

SECOND AMENDMENT TO BY-LAWS OF
MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION
FEBRUARY 6 2019

WHEREAS, Middlegate Village Community Association A Texas non-profit corporation, hereinafter ("Association"), has adopted By-Laws of the Association, hereinafter ("By-Laws"); and

WHEREAS, Section 209.00593(b) of the Texas Property Code provides that the board of directors of a property owners' association may amend the by-laws of the property owners' association to provide for elections of the board of directors to be held; and

WHEREAS, Article III, section 4 of the By-Laws requires that the presence, at meeting of the members of the Association (the "Members") entitled to cast, or of proxies entitled to cast, on-tenth(1/10th) of the votes of each class of membership shall constitute quorum ; and

WHEREAS, a quorum is rarely achieved at the annual meeting of the Members and therefore it is difficult for the Members to conduct the meeting and elect directors: and.

WHEREAS, pursuant to the authority granted to the Board of Directors of the Association (the "Board") the Board desires to amend the By-Laws so that the quorum requirement for the meeting of the Members, as it pertains to the election of directors, shall be those Members present, in person or by proxy, absentee ballot, electronic ballot or any other method of representative or delegate voting at such meeting; and

WHEREAS, Article VI, Section 3 of the By-Laws provides that a majority of the number of Directors shall constitute a quorum for the transaction of business and that every act made by a majority of the Directors present at a meeting at which a quorum is present is regarded as the act of the Board; and

WHEREAS, the Board held a meeting on February 6, 2019, at which majority of Directors were present and duly passed the resolution described herein below.

NOW, THEREFORE, that the Association has and does hereby adopt the following Collection in consideration of the recitals set forth above , and for other good and valuable consideration , the receipt and sufficiency of which is hereby acknowledged, the undersigned, being at majority of the members of the Board, hereby consent to and do hereby amend the By-Laws effective February 6, 2019, as set forth herein below, to wit:

RESOLVED: That the following is added at the end of Article III, Section 4 of the By-Laws:

Notwithstanding anything contained herein to the contrary, the quorum requirement for a meeting of the members, as such meeting pertains to the election of directors, shall be those members present, in person or by proxy, absentee ballot, electronic ballot or any method of representative or delegate voting, at such meeting.

SECOND AMENDMENT TO BY-LAWS OF
MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION

FEBRUARY 6 2019

Board signature page

SIGNED this the 6th day of February, 2019.

Middlegate Village Community Association, Inc., a
Texas non-profit corporation

By: 

Printed Name: RONALD LESCHAK

RP-2019-96953

RP-2019-96953

CERTIFICATION

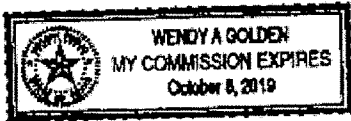
"I, the undersigned do hereby certify that I am the duly elected and acting President of Middlegate Village Community Association and the Second Amendment of the By-Laws were adopted at a regular meeting of the Board of Directors, said meeting being properly called and a quorum being present on the 6th day of February, 2019."

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 6th day of February, 2019.

Middlegate Village Community Association

By: [Signature] President

Printed Name: Ronald Leschak



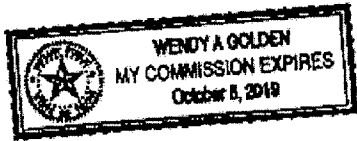
ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared Ronald Leschak the President of Middlegate Village Community Association, known by me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this the 6th day of February, 2019.

[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



RP-2019-96953

RP-2019-96953
Pages 4
03/12/2019 08:20 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
DIANE TRAUTMAN
COUNTY CLERK
Fees \$24.00

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.



Diane Trautman

COUNTY CLERK
HARRIS COUNTY, TEXAS

**SECOND AMENDMENT TO BY-LAWS OF
MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION**

FEBRUARY 6 2019

WHEREAS, Middlegate Village Community Association A Texas non-profit corporation, hereinafter ("Association"), has adopted By-Laws of the Association, hereinafter ("By-Laws"); and

WHEREAS, Section 209.00593(b) of the Texas Property Code provides that the board of directors of a property owners' association may amend the by-laws of the property owners' association to provide for elections of the board of directors to be held; and

WHEREAS, Article III, section 4 of the By-Laws requires that the presence, at meeting of the members of the Association (the "Members") entitled to cast, or of proxies entitled to cast, one-tenth(1/10th) of the votes of each class of membership shall constitute quorum ; and

WHEREAS, a quorum is rarely achieved at the annual meeting of the Members and therefore it is difficult for the Members to conduct the meeting and elect directors: and.

WHEREAS, pursuant to the authority granted to the Board of Directors of the Association (the "Board") the Board desires to amend the By-Laws so that the quorum requirement for the meeting of the Members, as it pertains to the election of directors, shall be those Members present, in person or by proxy, absentee ballot, electronic ballot or any other method of representative or delegate voting at such meeting; and

WHEREAS, Article VI, Section 3 of the By-Laws provides that a majority of the number of Directors shall constitute a quorum for the transaction of business and that every act made by a majority of the Directors present at a meeting at which a quorum is present is regarded as the act of the Board; and

WHEREAS, the Board held a meeting on February 6, 2019, at which majority of Directors were present and duly passed the resolution described herein below.

NOW, THEREFORE, that the Association has and does hereby adopt the following Collection in consideration of the recitals set forth above , and for other good and valuable consideration , the receipt and sufficiency of which is hereby acknowledged, the undersigned, being at majority of the members of the Board, hereby consent to and do hereby amend the By-Laws effective February 6, 2019, as set forth herein below, to wit:

RESOLVED: That the following is added at the end of Article III, Section 4 of the By-Laws:

Notwithstanding anything contained herein to the contrary, the quorum requirement for a meeting of the members, as such meeting pertains to the election of directors, shall be those members present, in person or by proxy, absentee ballot, electronic ballot or any method of representative or delegate voting, at such meeting.

SECOND AMENDMENT TO BY-LAWS OF
MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION
FEBRUARY 6 2019

Board signature page

SIGNED this the 6th day of February, 2019.

