

BY-LAWS  
OF  
WESTWIND TOWNHOMES ASSOCIATION, INC.

ARTICLE I

NAME AND LOCATION

The name of the corporation is WESTWIND TOWNHOMES ASSOCIATION, INC., hereinafter referred to as the "Association." The principal office of the corporation shall be located at 950 Threadneedle, Suite 150, Houston, Texas, 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 WESTWIND TOWNHOMES ASSOCIATION, INC., a Texas Non-Profit Corporation, its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions, 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 by the Association for the common use and enjoyment of the Owners.

Section 4. "Building Plot" shall mean and refer to each of the individual tracts of land or resubdivision of same, into which the property (including any added or annexed property), excepting the Common Area, has been divided for the construction of townhouses thereon for individual use and ownership.

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 Building Plot 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. "Declarant" shall mean and refer to TRENDMAKER HOMES, INC., its successors and assigns, if such successors and assigns should acquire more than one undeveloped Building Plot from the Declarant for the purpose of development.

Section 7. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions applicable to the Properties recorded in the Office of the

County Clerk of Harris County, Texas.

Section 8. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

### ARTICLE III

#### MEMBERS AND ORGANIZATION

Section 1. Members. There shall be two classes of membership in this Association as provided in the Declaration.

Section 2. Annual Meetings. The first annual meeting of the members shall be held on the 1st day of December in each year, beginning with the year 1980, at the hour of 7:30 o'clock, P. M., and each subsequent regular annual meeting of the members shall be held on the same day of the same month of each year thereafter, at the hour of 7:30 o'clock, P. M. If the day of the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Section 3. 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 one-fourth (1/4) of all the votes of the Class A membership.

Section 4. 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 15 but not more than 30 days before such meeting to each member entitled to vote thereat, 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 5. Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes of each class of membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If, however, such quorum shall 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 6. 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 and shall automatically cease upon conveyance by the member of his Building Plot.

#### ARTICLE IV

##### BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE

Section 1. Number. The affairs of this Association shall be managed by a Board of three (3) directors, who need not be members of the Association. The number of directors may be changed by amendment of the By-Laws of the Association. The members of the initial board of directors, or their successors, shall serve until December 1, 1980.

Section 2. Term of Office. At the first annual meeting the members shall elect one director for a term of one year, one director for a term of two years and one director for a term of three years; and at each annual meeting thereafter the members shall elect one director for a term of three years.

Section 3. Removal. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

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

Section 5. Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

#### ARTICLE V

##### NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to 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 Chairman, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual

meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at 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 from among members or non-members.

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 the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

#### ARTICLE VI

##### 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 two directors, after not less than three (3) days' notice to each director.

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

#### ARTICLE VII

##### 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, 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 any facilities owned or operated by the Association by a member during any period in which such member

shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed 60 days for 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 Declaration;

(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; and

(e) employ a manager, independent contractors, 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, or at any special meeting which such statement is requested in writing by one-fourth (1/4) of the Class A members who are entitled to vote;

(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 Declaration, to:

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

(2) send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

(3) foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the owner personally obligated to pay the same;

(d) issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates.

If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) procure and maintain adequate liability and hazard insurance on property owned by the Association;

(f) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;

(g) cause the Common Area to be maintained; and

(h) cause the exterior of the dwellings to be maintained.

#### ARTICLE VIII

##### OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Officers. The officers of this Association shall be a president and vice-president, who shall at all times be members of the Board of Directors, a secretary, and a treasurer, and such other officers 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 he 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 who 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 without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or 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 shall co-sign all checks and promissory notes, except as may be otherwise approved by the Board of Directors.

Vice-President

(b) The vice-president shall act in the place and stead of the president in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him 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 public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members.

## ARTICLE IX

## COMMITTEES

The Association shall appoint an Architectural Control Committee, as provided in the Declaration, 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.

## ARTICLE X

## RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

## ARTICLE XI

## ASSESSMENTS

As more-fully provided in the Declaration, 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. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of ten (10%) per cent per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Building Plot.

