



4) Declaration of Covenants and Restrictions for MEADOW BRIAR SECTION ONE (Filed on August 30, 1990 under Clerk's File No. M797710 and Film Code No. 186-74-1761 et. seq.); *lll*

5) Declaration of Covenants and Restrictions for MEADOW BRIAR SECTION TWO (Filed on July 26, 1991 under Clerk's File No. N245113 and Film Code No. 041-07-0474 et. seq.); *lll*

6) Declaration of Covenants and Restrictions for MEADOW BRIAR SECTION THREE (Filed on February 5, 1993 under Clerk's File No. P079030 and Film Code No. 119-53-2250 et. seq.); *lll*

7) Articles of Incorporation of Briarhills Homeowners Association (Filed on February 10, 2000 under Clerk's File No. U220848 and Film Code No. 530-62-1901 et. Seq.);

8) Bylaws of Briarhills Homeowners Association (Filed on February 10, 2000 under Clerk's File No. U220848 and Film Code No. 530-62-1905 et. Seq.);

9) Assessment Collection Resolution of Briarhills Homeowners Association (Filed on February 10, 2000 under Clerk's File No. U220848 and Film Code No. 530-62-1920 et. Seq.); and

10) Antenna Policy of Briarhills Homeowners Association (Filed on February 10, 2000 under Clerk's File No. U220848 and Film Code No. 530-62-1925 et. Seq.);

SIGNED on this the 2 day of December, 2002.

*Grant Farris Grant Farris*

**Printed Name: Grant Farris**  
**Position Held: President**

VERIFICATION

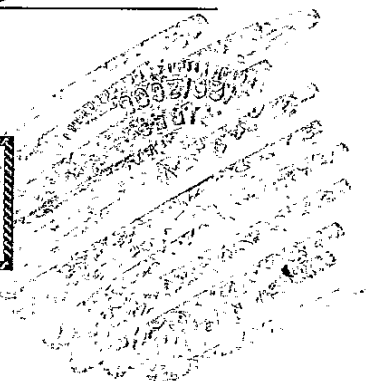
THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

**BEFORE ME**, the undersigned authority, on this day personally appeared Grant Farris, who, after being duly sworn stated under oath that he has read the above and foregoing Affidavit and that every factual statement contained therein is within his personal knowledge and is true and correct.

**SUBSCRIBED AND SWORN TO BEFORE ME**, a Notary Public, on this the 2nd day of December, 2002.

*Susan F. Goncher*  
\_\_\_\_\_  
Notary Public – State of Texas

Return to:  
Terry H. Sears, P.C. ✓  
Attorney at Law  
9700 Richmond Avenue, Suite 222  
Houston, Texas 77042



10-2-03-10

**CERTIFICATE OF AMENDMENT**  
to  
**THE BY-LAWS**  
of  
**BRIARHILLS HOMEOWNER'S ASSOCIATION**

I, Grant Farris, President of Briarhills Homeowner's Association, a Texas non-profit corporation (the "Association"), do hereby certify that an overwhelming majority of the Members voted in favor to amend the By-Laws of the Association at a duly called Special Meeting of the Members, held on the 14th day of October 2002. Said Amendment was duly and properly adopted by a vote of a majority of a quorum of Members in person or by proxy. Said Amendment to the By-Laws shall be effective immediately at the conclusion of the meeting of the Board of Directors held on the 22nd day of October 2002, and shall read as follows:

Article III, Section 5 of the By-Laws is hereby amended to read as follows:

Proxies: At all meetings of Members, each Member may vote in person or by proxy. All proxies shall be in writing, in the format as designated in Attachment A to these Bylaws, and filed with the secretary. No proxy shall be valid after eleven (11) months from the date of its execution, unless otherwise provided in the proxy. Every proxy shall be revocable and shall automatically cease upon conveyance of the Member of his Lot. The Board of Directors shall issue a proxy form to each Member at least two weeks prior to any meeting.

Article IV, Section 1 of the By-Laws is hereby amended to read as follows:

Board of Directors: The affairs of this Association shall be managed by a Board of not less than five (5) Directors, who must be Members of the Association in Good Standing. "Members in Good Standing" will not have any past due amounts, whether annual assessments or other charges, owed to the Association. The number of Directors may be increased or decreased from time to time by amendment of the Bylaws in accordance with Article XII.

