

Simmons Lake  
**Property Owners Association**

EFFECTIVE  
06\*13\*2016

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# **Articles of Incorporation**

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Roger Williams  
Secretary of State

## Office of the Secretary of State

April 18, 2005

E. L. Brown  
1090 Simmons Oak Ridge Dr.  
Columbus, TX 78934 USA

RE: Simmons Lake Property Owners Association, Inc.  
File Number: 800481063

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It has been our pleasure to file the articles of incorporation and issue the enclosed certificate of incorporation evidencing the existence of the newly created corporation.

Corporations organized under the Texas Non-Profit Corporation Act do not automatically qualify for an exemption from federal and state taxes. Shortly, the Comptroller of Public Accounts will be contacting the corporation at its registered office for information that will assist the Comptroller in setting up the franchise tax account for the corporation. If you need to contact the Comptroller about franchise taxes or exemption therefrom, you may contact the agency by calling (800) 252-1381, by e-mail to [tax.help@cpa.state.tx.us](mailto:tax.help@cpa.state.tx.us) or by writing P. O. Box 13528, Austin, TX 78711-3528. Telephone questions regarding other business taxes, including sales taxes, should be directed to (800) 252-5555. Information on exemption from federal taxes is available from the Internal Revenue Service.

Non-profit corporations do not file annual reports with the Secretary of State, but do file a report not more often than once every four years as requested by the Secretary. It is important for the corporation to continuously maintain a registered agent and office in Texas as this is the address to which the Secretary of State will send a request to file a periodic report. Failure to maintain a registered agent or office in Texas, failure to file a change to the agent or office information, or failure to file a report when requested may result in involuntary dissolution of the corporation. Additionally, a non-profit corporation will file documents with the Secretary of State if the corporation needs to amend one of the provisions in its articles of incorporation.

If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section  
Statutory Filings Division  
(512) 463-5555  
Enclosure

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Roger Williams  
Secretary of State

## Office of the Secretary of State

### CERTIFICATE OF INCORPORATION OF

Simmons Lake Property Owners Association, Inc.  
Filing Number: 800481063

The undersigned, as Secretary of State of Texas, hereby certifies that Articles of Incorporation for the above named corporation have been received in this office and have been found to conform to law.

Accordingly, the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law, hereby issues this Certificate of Incorporation.

Issuance of this Certificate of Incorporation does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 04/14/2005

Effective: 04/14/2005



A handwritten signature in cursive script that reads "Roger Williams".

Roger Williams  
Secretary of State

Form 202  
(revised 6/01)

Return in Duplicate to:  
Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709

Filing Fee: \$25



This space reserved for office use.

**Articles of Incorporation  
Pursuant to Article 3.02  
Texas Non-Profit  
Corporation Act**

**FILED**  
In the Office of the  
Secretary of State of Texas  
APR 14 2005  
Corporations Section

**Article 1 – Corporate Name**

The corporation formed is a non-profit corporation. The name of the corporation is as set forth below:

Simmons Lakes Property Owners Association, Inc.

The name must not be the same as, deceptively similar to or similar to that of an existing corporate, limited liability company, or limited partnership name on file with the secretary of state. A preliminary check for "name availability" is recommended.

**Article 2 – Registered Agent and Registered Office (Select and complete either A or B and complete C.)**

A. The initial registered agent is a corporation (cannot be corporation named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below.

First Name Edwin	M.I. L.	Last Name Brown	Suffix
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C. The business address of the registered agent and the registered office address is:

Street Address 1090 Simmons Oak Ridge Dr	City Columbus	TX	Zip Code 78934
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**Article 3 – Management (Complete items A or B)**

A.  Management of the affairs of the corporation is to be vested in the members of the corporation.

OR

B.  Management of the affairs of the corporation is to be vested in its board of directors. The number of directors, which must be a minimum of three, that constitutes the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting or until their successors are elected and qualified are set forth below:

Director 1: First Name Edwin	M.I. L.	Last Name Brown	Suffix
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Street Address 1090 Simmons Oak Ridge Dr	City Columbus	State TX	Zip Code 78934
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Director 2: First Name Dean	M.I.	Last Name Dahse	Suffix
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Street Address 6000 Reims Rd Apt 3601	City Houston	State TX	Zip Code 77036
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Director 3: First Name Cynthia	M.I.	Last Name Wells	Suffix
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Street Address 3207 Pearland	City Pearland	State TX	Zip Code 77581-5202
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Director 4: First Name Sharon	M.I.	Last Name Decker	Suffix
Street Address 6209	City Carew	State TX	Zip Code 77074

#### Article 4 – Organizational Structure

(You must select either A or B below.)

