

CORREC  
J

**SECOND AMENDMENT TO THE BYLAWS OF  
FALL CREEK HOMEOWNERS ASSOCIATION, INC.**

10R  
NO EE

ER 059 - 96 - 1954

After Recording, Return To:

Sipra S. Boyd  
Roberts Markel Weinberg Butler Hailey, P. C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056

Copyright © 2014 by Roberts Markel Weinberg Butler Hailey, P. C., all rights reserved.  
This Second Amendment to the Bylaws of Fall Creek Homeowners Association, Inc. may  
be used only in connection with the Fall Creek subdivision and the operation of the Fall  
Creek Homeowners Association, Inc.

Rerecording 2<sup>nd</sup> Amendment to Bylaws. The first  
Recording was signed at an unapproved Board meeting. This  
2<sup>nd</sup> Amendment to Bylaws version was  
At an approved Board meeting. The first and last pages are  
included as well as other pages of the amendment that have  
minor changes from the previously recorded version

**SECOND AMENDMENT TO THE BYLAWS OF  
FALL CREEK HOMEOWNERS ASSOCIATION, INC.**

STATE OF TEXAS                   §  
COUNTY OF HARRIS           §

THIS SECOND AMENDMENT TO THE BYLAWS OF FALL CREEK HOMEOWNERS ASSOCIATION, INC. (the "Second Amendment"), is made on the date hereinafter set forth by Fall Creek Homeowners Association, Inc. (the "Association").

WITNESSETH:

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Fall Creek Single Family Residential Areas was recorded on October 3, 2001, under Clerk's File No. V338181 in the Real Property Records of Harris County, Texas (the "Declaration"), as same has or may be amended from time to time; and

WHEREAS, the Bylaws of Fall Creek Homeowners Association, Inc. was also recorded on October 3, 2001, under Clerk's File No. V338181 in the Real Property Records of Harris County, Texas (the "Bylaws"), as same has or may be amended from time to time as same has or may be amended from time to time; and

WHEREAS, pursuant to Article VI (F) of the Bylaws, the Board of Directors of the Association (the "Board") has the authority to amend the Bylaws of the Association at any time by the majority vote of the Board; and

WHEREAS, all capitalized terms shall be defined according to the Bylaws, unless otherwise stated herein; and

WHEREAS, the Board has determined that it is necessary and beneficial to amend the Bylaws.

NOW THEREFORE, pursuant to the authority granted to the Board in the Bylaws, the Board hereby amends the Bylaws as follows:

1. Article II, Section J. "Quorum", shall be deleted in its entirety and fully replaced by the following new section:

J.     Quorum

*Except as otherwise provided in these Bylaws or in the Declaration, the presence in person, or by proxy, of Members representing ten percent (10%) of the total eligible votes in the Association shall constitute a quorum at all meetings of the Association. If any meeting of the Members cannot be held*

ER 059 - 96 - 1955

*because a quorum is not present, either in person or by proxy, the presiding officer or a majority of the Members who are present at such meeting, in person or by proxy, may adjourn the meeting and immediately reconvene the meeting. At the reconvened meeting the required quorum shall be one-half (1/2) of the quorum percentage needed to conduct business at the previous meeting, represented either in person, or by proxy. This procedure may be repeated until a quorum is present or represented in person or by proxy at the meeting. Any business that might have been transacted at the meeting originally called may be transacted.*

2. Article III, A. Section 2. Number of Directors, shall be deleted in its entirety and fully replaced by the following new section:

*Section 2. Number of Directors. The number of directors in the Association shall not be less than three (3). The number of directors may be increased by a written resolution of the Board of Directors.*

3. Article III, A. Section 3. Appointment and Election of Directors, shall be deleted in its entirety and fully replaced by the following new section:

*Section 3. Appointment and Election of Directors.*

*(a) In 2014, the number of Directors shall be increased from three (3) to five (5) and be designated as follows:*

