

Sunrise Shores POA
4593 Sunrise Dr.
Chandler, Texas 75758

**AMENDED AND RESTATED
BYLAWS OF THE
SUNRISE SHORES PROPERTY OWNERS' ASSOCIATION**

This version of the Bylaws has been reviewed and approved by the Association Board of Directors. This version, of the date signed below, supersedes all prior versions.

WHEREAS, Article VII, Section 6 of the Bylaws of the Sunrise Shores Property Owners Association, Inc. recorded 19 October 2021 provides that the Bylaws may be amended by the Board of Directors; and

WHEREAS, on the 5th day of May, 2022 a meeting of the Board of Directors of the Association was held in accordance with the Bylaws of the Association and at such meeting, a certain restatement of, and amendments to, the Bylaws were proposed to be considered and voted upon; and

WHEREAS, the restatement of and amendments to the Bylaws, as set forth hereinafter with specificity, were approved by the Board of Directors represented at the Meeting.

THEREFORE, the Bylaws of the Association are hereby amended and restated as follows in this document with all previous versions superseded;

State of Texas, County of Henderson
This instrument was acknowledged before me on 5/17/2022 by Christi Huckabee a
President of the Sunrise Shores POA.

For the Association:
President:



5/17/2022


Sunrise Shores Property Owners Association



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ARTICLE 1

DEFINITION

"Covenants"	Shall mean and refer to the Declaration of Covenants, Conditions and Restrictions for the Sunrise Shores Property Owners' Association, and any legal amendments and restatements thereof or supplements thereto made in accordance with its terms.
"Bylaws"	Shall mean and refer to the Bylaws for the Sunrise Shores Property Owners Association and any amendments, or further restatements thereof, made in accordance with its terms.
"Association"	Shall mean and refer to the Sunrise Shores Property Owners' Association, Inc., a Texas not-for-profit corporation.
"Properties"	Shall mean and refer to the real property recorded in the subdivision map of the Property, and such additions thereto as may be brought within the jurisdiction of the Association and be made subject to the Covenants.
"Common Areas"	Shall mean and refer to: <ul style="list-style-type: none">(a) The wall(s), columns, and landscaping, as shown on the recorded subdivision map of the Property;(b) The boat ramps, docks, playground, firehouse, tennis court and community center;(c) The streets, parkways, and entry area; and(d) Any and all public right-of-way lands for which the County of Henderson has required that the Association expend private, non reimbursable time and monies to care for and maintain, such as but not limited to: streets, street medians, streetscape.
"Lot"	Shall mean and refer to any plot of land indicated upon the recorded subdivision map of the Property creating single-family home sites with the exception of the Common Area and areas deeded to a governmental authority or utility, together with all improvements thereon.
"Unit"	Shall mean and refer to any residential dwelling situated upon any Lot
"Resident"	Shall mean and refer to the owner of record, whether one or more persons or entities, of a fee simple title to any Lot.
"Board of Directors"	Shall mean and refer to those individuals duly elected or appointed to serve the community for the purpose of maintaining the common properties, implementing the Covenants, and Bylaws.
"Officers"	Shall mean and refer to those individuals duly elected by the Board of Directors to assist in the operation of the Association.
"Committees"	Shall mean and refer to groups of residents appointed to manage specific elements of the operation of the Association.
"Shall"	Shall mean and refer to a mandatory condition.
"Should"	Shall mean and refer to a non-mandatory condition that is desirable.

ARTICLE II HOMEOWNERS ASSOCIATION, INC.

Section 1 Principle Office

The principle office of the corporation shall be located in the Sunrise Shores Subdivision in the County of Henderson.

Section 2 Members

All owners of real property within the Sunrise Shores Subdivision are members of the Association.
Membership in the Association is transferable upon sale of real property within the Subdivision.

Section 3 Association Purpose

The Developer established the Sunrise Shores Property Owners' Association in order to promote a community that is attractive, well maintained, and a desirable place to live without undue infringement on personal ownership rights.

These Bylaws establish principles and rules to guide the Association in accomplishing that purpose.