## ARTICLE XII

## CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference the words: WESTWIND TOWNHOMES ASSOCIATION, INC.

## ARTICLE XIII

## AMENDMENTS

The By-Laws of this Association are hereby adopted by the initial Board of Direc-



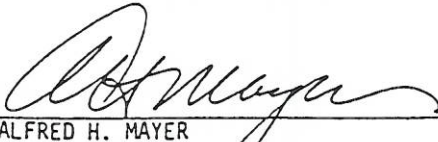
tors and until December 1, 1980, shall be amended or altered by a majority of the members of the initial Board of Directors, or their successors, and thereafter by a vote of the members holding a majority of the membership votes of this Association.

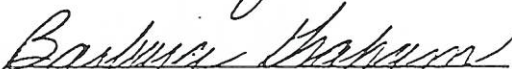
## ARTICLE XIV

## MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

IN WITNESS WHEREOF, we, being all of the Directors of WESTWIND TOWNHOMES ASSOCIATION, INC., have hereunto set our hands the 27<sup>th</sup> day of November, A.D., 197  .

  
ALFRED H. MAYER

  
BARBARA GRAHAM

  
EDWARD L. FREED

CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting Secretary of the WESTWIND TOWNHOMES ASSOCIATION, INC., a non-profit corporation, and

THAT the foregoing By-Laws constitute the original By-Laws of said Association, as duly adopted at a meeting of the Board of Directors thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 197\_\_.

IN WITNESS WHEREOF, I have hereunto subscribed by name and affixed the seal of said Association this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 197\_\_.

  
Secretary

ARTICLES OF INCORPORATIONOFWESTWIND TOWNHOMES ASSOCIATION, INC.

DEC 11 1978

*Patrick Brice*

Attorney, Corporation Division

We the undersigned natural persons of the age of twenty-one years or more, at least two of whom are citizens of the State of Texas, acting as incorporators of a corporation under the Texas Non-Profit Corporation Act, do hereby adopt the following as Articles of Incorporation for such corporation.

ARTICLE ONENAME

The name of the corporation is WESTWIND TOWNHOMES ASSOCIATION, INC., hereinafter sometimes called the "Corporation" or the "Association."

ARTICLE TWONON-PROFIT

The corporation is a non-profit corporation.

ARTICLE THREEDURATION

The period of its duration is perpetual.

ARTICLE FOURPURPOSES AND POWERS

The purpose or purposes for which the corporation is organized are to provide for maintenance, preservation and architectural control of the residence Building Plots and Common Area within that certain tract of property described in the attached Exhibit "A", or any other areas created by the dedication of additional property to the subdivision by the developer, and to promote the recreation, health, safety and welfare of the residents within the above described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association for this purpose to:

(a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions, hereinafter called the "Declaration," applicable to the property and recorded or to be recorded in the office of the County Clerk of Harris County, Texas, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length;

(b) fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business or the Association, including all licenses, taxes or governmental charges levied or imposed against the property by the Association;

(c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) borrow money, and with the assent of two-thirds (2/3) of each class of members mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) dedicate, sell or transfer any part of the Common Area to any public agency, authority, or utility for any service to the property above described and any additions thereto, or any part thereof, in accordance with the terms and provisions of the Declaration;

(f) participate in mergers and consolidations with other non-profit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of each class of members, or as may be provided for in said Declaration;

(g) have and to exercise any and all powers, rights and privileges which a corporation organized under the Texas Non-Profit Corporation Act by law may now or hereafter have or exercise.

#### ARTICLE FIVE

#### MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Building Plot which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Building Plot which is subject to assessment by the Association.

ARTICLE SIXVOTING RIGHTS

The Association shall have two classes of voting membership.

Class A. Class A members shall be all Owners with the exception of the Declarant and shall be entitled to one vote for each Building Plot owned. When more than one person holds an interest in any Building Plot, all such persons shall be members. The vote for such Building Plot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Building Plot.

Class B. The Class B member(s) shall be the Declarant (as defined in the Declaration), and shall be entitled to nine (9) votes for each Building Plot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or
- (b) on the tenth anniversary date of said Declaration.

ARTICLE SEVENBOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of three (3) Directors who need not be members of the Association. The number of directors may be changed by amendment of the By-Laws of the Association. The members of the initial board of directors, or their successors, shall serve until December 1, 1980. In case of the resignation, death, or failure, incapacity, or refusal to serve of any of the said initial directors prior to said time, the remaining directors may appoint a substitute director or directors to serve the remainder of said period. The judgment of the directors, whether the directors are the initial directors or substitute directors in the expenditure of funds of this corporation shall be final and conclusive, so long as such judgment is exercised in good faith.

At the first annual meeting the members shall elect one director for a term of one year, one director for a term of two years and one director for a term of three years; and at each annual meeting thereafter the members shall elect one director for a term of three years.

ARTICLE EIGHTDISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than three-fourths (3/4) of each class of members. Upon dissolution of the Association, other than incident to merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE NINEAMENDMENTS

Until December 1, 1980, these Articles may be amended or altered by a majority vote of the Board of Directors. Thereafter, amendment of these Articles shall require the assent of three-fourths (3/4) of the votes of the entire membership of each class of members.

ARTICLE TENREGISTERED AGENT

The street address of the initial registered office of the corporation is 950 Threadneedle, Suite 150, Houston, Texas 77079, and the name of the registered agent at such address is ALFRED H. MAYER.

ARTICLE ELEVENINITIAL BOARD OF DIRECTORS

The number of directors constituting the initial board of directors of the corporation is three and the names and addresses of the persons who are to serve as the initial directors are:

1. ALFRED H. MAYER  
950 Threadneedle, Suite 150  
Houston, Texas 77079
2. BARBARA GRAHAM  
950 Threadneedle, Suite 150  
Houston, Texas 77079
3. EDWARD L. FREED  
950 Threadneedle, Suite 150  
Houston, Texas 77079

ARTICLE TWELVE

INCORPORATORS

The name and street address of each incorporator is:

- 1. ALFRED H. MAYER  
950 Threadneedle, Suite 150  
Houston, Texas 77079
- 2. BARBARA GRAHAM  
950 Threadneedle, Suite 150  
Houston, Texas 77079
- 3. EDWARD L. FREED  
950 Threadneedle, Suite 150  
Houston, Texas 77079

IN WITNESS WHEREOF, we have hereunto set our hands, this 27<sup>th</sup> day of November, A.D., 1978.

  
ALFRED H. MAYER

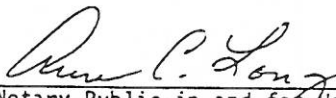
  
BARBARA GRAHAM

  
EDWARD L. FREED

THE STATE OF TEXAS |  
COUNTY OF HARRIS |

I, Ann C. Long, a Notary Public, do hereby certify that on this 27 day of November, A.D., 1978, personally appeared before me, ALFRED H. MAYER, being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

  
Notary Public in and for Harris County,  
TEXAS.

My commission expires 11-30-78.

THE STATE OF TEXAS |

COUNTY OF HARRIS |

I, Ann C. Long, a Notary Public, do hereby certify that on this 27 day of November, A.D., 1978, personally appeared before me, BARBARA GRAHAM, being by me first duly sworn, declared that she is the person who signed the foregoing document as incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Ann C. Long  
Notary Public in and for Harris County,  
TEXAS.

My commission expires 11-30-78.

THE STATE OF TEXAS |

COUNTY OF HARRIS |

I, Ann C. Long, a Notary Public, do hereby certify that on this 27 day of November A.D., 1978, personally appeared before me, EDWARD L. FREED, being by me first duly sworn, declared that he is the person who signed the foregoing document as incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Ann C. Long  
Notary Public in and for Harris County,  
TEXAS.

My commission expires 11-30-78.



SECRETARY'S CERTIFICATE  
WESTWIND TOWNHOMES ASSOCIATION, INC.  
A Texas Non-Profit Corporation

*Handwritten initials/signature*

07/03/02 300786942 V915211 \$11.00

**Amendment to Notice of Dedicatory Instruments filed  
October 25, 2000, County Clerk's File Number #U696957**

The undersigned, being the duly elected, qualified and acting Secretary of WESTWIND TOWNHOMES ASSOCIATION, INC. (the "Association"). A Texas non-profit corporation, and the keeper of the minutes and records of the said corporation, does hereby certify that the following is a true and correct resolution of this corporation as adopted by the Board of Directors (the "Board") at a duly called meeting held on MARCH 27, 2002.

WHEREAS, the Association is responsible for governance and maintenance of WESTWIND TOWNHOMES ASSOCIATION, INC. as described in the "Declaration of Covenants, Conditions and Restrictions, Westwind Townhomes.,", filed for record under County Clerk's File No. F883613, Film Code 114-88-1055 et seq. of the Real Property Records of Harris County, Texas, and all amendments thereto as (said recorded documents and all exhibits and amendments thereto being referred to as "Declaration"), and

WHEREAS, the Association exists pursuant to state law and it's governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the interest of the community, pursuant to state and it's governing documents; and

WHEREAS, on October 25, 2000, a Notice of Dedicatory Instruments for WESTWIND TOWNHOMES ASSOCIATION, INC., was filed under County Clerk's File Number U696957, Film Code 535-39-1072 to 535-39-1104; and

WHEREAS, Item #3 of this Notice, Film Code 535-23-1327 to 535-23-1339 directly addresses the Association's rules and regulations; and

WHEREAS, over time it has been discovered that the rule stated on page 1, film code 535-23-1329, Rule #H, Item #4 is in direct conflict with previously stated rules, is contradicting and misleading;

*Resolution Regarding  
Amendment to Notice of Dedicatory Instruments  
For  
WESTWIND TOWNHOMES ASSOCIATION, INC.*

*Handwritten notes: R, X, R*

553-71-1451



553-71-1453

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 on

JUL - 3 2002



*Brody B. Kayman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

**CERTIFICATE OF AMENDMENT TO THE BYLAWS OF  
WESTWIND TOWNHOMES ASSOCIATION, INC.**

**THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §**

**KNOW ALL MEN BY THESE PRESENTS:**

The undersigned, being the duly elected, qualified, and acting Secretary of Westwind Townhomes Association, Inc., a Texas non-profit corporation, the corporation set forth and described in that certain "Declaration of Covenants, Conditions, and Restrictions (for) Westwind Townhomes", filed for record under County Clerk's File No. F883613 of the Real Property Records of Harris County, Texas, and all amendments thereto as (said recorded documents and all exhibits and amendments thereto being referred to as "Declaration"), the undersigned Secretary further being the keeper of the minutes and records of said corporation, does hereby certify that the following is a true and correct copy of amendment(s) to the Bylaws of Westwind Townhomes Association, Inc. as adopted at a duly constituted meeting held on December 4, 2002 and approved, adopted, ratified and confirmed by a requisite vote of the members of the Association as required by the Bylaws of Westwind Townhomes Association, Inc.:

**AMENDMENT TO THE BYLAWS  
OF WESTWIND TOWNHOMES ASSOCIATION, INC.**

**"RESOLVED**, that Article IV, Section 1 of the Bylaws shall be amended so that the Board of Directors shall be increased from three (3) Directors to five (5) Directors, to be effective at the meeting of the members where the proposed amendment is approved; and that the Board of Directors shall be increased from three to five members as follows: the Board of Directors shall be expanded by the election of two (2) new directors; one of whom shall be elected for an initial term of one year, and one of whom shall be elected for an initial term of two years; and after the expiration of such initial terms, their successors shall be elected for a term of three years."

CG:5873

**FILE FOR RECORD  
8:00 AM**

**MAR 12 2003**

*Dorely B. Keyser*  
County Clerk, Harris County, Texas

44-34-1692

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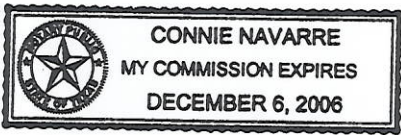
*Handwritten initials 'JC' on the right side of the text.*

IN WITNESS WHEREOF, the undersigned has hereunto set his hand and at Houston, Texas, this 5th day of March, 2003.

Shirley Bennett  
Shirley Bennett, Secretary  
of Westwind Townhomes Association, Inc.,  
a Texas non-profit Corporation

THE STATE OF TEXAS §  
  §  
  §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 5th day of March, 2003, by Shirley Bennett, Secretary of Westwind Townhomes Association, Inc., a Texas non-profit Corporation, on behalf of said corporation.



Connie Navarre  
Notary Public in and for the State of Texas

Record and Return to: ✓  
Richard C. Lievens  
Frank, Elmore, Lievens, Chesney & Turet, L.L.P.  
808 Travis Street, Suite 2600  
Houston, Texas 77002

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 on

MAR 12 2003



Beverly L. Kayman  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

104-34-1693