, that is, membership held by two or more persons or by a corporation or partnership, the use of the Association's facilities shall be only by an individual person and the family of such an individual named by such member. In respect to any lot or undivided interest, which is covered by a bona fide contract for sale, the purchaser(s) rather than the seller(s) of such lot or undivided interest shall be entitled to membership unless such contract specifically provides otherwise. It will be the duty of the purchaser to furnish copies of purchase agreement before they can take advantage of amenities. Purchaser must present a proxy dated for the term of purchase contract in order to vote in any association election.

SECTION 4. Membership may be evidenced by such card or certificate, as the Board of Directors shall authorize.

SECTION 5. No member other than Fork Holiday Villages, L.P. may resign from membership in the Association.

ARTICLE TWO

There shall be no initiation fees. Members shall be bound to pay assessments to the Association in accordance with the restrictions for the Subdivision now and hereinafter recorded.

ARTICLE THREE

Board of Directors

SECTION 1. The affairs and management of the Association shall be conducted by a Board of Directors consisting of five (5) directors. Said board shall have full power and authority to

carry out the purposes of the Association and to do any and all lawful acts necessary or proper thereto,

Including but not limited to:

(A.) providing an annual proposed budget to the membership

(B) Adopt and publish rules, regulations, policies governing use of the common areas and facilities, including but not limited to the personal conduct of the members and their guests thereon, and to establish penalties or fines for infractions thereof;

(C) Exercise for the Association all powers, duties, and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By Laws or the Articles of Incorporation or the Restrictions of the Subdivision;

(D) Employ a manager, secretary, attorneys, independent contractors, and/or such other employees as they deem necessary, and to prescribe and oversee their duties.

SECTION 2. Except as otherwise provided in **Section Three** of this **ARTICLE 3**,

Directors shall be elected at the annual meeting of members and shall serve a term of three (3) years and thereafter until their successors are elected and have qualified. Any director may succeed himself/herself and serve as many consecutive terms or non-consecutive terms as he/she may be elected. Directors must be members of the Association .

SECTION 3. The Directors named in the Articles of Incorporation dated and filed January 19, 1999, or their successors shall act as the duly qualified Board of the Association. Directors to fill vacancies caused by resignation, death, or disability may be elected by majority vote at a meeting of the remaining Directors; provided however that if there are fewer than two remaining Directors, such vacancies shall be filled by an election at an annual or special meeting of the members. A Director elected to fill a vacancy shall serve the remaining unexpired term of the Vacating Director (as described in section 2 above). Directors to fill positions created by an increase in the number of Directors shall be elected at the next annual meeting of the members, following the creation of such additional positions. Such Directors shall serve for a 3-year term and until their successors are elected and qualified.

SECTION 4. Directors selected at an annual meeting of the members shall be elected by a plurality of the votes cast in person, by proxy, absentee ballot, mail, email, or facsimile at

such meeting. If decided by resolution adopted by the existing Board of Directors, any election of Directors may be held by ballots distributed by mail or by other means authorized by statute, rather than votes cast at a meeting. Before the expiration of the term of any Director, Nominees for such position may be selected by a nominating committee of three members appointed by the President or by such other method as is approved by or acceptable to the Board of Directors.

SECTION 5. A majority of the Directors shall constitute a quorum at any meeting, and a majority of those present shall be sufficient to determine any questions, except in regard to expulsion of members as herein before provided. Meetings of the Board of Directors may be held at any place within the State of Texas.

SECTION 6. Removal of a director can be accomplished by the following; the association board of directors is presented with written, documented evidence from a database or other record maintained by a governmental law enforcement authority that a board member was convicted of a felony or crime involving moral turpitude not more than 20 years before the date the board is presented with the evidence, the board member is immediately ineligible to serve on the board of the property owners' association, automatically considered removed from the board, and prohibited from future service on the board, OR

The Association President receives detailed written requests by a minimum of 20 percent of the registered members of the association to remove a director. Upon receipt of the requests, the president will verify membership of the petitioners within 30 days. Non-member requests will be disqualified and filed for the record of at least 3 years. If the remaining is less than the 20 percent required for further action, the request will be deemed invalid and kept for 3 years. A report of action shall be sent to the membership via email or posted on association notice boards outlining if the request is invalid or if request has been forwarded to the board of directors. Once requests are verified to meet the above requirements, they shall be forwarded to the Board of Directors for review. A special meeting shall be called for the purposes of reviewing the requests no earlier than 15 days but no later than 25 days after receipt of notice from the president. No motions

from the floor will be heard or taken during this special meeting. If the Directors find no cause for further action, the request will be kept for 3 years and be considered closed. If the Directors find cause for further action, a special meeting shall be called no earlier than 45 days and no later than 60 days after the above special review meeting. Notice will be sent to all members via United States Mail or electronic notification as authorized by statute, and posted on association notice boards if a special meeting is warranted. At the duly called special meeting, the director in question will be provided an opportunity to question any accusations by the petitioners and see any and all evidence against Him/Her. If the Directors concur that a removal is warranted, the association will; through United States Mail, notify all members of a special meeting to be held for the vote of removal of said director. The special meeting shall be called no earlier than 45 days and no later than 60 days after the above special meeting. The vote at the special meeting for the removal of a director, shall require 2/3rds votes cast of the entire membership for removal.