In order to equitably balance the representation of the Board of Directors among all Areas of the Association, for each one of the four specific geographic "Areas" of the Association there shall be a Director owning property in that area. The four specific geographic "Areas" of the Association are: Briarhills Section Five; Briarhills Section Four; Oaks of Parkway; and Meadowbriar. One (1) Director shall be elected at large.

Should the number of properties in the Association change by virtue of annexation, deannexation or merger, or the number of Directors change by amendment to these Bylaws, then the Board of Directors shall make such adjustments in the distribution and number of the geographic Areas to be represented, as necessary in the Board's opinion, to equitably balance the representation of the Directors.

Article IV, Section 2 of the By-Laws is hereby amended to read as follows:

Term of Office: Each Director shall be elected for a term of two (2) years. In order to provide for staggered terms of office, the two (2) Directors whose terms are not expiring in the year this amendment is approved shall finish out their terms of office, and of the three (3) new Directors elected in the year this amendment is approved, two (2) Directors shall be elected for a term of two (2) years and one (1) Director shall be elected for a term of one (1) year, to be determined by a drawing of straws at the first Board of Directors meeting following the annual meeting. At each annual meeting of the Members of the Association thereafter, the Members shall elect that number of Directors equal to the number of Directors whose terms expire at such time, for terms of two (2) years. No Director may serve more than three consecutive terms; however, there shall be no limit to the total number of terms any Director may serve.

Article IV, Section 3 of the By-Laws is hereby amended to read as follows:

Nomination: Nomination for election to the Board of Directors may be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a Member of the Board of Directors, and two or more Members of the Association. If a Nominating Committee is appointed, then such Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the Members. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may only be made from among Members in Good Standing.

Article IV, Section 4 of the By-Laws is hereby amended to read as follows:

Election: Election to the Board of Directors shall be by secret written ballot. At such election the Members or their proxies may cast, in respect of each vacancy, as many votes as they are entitled to cast under the provisions of the Declaration. Members in Good Standing are allowed one (1) vote for each lot owned. Members that own 1-1/2 or 2 lots will be entitled to one-and-one-half (1-1/2) or two (2) votes, respectively. Cumulative voting shall not be permitted. Members may not vote for more than two (2) candidates from any one (1) Area.

One Director from each Area not already represented by a Director whose term is not expiring shall be elected, that Director being the Owner in that Area receiving the

largest number of votes. If there are no candidates or Directors whose terms are not expiring from any one of the Areas, then that Board position and any other vacancies will be filled by the remaining candidates receiving the largest number of votes; however, in no event shall more than two Owners from any one Area be elected a Director.

Article IV, Section 5 of the By-Laws is hereby amended to read as follows:

Removal: No Member of the Board of Directors shall be removed from office except for malfeasance in the conduct of his duties. In the event of death, resignation or removal of a Director, or in the event of his position being declared vacant under Article VI, Section 1(i), his successor shall be selected by the majority of the remaining Members of the Board and shall serve for the unexpired term of his predecessor. In filling any vacancy, the Board shall follow the guidelines in this Article IV to achieve equitable representation on the Board among the four Areas of the Association.

Article VI, Section 1(i) of the By-Laws is hereby amended to read as follows:

to declare the office of a Member of the Board of Directors to be vacant in the event such Member shall be absent from three (3) consecutive regular or special meetings of the Board of Directors, or a total of four (4) regular or special meetings of the Board in any one (1) year;

Article VI, Section 2(c) of the By-Laws is hereby amended to add the following:

A unanimous vote of the Board of Directors is required to increase the annual assessment for any year by more than 50% of the amount of increase allowed under the Declaration;

Article VI, Section 2 of the By-Laws is hereby amended to add the following subsections:

(i) cause an annual audit of the Association's financial statements to be performed by Certified Public Accountants;

(j) employ a professional management company to handle the accounting, billing, collections, deed restriction enforcements, and other business of the Association;