Middlegate Village Community Association, Inc., a
Texas non-profit corporation

By:  _____

Printed Name: RONALD LESCHAK

By: Mary Keadle _____

Printed Name: Mary Keadle

By: Robin Y Falke _____

Printed Name: Robin Y Falke

By: Mike Julian _____

Printed Name: Mike Julian

By: _____

Printed Name: _____

CERTIFICATION

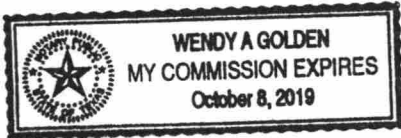
"I, the undersigned do hereby certify that I am the duly elected and acting President of Middlegate Village Community Association and the Second Amendment of the By-Laws were adopted at a regular meeting of the Board of Directors, said meeting being properly called and a quorum being present on the 6th day of February, 2019."

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 6th day of February 2019.

Middlegate Village Community Association

By: [Signature], President

Printed Name: Ronald Leschak



ACKNOWLEDGEMENT

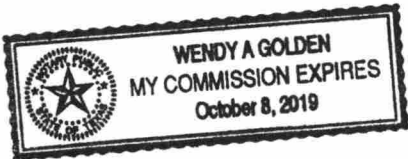
STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared Ronald Leschak the President of Middlegate Village Community Association, known by me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this the 6th day of February, 2019.

[Signature]

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



After recording, return to:
SCS Management Services, Inc.
7170 Cherry Park Drive
Houston, TX 77095

MIDDLGATE VILLAGE COMMUNITY ASSOCIATION, INC.

BY-LAWS AMENDMENT

March 28, 1990

WHEREAS, in Article III, Section 5 described in Middlegate Village Community Association, Inc. By-Laws dated June 5, 1979, it is the desire of all parties to amend same;

WHEREAS, Article III, Section 5 provides:

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 and shall automatically cease upon conveyance by the Member of his Lot or Commercial Unit.

WHEREAS, Article III, Section 5 as set out in Middlegate Village Community Association, inc. By-Laws dated June 5, 1979, are hereby deleted, and

WHEREAS, the amended Article III, Section 5 is as follows, to-wit:

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. Proxies shall show the date of the meeting for which they are issued and shall be valid for that meeting date only, or any alternate dates scheduled due to lack of quorum on that meeting date. Every proxy shall be revocable and shall automatically cease upon conveyance by the Member of his Lot or Commercial Unit.

NOW, THEREFORE, for and in consideration of the premises, it is agreed by, and between the parties hereto that Section 5 of Article III as set out in said Middlegate Village Community Association, Inc. By-Laws dated June 5, 1979 are amended as described herein.

CERTIFICATION -- Board

IN WITNESS WHEREOF, we being all of the Directors of the MIDDLGATE VILLAGE COMMUNITY ASSOCIATION, INC., have set our hands this 28th day of March, 1990.

Theresa Sigmund
Richard A. Emery
Fran W. Rice

[Signature]

CERTIFICATION -- Members

I hereby certify that the By-Laws adopted by the members of this corporation on June 5, 1979 were amended as described above by the same on this twenty-eighth (28th) day of March, 1990.

MIDDLGATE VILLAGE COMMUNITY ASSOCIATION, INC.

BY: Theresa Sigmund
(President)

FILED FOR RECORD
8:00 AM

JUL 31 2006

Dorothy B. Kayman
County Clerk, Harris County, Texas

RP 025-45-0737

RP 025-45-0738

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 31 2006



Beverly L. Kaufman

COUNTY CLERK
HARRIS COUNTY TEXAS

BY-LAWS
OF
MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION, INC.

ARTICLE I
NAME AND LOCATION

The name of the corporation is MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION, INC., hereinafter referred to as the "Association". The principal office of the corporation shall be located at 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 Middlegate Village Community Association, Inc., a nonprofit corporation incorporated under the laws of the State of Texas, its successors and assigns.

Section 2. "Board" shall mean and refer to the duly elected Board of Directors of the Association.

Section 3. "Declarant" shall mean and refer to Friendswood Development Company, a corporation incorporated under the laws of the State of Arizona, its successors and assigns.

Section 4. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions applicable to the Properties recorded in the Official Public Records of Real Property of Harris County, Texas.

Section 5. "Commercial Unit" shall include all land areas and reserves other than Lots (see Section 7) and shall contain ten thousand (10,000) square feet of commercial land which shall be the equivalent of one "Lot" or proportional fraction thereof for purposes of membership, voting rights and assessment in and by the Association.

Section 6. "Common Area" shall mean all real property owned in fee or held in easement by the Association for exclusive common use and enjoyment of the Owners and shall include areas designated by Declarant to be conveyed by deed or easement to the Association.

Section 7. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map upon which there has been or will be constructed a single-family residence, but shall not mean or include any Common Area.

Section 8. "Member" shall mean and refer to those persons entitled to membership as provided in the Articles of Incorporation of the Association.

Section 9. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to the surface estate in any Lot or Commercial Unit 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.

ARTICLE III
MEETINGS OF MEMBERS

Section 1. Annual Meetings. The first annual meeting of the Members shall be held on a date selected by the Board upon three (3) days prior written notice to the Members, and each subsequent regular annual meeting of the Members shall be held on the anniversary date, at the hour of eight o'clock, P.M. If the day for the annual meeting of the Members falls on a legal holiday or on a weekend, the meeting will be held at the same hour on the first following business day.

Section 2. Special Meetings. Special meetings of the Members may be called at any time by the President or by the Board, or upon written request of the Members who are entitled to vote one-fourth (1/4) of all of the votes of the Class A membership.

Section 3. Notice of Meetings. Except as to the first annual meeting as hereinabove set forth, no written notice will be required for the annual meetings of the Members. Written notice of each Special 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 fifteen (15) days before such meeting to each Member entitled to vote 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 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 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 and shall automatically cease upon conveyance by the Member of his Lot or Commercial Unit.

ARTICLE IV
BOARD OF DIRECTORS: SELECTION, TERM OF OFFICE

Section 1. Number. The affairs of this Association shall be managed by a Board of five (5) directors, who need not be members of the Association.

