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**INDIAN SPRINGS LAKE ESTATES
PROPERTY OWNERS ASSOCIATION, INC.**

**CONSTITUTION
AND
BYLAWS**

REVISED 12/2009

INDIAN SPRINGS LAKE ESTATES PROPERTY OWNERS ASSOCIATION, INC.

CONSTITUTION

We, the property owners of Indian Springs Lake Estates, in order to form an organization to give support to the community, improve and service the common areas, and give service where we deem necessary to help our fellow man, do ordain and establish this constitution of Indian Springs Lake Estates Property Owners Association, Inc.

ARTICLE I

This organization shall be known as Indian Springs Lake Estates Property Owners Association, Inc., (Referred to as I.S.L.E.P.O.A.)

ARTICLE II

The location and principal service will be in the subdivision, known as Indian Springs Lake Estates, in Polk County, State of Texas, whose mailing address is 266 Pichetto Trail, Livingston, Texas 77351.

ARTICLE III

- A. The association shall be governed by a Board of Directors consisting of: President, Vice President, Secretary, Treasurer, and four (4) Directors. A Parliamentarian and/or Sergeant at Arms may be appointed as necessary by the President.
- B. The election of the Board of Directors shall take place one month prior to the Annual meeting date in January, as provided for in The Association Bylaws.
- C. Qualification for an elective office must be met as specified in the Association Bylaws.
- D. Limitations of the powers of the officers shall be governed by the Association Bylaws.

ARTICLE IV

- A. This organization shall be a non-profit organization and all services provided by the members are strictly voluntary. (Members are eligible to bid on any project approved by the Board and will be paid accordingly.)
- B. All proceeds from dues, donations, and projects shall be used for the benefit of Indian Springs Lake Estates as determined by The Association.
- C. Prior to the Annual meeting in January, an audit shall be made of the financial records and a report shall be presented at the Annual meeting.

ARTICLE V

All members must be the owner of record of real property in Indian Springs Lake Estates and have paid their fees as set forth in the Bylaws.

ARTICLE VI

Amendments to the Constitution and By-Laws shall be made according to the rules set forth in the Bylaws.

ARTICLE VII

The Bylaws of the Indian Springs Lake Estates Property Owners Association, Inc. will be operational procedures, using Roberts Rules of Order as a guide.

INDIAN SPRINGS LAKE ESTATES PROPERTY OWNERS ASSOCIATION, INC.

BYLAWS

MEETING TIME: 10:00A.M.
DAY TO HOLD MEETINGS: 2nd SATURDAY OF EACH MONTH
PLACE: INDIAN SPRINGS LAKE ESTATES COMMUNITY CENTER/TOTEM
POLE LODGE

ARTICLE I

The Indian Springs Lake Estates Property Owners Association, Inc. (herein after shall be known as "The Association") will follow the Texas State Statutes Property Codes, as required.

- A. PROPERTY OWNER ELIGIBILITY – "Property Owner" or "Owner" shall be defined as set forth in the Texas State Statutes Property Codes. To further define; an owner must be the owner of record as described in a document or dedicatory instrument filed in the office of the County Clerk of Polk County, Texas. All property owners will be members of the Association.
- B. REGULAR ASSESSMENTS/MAINTENANCE FEES/DUES: (Being one in the same): Maintenance Fees in the amount of \$40 are assessed on January 1 of each year to cover the period of January 1 through December 31 of the respective year.

Maintenance Fees are assessed annually in order to maintain and improve the common areas of the Indian Springs Lake Estates subdivision for the benefit of all property owners in the subdivision.

Maintenance Fees are assessed per property owner, using the definition of "owner" as defined in Texas State Statutes Property Codes. Fees are assessed to owner(s) at the same rate, regardless of the total number of lots owned in the subdivision.

