

Notice

U153555

**AFFIDAVIT IN COMPLIANCE WITH SECTION 202.006 OF TITLE 11 OF THE TEXAS PROPERTY CODE**

529-95-2694

THE STATE OF TEXAS

COUNTY OF Harris

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§  
§

12/30/99 306354213 U153555 0112.00

BEFORE ME, the undersigned authority, on this day personally appeared Vicki Butler, who, being by me duly sworn according to law, stated the following under oath:

"My name is Vicki Butler. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

I am the Association Manager of Champions Park North, a Texas Non-Profit Corporation (the "Association"). I am also a custodian of the records for the Association and I have been authorized by the Association's Board of Directors to sign this Affidavit.

The Association is a "property owners' association" as that term is defined in Title 11 of the Texas Property Code. The Association's jurisdiction includes, but may not be limited to, Champions Park North, Sections 1, 2, 3, 4 and \_\_\_ per the maps or plats thereof heretofore recorded in the Map Records of Harris County, Texas.

Attached hereto are the originals of, or true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

- Association's Articles of Incorporation
- Association's By-Laws
- Association's Rules and Regulations
- Association's Architectural Control Guidelines
- Articles of Merger
- Annexation Resolution

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The documents attached hereto are subject to being supplements, amended or changed by the Association. Any questions regarding the dedicatory instruments of the Association may be directed to the Association at 7170 Cherry Park Drive, Houston, Texas 77095, Telephone No. (281) 463-1777.

SIGNED on this the 28<sup>th</sup> day of December, 1999.

Vicki Butler  
Printed Name: Vicki Butler  
Position Held: Association Manager

**VERIFICATION**

THE STATE OF TEXAS §  
COUNTY OF Harris §

BEFORE ME, the undersigned authority, on this day personally appeared Vicki Butler, 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/her personal knowledge and is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 28<sup>th</sup> day of December, 1999.



Catherine A. McConaughy  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

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## BY-LAWS

OF

CHAMPIONS PARK NORTH COMMUNITY IMPROVEMENT ASSOCIATIONARTICLE I  
NAME AND LOCATION

The name of the corporation is CHAMPIONS PARK NORTH COMMUNITY IMPROVEMENT ASSOCIATION, hereinafter referred to as the "Association".

The principal officer of the corporation shall be the office of the registered agent as listed with the Secretary of State, but meetings of members and directors may be held at such places within the State of Texas, County of Harris, as may be designated by the Board of Directors.

ARTICLE II  
DEFINITIONS

Section 1. "Association" shall mean and refer to Champions Park North Community Improvement Association, its successors, and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Articles of Incorporation of the Association, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Common Area" shall mean all real property owned or leased by the Association, if any, for the common use and enjoyment of the Owners.

Section 4. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 6. "Restrictions" shall mean and refer to that certain instrument entitled "Declaration of Covenants, Conditions, and Restrictions, Champions Park North, A Subdivision in Harris County, Texas" filed of record in the Official Public Records of Real Property of Harris County, Texas, under Harris County Clerk's File No. L800661 and Film Code No. 124-77-1523, et seq., and any amendments thereto.

Section 7. "Member" shall mean and refer to those persons entitled to membership in the Association as provided in the Articles of Incorporation of the Association and these By-laws.

Section 8. "Delinquent Assessments" shall mean and refer to any assessment, costs, or other fee due to the Association pursuant to the terms of the Restrictions or by the laws of the State of Texas and in agreement with the deed restrictions, not paid within thirty (30) days of the due date.

### **ARTICLE III MEMBERSHIP**

Each owner, whether one or more persons or entities, of a lot in Champions Park North, upon and by virtue of becoming an owner, automatically becomes and remains a member of the corporation until him/her/its ownership ceases for any reason, at which time his/her/its membership in the corporation shall automatically cease. Membership in the corporation shall be appurtenant to and shall automatically follow the ownership of each lot in Champions Park North, and may not be separated from such ownership.

### **ARTICLE IV VOTING RIGHTS**

Each member shall have one (1) vote per lot owned in Champions Park North. In the event that ownership interests in a lot are owned by more than one member of the corporation, such members shall exercise their right to vote in such manner as they may among themselves determine, but in no event shall more than one vote be cast for each lot. Those members who may own multiple lots which are adjoining shall still have only one (1) vote per "multiple parcel". All members of the corporation may attend meetings of the corporation and all voting members may exercise their vote at such meetings either in person or by proxy, provided the member has paid all assessments, costs, and other fees due to the corporation as set forth in the Restrictions or By-Laws of the corporation. Any member who has not paid the assessments, costs, and other fees due to the corporation by the due date (also defined herein as a delinquent assessment) shall not be eligible to cast a vote and his/her/its voting rights shall be suspended until such assessments, costs, or other fees are paid.