- (1) Director A, previously appointed by the Declarant*
- (2) Director B, previously appointed by the Declarant*
- (3) Director C, newly appointed by the Declarant as described below*
- (4) Director D, previously elected by the Members*
- (5) Director E, newly appointed by the Board of Directors and then later elected by the Members at the 2014 Annual Meeting as described below*

*(b) When the number of Directors are increased and designated according to subsection (a) above, the Board of Directors shall appoint a Member to fill the Director E position to serve until the 2014 Annual Meeting. At the same time, the Declarant shall appoint a person to fill the Director C position. At the 2014 Annual Meeting, Director D and Director E positions shall be up for election. The Member elected to fill the Director D position shall serve for a one-year term and the Member elected to the Director E position shall serve a two-year term. The Member receiving the most number of votes shall fill the Director E position and the Member receiving the second most number of votes shall*

fill the Director D position. At each annual meeting thereafter and before the expiration of the Class B Control Period, all Directors elected for the Director D and Director E positions, shall serve a two-year term.

(c) At the first annual meeting of the Members after the expiration of the Class B Control Period, the Members shall elect five (5) directors. Directors A and B shall be elected for a term of (3) years. Directors C and D shall be elected for a term of two (2) years. Director E shall be elected for a term of one (1) year. At each annual meeting thereafter, all Directors shall be elected to three-year terms.

The Bylaws, as hereby amended, are in all respects ratified and confirmed and shall remain in full force and effect. If any provision of this Second Amendment is found to be in conflict with the Bylaws, as amended, this Second Amendment shall control.

IN WITNESS WHEREOF, this Second Amendment to the Bylaws of Fall Creek Homeowners Association, Inc., is executed as of the 18<sup>th</sup> day of July, 2014.

APPROVED BY:

Curtis R Campbell  
Curtis R Campbell, DIRECTOR  
Date: July 18, 2014

John J. Johnson  
John J. Johnson, DIRECTOR  
Date: July 18, 2014

Fred A. Scibola  
Fred A. Scibola, DIRECTOR  
Date: 7-18-2014, 2014

FRED A. SCIBOLA

ER 059 - 96 - 1957

**CERTIFICATION**

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of the Board of Directors of Fall Creek Homeowners Association Inc., a Texas non-profit corporation;

That the foregoing constitutes the Second Amendment to the Bylaws of the Fall Creek Homeowners Association, Inc., and was duly adopted by at a meeting of the Board of Directors where quorum was present.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 18 day of July, 2014.

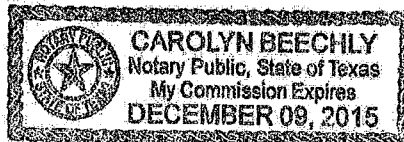
By: [Signature]  
Print Name: FRED A. SCIBUOLA  
Title: Secretary

STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned authority, on this day personally appeared Fred A Scibulo the Secretary of the Board of Directors of Fall Creek Homeowners Association Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and consideration herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 18th day of July, 2014.

Carolyn Beechly  
Notary Public - State of Texas



ER 059 - 96 - 1958

**SECOND AMENDMENT TO THE BYLAWS OF  
FALL CREEK HOMEOWNERS ASSOCIATION, INC.**

After Recording, Return To:

Sipra S. Boyd  
Roberts Markel Weinberg Butler Hailey, P. C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056

Copyright © 2014 by Roberts Markel Weinberg Butler Hailey, P. C., all rights reserved.  
This Second Amendment to the Bylaws of Fall Creek Homeowners Association, Inc. may  
be used only in connection with the Fall Creek subdivision and the operation of the Fall  
Creek Homeowners Association, Inc.