Maintenance Fees may be increased from time to time, as deemed necessary by the Board of Directors, provided the following procedures have been followed:

- 1) The Board of Directors must make a motion to hold an election of the property owners to vote for or against an increase in Maintenance Fees. The election may be held at a regularly scheduled meeting or a special called meeting of the property owners provided the election is listed on the Agenda for that meeting and a ballot has been prepared to provide property owners the opportunity to vote for or against an increase in Maintenance Fees.
- 2) No less than thirty (30) days prior to an election date as described above, a notice of such must be mailed to all property owners at the last known valid address notifying them of the opportunity to vote on the increase.
- 3) Thirty (30) days prior to election date a notice must be posted on a community bulletin board or other conspicuous place for public view, notifying property owners of the opportunity to vote on the increase.
- 4) A public notice must be published in the local newspaper at least thirty (30) days prior, and again at least ten (10) days prior to the date of election notifying property owners of the opportunity to vote on the increase.
- 5) A simple majority of the total votes cast in the election as described above will determine the result of the vote on the increase.
- 6) Should an increase in Maintenance Fees be voted in favor, increase will become effective on the first day of the dues billing period, as set forth in ARTICLE I, section B of the Bylaws.

C. VOTING RIGHTS OF PROPERTY OWNERS: A property owner may vote on any issue as required by the Bylaws, provided the dues for that owner have been paid in full no later than the start of the meeting at which the voting will take place.

D. ELIGIBLE VOTES: As defined in Texas State Statutes Property Codes: A property owner may not cast more than one vote, regardless of the number of lots the person owns. If more than one person owns an interest in a lot, the owners may cast one vote for that lot. A person may not vote if the person has an interest in a lot only by virtue of being a lien holder.

ARTICLE II

A. ELECTED AND APPOINTED POSITIONS

The following positions will be elected positions making up the Board of Directors:

- 1) President
- 2) Vice President
- 3) Secretary
- 4) Treasurer
- 5) Directors – There will be four (4) Directors

B. PROCEDURE OF ANNUAL ELECTION

The following steps must be followed:

- 1) In October, two months prior to the annual election in December, the President will appoint a Nominating Committee consisting of three (3) members who have paid their Association Fees in full. The Nominating Committee will also serve as the Election Committee.
- 2) In November, one month prior to the annual election in December, the Nominating Committee shall bring forth to the membership their nominee recommendations.
- 3) At the November meeting, after the Nominating Committee has made their nominations, the President will open the floor for any other nominations from the members present. Each nominee will have their name prepared on the ballot, provided they have paid the required association fees, as set forth in the Bylaws.
- 4) The election will be held at the INDIAN SPRINGS COMMUNITY CENTER/TOTEM POLE LODGE on the second Saturday of December. Election will START at 10:00A.M. and CLOSE at 2:00P.M. NO BALLOTS WILL BE GIVEN OUT AFTER 2:00P.M.

- 5) Ballots will be prepared listing all persons nominated, including a space for "write-ins". A list of eligible voters shall be maintained throughout the voting process.
- 6) On Election Day, each voting property owner will sign for their ballots. Proper identification must be presented.
- 7) The Election Committee shall have control of the ballots on the day of election and shall be responsible for tabulation of all ballots cast and reporting results of the election.

C. ABSENTEE VOTING

The following rules will apply to absentee voting:

- 1) Absentee ballots must be requested in writing from the Secretary by property owners.
- 2) The Secretary will maintain a list of all property owners who have requested a ballot. Ballots will not be noted with any indentifying marks, other than the Indian Springs Lake Estates Property Owners Association, Inc. seal.
- 3) Upon request by the property owner, the Secretary will mail an absentee ballot along with a copy of procedures for returning the ballot to be counted.
- 4) The following will be mailed to any property owner who has requested, in writing, an absentee ballot:
 - a. One (1) copy of the procedures for casting an absentee ballot.
 - b. One (1) absentee ballot (this is the same ballot used by the owners voting at the Community Center) that has been stamped with the Association seal.
 - c. One (1) plain, white envelope with the address of the Association for mailing all required documentation.
 - d. One (1) plain, white envelope with no markings on the outside.
 - e. One (1) plain, white envelope with a "PROPERTY OWNER'S SIGNATURE" line on the outside.
- 5) The following instructions will be noted on the absentee ballot:

- a. The completed ballot is to be placed inside the unmarked envelope and sealed;
 - b. The unmarked envelope is to be placed in the envelope with "Property Owner's Signature" on the outside and sealed;
 - c. The PROPERTY OWNER is to sign this envelope;
 - d. All of this will be placed inside the self addressed envelope and mailed to the Association.
 - e. Once received by the Secretary, the first envelope will be opened and the signature on the outside of the second envelope will be verified against the original letter requesting the ballot. This envelope will then be opened and the plain white envelope (containing the ballot) will be placed in the ballot box.
- 6) All absentee ballots MUST BE RETURNED IN THE ENVELOPE PROVIDED AND RECEIVED by the Secretary NO LATER THAN THURSDAY, two days prior to the election. Ballots received after this day WILL NOT BE COUNTED IN THE ELECTION.
- 7) All returned ballots MUST REMAIN IN SEALED, UNMARKED ENVELOPES until the ballots are given to the Election Committee for counting.