### **ARTICLE V MEETING OF MEMBERS**

Section 1. Annual Meetings. A regular annual meeting of the members shall be held in May of each year. The Board of Directors shall set the actual date, time, and place of meeting.

**Section 2. Special Meetings.** Special meetings of the members may be called at any time by the president or by the Board of Directors, or upon written request of the members who are entitled to vote twenty five percent (25%) of all of the votes of the membership.

**Section 3. Notice of Meetings.** Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least ten (10) days, but not more than fifty (50) days before such meeting to each member, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day, and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

**Section 4. Quorum.** The presence at the meeting of members entitled to cast, or of provides entitled to cast, ten percent (10%) of the votes shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Restrictions, or these By-Laws. If, however, such quorum not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

**Section 5. Proxies.** At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable by the member giving same and shall automatically cease upon conveyance by the member of his Lot.

#### **ARTICLE VI** **BOARD OF DIRECTORS, SELECTION, TERM OF OFFICE**

**Section 1. Number.** The affairs of the corporation shall be managed by a Board of Directors composed of seven (7) directors who must be members of the Association with voting rights. Each director shall serve a term of not less than three (3) years. Elections for two (2) positions shall be conducted each year for two (2) years, with election for the remaining position to be conducted in the third year.

**Section 2. Term of Office.** Each director elected at an annual meeting of the members shall serve for a term of three (3) years.

**Section 3. Removal.** Any director may be removed from the Board, with or without cause, by a majority vote of the members (fifty-one percent (51%) of the Association. Notwithstanding the power of the members to remove a director, the Board of Directors itself also has the power to remove a director for the reasons listed in Article IX Section I(d) of these By-Laws. In the event of death, resignation, or removal of a director, his or her successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

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**Section 4. Compensation.** No director shall receive compensation for any service he or she may render to the Association. However, any director may be reimbursed for his or her actual expenses in the performance of his or her duties.

**Section 5. Action Taken Without a Meeting.** The directors shall have the right to take any action in the absence of a meeting, via phone, fax, telex, which they could have taken at a meeting. Any action so approved shall have the same effect as though taken at a meeting of the directors.

#### **ARTICLE VII NOMINATION AND ELECTION OF DIRECTORS**

**Section 1. Nomination.** Nomination for election of the Board of Directors shall 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 Chairperson, who shall be a member of the Board of Directors, and two members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting. 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 be made only from among members or representatives of members as provided for in Article VI, Section 1, with voting rights.

**Section 2. 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 to each vacancy, as many votes as they are entitled to exercise under the provisions of these By-Laws. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

#### **ARTICLE VIII MEETINGS OF DIRECTORS**

**Section 1. Regular Meetings.** Regular meetings of the Board of Directors shall be held monthly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

**Section 2. Special Meetings.** Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any three (3) directors, after not less than twenty four (24) hours notice to each director.

**Section 3. Quorum.** A majority of the number of directors eligible to cast votes shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors eligible to cast votes present at a duly held meeting, at which a quorum is present, shall be regarded as the act of the Board.

**ARTICLE IX**  
**POWERS AND DUTIES OF THE BOARD OF DIRECTORS**

**Section 1. Powers.** The Board of Directors shall have power to:

(a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, if any, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

(b) Suspend the voting rights and right to use of the recreational facilities, if any, after notice and hearing, for a period not to exceed sixty (60) days, for any infraction of published rules and regulations;

(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, the Articles of Incorporation, or the Restrictions;

(d) 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 meetings of the Board of Directors or owe a delinquent assessment to the Association; and

(e) Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

**Section 2. Duties.** It shall be the duty of the Board of Directors to:

(a) cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members.