If voting results are to remove the director, it is immediate, all keys and Association property will be returned. If vote fails to pass, the request is considered closed and shall be kept in the association records for three years with no further action.

Directors appointed by the Board of directors to fill a vacancy may be removed by a majority vote of the Board of Directors if conditions warrant at any time without prior notice to the membership.

ARTICLE FOUR

Officers

SECTION 1. The officers of the Association shall be a president, one or more Vice Presidents, a Secretary, and a treasurer, elected by the Board of Directors. More than one office may be held by the same person, except for the offices of President and Secretary. All officers shall be elected annually by the Board of Directors within a reasonable time after the annual meeting of the membership of this Association or appointed by the Board of Directors if only one candidate presents themselves. All officers shall serve at the will of the Board of Directors,

subject to quarterly reviews by the Board of Directors. All officers shall be required to be a member of the Association (in good standing).

SECTION 2. The President shall be the Chief Executive Officer of the Association. He/she shall preside over the meetings of the Association membership and shall perform such other duties as set by policies in effect or as the Board of Directors may prescribe.

SECTION 3. Any Vice President shall exercise the functions of the President in the absence of the President. He/she shall perform other such duties as set by policies in effect or as the Board of Directors may prescribe.

SECTION 4. The Secretary shall keep, or cause to be kept, the minutes of all meetings and a complete list of all members and their addresses, shall give the notices required therein, and shall perform the duties required of a Secretary. He/she shall perform other such duties as set by policies in effect or as the Board of Directors may prescribe.

SECTION 5. The Treasurers role is to review the accounting / bookkeeping, not to actually participate in keeping the books of the POA and he/she shall prepare such reports as may be specified by the Board of Directors. He/she shall perform other such duties as set by policies in effect or as the Board of Directors may prescribe.

ARTICLE FIVE

Committees

The board of Directors or the President may appoint such committees from time to time, and delegate to such committees, duties as may be deemed proper.

ARTICLE SIX

Meetings

SECTION 1. The annual meeting of the members of the Association shall be held at the Clubhouse in the Subdivision or at such other place as shall be determined by the President of the Association, on the 3rd Saturday in May commencing with the year 2015, **with the time being set no later than 90 days or no earlier than 45 days before meeting date.** Special

meetings may be called by the President or by a majority of the Board of Directors at their discretion.

SECTION 2. Except as otherwise provided in these By-Laws, the vote of the majority of the total votes cast by voting members present in person or by proxy shall decide any question brought before such meeting. The respective members to have such number of votes as herein before provided in ARTICLE ONE, SECTION TWO. Providing any such question was properly announced on the agenda.

SECTION 3. Without notice, the annual meeting of the Board of Directors shall be held on the same day and at the same place as the annual meeting of the members and immediately following the adjournment of such meeting. Special meetings of the Board of Directors shall be called at any time by the president or by any Quorum of the Board of Directors.

ARTICLE SEVEN

Fiscal Responsibilities

SECTION 1. The Fiscal year is established to be January 1st through December 31st.

SECTION 2. The Board of Directors shall provide a proposed operating budget to the membership no later than 30 days prior to the fiscal year start date, This proposed budget at a minimum shall address payroll, capital equipment replacement, upkeep of association property, and any other ancillary expenses expected to be incurred by the association during the upcoming fiscal year. anticipated income from AMA's, or other sources for the budget period.

SECTION 3. Mandatory deposits of at least 25% of the monthly cash balance forward shall be deposited into the road fund for use in the maintenance and repair of road surfaces within the subdivision, by the 15th of the month following the month these funds are collected.

SECTION 4. A capitol improvement fund shall be maintained to a level that is equal to 10% of the annual average collected AMA's, to be recalculated each 180 days from adoption of this document. These funds may be used for emergencies or catastrophic events not covered by insurance, or to prevent further damage until insurance claims are filed and

re-imbursements are received. These funds may also be used to address unexpected failures of capital equipment if operating funds do not exist to cover the costs or as a buffer for attorney fees during litigation.

SECTION 5. All contractors doing work directly for the Association shall provide a certificate of insurance naming HV of Fork Owners Association as a certificate holder bearing coverage at minimum of \$1,000,000/2,000,000 dollars coverage.