(k) obtain at least two (2) vendor bids for all expenditures in excess of \$1,000. Notwithstanding, contracts for expenditures in excess of this amount, which are of a recurring nature (such as security patrol or landscaping), which need only be bid out once every three years. This shall not include any payments made to the Briarhills Property Owners Association under the Use Agreement;

(l) prepare or cause to be prepared before the end of each calendar year an "Annual Budget" for the following year. The Annual Budget shall include revenues, operating expenses, a cash reserve, capital expenditures and all or any other probable expenditures

of the Association, in sufficient detail. In order to insure consistency from year to year, the Annual Budget should be in a format as in the example in Attachment B to these Bylaws;

(m) provide copies of the Annual Budget, the audited financial statements, the minutes of the monthly Board of Director meetings (which may be edited for confidential discussions regarding deed restrictions and delinquencies of individual Members), the monthly balance sheet and the monthly income statement to any Owner upon written request and to make available all Association meeting agendas, minutes, budgets, and financial statements to the Briarhills website now listed at [www.briarhills.org](http://www.briarhills.org). This information will also be available to any Owner at the Association's office during reasonable business hours. The management company or Association may charge a reasonable fee for photocopies;

(n) prohibit any Association expenditures where all or a portion of any Owner's private property is involved, other than those made for the enforcement of exterior maintenance that become part of that Owner's assessment under the Declaration. The only other exception would be for identifying signs at each entrance to the Subdivision, as allowed in the Declaration;

(o) require that all expenditures in excess of \$3,000 be included in "New Business" on the agenda of the monthly Association Board of Directors meetings; have discussion concerning such expenditure; allow at least 30 days or until the next regular monthly Board meeting, whichever is less, but in no event less than 10 days, for Owner comment after either the agenda or Board meeting minutes noting such proposed expenditure is posted to the website before the Board votes; and obtain approval of a majority of the Board for such expenditures. This shall not include any payments made to the Briarhills Property Owners Association under the Use Agreement;

(p) maintain a minimum "Cash Reserve" in the amount of \$50,000. The Cash Reserve shall be the cash balance of the Association, less: liabilities, the amount of unexpended budget for the year (which amount shall be zero at the end of every year), and a reserve for projected future capital expenditures. If at any time the Cash Reserve is less than \$50,000, then the Board shall only incur those expenditures deemed absolutely necessary to operate and maintain the Association and shall not incur any discretionary capital or improvement expenses without unanimous approval of the Board. This shall not include any payments made to the Briarhills Property Owners Association under the Use Agreement; and

(q) limit the total amount of non-recurring discretionary capital or improvement expenditures in any year, other than those necessary to operate and maintain the Association, to twenty percent (20%) of the Cash Reserve at the end of the preceding year. This shall not include any payments made to the Briarhills Property Owners Association under the Use Agreement.

All other provisions of the By-Laws of the Association shall remain in full force and effect.

SIGNED this 18 day of November, 2002.

**BRIARHILLS HOMEOWNER'S ASSOCIATION**

By: Grant Farris

Name: Grant Farris

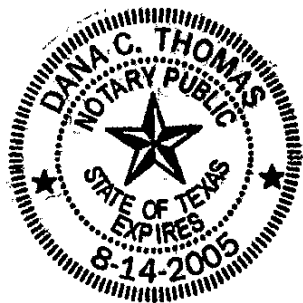
Title: President

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS       §

BEFORE ME, the undersigned authority, on this day personally appeared Grant Farris, President of Briarhills Homeowners Association, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration, and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 18<sup>th</sup> day of November, 2002.

Dana C. Thomas  
Notary Public – State of Texas





**BRIARHILLS HOMEOWNER'S ASSOCIATION**  
**Annual Meeting of the Members**

**PROXY**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned owner(s) of property in the Briarhills Homeowner's Association and member(s) in good standing do hereby revoke any previous proxies and appoint: \_\_\_\_\_ ("proxy holder"), as my proxy to act and vote on my behalf at the Annual Meeting of the Members of the Briarhills Homeowner's Association, Inc., to be held on {insert month, day, year}. If no one is named in the above space, this proxy shall be counted for quorum purposes only, other than any votes indicated on the Ballot located below.