A: The corporation will have members.       B: The corporation will not have members.

#### Article 5 – Duration

The period of duration is perpetual.

#### Article 6 – Purpose

The corporation is organized for the following purpose or purposes:

This Association is formed to provide for the Promotion of Community Welfare of the Simmons Lakes Community and to assure maintenance, preservation and architecture control of the property subject to the Covenants, Conditions and Restrictions for Simmons Lakes Subdivision, applicable to certain land located in Colorado County known by official plat designation as Simmons Lakes, a subdivision, (hereinafter referred to as the "Property") described in the plat (hereinafter referred to as the "Plat") known a Simmons Lakes, according to the plat thereof recorded in Slide Number 70 through 73 of the plat records of Colorado County, Texas which Plat is subject to the conditions and restrictions declared and recorded in the Colorado County Official Records at Volume 176, Page 37, and Volume 180, Page 533, and any additional property that may hereinafter be made subject to the Declaration and to promote the health, safety and welfare of the residences within the above-described property and for this purpose, the Association shall have the power and authority to:

- a) Provide and maintain, to the extent deemed appropriate by the Association, the common area, facilities, and services of overall benefit to the Public and the Simmons Lakes members, residents and occupants in general;
- b) Fix, levy, collect and enforce payment by any lawful means, of all charges or assessments pursuant to the terms of the Declaration to pay all expenses, licenses, taxes or governmental charges levied or imposed against the property of the Association and all other expenses incidental to the conduct of the business of the Association. No such assessments shall be effective unless approved by vote of at least two thirds (2/3) of voting members of the Association, indicating their agreement to such assessment;
- 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 conjunction with the affairs incurred;
- d) Exercise any and all powers, rights and privileges that a non-stock, non-profit corporation organized under the laws of the State of Texas by law may now or hereafter have or exercise.

Exercise all the powers and privileges and perform all the duties and obligations of the Association as set forth in the Declaration applicable to the Property and recorded or to be recorded among the Land Records of Colorado County, Texas and as the same may be amended from time to time therein provided, said Declaration being incorporated herein as if set forth at length and made a part hereof.

## **Supplemental Provisions/Information**

### **ARTICLE 7 – NO CAPITAL STOCK**

This Association is not authorized to issue any capital stock and shall not be operated for profit. The Association does not anticipate distributing dividends, gains or profits to its members. No member shall have any personal liability for the debts or obligations of the Association.

### **ARTICLE 8 – MEMBERSHIP**

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot or Lots forming a part of the Property including contract sellers, shall be a member of the Association; provided that any such person or entity who or which holds such interest merely as security for the performance of an obligation shall not be members. Membership shall be appurtenant to and may not be separated from ownership of the Property, which is subject to assessment, by the Association. Ownership of such Property shall be the sole qualification for membership.

### **ARTICLE 9 – VOTING RIGHTS**

The members shall be all the Owners and shall be entitled to one (1) vote per owner irrespective of the number of lots owned. When more than one (1) person holds an interest in any lot or group of lots, all such persons shall be members. The vote for such lot or group of lots shall be exercised as they, among themselves, determine, but in no event shall more than one (1) vote be cast. Owners shall have the right to assign their voting rights hereunder to tenants or other persons as they may designate by use of a proxy, fully executed and acknowledged.

The members of the Association shall have no preemptive rights, as such members, to acquire any memberships of this Association that may at any time be issued by the Association except as may be specifically provided in these Articles of Incorporation.

### **ARTICLE 10 – BOARD OF DIRECTORS**

The affairs of the Association shall be managed by a Board initially consisting of four (4) Directors whose names and addresses are listed in Article 3 herein. Commencing with the first annual meeting of the Association, the Board shall consist of not less than three (3) or more than five (5) Directors. No change in the Number of Directors shall operate to curtail or extend the term of any incumbent Director. The Directors need not be members of the Association.



**Incorporator**

The name and address of the incorporator is set forth below.

Name  
Edwin L. Brown

Street Address  
1090 Simmons Oak Ridge Dr

City  
Columbus

State  
TX

Zip Code  
78934

**Effective Date of Filing**

This document will become effective when the document is filed by the secretary of state.

OR

This document will become effective at a later date, which is not more than ninety (90) days from the date of its filing by the secretary of state. The delayed effective date is \_\_\_\_\_

**Execution**

The undersigned incorporator signs these articles of incorporation subject to the penalties imposed by law for the submission of a false or fraudulent document.

Signature of incorporator