Section 4 Annual Meetings

An annual meeting of the members shall be held on a date and time following Labor Day of each year as specified in a proper Notice of Meeting by the Board of Directors.

Another annual meeting of the members shall be held at a date and time following the month of January established in a proper Notice of Meeting by the Board of Directors to present the past year's financials for review and other items as determined by the Board.

An annual budget must be presented and approved by association members at an annual meeting.

Section 5 Special Meetings

Special meetings of the members may be called at any time by the President, by the Board of Directors, or upon written request of the members.

Section 6 Notice of Meetings

Owners shall be given notice of the date, hour, place, and general subject of a regular, special, or Board meeting including a general description of any matter to be brought up for deliberation in executive session. The notice shall be:

- (a) Mailed to each property owner not later than the tenth (10th) day or earlier than the sixtieth (60th) day before the date of the meeting; or
- (b) Provided at least one hundred and forty-four (144) hours, or six (6) days, before the start of the meeting by:

- (1) Posting the notice in a conspicuous manner reasonably designed to provide notice to property owners' association members:
 - i In a place located on the association's common property or, with the property owner's consent, on other conspicuously located privately owner property within the subdivision; or
 - ii On any Internet website maintained by the association or other Internet media; and
- (2) Sending the notice by e-mail to each owner who has registered an e-mail address with the association.
- (3) Annual Meeting Notice must be mailed to all Property Owners in accordance with 6a.

Section 7 Quorum

A minimum quorum is not required at any meeting intended to communicate with the association members or to present status, such as an annual meeting.

At any meeting requiring an association vote, the presence of members entitled to vote one tenth (1/10) of the votes of the association, either in person or by signed proxy shall constitute a quorum.

If the required quorum is not present, subsequent meetings may be called subject to the same notice requirement, and the required quorum at such subsequent meeting shall be two-thirds (2/3) of the quorum requirement for such prior meeting.

The Association may call as many subsequent meetings as may be required to achieve a quorum with the quorum requirement being reduced for each such meeting in accordance with the provisions of the preceding paragraph.

At any meeting requiring a vote for election of a board member, if the quorum requirements above are not met, the Secretary will announce that the required quorum of members has not been met and the President shall immediately call to order a meeting of the Members for the sole purpose of electing board members.

In such meeting the members present in person or by proxy shall constitute a quorum for the election of board members. No other business shall be conducted at such a meeting.

Section 8 Proxies

At all meetings of members, each member may vote in person or by signed proxy.

A signed proxy shall include all items being voted on and shall enable the member to vote his preference with regard to each item separately or to assign his rights to a member of the Association specified on the signed proxy.

Any signed proxy assigning a vote to a member other than the owner, must be signed by the owner.

A proxy shall be valid for not more than one (1) year.

Every signed proxy shall be revocable and shall automatically cease upon conveyance by the member of his vote in attendance at a meeting.

Section 9 Vote Process

A listing of all items to be voted on shall be sent to the residents at least fifteen (15) to sixty (60) days prior to the meeting at which such items will be voted upon.

The members, either in person or by their signed proxy, may cast one vote per lot owned with respect to each issue submitted for vote.

Any issue presented for approval by vote of the Association must have a majority of the quorum present at a meeting called for that purpose in favor to be approved.

Any vote to change the Covenants, Conditions, and Restrictions required the votes of the entire Association as described therein.

Section 10 Vote Validation

Any member may request an independent validation of the results of any vote, including proxies, provided the request is made in writing to the Board not later than five (5) days following the announcement of the results of an election.

The validation, if requested, must be completed within fifteen (15) days of the request and be made available to all members before the results of the election are declared official.

Any costs incurred as a result of the validation process shall be incurred by the requestor unless the vote is determined to be fraudulent in which case the Association funds the costs.

Section 11 Annual Assessments

The regular annual assessment shall be \$54.00 for the first lot and \$36.00 for each additional lot(s) owned by the same owner.

Section 12 Changes to Annual Assessments

Annual assessments may be changed by a vote of fifty one percent (51%) of the total votes of the Community, either in person or by proxy, at a meeting called for the purpose of changing the assessments.

The Board must present the rationale for any such change in the notice of meeting.

Changes to the assessments must be published to all owners and maintained for review by the members of the Association.

ARTICLE III BOARD OF DIRECTORS

Section 1 Number

A Board of seven (7) Directors shall manage the affairs of the Association. The minimum number of Board members shall be three (3).

All members of the Board shall be members of the Association.

Section 2 Nomination

The Board shall solicit volunteers from the owners to serve in any available positions by providing notice to the owners at least fifteen (15) days prior to date ballots are submitted.

Volunteers shall submit a written statement indicating their interest, willingness to serve, and a summary of their qualifications.

The Board shall make available to the residents a list of the present vacancies and statements from the volunteers to enable the residents to review the candidates with notice of meeting and proxy forms.

Section 3 Election

Election to the Board of Directors shall be by ballot or signed proxy cast at an annual meeting.

In the event that more than one vacancy is being filled, the persons receiving the largest number of votes shall be elected.

In the event of a tie, a runoff election between the tied candidates shall be held immediately at the same meeting. The results of the votes cast by the members in attendance at the meeting shall determine the person elected.

Section 4 Term

Members of the Board shall serve for a maximum of three (3) years without standing for reelection.

If there are vacancies due to term limits and no volunteers have been indentified, the term limit shall not be applicable.

Section 5 Resignation and Removal – Board Member

Any Board member may resign at any time by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein.

Section 6 Vacancy – Board Member

In the event of resignation of a director, his successor shall be selected by the remaining members of the Board at a properly noticed open meeting for that purpose and shall serve until the next annual meeting.

Section 7 Compensation

No director shall receive compensation, directly or indirectly, 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.

ARTICLE IV MEETING OF DIRECTORS

Section 1 Regular Meetings of the Board

Meetings of the Board of Directors where formal actions are considered require a quorum of the board and shall be held, at such place (or by telephonic conference) and hour as may be fixed from time to time by the Board.

Regular and special board meetings must be open to owners except at a Board declared executive session.

A closed executive session may be held to consider actions involving personnel, pending or threatened litigation, contract negotiations, enforcement actions, confidential communications with the property owners' association's attorney, matters involving the invasion of privacy of individual owners, or matters that are to remain confidential by request of the affected parties and agreement of the board.

Following an executive session, any decision made in the executive session must be summarized orally and placed in the minutes, in general terms, without breaching the privacy of individual owners, violating any privilege, or disclosing information that was to remain confidential at the request of the affected parties.

The oral summary must include a general explanation of expenditures approved in executive session.

Section 2 Restriction on Board Activity

The board may not, without prior notice to owners under Article 2, Section 6, consider or vote on:

- (a) Fines;

- (b) Damage assessments;
- (c) Initiation of foreclosure actions;
- (d) Initiation of enforcement actions, excluding temporary restraining orders or violations involving a threat to health or safety;
- (e) Increases in assessments
- (f) Levying of special assessments;
- (g) Appeal from a denial of architectural review approval;
- (h) A suspension of a right of a particular owner before the owner has an opportunity to attend a board meeting to present the owner's position, including any defense, of the issue;
- (i) Lending or borrowing money;
- (j) Adoption or amendments of a dedicatory instrument;
- (k) Approval of an annual budget or increases to the budget;
- (l) Acquisition, by purchase, donation, or sale of real property;
- (m) Filling of a vacancy on the board;
- (n) Construction of capital improvements other than repair of existing capital; and / or;
- (o) Election of an officer.

Section 3 Meetings Requested by Members

Any member or group of members may request a meeting with the Board of Directors at a time and place convenient to both the Board and Members for the purpose of discussion of topics concerning the Association.

Section 4 Quorum of the Board

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 notified and held open meeting at which a quorum is present shall be regarded as the act of the Board.

Section 5 Absence from Duty

The Board may declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors without just cause.

Section 6 Action Taken Without a Meeting

The directors shall have the right to take any budgeted action in the absence of a board meeting by obtaining approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 1 Enumeration of Officers

The officers of the Association shall be a President, Vice President, Treasurer, and a Secretary and a maximum of three (3) Members at Large who shall at all times be members of the Board of Directors.