D. INSTALLATION OF DIRECTORS

New Directors will be installed at the Annual Indian Springs Lake Estates Property Owners Association meeting held on the second Saturday in January.

ARTICLE III

Board members are required to attend all association meetings.

With the exception of the President, all board members are eligible to vote on any board matter.

The President shall be permitted to vote in the event a tie.

A Quorum of the Board of Directors shall consist of five (5) members (not including the President) being present at all meetings of The Association.

The duties expected and required of elected officers are as follows:

A. PRESIDENT

- 1) The President will preside over all meetings of The Association.
- 2) The President may appoint committees, as deemed necessary.
- 3) The President will look after the general welfare of the association.
- 4) The President will present the findings of the Board of Directors to the membership for any expenses not covered in the regular, daily operation of The Association.
- 5) The President may appoint a Parliamentarian and/or Sergeant at Arms, as needed. These positions serve at the discretion of the Board of Directors.

B. VICE PRESIDENT

- 1) The Vice President will assist the President and assume the duties of the President in the event the President is absent for any reason. In the case of the President's resignation before his/her term expires, the Vice President will be moved to the President's position to finish out the unexpired term.
- 2) The Vice President will assume all other duties necessary in the absence of the President or as assigned by the President.

C. SECRETARY

- 1) The Secretary will be responsible for taking, preparing (in a written format), and maintaining a record of minutes of all meetings.
- 2) The Secretary will be responsible for handling all correspondence, phone calls, etc. as requested by the President or Board of Directors including, but not limited to, mailing out Association Fee reminders.
- 3) The Secretary will be responsible for maintaining a list of membership and committees that may be in operation.

- 4) The Secretary will be responsible for the preparation of ballots and mailing absentee ballots as requested. (See Absentee Voting & Procedure of Election)
- 5) The Secretary will be responsible for obtaining a copy of the tax rolls to be used in the verification of property ownership. The tax roll will be requested in alphabetical order.
- 6) The Secretary will receive, open, and handle all mail and update all records.

D. TREASURER

- 1) The Treasurer will be responsible for all records regarding finances of the I.S.L.E.P.O.A.
- 2) The Treasurer will receive, deposit, and make all withdrawals of I.S.L.E.P.O.A. funds.
- 3) The Treasurer will receive all money for rent of the Community Center and keep records of rental reservations.
- 4) The Treasurer will present an accurate, up to date financial report at every monthly meeting. The Treasurer must be able to present the financial records when the President or Board of Directors requests them for review.
- 5) The Treasurer must have the financial records in proper order to be examined by an auditor every year, prior to the annual meeting in January. The reporting period will be January 1 through December 31.
- 6) The Treasurer will be assigned two other individuals as co-signers on all association checks. The Treasurer will sign the check and obtain the signature of one (1) of the designated signatories before the check will be considered as good tender.
- 7) The Treasurer will be responsible for retrieving and reporting any monies from any vending machines.

E. DIRECTORS

- 1) The Directors shall consist of four (4) members.

- 2) The Directors will consider suggestions from the membership regarding improvements to the subdivision and will discuss solutions to problems brought to the board.
- 3) The Directors will discuss the necessity and feasibility of various projects or problems to be solved.

ARTICLE IV

A. FILLING VACANCIES OF ELECTED POSITIONS

- 1) When the office of the President is vacated, the Vice President will move into the position and serve out the unexpired term.
- 2) The Board of Directors is responsible for finding a replacement for the Vice President by presenting the candidate to the body of the membership at the next regular meeting. The position shall be elected by a 2/3rds majority of the votes cast by those property owners present and in good standing. If this is not achieved, the Board of Directors must repeat this process as stated above until the position is filled.
- 3) The Board of Directors is responsible to find replacements when other elected offices are vacant. The position shall be elected by a 2/3rds majority of the votes cast by those property owners present and in good standing. If this is not achieved, the Board of Directors must repeat this process as stated above until the position is filled.