Section 2. Term of Office. At the first annual meeting of the members, the members shall elect three (3) directors for a term of one (1) year, and two (2) directors for a term of two (2) years; and at each annual meeting thereafter, the members shall elect directors for a term of two (2) years in the number required to maintain the membership of the Board at five (5).

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 Board.

ARTICLE V NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting of Members. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board, and two or more Members of the Association. The Nominating Committee shall be appointed by the Board 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 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 may be by secret written ballot or by a voice vote as determined by the President of the Association or such other officer as may preside over the meeting. 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 Articles of Incorporation and the Declaration. The persons receiving the largest number of votes shall be elected.

ARTICLE VI MEETINGS OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board shall be held quarterly 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 or on a weekend, then the meeting shall be held at the same place and hour on the first following business day.

Section 2. Special Meetings. Special meetings of the Board shall be held when called by the President of the Association, or by any two directors, upon 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 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 the Common area of 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 sixty (60) days for infraction of published rules and regulations;

(c) exercise on behalf of 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 to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board; and

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

Section 2. Duties. It shall be the duty of the Board 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 when 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 see that their duties are properly performed;

(c) as more fully provided in the Declaration:

(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 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 bring an action at law against the Owner personally obligated to pay the same.

(d) issue, or 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 such a certificate. 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 covering the Association, the Board and any property owned by the Association as it may deem appropriate;

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

(g) cause the Common Area and esplanades, if any, to be maintained, including but not limited to trimming, watering and trash pick-up, as necessary; and

(h) cause Lots and Commercial Units to be maintained as called for by the Declaration in the event of assignment to the Association of such right and obligation by Declarant.

ARTICLE VIII OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Officers. The officers of this Association shall be a President, a Vice-President and a Secretary-Treasurer who shall at all times be members of the Board.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board 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 unable to do so by reason of resignation, removal, or disqualification.

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 no more than one (1) year, 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 the Board. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary-Treasurer. 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. No person shall simultaneously hold more than one of any of the 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

The President shall preside at all meetings of the Board; shall see that orders and resolutions of the Board are carried out; shall have authority to sign all leases, mortgages, promissory notes, deeds and other written instruments.

Vice-President

The Vice-President shall act in the place 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-Treasurer

The Secretary-Treasurer 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, receive and deposit in appropriate bank accounts all monies of the Association and disburse such funds as directed by resolution of the Board; have authority to sign promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a competent accountant at the completion of each fiscal year; prepare an annual budget and a statement of income and expenditures to be represented to the membership at its regular annual meeting and deliver a copy of each to the Members, and perform such other duties as required by the Board.

ARTICLE IX COMMITTEES

The Board shall appoint an Architectural Review Committee, as provided in the Declaration, and a Nominating Committee, as provided in these By-laws. In addition, the Board shall appoint such other committees as deemed appropriate in carrying out its purpose.

ARTICLE X BOOKS AND 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 six per cent (6%) 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 nonuse of the Common Area or abandonment of his Lot or Commercial Unit.

ARTICLE XII APPEALS

Section 1. Right of Appeal. A Member may appeal any decision of the Architectural Review Committee or any other committee appointed pursuant to Article IX hereof to the Board

provided that all subordinate avenues of resolution have been pursued and provided further that all parties involved comply with the decision of such committee until such time, if any, as the Board amends or reverses the committee's decision.

Section 2. Appeals Petitions. Appeals petitions shall be legibly written and shall be submitted in form satisfactory to the Board.

Section 3. Hearing. Any Member filing an appeal as hereinabove set forth shall be entitled to a hearing before the Board upon at least seven (7) days prior written notice to all interested parties.

Section 4. Decision. Following the hearing, the Board may, by majority vote of a quorum as herein provided, uphold the decision of the committee in its entirety, may amend such decision, or may overturn such decision.

Section 5. Further Action. A Member shall exhaust all available remedies as herein provided before such Member may resort to a court of law for relief with respect to any committee decision, provided that such limitation shall not apply to the Board or any Member where the complaint alleges non-payment of assessments.

ARTICLE XIII
CORPORATE SEAL

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

ARTICLE XIV
MISCELLANEOUS

Section 1. 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.

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

ARTICLE XV
AMENDMENTS

These By-Laws may be amended, at a regular or special meeting of the Members, by a vote of a majority of a quorum of Members present in person or by proxy.

IN WITNESS WHEREOF, we, being all the Directors of MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION, INC., have hereunto set our hands this 5th day of June, 1979.

R. F. Bradley
R. F. Bradley

D. R. Breefand
D. R. Breefand

A. C. Burkhalter, Jr.
A. C. Burkhalter, Jr.

J. F. Hartwell
J. F. Hartwell

T. R. Wussow
T. R. Wussow

STATE OF TEXAS |
 |
COUNTY OF HARRIS |

BEFORE ME, the undersigned authority, on this day personally appeared R. F. Bradley, D. R. Breeland, A. C. Burkhalter, Jr., J. F. Hartwell, and T. R. Wussow, Directors of MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION, INC., known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed and in the capacity stated and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 5th day of June, A.D., 1979.

