

Henderson County
Gwen Moffeit
County Clerk
Athens, TX 75751

*Pat -
Bylaws*

Instrument Number: 2011-00011106

As

Recorded On: 08/23/2011 12:56 PM Recordings - Land

Parties: LOLLIPOP LANDING ADDITION PROPERTY OWNERS

To: PUBLIC

Number of Pages: 9 Pages

Comment:

(Parties listed above are for Clerks reference only)

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

Total Recording: 43.00

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Recorded By: Barbara Cox

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

Any provision herein which restricts the Sale, Rental, or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

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



Gwen Moffeit

County Clerk
Henderson County, Texas

Record and Return To:

LOLLIPOP LANDING ADDITION
PO BOX 785

FRANKSTON, TX 75763



CODE OF BYLAWS

LOLLIPOP LANDING ADDITION PROPERTY OWNERS' IMPROVEMENT ASSOCIATION

ARTICLE I

Name

The name of the Association is Lollipop Landing Addition Property Owners' Improvement Association.

ARTICLE II

Principal Office

The principal office of the Association is located at P.O. Box 785 Frankston, Texas, 75763.

ARTICLE III

Purposes

The purposes for which the Association is organized are:

- (A) To develop a community designed for safe, healthful and harmonious living, and to carry out the purpose and intent of Article 23 of the Amended and Combined Restrictions on Lollipop Landing Addition Sections No. 1, and No. 2, Lake Palestine, Henderson County, Texas.
- (B) To promote the collective and individual interests and rights of all persons owning property in the Subdivision known as Lollipop Landing Addition, situated in Henderson County, Texas, and described as follows: A subdivision of the Peter and C.C. Garland Survey, Abstract Nos. 271, 274, and 275, Henderson County, Texas.
- (C) To care for the improvements and maintenance of the gateways, public easements, parkways, grass plots, parking areas and any facilities of any kind dedicated to the community use and other open spaces and other ornamental features of the Subdivision, which now exist or which may hereafter be installed or constructed therein.
- (D) To cooperate with the owners of all vacant and unimproved lots now existing or that hereafter shall exist in the Subdivision in keeping them in good order and condition, in preventing them from becoming a nuisance and a detriment to the beauty of the Subdivision and to the value of the improved property therein, and to take any action with reference to such vacant and unimproved lots as may be necessary or desirable to keep them from becoming such nuisance and detriment.
- (E) To aid and cooperate with the members of the Association and all property owners in the Subdivision in the enforcement of such conditions, covenants, and restriction on or appurtenant to their property as are now in existence, as well as any other conditions, covenants, and restrictions as shall hereafter be approved by a petition of at least 60% of the Lot Owners.
- (F) To acquire, own, or lease such real and personal property as may be necessary or convenient for the transaction of its business and the fulfillment of its purposes.
- (G) To exercise any and all powers that may be delegated to it from time to time by the owners of real property in the Subdivision.
- (H) In general, to do everything necessary, proper, or advisable for the accomplishment of the purposes hereinabove set forth.

ARTICLE IV
Membership

Section 1. Eligibility. Every present and future owner of a lot or residential unit in the Subdivision is entitled to be a member in the Association.

Section 2. Membership. Membership shall include an undertaking by such owner to comply with these Bylaws and the rules and regulation adopted by the Association. Membership shall be accompanied by payment of the first year's fees in advance.

Section 3. Termination. Membership in the Association shall terminate on a member's ceasing to be an owner of a lot or residential unit in the Subdivision.

ARTICLE V
Meetings of Members

Section 1. Annual Meetings. Except for the organizational meeting, all annual meetings of the members of the Association shall be held on the 2nd Saturday of the month of May in each year beginning with the year 1983, at the hour of ~~10:00~~ o'clock ~~A.~~ M., for the purpose of electing directors and for the transaction of such other business as may come before the meeting. If the day fixed shall be a legal holiday in this State, such meeting shall be held on the succeeding day not a legal holiday.

Section 2. Special meetings. It shall be the duty of the President to call a special meeting of the members as directed by a resolution of the Board of Directors or upon a petition signed by not less than twenty (20) members having voting rights. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of four-fifths (4/5) of the members present, either in person or by proxy.