Section 2 Election of Officers

The appointment of officers shall take place at the first meeting of the Board following each annual meeting of members. Property Owners elect Board and elected Board selects officers.

Officers shall be elected by a majority vote of the Board.

Section 3 Special Appointments

The Board may appoint such other advisors as the affairs of the Association may require, each of whom shall serve, have such authority, and perform such duties as the Board may determine.

Section 4 Resignation and Removal – Officer

Any officer may resign from office at any time by giving written notice to the Board, the President, or the Secretary:

Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein.

The Board may remove any Officer from office, with or without cause, by majority vote of the Board.

Section 5 Vacancy – Officer

A vacancy in any office shall be filled by agreement from existing members of the Board.

The officer elected to such vacancy shall serve until the first meeting of the Board following the annual meeting of the members.

Section 6 Annual Budget

The Board shall present an annual budget at an annual meeting of members. Once approved by a quorum of membership, Board is authorized to operate within confines of approved budget.

Section 7 Officer – Board Member Duties

The duties of the Board members are as follows:

- (a) The President shall:
 - (i) Preside at all meetings of the Board;
 - (ii) See that orders and resolutions of the Board are carried out;
 - (iii) Sign all leases, mortgages, deeds, and other written instruments; and
 - (iv) Preside over all checks and promissory notes.

- (b) The Vice-President shall:
 - (i) Act in the place and stead of the President in the event of his absence, inability or refusal to act; and
 - (ii) Exercise and discharge such other duties as may be required of him by the Board.

- (c) The Treasurer shall:
 - (i) Receive and deposit in appropriate bank accounts all monies of the Association;
 - (ii) Disburse such funds as directed by resolution of the Board;
 - (iii) Keep proper books of account;
 - (iv) Cause the annual report of the Association books to be made at the completion of each fiscal year; and
 - (v) Prepare a statement of income and expenditures to be presented to the membership and make a copy available to the members.
 - (vi) Prepare and present to membership an annual budget for approval by members at annual meeting.

- (d) The Secretary shall:
 - (i) Record the votes and keep the minutes of all meetings and proceedings of the Board and of the members;
 - (ii) Serve notice of meetings of the Board and of the members;
 - (iii) Keep appropriate current records showing the members of the Association together with their addresses; and
 - (iv) Perform such other duties as required by the Board.

- (e) The Board Member at Large shall:
 - (i) Perform duties as required to support the other Board members.

Section 8 Contracting for Services

Any intent to contract for products or services that cost more than three thousand dollars (\$3,000) shall require solicitation of bids in accordance with an established bid process.

All other contracting services shall be managed by the Board.

ARTICLE VI COMMITTEES

Section 1 Committee Charter

It shall be a function of each committee to act on behalf of the Association for the purposes specific to each committee's charter. In this role, the committee shall be charged with development of its organization, policy, execution of tasks related to its field of responsibility, and to work with the Board of Directors.

The committee shall also receive suggestions from members on any matter involving Association duties and activities within its field of responsibility. It shall dispose of any such suggestion, as it deems appropriate or refer it to such other committee, director, or officer of the Association as is further concerned with the matter presented.

Section 2 Committee Types

The Board of Directors may appoint committees as it deems appropriate, which may include, but not by way of limitation, the following:

- (a) A Recreation Committee to address matters pertaining to recreational program and activities of the Association as well as managing the Community Center and potential fund-raising activities;
- (b) A Maintenance Committee to address matters pertaining to maintenance, repair, and improvement of the Common Areas;
- (c) A Neighborhood Watch and Security Committee to address matters pertaining to the safety and security concerns in the community;
- (d) A Publicity Committee to inform the members of all activities and functions of the Association. This committee will also make public releases and announcements only as requested by the Board.

Membership on a committee shall be open to any resident desiring to contribute to said committee.

ARTICLE VII DOCUMENTATION OF THE ASSOCIATION

Section 1 Association Records

The books and records of the Association, including financial records, shall be open to and reasonably available for examination by an owner, or a person designated in writing and signed by the owner as the owner's agent, attorney, or certified public accountant.