Carolyn Stephenson
Notary Public in and for
Harris County, Texas

Carolyn Stephenson
My Commission Expires
March 31, 1981

Middlegate Village approved colors –

Sherwin Williams

Trim colors

SW 7505 Manor House
SW 7509 Tiki Hut
SW 7510 Chateau Brown
SW 7514 Foothills
SW 7515 Homestead Brown
SW 7520 Plantation Brown
SW 7523 Burnished Brandy
SW 7525 Tree Branch
SW 7544 Fenland
SW 7545 Pier
SW 7546 Prairie Grass
SW 7550 Resort Tan
SW 7560 Impressive Ivory
SW 7581 Rosettee
SW 7582 Salute
SW 7585 Sundried Tomato
SW 7586 Stolen Kiss
SW 7587 Antique Red
SW 7591 Red Barn
SW 7592 Crabby Apple
SW 7593 Rustic Red
SW 7594 Carriage Door
SW 7595 Sommelier
SW 7598 Sierra Redwood
SW 7600 Bolero
SW 7601 Dockside Blue
SW 7602 Indigo Batik
SW 7603 Poolhouse
SW 7604 Smoky Blue
SW 7605 Gale Force
SW 7608 Adrift
SW 7613 Aqua-Sphere
SW 7615 Sea Serpent
SW 7616 Breezy
SW 7617 Mediterranean
SW 7619 Labradorite
SW 7620 Seaworthy
SW 7621 Silvermist
SW 7622 Homburg Gray
SW 7623 Cascades
SW 7624 Slate Tile
SW 7625 Mount Etna
SW 7630 Raisin
SW 7642 Pavestone
SW 7645 Thunder Gray
SW Ellie Gray
SW 7652 Mineral Deposit
SW 7655 Stamped Concrete
SW 7659 Gris
SW 7660 Earl Grey
SW 7663 Monorail Silver
SW 7664 Steely Gray
SW 7665 Wall Street
SW 7669 Gray
SW 7670 Gray Shingle
SW 7673 Pewter Cast
SW 7674 Peppercorn
SW 7675 Sealskin
SW 7680 Lanyard
SW White Raisin
SW 7687 August Moon
SW 7692 Cupola Yellow
SW 7693 Stonebriar
SW 7694 Dromedary Camel
SW 7695 Mesa Tan
SW 7705 Wheat Penny
SW 7706 Creole Cottage
SW 7710 Brandywine
SW 7715 Pottery Urn
SW 7718 Oak Creek
SW 7725 Yearling
SW 7727 Koi Pond
SW 7728 Green Sprout
SW 7729 Edamame
SW 7730 Forestwood
SW 7731 San Antonio Sage
SW 7732 Lemon Grass
SW 7733 Bamboo Shoot
SW 7734 Olive Grove
SW 7736 Garden Sage
SW 7737 Meadow Trail
SW 7739 Herbal Wash
SW 7740 Messenger bag
SW 7741 Willow Tree
SW 7743 Mountain Road
SW 7744 Zeus
SW 7745 Muddled Basil
SW 7746 Rushing River
SW Green Earth
SW 7749 Laurel Woods
SW 7750 Olympic Range

Middlegate Village approved colors –

Sherwin Williams

Paint Colors

SW 7501 Threshold Taupe
SW 7502 Dry Dock
SW 7503 Sticks & Stones
SW 7504 Keystone Gray
SW 7506 Loggia
SW 7507 Stone Lion
SW 7508 Tavern Taupe
SW 7511 Bungalow Beige
SW 7512 Pavillion Beige
SW 7513 Sanderling
SW 7516 Kestrel White
SW 7517 China Doll
SW 7518 Beach House
SW 7519 Mexican Sand
SW 7521 Dormer Brown
SW 7522 Meadowlark
SW 7524 Dhurrie Beige
SW 7526 Maison Blanche
SW 7527 Nantucket Dune
SW 7528 Windsor Greige
SW 7529 Sand Beach
SW 7530 Barcelona Beige
SW 7531 Canvas Tan
SW 7532 Urban Putty
SW 7533 Khaki Shade
SW 7534 Outerbanks
SW 7534 Sandy Ridge
SW 7536 Bittersweet Stem
SW 7537 Irish Cream
SW 7538 Tamarind
SW 7539 Cork Wedge
SW 7540 Artisan Tan
SW 7541 Grecian Ivory
SW 7542 Naturel
SW 7543 Avenue Tan
SW 7547 Sandbar
SW 7548 Portico
SW 7549 Studio Taupe
SW 7551 Greek Villa
SW 7552 Bauhaus Buff
SW 7553 Fragile Beauty
SW 7554 Steamed Milk
SW 7555 Patience
SW 7556 Crème
SW 7557 Summer White

SW 7558 Medici Ivory
SW 7559 Décor White
SW 7561 Lemon Meringue
SW 7562 Roman Column
SW 7563 Restful White
SW 7564 Polar Bear
SW 7565 Oyster Bar
SW 7566 Westhighland White
SW 7567 Natural Tan
SW 7568 Neutral Ground
SW 7569 Stucco
SW 7570 Egret White
SW 7571 Casa Blanca
SW 7572 Lotus Pod
SW 7573 Eaglet Beige
SW 7574 Echelon Ecru
SW 7575 Chop Sticks
SW 7596 Only Natural
SW 7597 Trek Tan
SW 7626 Zurich White
SW 7627 White Heron
SW 7628 Windfresh White
SW 7631 City Loft
SW 7632 Modern Gray
SW 7633 Taupe Tone
SW 7634 Pediment
SW 7635 Palisade
SW 7636 Origami White
SW 7637 Oyster White
SW 7638 Jogging Path
SW 7639 Ethereal Mood
SW 7640 Fawn Brindle
SW 7641 Collonade Gray
SW 7643 Pussywillow
SW 7644 Gateway Gray
SW 7646 First Star
SW 7647 Crushed Ice
SW 7648 Big Chill
SW 7649 Silverplate
SW 7651 Front Porch
SW 7653 Silverpointe
SW 7654 Lattice
SW 7656 Rhinestone
SW 7657 Tinsmith
SW 7658 Gray Clouds

Middlegate Village approved colors –

Sherwin Williams

Paint Colors

SW 7661 Reflection
SW 7662 Evening Shadow
SW 7666 Fleur De Sel
SW 7667 Zircon
SW 7668 March Wind
SW 7671 On the Rocks
SW 7672 Knitting Needles
SW 7676 Paper Lantern
SW 7678 Cottage Cream
SW 7681 Tea Light
SW 7683 Buff
SW 7684 Concord Buff
SW 7686 Hinoki
SW 7688 Sundew
SW 7689 Row House Tan
SW 7690 Townhall Tan
SW 7691 Biltmore buff
SW 7696 Toasted Pine Nut
SW 7697 Safari
SW 7704 Tower Tan
SW 7711 Pueblo
SW 7712 Townhouse Tan
SW 7713 Tawny Tan
SW 7714 Oak Barrel
SW 7716 Croissant
SW 7717 Ligonier Tan
SW 7719 Fresco Cream
SW 7720 Deer Valley
SW 7721 Crescent Cream
SW 7722 Travertine
SW 7723 Colony Buff
SW 7724 Canoe
SW 7738 Cargo Pants

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION
DOCUMENT RETENTION POLICY**

WHEREAS, pursuant to the Chapter 209.005(m) of the Texas Property Code, MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION, (the "Association") must adopt and comply with a document retention policy and there is a need and the Board of Directors desires to establish rules and regulations relating to a uniform and systematic procedure for retaining Association records; and

WHEREAS, at a regular meeting of the Board of Directors of the Association, said meeting being properly called and a quorum being present, a Document Retention Policy was adopted; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Association has and does hereby adopt the following Document Retention Policy which shall be recorded in the real property records of each county in which the subdivision is located.

MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION

By: *Sid Lyon*, President

Printed Name: Sid Lyon

CERTIFICATION

"I, the undersigned do hereby certify that I am the duly elected and acting President of Middlegate Village Community Association and the Document Retention Policy was adopted at a regular meeting of the Board of Directors, said meeting being properly called and a quorum being present on the 1st day of November, 2011."

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 1st day of November, 2011.

MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION

By: *Sid Lyon*, President

Printed Name: Sid Lyon


ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared Sid Lyon, the President of Middlegate Village Community Association, known by me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this the 1st day of November, 2011.

Sharon Griffith
NOTARY PUBLIC IN AND FOR



After recording, return to:
SCS Management Services, Inc.
7170 Cherry Park Drive
Houston, TX 77095

0000-00-0000 0000-00-0000 0000-00-0000

DOCUMENT RETENTION POLICY	
DOCUMENT TYPE	TIME PERIOD RETAINED
Certificate of Formation/Articles of Incorporation, By-Laws, Declarations, and all Amendments to those documents amendments	Permanently
Financial books and records	7 years
Account records of current owners	5 years
Contracts with a term of one year or more	4 years (after the expiration of the contract term)
Minutes of meetings with owners and the board	7 years
Tax returns and audits	7 years

Records not listed above are not subject to retention. Relative to the above-listed records, upon expiration of the retention date, the applicable record(s) shall not be considered a part of the Association's books and records and will be shredded or destroyed in a manner approved by the Board.

RECORDER'S MEMORANDUM:

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. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

ANY PERMISSION HEREON WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR FACE 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 Separate 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

DEC 28 2011



Stan Stewart
 COUNTY CLERK
 HARRIS COUNTY, TEXAS

6900-56-000 11

Debra
L875515

129-69-2558

ARCHITECTURAL GUIDELINES

FOR

10/04/88 00279421 L875515 \$ 27.00

COPPERFIELD MIDDLEGATE VILLAGE, SECTIONS ONE (1) THROUGH FOUR (4) *JK*

The undersigned, being all of the members of the Board of Directors of Middlegate Village Community Association, Inc., a Texas non-profit corporation ("the Association"), do hereby certify that at a meeting of the Board of Directors of the Association duly called and held, the following guidelines were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors desires to exercise the authority granted to it by the provisions of the Declaration of Covenants, Conditions and Restrictions applicable to Copperfield, Middlegate Village, Sections One (1) through Four (4) ("the Declaration") to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Declaration; and

27
WHEREAS, the Declaration provides that no buildings, additions or improvements shall be erected or placed on any lot until the construction plans and specifications including, but not limited to, site layout, building location, building materials, colors and elevation, have been submitted to and approved in writing by the Architectural Review Committee of the Association ("the ARC"); and

WHEREAS, the Declaration further provides that the ARC shall have the discretion to approve or disapprove plans and specifications for buildings, additions or improvements on the basis of color, quality of building materials and harmony of external design with existing structures; and

WHEREAS, the Board of Directors of the Association desires to establish guidelines with respect to the type, quality and color of exterior additions and improvements on lots within Copperfield, Middlegate Village, Sections One (1) through Four (4) to be followed by the ARC, so that a harmonious exterior design within the subdivision is consistently maintained;

NOW, THEREFORE, the Board of Directors of the Association hereby adopts the following guidelines relating to buildings, additions and improvements on lots within Copperfield, Middlegate Village, Sections One (1) through Four (4), which guidelines shall supplement the applicable restrictive covenants set forth in the Declaration:

RETURN TO:
BUTLER, LANGFORD & EWALT
5718 Westheimer, Suite 1640
Houston, Texas 77057

A.

Application Procedure

1. Submission. All applications for approval to make any exterior changes, additions or improvements must be submitted to the ARC in writing by completing the application form currently in use by the ARC, a copy of which is attached hereto as Exhibit "A", or such form as may hereafter be adopted by the ARC. Plans and specifications for any exterior change, addition or improvement should be attached to the application. The ARC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ARC requests additional information and such information is not submitted to the ARC by the applicant in a timely manner (so that the application may be approved or disapproved within thirty (30) days of its receipt), the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ARC for its review. All applications shall be mailed or delivered to the office of the managing agent of the Association.

2. Review. The ARC shall endeavor to review each application as soon as possible after the date of its receipt. Each decision of the ARC shall be in writing and include a statement of the conditions under which the application is approved, if any, or the reason(s) for disapproving the application. Any application which has not been approved or disapproved within thirty (30) days of the date of its receipt shall be deemed approved; provided, however, that any such approval shall be deemed to relate to architectural guidelines only, not to any of the use restrictions set forth in the Declaration. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within thirty (30) days of the date construction, installation or erection is commenced.

3. Appeal. In the event that the ARC disapproves an application, the applicant may submit to the ARC a written request for reconsideration. The applicant may submit with the written request for reconsideration an explanation of additional or extenuating circumstances or any other additional information which the applicant considers relevant to the original application. The ARC shall review the request for reconsideration at the meeting of the ARC next following the date upon which the request is received and then notify the applicant in writing of its final decision. In the event that the request for reconsideration is denied by the ARC, the applicant may submit to the Board of

Directors of the Association the written request for reconsideration. The Board of Directors shall review the request for reconsideration at the meeting of the Board of Directors next following the date upon which the request is received and notify the applicant of the Board's decision. All decisions of the Board of Directors shall be final. During the period of appeal to the ARC and/or the Board of Directors, the decision of the ARC on the original application shall remain in effect; further, an appeal of a decision of the ARC shall not be considered a new application resulting in approval of the original application if a response to the request for reconsideration is not submitted by the ARC or the Board of Directors within thirty (30) days of the date of its receipt.