*because a quorum is not present, either in person or by proxy, the presiding officer or a majority of the Members who are present at such meeting, in person or by proxy, may adjourn the meeting and immediately reconvene the meeting. At the reconvened meeting the required quorum shall be one-half (1/2) of the quorum at the previous meeting, represented either in person, or by proxy. This procedure may be repeated until a quorum is present or represented in person or by proxy at the meeting. Any business that might have been transacted at the meeting originally called may be transacted.*

2. Article III, A. Section 2. Number of Directors, shall be deleted in its entirety and fully replaced by the following new section:

*Section 2. Number of Directors. The number of directors in the Association shall not be less than three (3). The number of directors may be increased by a written resolution of the Board of Directors.*

3. Article III, A. Section 3. Appointment and Election of Directors, shall be deleted in its entirety and fully replaced by the following new section:

*Section 3. Appointment and Election of Directors.*

- (a) *In 2014, the number of Directors shall be increased from three (3) to five (5) and be designated as follows:*

- (1) Director A, previously appointed by the Declarant*
- (2) Director B, previously appointed by the Declarant*
- (3) Director C, newly appointed by the Declarant as described below*
- (4) Director D, previously elected by the Members*
- (5) Director E, newly appointed by the Board of Directors and then later elected by the Members at the 2014 Annual Meeting as described below*

(b) *When the number of Directors are increased and designated according to subsection (a) above, the Board of Directors shall appoint a Member to fill the Director E position to serve until the 2014 Annual Meeting. At the same time, the Declarant shall appoint a person to fill the Director C position. At the 2014 Annual Meeting, Director D and Director E positions shall be up for election. The Member elected to fill the Director D position shall serve for a one-year term and the Member elected to the Director E position shall serve a two-year term. The Member receiving the most number of votes shall fill the Director E position and the Member receiving the second most number of votes shall*

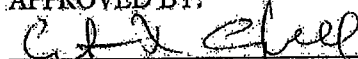
fill the Director D position. At each annual meeting thereafter and before the expiration of the Class B Control Period, all Directors elected for the Director D and Director E positions, shall serve a two-year term.


(c) At the first annual meeting of the Members after the expiration of the Class B Control Period, the Members shall elect five (5) directors. Directors A and B shall be elected for a term of (3) years. Directors C and D shall be elected for a term of two (2) years. Director E shall be elected for a term of one (1) year. At each annual meeting thereafter, all Directors shall be elected to three-year terms.

The Bylaws, as hereby amended, are in all respects ratified and confirmed and shall remain in full force and effect. If any provision of this Second Amendment is found to be in conflict with the Bylaws, as amended, this Second Amendment shall control.

IN WITNESS WHEREOF, this Second Amendment to the Bylaws of Fall Creek Homeowners Association, Inc., is executed as of the 21<sup>st</sup> day of June, 2014.

APPROVED BY:

  
Curtis R. Campbell, DIRECTOR  
Date: June 27, 2014

  
Jennifer Johnson, DIRECTOR  
Date: June 27, 2014

FRED A. SCIBUDA, DIRECTOR  
Date: JUNE 27, 2014, 2014



ER 059 - 96 - 1961



**CERTIFICATION**

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of the Board of Directors of Fall Creek Homeowners Association Inc., a Texas non-profit corporation;

That the foregoing constitutes the Second Amendment to the Bylaws of the Fall Creek Homeowners Association, Inc., and was duly adopted by at a meeting of the Board of Directors where quorum was present.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 27<sup>th</sup> day of June, 2014.

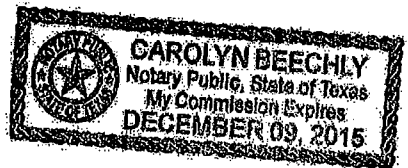
By: [Signature]  
Print Name: FRED A. SCIBUOLA  
Title: Secretary

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned authority, on this day personally appeared Fred A. Scibuola the Secretary of the Board of Directors of Fall Creek Homeowners Association Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and consideration herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 27<sup>th</sup> day of June, 2014.

[Signature]  
Notary Public - State of Texas



ER 059 - 96 - 1962

20140285416  
# Pages 6  
07/01/2014 10:13:21 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees 32.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically  
and any blackouts, additions or changes were present  
at the time the instrument was filed and recorded.

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  
hereon by me; and was duly RECORDED in the Official  
Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

ER 059 - 96 - 1964

20140359864  
# Pages 11  
08/13/2014 13:56:04 PM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees 52.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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 hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS