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OPEN PINES CONDOMINIUM OWNER'S ASSOCIATION, INC.
Amendment to the By-Laws

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The By-Laws of Open Pines Condominium Owner's Association, Inc., a Texas non-profit corporation as recorded under Clerk's File Number F377008, Condominium Records of Harris County, Texas are hereby amended by the Board of Directors in the following particulars pursuant to the amendment procedures set out in Section 82.102 Texas Property Code.

Whereas, the Board of Directors of Open Pines Condominium Owner's Association, held a meeting on the 15th of July, 2015 at 17202 Imperial Valley Dr., No. 13; and

Whereas, the Board of Directors determined it would be in the best interest of the Association to evaluate and update the rules, regulations, fines and penalties officially recorded in Harris County; and

Whereas, the Board of Directors determined it had a fiduciary duty to protect the safety and wellbeing of the owners and residents, as well as an obligation to protect the property values of Open Pines by avoiding future buyers with criminal backgrounds, buyers who have no visible means with which to pay Association dues and assessments and buyers who are current owners who do not adhere to the rules and regulations of the association; and

Whereas, the Board of Directors determined the following screening process would be beneficial to the association and its members:

Background Checks

- Upon acceptance of a sales agreement, a copy of the contract along with a signed background check application must be submitted to Open Pine's Managing Agent. The Managing Agent will conduct a background check on any person who is trying to become an owner of the condominium under contract. If the buyer is an organization, company or corporate entity, a background check will be conducted on the principals of the purchasing entity.
- The seller will pay a minimum fee of $50.00 for the first background check and for each subsequent background check of an additional buyer, spouse or any other proposed owners or residents over 18 years of age. The fee structure may increase through the years, as prices for these services increase.
- The Board of Directors will not approve the sale if any applicant is found to have a felony conviction within the last 20 years. The board, may, at its discretion, refuse to approve a sale if a background check shows a conviction for one or more misdemeanors. If the background check shows any evidence of criminal activity by any of the applicants, the board of directors may refuse permission for the sale of the condominium. The decision of the board is final.
- If the prospective buyer(s) fail to submit a background check application, or refuses to submit a background check application, along with a copy of the sales contract, the sale is automatically null and void and shall convey no title.
- The resale certificate will not be issued without an approved background check.

Visible Means

- Along with the background check application and executed copy of the sales agreement, the purchaser must provide evidence of work income, investment dividends or other visible, legal

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Harris County, Texas

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_____ Deputy
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Krystal Chavez

sources of income adequate for living expenses including those for payment of association dues and special assessments. Failure or refusal to provide adequate proof of income will result in cancellation of the sales contract.

Current Owners

- Current property owners, who are in good standing with Open Pines Condominium Owner's Association at the time of the legal filing of this document, will not be required to submit to background checks and shall not be required to provide evidence of income. Good standing is defined as having been current in payments for the last 3 years and having been in consistent compliance of the rules and regulations of the Association. The current owners of unit numbers 5, 9, 42 and 43 are not in good standing with the association.

Number of Inhabitants

Whereas, the Board of Directors determined it would be in the best interest of the Association to limit the number of people allowed to reside in each townhome; and

- The number of inhabitants allowed to reside in a 2 bedroom townhome is limited to five (5) people.
- The number of inhabitants allowed to reside in a 1 bedroom townhome is limited to three (3) people.

Lease Review and Background Check Requirements

Whereas, the Board of Directors determined it would be in the best interest of the Association to re-instate the Lease Review and Background Check Requirements as a By-Law revision that was approved by the board of directors on the 5th day of June, 2011; and

- Commencing November 1, 2011 strict compliance to the existing Lease Review and Background Check amendment to the by-laws was approved by OPEN PINES CONDOMINIUM OWNER'S ASSOCIATION, INC. This includes all existing residents, occupants, new leases, lease renewals and any and all month to month rentals;
- The definition of an "occupant", for the purposes of this amendment to the by-laws of Open Pines Condominium Association, is anyone, whether that person is a relative or guest, residing in or staying in a unit for more than an aggregate of 48 hours in any four (4) week period was approved by the Board of Directors;
- Commencing November 1, 2011 the revision of the existing fine schedule to include a $100 per month fine for each occupant(s) over the age of eighteen, who does not have an approved background check on file with the managing agent was approved;
- Commencing November 1, 2011, OPEN PINES will assist owners in providing background checks of existing residents and potential tenants by offering an investigative service, for background checks only, at a minimum cost of $50 per inquiry was approved by the Board of Directors;

OPEN PINES CONDOMINIUM OWNER'S ASSOCIATION, INC.
Amendment to the By-Laws

- No condominium owner may rent, lease, or otherwise permit a unit to be occupied without first providing the Association a copy of a written rental agreement, approved background check or a signed application for background check and fee at least three (3) business days in advance of the proposed occupancy or at the end of the 48 aggregate hour stay in a unit;
- All rental agreements must contain an express provision requiring the occupant(s) to adhere to all of the Condominium Declarations, By-Laws, Rules and Regulations of the Association, including the amendment requiring a background checks for any and all occupants over the age of eighteen;
- The proposed rental agreement/application or background check application must be submitted to the Association's managing agent along with the $50 application fee for each person over the age of eighteen who is or will be residing in, or occupying, the condo for more than 48 hours per month;
- Upon written notification of a background check violation, the owner has 10 days to obtain and submit the approved application form and fee or an accepted form of background investigation before being fined under the revised fine schedule of $100 per month for each violating "occupant". If a lease is in force, the person on the lease agreement who does not pass the background test will be allowed to stay through the term of the lease, but the owner will be fined monthly. If any "occupant" refuses to submit to a background check or does not pass, owner has 15 days from the date of notification, to vacate such violating occupant before fine commences.
- Upon receipt of an application, the managing agent will obtain a copy of the national criminal background report, if any exists, on such proposed tenants or occupants.
- The managing agent shall consider the following criteria in determining whether to approve or disapprove a proposed tenant and rental agreement:
  A. Whether the written rental agreement is in proper form and all required information is submitted;
  B. Whether the proposed tenant(s) or any occupant(s) have any criminal history;
  C. Whether the proposed tenant or any of their proposed occupant(s) have any history of causing disturbances, vandalism, or violating rules and regulations, at Open Pines or at any previous residence they may have occupied.
- The managing agent shall not consider nor shall they request any information on the following subjects: race; color; religion; sex or sexual orientation; handicap; family status; national origin of the tenant(s) or occupant(s).
- The function of the managing agent shall be to accumulate the required information and accept or reject the lease based on the permitted criteria only.
- The managing agent shall complete its investigation and respond to the owner with a verbal acceptance or written rejection within five (5) days of receipt of an application.
- Upon notification of a rejection of an occupant, the owner will have 5 days to remove occupant from their unit before the fine is implemented.
- Any rejection of a lease by the managing agent shall set forth with particularity the reasons for the rejection. If a proposed tenant is rejected, the owner shall not permit such rejected tenants to move into or stay in a condominium at OPEN PINES. If an occupant is rejected, the owner agrees to keep such occupant away from OPEN PINES or to pay the monthly fine to the Association.
- Any owner who receives a tenant or occupant rejection may appeal to the full board for a review at the next regularly scheduled board meeting or within thirty (30) days of the

Krystal Chavez

date of the rejection, whichever is sooner. Upon review, the board's determination shall be final.

- The Managing Agent or the Board shall retain copies of each of the background check or lease application files for a period of thirty six months after determination.
- This procedure shall also apply to all lease renewals. Each lease must be submitted for review at the end of each one year lease term. Every lease must be submitted for review annually. If the managing agent rejects a lease renewal, the owner shall require the tenant to move out within thirty days from the receipt of the renewal rejection. The managing agent must consider the conduct of the tenant(s) during their occupancy at OPEN PINES during the review of renewal applications.
- The background application and investigation rules do not apply to airline pilots, flight attendants and law enforcement officers who already have an accepted background check.
- Any owner not following these procedures shall be fined a minimum of $100 for each month and for each person of non-compliance. If any owner continues non-compliance for more than 6 months, the fine shall be doubled to a minimum of $200 for each month and for each person of non-compliance.

Interest on Late Assessments

Whereas, the Board of Directors determined it would be in the best interest of the association to clarify the interest to be charged on late assessments owed to the Association, as authorized by the Declaration, Section 14.(e); and

The interest rate is clarified as eight percent (8%) compound interest, per annum.

Unpaid Special Assessments

Whereas, the board of directors determined it would be in the best interest of the association to maintain unpaid special assessments on the balance sheet of each unit until paid. Condominium units are illegally being sold, which violates the association's property rights. The unpaid special assessments stays on the balance sheet until such assessments are paid in full.

Whereas, the Board of Directors determined that adoption of such revisions would be consistent with the powers vested in the association pursuant to the Association's By-laws, inter alia, Texas Property Code 204.010 and Texas Non-Profit Corporations Act Art 1396-2.02; and

Whereas, during the course of business, a vote of the Board of Directors was taken to approve adoption of the proposed policies and revisions to the by-laws of Open Pines Condominium Owner's Association, inc.; and

Whereas, upon review of the votes cast for the above revisions, it was determined that the above policies and revisions were passed by a unanimous vote of the Board of Directors; NOW THEREFORE,

Crystal Chavez

OPEN PINES CONDOMINIUM OWNER'S ASSOCIATION, INC.
Amendment to the By-Laws

IT IS HEREBY RESOLVED, that the Association, acting by and through its Board of Directors unanimously adopts this formal Amendment to the By-Laws of Open Pines Condominium Owner's Association, Inc. for the purpose of filing in the Clerk's File No. U215392 of the Official Public Records of Real Property of Harris County, Texas.

This By-Law amendment shall be effective as of the date of its execution, on this, the 10th day of January, 2016

Sheryl Evans, President

Bruce Menzer, Secretary

Sherry Reina, Director

RP-2016-59907

Any provision herein which restrict the sale, rental or use of the described Real Property because of color or race is invalid and unenforceable under the Federal Law. Confidential information may have been redacted from the document in compliance with the Public Information Act.

A Certified Copy
Attest: 2/12/2016
Stan Stanart, County Clerk
Harris County, Texas

Krystal Chavez
Deputy

COUNTY COURT OF HARRIS COUNTY, TEXAS

OPEN PINES CONDOMINIUM OWNER'S ASSOCIATION, INC.
Amendment to the By-Laws

This resolution was adopted by the Board of Directors on the 10th day of January, 2016.

IN WITNESS WHEREOF, the undersigned has executed this resolution on the 10th day of January, 2016.

President Sheryl Evans

State of Texas

County of Harris

This instrument was acknowledged before me on the 10th day of January, 2016.

RAFAEL RODRIGUEZ
My Commission Expires
April 30, 2018

Notary Public, State of Texas

My commission expires: 4-30-18

Notary's Printed Name: Rafael Rodriguez

Ret OPEN PINES CONDO OWNER'S ASSOCIATION, INC ✓✓
17202 IMPERIAL VALLEY DRIVE #46
HOUSTON, TEXAS 77060

RP-2016-59907

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Krystal Chavez
Krystal Chavez Deputy

COUNTY COURT OF HARRIS COUNTY, TEXAS

Krystal Chavez

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Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

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

FEB 12 2016

Stan Stanart
COUNTY CLERK
HARRIS COUNTY, TEXAS

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