B.

General Guidelines

The ARC shall consider the following factors upon the review of each application for an exterior change, addition or improvement:

1. Size and dimension;
2. Color and harmony with existing structures and improvements;
3. Quality of materials;
4. Location;
5. Harmony and appeal of exterior design;
6. Quality of construction;
7. Elevation;
8. The provisions of applicable statutes, ordinances, building codes and covenants, conditions and restrictions.

Provided, however, that the approval of an application shall not be construed as a warranty or representation by the ARC that the change, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ARC of the fitness, design or adequacy of the proposed construction.

129-69-2561

C.

Fences

1. Pickets. All fences situated parallel to the front lot line or parallel to a side street adjacent to a corner lot shall be constructed with the pickets on the outside so that no posts or rails are visible from the street in front of the lot or from the side street.

2. Gates. All gates shall either be constructed of wood or wrought iron.

3. Color. The color of each fence on a lot shall be harmonious with the exterior color of the house and other improvements situated on the lot. Therefore, the ARC shall consider the proposed color of a fence in the same manner as it considers exterior paint colors (See Section H of these Guidelines).

D.

Swimming Pools

An application for the construction of a swimming pool must include a plot plan showing the proposed location of the swimming pool in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also include a timetable for the construction of the pool. No swimming pool shall be approved unless the area in which the pool is to be located is either enclosed by a six foot (6') fence or such a fence is proposed to be constructed in conjunction with the swimming pool. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. Further, no building materials shall be kept or stored in the street overnight. No swimming pools may be enclosed with screens.

E.

Outbuildings

Any type of building which exists on a lot but is not attached to the residential dwelling on a lot, other than the dwelling itself or a detached garage or a gazebo, shall be considered an outbuilding, including tool and/or storage sheds and playhouses. Only one (1) outbuilding not exceeding ten feet (10') in length, ten feet (10') in width and eight feet (8') in height shall be permitted on a lot. The standard, type, quality and color of the materials used in the construction of an outbuilding shall be harmonious with the standard, type, quality and color of the materials used in the construction of the main

residence on the lot. No exterior portion of an outbuilding shall be made of metal or steel. An outbuilding shall be located in the rear portion of the lot. Further, if an outbuilding is to be constructed on a lot, the rear portion of the lot must be enclosed with a six foot (6') fence or such a fence must be proposed in conjunction with the application for approval to construct the outbuilding. A fence approved in conjunction with an application for approval to construct an outbuilding must be completed within thirty (30) days of the date that the outbuilding is constructed or erected. Gazebos shall not be used for the storage of any type of tools or equipment.

F.

Patio Covers

The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence; provided, however, that fiberglass patio covers shall not be permitted under any circumstances.

G.

Lighting

1. Changes to Existing Lighting. Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture does not exceed the wattage of the existing fixture or 120 watts, whichever is greater. Existing gas lighting may be converted to an electric incandescent bulb provided that (a) the incandescent bulb is a clear glass type, (b) the wattage of the bulb does not exceed 100 watts, and (c) the lighting color is white.

2. New Lighting.

- a. Security Lighting. Exterior wall, soffit or pole mounted security lighting shall be permitted with the ARC's approval so long as each lighting fixture does not exceed 150 watts and the pole does not exceed ten feet (10').
- b. Landscape Lighting. Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within flower beds, shrubs and/or trees.

- c. Gas Lights. Two (2) gas lights per lot shall be permitted with the ARC's approval; provided that the gas lighting color is white.
- d. Flood and Spot Lighting. Flood and spot lighting shall be permissible with the ARC's approval so long as:
 - (1) The wattage in each lamp does not exceed 150 watts and the wattage in each fixture does not exceed 300 watts;
 - (2) All fixtures are mounted under an eave or to a soffit.
- e. Annoyances. All new lighting which is approved by the ARC shall be subject to a sixty (60) day trial period to assure that the lighting is not objectionable to surrounding residents. If, at the end of the sixty (60) day period, the ARC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ARC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ARC.

H.

Painting

A color sample or "paint chip" of the proposed exterior color of any new addition or improvement must be attached to each application submitted to the ARC. Further, the existing exterior color of a house, garage or other improvement on a lot shall not be changed without first submitting an application with a color sample or paint chip to the ARC and receiving its written approval. The ARC has established and shall maintain a chart depicting the acceptable earthtone colors and shades of earthtone colors for the exteriors of homes and other improvements on lots within the subdivision. Each color sample or paint chip shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the subdivision. Each exterior color must not only be an earthtone, but also an acceptable shade of an earthtone color.

I.

Roofing Materials and Additions

1. Materials. A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application submitted to the ARC. The ARC has established and shall maintain a chart depicting the acceptable type, quality and color of roofing materials for homes and other improvements within the subdivision. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that each approved shingle is an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision. The color of each roofing material must not only be an earthtone, but also an acceptable shade of an earthtone color.

2. Roofing Additions. No skylights, solar panels or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a structure.

J.

Miscellaneous

1. Birdhouses. Birdhouses shall be permitted subject to the prior approval of the ARC and the following:

- a. A birdhouse shall not be visible from the street in front of the lot;
- b. No birdhouse shall be larger than two feet (2') in width, two feet (2') in length and two feet (2') in height;
- c. No more than two (2) birdhouses shall be permitted on a lot;
- d. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot.

2. Awnings. Awnings which are visible from the street in front of the lot shall not be permitted. Awnings on the rear portion of a lot must be one (1) color. All awnings must be approved by the ARC.

3. Satellite Dish Antennae. Satellite dish antennae shall not be permitted.

4. Circular Driveways. Circular driveways on the front portion of a lot shall not be permitted.

5. Garage Conversions. Each garage, whether used for the storage of vehicles or not, must maintain the outward appearance of a garage.

6. Basketball goals. Basketball goals shall be permitted subject to the prior approval of the ARC and the following:

- a. A white nylon net shall be maintained on the rim at all times. The net shall be replaced in the event that it becomes frayed or torn.
- b. An orange steel or aluminum rim shall be affixed to the backboard at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken or bent.
- c. The backboard must be fiberglass or weatherproofed wood and painted white with the exception of an orange square outline above the rim. The backboard shall be repainted, repaired or replaced in the event that the surface of the backboard becomes chipped or cracked or the backboard becomes warped or unaligned.
- d. All mounting supports must be steel or aluminum and painted the same color as the exterior color of the structure upon which they are mounted. The pole on which the backboard is mounted, if applicable, must also be steel or aluminum and painted either silver or black. The pole, if applicable, and all mounting supports must be maintained in an attractive condition.
- e. With the exception of maintenance and repair, a basketball goal shall not be modified in any respect nor shall its location be changed from that approved by the ARC.

7. Paint on Concrete. No concrete on a lot which is visible from the street in front of the lot, whether a driveway, sidewalk, patio or other improvement, shall be painted or stained any color. Concrete which is not visible from the street in front of the lot may be painted or stained only with the ARC's prior written approval.

ADOPTED on the date set forth opposite each name to become effective upon recording.

BOARD OF DIRECTORS
Middlegate Village Community
Association, Inc.

10

Date: August 24, 1988

Ronnie Auderer
Print Name RONNIE AUDERER

Date: August 24, 1988

Patricia A. Beithow
Print Name Patricia A. Beithow

Date: August 24, 1988

Daniel B. Dodson
Print Name DANIEL B. DODSON

Date: August 24, 1988

Theresa Sigmund
Print Name Theresa Sigmund

Date: August 24, 1988

Richard A. Causey
Print Name Richard A. Causey

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Ronnie Auderer, as a Member of the Board of Directors of Middlegate Village Community Association, Inc., 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 therein expressed and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day of August, 1988.

Margaret E. Worsham
NOTARY PUBLIC - STATE OF TEXAS
Print Name Margaret E. Worsham
Commission Expires 10/31/90

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Patricia A. Britton, as a Member of the Board of Directors of Middlegate Village Community Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day of August, 1988.

Margaret E. Worsham
NOTARY PUBLIC - STATE OF TEXAS
Print Name Margaret E. Worsham
Commission Expires 10/31/90

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Daniel B. Dodson, as a Member of the Board of Directors of Middlegate Village Community Association, Inc., 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 therein expressed and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day
of August, 1988.

Margaret E. Worsham
NOTARY PUBLIC - STATE OF TEXAS
Print Name Margaret E. Worsham
Commission Expires 10/31/90

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally
appeared Theresa Sigmund, as a Member of the Board
of Directors of Middlegate Village Community Association, Inc., known to me to be the
person whose name is subscribed to the foregoing instrument, and acknowledged to me
that she executed the same for the purposes and consideration therein expressed and in
the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day
of August, 1988.

Margaret E. Worsham
NOTARY PUBLIC - STATE OF TEXAS
Print Name Margaret E. Worsham
Commission Expires 10/31/90

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally
appeared Richard A. Causey, as a Member of the Board
of Directors of Middlegate Village Community Association, Inc., 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 therein expressed and in
the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day
of August, 1988.

Margaret E. Worsham
NOTARY PUBLIC - STATE OF TEXAS
Print Name Margaret E. Worsham
Commission Expires 10/31/90

**RESOLUTION OF THE BOARD OF DIRECTORS OF
MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION
REGARDING DOCUMENT PRODUCTION AND COPYING POLICY**

WHEREAS, pursuant to the Chapter 209.005 of the Texas Property Code, Middlegate Village Homeowners Association, (the "Association") shall make the books and records of the Association, including financial records, open to and reasonably available for examination by owners; and

WHEREAS, there is a need, and the Board of Directors desires to establish rules and regulations relating to a uniform and systematic procedure for producing Association records; and

WHEREAS, at a regular meeting of the Board of Directors of the Association, said meeting being properly called and a quorum being present, a Document Production and Copying Policy was adopted; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Association has and does hereby adopt the following Document Production and Copying Policy which shall be recorded in the real property records of each county in which the subdivision is located.

By: Sid Lyon, President

Printed Name: Sid Lyon

CERTIFICATION

"I, the undersigned do hereby certify that I am the duly elected and acting President of Middlegate Village Community Association and the following Document Production and Copying Policy was adopted at a regular meeting of the Board of Directors, said meeting being properly called and a quorum being present on the 1st day of November, 2011."

IN WITNESS WHEREOF, I have hereunto subscribed my name this the 1st day of November, 2011.

MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION

By: Sid Lyon, President

Printed Name: Sid Lyon

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared Sid Lyon, the President of Middlegate Village Community Association, known by me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this the 1 day of November, 2011
Sharon Griffith



NOTARY PUBLIC IN AND FOR
STATE OF TEXAS

After recording, return to:
SCS Management Services, Inc.
7170 Cherry Park Drive
Houston, TX 77095

MIDDLEGATE VILLAGE COMMUNITY ASSOCIATION

DOCUMENT PRODUCTION & COPYING POLICY

1. **EXAMINATION OF BOOKS & RECORDS.** The Middlegate Village Community Association ("Association") shall make its books, records, and financial records reasonably available for examination by an Owner, or a person designated in writing signed by the Owner as the Owner's agent, attorney, or certified public accountant, all of which are referred to collectively as ("Owner"). The Association may produce books and records requested under this section in hard copy, electronic, or other format reasonably available to the Association.

2. **WRITTEN REQUEST TO INSPECT OR COPY.** Requests to inspect or copy Association books and records must be made in writing and sent by certified mail to the Association at SCS Management Services, Inc., 7170 Cherry Park Drive, Houston, Texas 77095. The request must contain an election either to: (i) inspect the books and records before obtaining copies; or (ii) have the Association forward copies of the requested books and records. The request should also contain sufficient detail or description as to identify the documents requested.

3. **PAYMENT OF ESTIMATED COSTS.** The Association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. If the estimated costs are lesser or greater than the actual costs, the association shall submit a final invoice to the Owner on or before the 30th business day after the date the information is delivered. If the final invoice includes additional amounts due from the Owner, the additional amounts, if not reimbursed to the Association before the 30th business day after the date the invoice is sent to the owner, may be added to the Owner's account as an assessment. If the estimated costs exceeded the final invoice amount, the Owner is entitled to a refund, and the refund shall be issued to the Owner not later than the 30th business day after the date the invoice is sent to the Owner.

4. **COSTS FOR DOCUMENT COMPILATION, PRODUCTION, AND REPRODUCTION. COPIES.** The following schedule of costs is adopted pursuant to the Chapter 70 of the Texas Administrative Code. Note that each side of a page that has recorded information is considered a page:

SCHEDULE OF COSTS FOR DOCUMENT COMPILATION, PRODUCTION, AND REPRODUCTION	
COST	ITEM DESCRIPTION
\$0.10	8.5" x 11" page
\$0.10	8.5" x 14" page
\$0.50	11" x 17" page
\$1.00	CD or audio cassette
\$2.50	Video cassette
\$3.00	DVD
Actual Cost	<ul style="list-style-type: none"> - Paper greater than 11"x17" or specialty paper (Mylar, blueprint, blue line, color, photographs and maps). - Other electronic media or magnetic tape, data cartridge, tape cartridge and JAZ drive. - Supplies used in producing the records including labels, boxes, folders and along with postage for mailing the records.
\$15.00 per hour	Labor charge for actual time to locate, compile and reproduce the records which shall only be charged if request is greater than 50 pages in length.
20%	Overhead charge of 20% of total labor charge only if the request is greater than 50 pages in length.

5. **PERSONAL INFORMATION.** The Association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an individual owner, an owner's personal financial information, including records of payment or nonpayment of amounts due the association, an owner's contact information, other than the owner's address, or information related to an employee of the association, including personnel files. Information may be released in an aggregate or summary manner that would not identify an individual property owner. However, the books and records shall be released or made available for inspection if: (i) The express written approval of the owner whose records are the subject of the request for inspection is provided to the Association; or (ii) A court orders the release of the books and records or orders that the books and records be made available for inspection.
6. **WRITTEN REPLY TO INSPECT OR COPY.** To the extent the books and records that are in the possession, custody, or control of the Association, the Association shall send written notice to the Owner, on or before the 10th business day after the date the request is received, of dates during normal business hours that an Owner may inspect the records. Or if copies were requested the Association shall send the copies, or shall send a notice that the Association is unable to produce the records before the 10th business date and states a date by which information will be sent or made available for inspection not later than the 15th business day after the request is received. To this end, the following form of response is adopted, the substance of which may be revised from time-to-time without the need to revise this Document Production and Copying Policy:

REPLY TO REQUESTS FOR ASSOCIATION BOOKS AND RECORDS

[Date of Letter]

Dear Homeowner:

On or about the [____] date of _____, 201____], the [Name of Homeowners Association] ("Association") received a request for:

Copies of specific Association records.

Inspection of the books and records of the Association.

Please be advised that (check only the boxes that apply):

We are able to provide you with the requested records within 10 business days of your request. Please call 281-463-1777 to schedule an appointment at a mutually agreeable time between the hours of 9:00 a.m. and 4:00 p.m. on regular business days at the office of SCS Management Services, Inc., 7170 Cherry Park Drive, Houston, TX 77095. Should copies of specific documents be needed during or after the inspection, you will be required to pay the associated costs before the copies will be provided to you. See schedule of costs below.

We are unable to provide you with the requested records within 10 business days of your request. However, the requested records will be available to you no later than 15 business days after the date of this response or on or about the ____ day of _____, 2011. On this date, please call 281-463-1777 to schedule an appointment at a mutually agreeable time between the hours of 9:00 a.m. and 4:00 p.m. on regular business days at the office of SCS Management Services, Inc., 7170 Cherry Park Drive, Houston, TX 77095. Should copies of specific documents be needed during or after the inspection, you will be required to pay the associated costs before the copies will be provided to you. See schedule of costs below.

Please correct and resubmit your request, as it is inadequate because:

Must be sent in the form of a written request by certified mail to the mailing address of the Association: c/o SCS Management Services, Inc., 7170 Cherry Park Drive, Houston, Texas 77095.

Fails to contain an election either to: (i) inspect the books and records before obtaining copies; or (ii) have the Association forward copies of the requested books and records.

Fails to adequately describe or identify the books and records to be inspected and or copied.

Please be advised that the estimated costs for providing records to you are:

Approximately: \$_____. In order to obtain the records you must first pay the Association the cost of providing the records to you. Upon receiving payment, the Association will mail the requested documents to you. You may also make payment and pick up the documents in person at the offices of SCS Management Services, Inc., 7170 Cherry Park Drive, Houston, Texas 77095 by calling 281-463-1777 to schedule an appointment at a mutually agreeable time between the hours of 9:00 AM and 4:00 PM on regular business days. See schedule of costs below.

Less than actual costs and the Association is sending you this letter as a final invoice on or before the 30th business day after the date the information is delivered to you. The amount due and owing to the Association is \$_____. Be advised that if the additional amounts are not reimbursed to the Association before the 30th business day after the date the invoice is sent to you, they may be added to your account as an assessment.

- Greater than the actual costs and you are entitled to a refund of \$_____ which is now being issued to you not later than the 30th business day after the date the amounts were requested from you.

SCHEDULE OF COSTS FOR COMPILATION, PRODUCTION, AND REPRODUCTION	
COST	ITEM DESCRIPTION
\$0.10	8.5" x 11" page
\$0.10	8.5" x 14" page
\$0.50	11" x 17" page
\$1.00	CD or audio cassette
\$2.50	Video cassette
\$3.00	DVD
Actual Cost	<ul style="list-style-type: none"> - Paper greater than 11"x17" or specialty paper (Mylar, blueprint, blue line, color, photographs and maps). - Other electronic media or magnetic tape, data cartridge, tape cartridge and JAZ drive. - Supplies used in producing the records including labels, boxes, folders and along with postage for mailing the records.
\$15.00 per hour	Labor charge for actual time to locate, compile and reproduce the records which shall only be charged if request is greater than 50 pages in length.
20%	Overhead charge of 20% of total labor charge only if the request is greater than 50 pages in length.
<i>The Association may produce books and records requested in hard copy, electronic, or other formats reasonably available.</i>	

Sincerely,