(b) supervise all officers, agents, and employees of this Association, and to see that their duties are properly performed;

(c) as more fully provided in the Restrictions, to:

(1) fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period;

(2) send written notice of each assessment to every Owner reflected on the membership rolls of the Association, at least thirty (30) days in advance of each annual assessment period;

- (3) foreclose the lien against any property for which assessments are not paid or to bring an action at law against the owner personally obligated to pay the same; and;
- (4) appropriate collection efforts as deemed necessary by the Board of Directors;
- (d) procure and maintain adequate liability and hazard insurance on property owned or under the control of the Association.
- (e) cause all officers and employees having fiscal responsibilities to be bonded, as it may deem appropriate;
- (f) cause the Common Area, if any, to be maintained;
- (g) treat the residents of the properties in a fair and equal manner;
- (h) require to promote the recreation, health, safety, and welfare of the residents in the subdivision;
- (i) enforce deed restrictions;
- (j) The association shall purchase and maintain insurance on behalf of any person who is a Director of the Association against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his or her status as such, whether or not the Association would have the power to indemnify him or her against such liability under the preceding provisions of this Article or applicable provisions of law.

**ARTICLE X**  
**OFFICERS AND THEIR DUTIES**

**Section 1. Enumeration of Offices.** The officers of this Association shall be a president, vice president, secretary, and a treasurer, who shall, at all times, be members of the Board of Directors, and such other offices as the Board may from time to time by resolution create.

**Section 2. Election of Officers.** The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

**Section 3. Term.** The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless they shall sooner resign, or shall be removed, or otherwise disqualified to serve.

**Section 4. Special Appointments.** The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

**Section 5. Resignation and Removal.** Any officer may be removed from office with or without cause by majority vote. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**Section 6. Vacancies.** A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

**Section 7. Multiple Offices.** The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

**Section 8. Duties.** The duties of the officers are as follows:

**President**

(a) The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds, and other written instruments and co-sign all checks and promissory notes.

**Vice President**

(b) The vice president shall act in the place and stead of the president in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him or her by the Board.

**Secretary**

(c) The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.

**Treasurer**

(d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a certified public accountant at the completion of each fiscal year; prepare and have available at any meeting of the members a listing of all members



who have voting rights; and shall prepare an annual budget and a statement of income and expenditures to be represented to the membership at its regular annual meeting and as it may pertain to any special meeting and deliver a copy of each to the members.

#### **ARTICLE XI COMMITTEES**

The Association shall appoint an Architectural Control Committee, as provided in the Restrictions, and a Nominating Committee, as provided in these By-Laws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose. All committee members shall serve at the discretion of the Board of Directors.

#### **ARTICLE XII BOOKS AND RECORDS**

Upon written request stating the purposes thereof, any member of the Association or by his duly appointed representative, shall be entitled to make a reasonable examination of the books and records of the Association during normal business hours and for a proper purpose reasonably related to their interest as a member at the office of the Association or at such other place in Harris County, Texas, as the Board of Directors shall prescribe. NO member shall remove any books and records from the possession of the Association for any reason, but a member may request copies of books and records upon written request stating the specific books and records desired and a proper purpose for the request, provided such member shall pay all reasonable costs of providing the requested copies proper to obtaining same. Notwithstanding the foregoing, no member shall be entitled to examine any documents and the Association shall have a privilege to refuse to disclose any confidential communications regarding (i) any confidential communications by and between past or current legal counsel to the Association and the Board of Directors of the Association, or any agent, employee, representative, or committee of either, (ii) any confidential communications as determined by the Board of Directors which may include matters discussed in executive session and such other matters as the Board shall deem the best interests of the Association require be kept confidential, including without limitation protection of the privacy rights of individual members, competitive bids until a final bid is accepted, and matters where an obvious conflict of interest exists between a member and the Association and disclosure would detrimentally affect the interests of the Association, (iii) any communications privileged under the Texas Rules of Civil or Criminal Procedure, the Texas Rules of Civil or Criminal Evidence, and any other applicable statute or law of the State of Texas.

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**ARTICLE XIII  
ASSESSMENTS**

As more fully provided in the Restrictions, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made.

**ARTICLE XIV  
CORPORATE SEAL**

The Association shall have a seal in circular form having within its circumference the words: CHAMPIONS PARK NORTH COMMUNITY IMPROVEMENT ASSOCIATION.

**ARTICLE XV  
AMENDMENTS**

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote in person or by proxy of 51% of members.

Section 2. In the case of any conflict between the Articles of Incorporation these By-Laws, the Articles shall control; and in the case of any conflict between the Restrictions and these By-Laws, the Restrictions shall control.

TO CERTIFY WHICH, WITNESS MY HAND this the 17<sup>th</sup> day of May 1992.

  
\_\_\_\_\_  
Secretary