Section 3. Place of Meetings. Meetings of the Association shall be held at its principal office or such other suitable place convenient to the members as may be directed by the Board of Directors.

Section 4. Notice of Meetings. It shall be the duty of the secretary to mail a notice of each annual or special meeting, stating the purpose thereof as well as the time and place where it is to be held, to each member entitled to vote, at least ten (10) but not more than thirty (30) days prior to such meeting.

Section 5. Quorum. The presence at any meeting, in person or by proxy, of the members holding fifty-one percent (51%) of the votes eligible to be cast in person or by proxy at such meeting shall be necessary and sufficient to constitute a quorum for the transaction of the business.

Section 6. Voting. Each member shall be entitled to one (1) vote on each matter submitted to a vote of the members.

Section 7. Proxies. At any meeting of members, a member entitled to vote may vote by proxy executed in writing by the member or by his duly authorized attorney-in-fact. No proxy shall be valid after three (3) months from the date of its execution, unless otherwise provided in the proxy.

Section 8. Manner of Acting. A majority of the votes entitled to be cast on a matter to be voted upon by the members present, or represented by proxy, at a meeting at which a quorum is

present, shall be necessary for the adoption thereof unless a greater proportion is required by these Bylaws.

Section 9. Voting by Mail. Where directors or officers are to be elected by members, such election may be conducted by mail in such manner as the Board of Directors shall determine.

Section 10. Order of Business. The order of business at the annual meeting of the members shall be as follows:

- (A) Roll call.
- (B) Proof of notice of meeting or waiver of notice.
- (C) Reading of minutes of preceding meeting.
- (D) Reports of officers.
- (E) Report of committees.
- (F) Election of directors
- (G) Unfinished business.
- (H) New business.

ARTICLE VI

Board of Directors

Section 1. Number and Qualification. The affairs of the Association shall be governed by a Board of Directors composed of seven (7) persons, all of whom must be members of the Association.

Section 2. Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not be law or by these Bylaws directed to be exercised or done by the members.

Section 3. Other Duties. In addition to duties imposed by these Bylaws or by resolution of the Association, the Board of Directors shall be responsible for the following:

- (A) Care, upkeep and surveillance of the Subdivision and the common area and facilities.
- (B) Collection of fees and special assessments from the members.
- (C) Designation and dismissal of the personnel.

Section 4. Election and Term of Office. At the first annual meeting of the Association the term of office of two (2) Directors shall be fixed at three (3) years; the term of office of two (2) Directors shall be fixed at two (2) years; and the term of office of three (3) Directors shall be fixed at one (1) year. At the expiration of the initial term of office of each respective Director, the successor to such Director shall be elected to serve a term of three (3) years. Each Director shall hold office until the successor to such Director shall have been elected and hold their first meeting.

Section 5. Vacancies. Vacancies in the Board of Directors caused by any reason other than removal of a Director by a vote of the Association shall be filled by vote of the majority of the remaining Directors, even though they may constitute less than a quorum; and each person so elected shall be a Director until a successor is elected at the next annual meeting of the Association.

Section 6. Removal of Directors. At any annual or special meeting duly called, any one or more of the Directors may be removed with or without cause by a majority of the members and a successor may then and there be elected to fill the vacancy thus created. Any Director

present, shall be necessary for the adoption thereof unless a greater proportion is required by these Bylaws.

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Section 3. Removal of Officers. Upon an affirmative vote of a majority of the members of the Board of Directors, any officer may be removed, either with or without cause, and the successor to such officer elected at any regular meeting of the Board of Directors, or at any special meeting of the Board called for such purpose.

Section 4. President. The President shall be the chief executive officer of the Association and of the Board of Directors. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties which are usually vested in the office of the president of an association, including but not limited to the power to appoint committees from among the members from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the Association.

Section 5. Vice President. The Vice President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. If neither the President nor the Vice President is able to act, the Board of Directors shall appoint some other member of the Board to so do on an interim basis. The Vice President shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors.