This proxy is revocable by the owner at any time before it is exercised. Unless sooner terminated, this proxy shall terminate automatically upon the final adjournment of the annual meeting, or if the meeting is continued or adjourned, upon the conclusion thereof.

**EXPRESS INSTRUCTIONS: (Please indicate only one selection.)**

- I expressly direct and instruct my proxy holder to vote as indicated on the ballot below. My proxy holder shall otherwise have the full right to vote in accordance with his or her discretion on any and all other matters that may properly come before the meeting.
- My proxy holder is hereby authorized to vote as he/she sees fit on all issues that may arise at the meeting.
- This proxy is for casting my vote for the candidates as indicated on the Ballot below, and for establishing a quorum of owners. I abstain from casting a vote for or against any other matters that may come before the meeting.
- This proxy is for the sole purpose of establishing a quorum of owners. I abstain from casting a vote for any candidate, or for or against any other matters that may come before the meeting.

Owner's Signature: \_\_\_\_\_  
Name (Please Print): \_\_\_\_\_  
Property Address: \_\_\_\_\_

← SIGNATURE REQUIRED

Date: \_\_\_\_\_

*Note: Please initial here \_\_\_\_\_ if you would like the budget, audited financial statements, and other information that is made available at the Annual Meeting to be mailed to you.*

**BALLOT**

PLEASE VOTE FOR {insert TWO (2) or THREE (3), as appropriate} OF THE FOLLOWING CANDIDATES, (but no more than two candidates from the same Area):

- {Insert Candidate Name, Area}                       {Insert Candidate Name, Area}
- {Insert Candidate Name, Area}                       \_\_\_\_\_  
(for write in candidates)

**Mail the completed proxy/ballot form to:**  
**Principal Management Group, 2470 Gray Falls, Suite 225, Houston, TX 77077,**  
**or your proxy holder may bring this proxy/ballot form to the Annual Meeting.**

**Briarhills Homeowners Association**

20(xx) is the current year, for example 2002, xx=02

	20(xx-1) ACTUAL <i>(Cash Basis)</i>	20(xx) BUDGET <i>(Cash Basis)</i>	20(xx) ESTIMATED ACTUAL <i>(Cash Basis)</i>	20(xx+1) BUDGET <i>(Cash Basis)</i>	PERCENT OF TOTAL EXP.
<b>REVENUE:</b>					
Assessments	\$ -	\$ -	\$ -	\$ -	
Assessments Prior Years					
Penalty/Late Fee					
Other Income					
Interest Eamed					
<b>TOTAL REVENUE</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<b>EXPENSES:</b>					
<b>Maintenance</b>					
Repair/General Maintenance	V				
Landscape Contract	F				
Extras/Improvements	D				
Deed Restrictions Mow	V				
Landscape Miscellaneous	V				
Irrigation Repair	V				
Pest Control	V				
Electrical Repair/Maintenance	V				
<b>Total Maintenance</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	%
<b>POA Amenity Agreement</b>	V				%
<b>Security/Constable Patrol</b>	F				%
<b>Utilities</b>					
Electricity	V				
Trash Service	F				
City of Houston - Trash Reimb.	F				
Water & Sewer	V				
<b>Total Utilities</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	%
<b>Administrative</b>					
Management Contract	F				
Delinquent Collection	V				
Legal Expense	V				
Audit/Tax	F				
<b>Total Administrative</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	%
<b>Other Expense</b>					
Property tax	V				
Insurance	V				
Postage	V				
Copies	V				
Community Mail	V				
Miscellaneous	V				
Membership Fees	D				
Record Storage	V				
Meetings	V				
Holiday Decorations	D				
<b>Total Other Expense</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	%
<b>TOTAL EXPENSE</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	
<b>INCOME LESS EXPENSES</b>	\$ -	\$ -	\$ -	\$ -	

Note: D = Discretionary expenditures  
 F = Fixed expenditures, generally fixed by an annual contract  
 V = Variable expenditures; amounts can change based on several factors, including usage, repairs needed, etc.

**Briarhills Homeowners Association**

20(xx) is the current year, for example 2002, xx=02

	20(xx-1) <u>ACTUAL</u> <i>(Cash Basis)</i>	20(xx) <u>BUDGET</u> <i>(Cash Basis)</i>	20(xx) <u>ESTIMATED</u> <u>ACTUAL</u> <i>(Cash Basis)</i>	20(xx+1) <u>BUDGET</u> <i>(Cash Basis)</i>	PERCENT OF TOTAL EXP
<b>CAPITAL EXPENDITURES</b>					
Briarhills POA - Clubhouse					
Briarhills POA - Playground					
Briarhills POA - Pool					
Briarhills POA - Tennis Courts					
Briarhills POA - Other					
Capital Reserve for future POA capital expenditures, per engineering report					
Capital Reserve for other future expenditures					
Meadowbriar Entrance					
Meadowbriar/Retention Ponds					
Landscaping - Meadowbriar & Oaks of Parkway					
Oaks of Parkway Entrance					
<b>TOTAL CAPITAL EXPENDITURES</b>	\$ -	\$ -	\$ -	\$ -	
<b>INCOME LESS ALL EXPENDITURES</b>					
	\$ -	\$ -	\$ -	\$ -	

EXPENSE PER LOT	\$ -	\$ -	\$ -	\$ -	
EXPENSE PLUS CAPITAL EXPENDITURES PER LOT	\$ -	\$ -	\$ -	\$ -	

<b>CASH BALANCE</b>					
Beginning of Year ("BOY")	\$ -	\$ -	\$ -	\$ -	
LESS: Unearned Income, BOY		0	0	0	
PLUS: A/R City of Houston					
Beginning Operating CASH BALANCE, As Adjusted	0	0	0	0	
PLUS: Income less all Expenditures	0	0	0	0	
<b>Operating CASH BALANCE</b>	0	0	0	0	
<b>End of Year CASH RESERVE</b>	\$ -	\$ -	\$ -	\$ -	

PLUS:  
Unearned Income Received  
(Next year's assessments due on Jan. 1 of following year, received in current year)

<b>Actual Ending CASH BALANCE</b>	\$ -	\$ -	\$ -	\$ -	
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<b>20% OF CASH RESERVE</b>	\$ -	\$ -	\$ -	\$ -	
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1562-88-8818

**BRIARHILLS HOMEOWNER'S ASSOCIATION  
ASSESSMENT COLLECTION RESOLUTION AMENDMENTS**

1. March 1, 1994 – Board of Directors Meeting: A motion was made and unanimously approved that collections be assigned to Attorney Stuart Wilson of the Law Firm Wilson & Flanz.
2. March 1, 1994 – Board of Directors Meeting: Director Kaiser made a motion to write off amounts due under \$5.00. The motion passed unanimously.
3. February 14, 1995 – Board of Directors Meeting: Director Kaiser made a motion to refund overpayments to homeowner's when identified and verified. The motion passed unanimously.
4. May 14, 1996 – Board of Directors Meeting: A motion was made and unanimously approved to charge back attorney fees and other costs incurred by the Association relative to deed restriction enforcement to that owner's assessment account as allowed by the passage of Chapter 204, Title II, of the Texas Property Code HB2152, which became effective August 28, 1995. It was also noted that Attorney Roy Hailey provided the Association with the "Language to Comply" to be included in correspondence to owner's resulting in fees to be charged back to the owner's assessment account.
5. January 20, 2003 – Board of Directors Meeting: A motion was made and unanimously approved that collections be assigned to Attorney Terry H. Sears of the Law Office of Terry H. Sears, P.C. A motion was made and unanimously approved that once a delinquent account is turned over to the Association's attorney, that he or she be authorized to recover the delinquent maintenance fees by any means allowed by the Declaration and Texas Property Code, which would include a non-judicial foreclosure sale in connection with a power of sale, without the need to file a lawsuit or notify the homeowner's mortgage company or file a notice of unpaid assessment or send the homeowner a notification of filing lien affidavit.

RECORDED IN THE MORNING  
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.

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 on

FEB 10 2003



*Barbara B. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

*Barbara B. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2003 FEB 10 AM 9:40

FILED