An owner is entitled to obtain from the Association copies of information contained in the books and records. An owner, or the owner's authorized representative, must submit a written request for access or information by

certified mail, with sufficient detail describing the books and records requested, to the mailing address of the Association.

The request must contain an election either to inspect the books and records before obtaining copies, or to have the Association forward copies of the requested books and records.

- (a) If an inspection is requested, the Association, on or before the tenth (10th) business day after the date the association receives the request, shall send written notice of dates during normal business hours that the owner may inspect the requested books and records to the extent those books and records are in the possession, custody, or control of the association; or
- (b) If copies of identified books and records are requested, the association shall, to the extent those books and records are in the possession, custody, or control of the association, produce the requested books and records for the requesting party on or before the tenth (10th) business day after the date the association receives the request, except as otherwise provided by this section.

If the Association is unable to produce the books or records requested on or before the tenth (10th) business day after the date the association receives the request, the association must provide to the requestor written notice that:

- (a) Informs the requestor that the association is unable to produce the information on or before the tenth (10th) business day after the date the association received the request; and
- (b) States a date by which the information will be sent or made available for inspection to the requesting party that is not later than the fifteenth (15th) business day after the date notice under this subsection is given.

If an inspection is requested or required, the inspection shall take place at a mutually agreed on time during normal business hours, and the requesting party shall identify the books and records for the Association to copy and forward to the requesting party.

The Association may produce books and records requested under this section in hard copy, electronic, or other format reasonably available to the Association.

Section 2 Attorney Files and Records

An attorney's files and records relating to the Association, excluding invoices requested by an owner, are not records of the association and are not subject to inspection by the owner or production in a legal proceeding.

If a document in an attorney's files and records relating to the Association would be responsive to a legally authorized request to inspect or copy association documents, the document shall be produced by using the copy from the attorney's files and records if the Association has not maintained a separate copy of the document.

This subsection does not required production of a document that constitutes attorney work product or that is privileged as an attorney-client communication.

Section 3 Protected Files and Records

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, or an owner's contact information other than the owner's address.

Section 4 Costs for Production of Records

The Association may charge the owner for records reproduction an amount that covers, but does not exceed, the reasonable cost to produce the requested records.

These costs may include the cost of copying, media, and if required, attorney fees associated with the reproduction.

Section 5 Retention of Records

The Association shall maintain the following records as a minimum:

- (a) Certificates of formation, Articles of Incorporation, Bylaws, Restrictive Covenants, any dedicatory instruments, and all amendments to any of these documents shall be retained permanently.
- (b) Any decisions of the ARC, waivers, or approvals with regard to properties shall be retained for seven (7) years;
- (c) Financial books and records shall be retained for seven (7) years;
- (d) Account records of current owners shall be retained for five (5) years;
- (e) Contracts with a term of one year or more shall be retained for four (4) years after the expiration of the contract term;
- (f) Minutes of meetings of the owners and the board shall be retained for seven (7) years;
- (g) Copies of voting records shall be retained for seven (7) years;
- (h) Copies of violation reports shall be retained for five (5) years; and
- (i) Tax returns and audit records shall be retained for seven (7) years.

Section 6 Amendments

These Bylaws may be amended by an instrument signed by the President of the Association following approval by fifty one percent (51%) of the votes of the Board members at an open meeting called for that purpose. The Board of Directors shall notify all members of the Association of any such change prior to amending this document.

Section 7 Conflicts

In the case of any conflict between the Articles of Incorporation and the Bylaws, the Articles shall control.

ARTICLE VIII GRAMMAR AND HEADINGS

Section 1 Grammar

The singular, wherever used herein, shall be construed to mean the plural when applicable, and necessary grammatical changes required to make the provision thereof apply either to corporations of individuals, men or women, shall in all cases be assumed as though fully expressed.

Section 2 Headings

The headings contained herein are for reference purposes only and shall not in any way affect the meaning or interpretation of this Bylaw.

IN WITNESS WHEREOF, I submit that we have approved the contents effective as of the 17th day of May, 2022.

For the Association: Christi Huckabee
President