SECTION 6. At each open board meeting a report outlining at a minimum the previous months income and expenses, payroll, utilities . And/or cause the same information to be posted to the Association website a minimum of the unaudited Income & Expense report.

ARTICLE EIGHT

Miscellaneous

SECTION 1. These By-Laws or any part thereof may be altered, amended, or repealed by the Board of Directors of the Association at any time, except **ARTICLE ONE, SECTION 2.** Addendums to these By-Laws may be created and added from time to time without amending any other portion thereof and may occur without prior notice to the association. But notice shall be made within 45 days of any addendum.

SECTION 2. All provisions contained in the Articles of Incorporation or in the restrictions for the Subdivision now and hereafter recorded and in all state and federal statutes shall have precedence and shall control over any provisions contained in these By-Laws.

SECTION 3. The association shall not enter into any contract to pay, and shall not pay, any salary or other remuneration to any officer, director nor committee member of the Association for their services as such.

SECTION 4. Section 209.0052 (Added by Acts 2013, 83rd Leg., R.S., Ch. 863 (H.B. 503), Sec.

2, eff. September 1, 2013); The Association may enter into an enforceable contract with a current association board member, a person related to a current association board member within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, a company in which a current association board member has a financial

interest in at least 51 percent of profits, or a company in which a person related to a current association board member within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a financial interest in at least 51 percent of profits only if the following conditions are satisfied:

- The board member, relative, or company bids on the proposed contract and the association has received at least two other bids for the contract from persons not associated with the board member, relative, or company, if reasonably available in the community;
- The board member: (A) is not given access to the other bids; (B) does not participate in any board discussion regarding the contract; and (C) does not vote on the award of the contract;
- The material facts regarding the relationship or interest with respect to the proposed contract are disclosed to or known by the association board and the board, in good faith and with ordinary care, authorizes the contract by an affirmative vote of the majority of the board members who do not have an interest governed by this subsection; and
- The association board certifies that the other requirements of this subsection have been satisfied by a resolution approved by an affirmative vote of the majority of the board members who do not have an interest governed by this subsection.

This is contrary to the Associations moral compass and every effort will be taken to ensure compliance of the above statute if the situation arises. To include an appointment of a separate committee to review contracts and submissions by any director, or relations as described above, before contract approval.

SECTION 5. No association director or officer may appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position, office or for the employment by the association if: the individual is related to the director or officer within a degree described by Government Code Section 573.002 in article seven, section 4. **This does not apply to those members who volunteer their time to support association events or committees.**

ARTICLE NINE

Definitions

1. Association. "Association" shall mean and refer to the HV of Fork Owners Association
2. Board of Directors. "Board of Directors" shall refer to the board of directors elected by the members of the Association.
3. Facilities. "facilities" shall mean all roads, parks, boat ramps, fishing docks and entrance features of the Subdivision, and all landscaped areas established by the Developer for use as "common areas" as well as Clubhouse, swimming pool, laundry facility
4. Directors. "Director(s)" shall mean and refer to any duly elected or appointed member of the Board of Directors.
5. Policies. "Policies" shall refer to or mean any written policy, rule or regulation set in place or approved by the Board of Directors.
6. Members. "Member" or "Members" shall mean and refer to all those Owners who are members of the Association as provided for in the Restrictions and/or in these By Laws.
7. AMA. "AMA" shall refer to Association Members Assessments or dues shall mean the monthly or annual amount that each owner of property within the Subdivision is required to pay as provided by the Restrictions.
8. Subdivision. "Subdivision" shall mean Holiday Villages of Fork Subdivision, Wood County, Texas, as shown on the respective Plats on file with the County Clerks office.

These By-Laws as amended have been voted on and adopted by a majority vote at which a quorum was had by the Board of Directors on July 17th, 2022.

Donald Tourville

President HV of Fork Owners Association

State of Texas

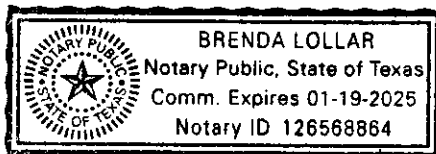
County of WOOD

Before me, BRENDA LOLLAR, on this day personally appeared:

DONALD TOURVILLE

_____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. Given under my hand and seal of office this 27th day of September 2022

Brenda Lollar



Notary Public's Signature

Return stamped copy to:
HV of Fork Owners Association
335 Geronimo
Quitman, TX 75783

THE STATE OF TEXAS
COUNTY OF WOOD

I hereby certify that this instrument was FILED on the
date and the time stamped hereon by me and was duly
RECORDED in the OPR Records of Wood County, Texas.

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09/28/2022 10:20 AM



Kelley Price

Kelley Price, County Clerk
Wood County, Texas