Section 6. Secretary. The Secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the Association; he shall have charge of such books and papers as the Board of Directors may direct; and he shall, in general, perform all the duties incident to the office of Secretary.

Section 7. Treasurer. The Treasurer shall have responsibility for Association funds and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association. He shall be responsible for the deposit of all monies and other valuable effects in the name and to the credit of, the Association in such depositories as may from time to time be designated by the Board of Directors.

ARTICLE VIII

Membership Committee

Section 1. Number. At the first meeting of a newly elected Board of Directors a Membership Committee shall be elected, consisting of three (3) members, at least one of whom shall be a director.

Section 2. Duties. The Membership Committee shall act on applications for membership as received and submit a report of their actions to the Board of Directors at its next regular meeting for review. Such approved membership lists shall be made a part of the Board minutes.

ARTICLE IX

Other Committees

The Board of Directors may appoint such other committees as it may deem advisable. Each such committee shall have such powers and authority as shall be specified by the Board of Directors.

ARTICLE X

Maintenance Fees

Section 1. Annual Maintenance Fees. The annual maintenance fees shall be ONE HUNDRED AND NO/100THS DOLLARS (\$100.00) per year, the annual maintenance fee shall be set each year at the annual meeting of the LOLLIPOP LANDING ADDITION PROPERTY OWNERS'

IMPROVEMENT ASSOCIATION and such annual maintenance fee shall be first agreed upon by the Board of Directors of the Association, and then be voted on at the membership meeting.

Section 2. Payment of Fees. The annual maintenance fees shall be due and payable on January 1st of each year as provided by Article 23 of the Amended and Combined Restriction of Lollipop Landing Addition, and delinquent on April 30th of the same year and a late fee of \$10.00 shall be imposed.

Section 3. Special Assessments. Special assessments may be levied on members of the Association only by a vote of two-thirds (2/3) of the majority of all members of the Association.

Section 4. Default in Payment of Maintenance Fees or Assessments.

- (A) When any member shall be in Default in the payment of the annual maintenance fee or assessments when they become payable, he shall, for purposes of voting, not be considered as a member in good standing, in addition, such member shall be dropped from active membership and placed on the inactive list. Such member shall not be reinstated until he has paid the lien on such member's lot or residential unit in delinquent annual maintenance fees and assessments in full, and until such time as such member is reinstated, he shall have no rights of any kind arising out of a membership in the Association.
- (B) In addition to the foregoing, if any member shall fail to pay his fees or assessments as the same become due, after thirty (30) days' written notice of such delinquency given by the Association to such member, the amount of the unpaid fees and assessments shall become a lien on such member's lot or residential unit in the Subdivision in favor of the Association and the Association shall have the right to record a notice of claim of lien, and proceed thereon in accordance with the provisions of the laws of the State of Texas for the foreclosure and enforcement of liens; or, in the event the Association shall not record a lien, it shall have the right to commence an in personam action against such member for the collection of the unpaid fees and assessments in any court of competent jurisdiction in accordance with the provisions of said laws.

ARTICLE XI

Rules and Regulations

The Board of Directors shall adopt such rules and regulations as may be necessary or appropriate for the accomplishment of the purposes of the Association. Such rules and regulations shall become effective when approved by a two-thirds (2/3) vote of the members of the Association and when so approved shall become a part of these Bylaws.

ARTICLE XII

Amendments

These Bylaws may be amended or repealed, or new bylaws may be made and adopted, at any annual or special meeting of the members of the Association, by a majority vote of all the members entitled to vote, provided that notice of intention to amend shall have been contained in the notice of the meeting.

ARTICLE XIII

Miscellaneous

The fiscal year of the Association shall begin on the first day of May and end on the 30th day of April of every year.

The foregoing was adopted as the Bylaws of Lollipop Landing Property Owner's Improvement Association at its organizational meeting on the 10th day of July, A.D. 1982.

Margaret Fraser, Vice President
George Howard Jones, Treasurer

Witnessed this 23rd day of August, 2011

State of Texas

Henderson County

Renée Oliver
Renée Oliver