B. DURATION OF TERMS

1. All board members shall be elected for a two year term on the stagger system.
 - a. The President, Treasurer, and two (2) Directors (positions 1 & 3) shall be elected for a two year term in December of each odd year.
 - b. The Secretary, Vice President, and two (2) Directors (positions 2 & 4) shall be elected for a two (2) year term in December of each even year.
2. There is no limit as to how many consecutive terms a board member may serve.

ARTICLE V

FINANCES

- 1) Two accounts will be maintained for accounting of all income and expenditures. One account will be a checking account known as the OPERATING ACCOUNT. One account will be a savings account known as the CAPITAL IMPROVEMENTS ACCOUNT.
 - a. The OPERATING ACCOUNT will be the accounting of all income and expenses relating to the day-to-day operations of The Association.
 - b. The CAPITAL IMPROVEMENTS ACCOUNT will be the accounting of all income and expenses relating to capital improvements of The Association. Monies deposited into or withdrawn from this account will be determined as needed by a majority vote of the Board of Directors.
- 2) The two accounts as defined by ARTICLE V, Section A, Subsection 1, will be set up at the respective banking institutions to require two signatures, as designated by the Bylaws, for all checks and withdrawals.
- 3) Should the designated signatures or any other changes affecting the accounts be brought forth at any time, the appointment, approval and documentation of such will be so stated in the respective meeting minutes and must be presented to the banking institution before said change is made.

ARTICLE VI

AUDIT

1. The President shall appoint an Auditing Committee one (1) month prior to the annual meeting in January. The Auditing Committee will consist of at least two (2) people. The committee will decide who will be chairman.
2. The Auditing Committee will audit the financial records and prepare a report of findings to be presented at the annual meeting in January. The report and recommendations shall

be made by the Chairman of the Auditing Committee. The report shall be placed in the files and maintained by the Treasurer.

3. Anyone requesting an outside auditor must be willing to pay the costs of said audit.

ARTICLE VII

AMENDMENTS

1. Any requests for amendments to the Constitution and/or Bylaws must be submitted in writing to the Board for review. A report of the review (or presentation of amendment) will be presented at the next scheduled membership meeting. Any actions taken on the amendment will be in accordance with the procedures, as set forth in ARTICLE VII.
2. If an amendment is to be brought for vote, a notice must be mailed to all property owners at the last known address no less than 30 days prior to the vote.
3. Thirty (30) days prior to the next scheduled regular or special called meeting of the property owners, a notice must be posted on a community bulletin board or other conspicuous place for public view, notifying property owners of the opportunity to vote on the amendment(s).
4. A public notice must be published in the local newspaper at least thirty (30) days prior, and again at least ten (10) days prior to the scheduled regular or special called meeting of the property owners (at which the vote is to be held), notifying property owners of the opportunity to vote on the amendment(s).
5. In order for an amendment to pass, a majority of the voting property owners present at the regular or special called meeting (in which the agenda allows the opportunity to vote on the amendment) must vote in favor of the amendment.
6. If approved, any new amendment(s) will become effective as of the close of the meeting at which the vote was held.

- 7. A copy of the amendment shall be provided to the Board and placed in a historical file to maintain a history of all changes and amendments.
- 8. A copy of the Bylaws must be made available for a nominal fee to any member or prospective member upon their request.

ARTICLE VIII

ATTENDANCE

- 1. Any elected officer who fails to attend 3 consecutive association meetings may be asked to step down by the Board of Directors, at the Board's discretion. Should a position become vacated, the Board of Directors will then follow the necessary procedures to fill the vacated position, as set forth in ARTICLE IV.

ARTICLE IX

RIGHT TO ENFORCE

- 1. Board of Directors has the right and authority to set operating policies and procedures for the benefit of the Association.
- 2. The Board shall have the power to impose reasonable fines or take appropriate action against a property owner for non-payment of fees, as defined in the Operating Policies and Procedures.

FILED FOR RECORD

2010 AUG 19 AM 11:19

Schelana Walker
 SCHELANA WALKER
 POLK COUNTY CLERK

State of Texas)
 County of Polk)
 I, SCHELANA WALKER hereby certify that this instrument was FILED in the file number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records in Volume and Page of the named RECORDS OF Polk County, Texas as stamped hereon by me.

AUG 19 2010



Schelana Walker
 COUNTY CLERK
 POLK COUNTY, TEXAS