

AFTER RECORDING PLEASE RETURN TO:

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**FIRST AMENDMENT TO BYLAWS
OF
EVERGREEN AT TOBIN HILL HOMEOWNERS ASSOCIATION, INC.**

[A Texas Non-Profit Corporation]

Cross reference to that certain Declaration of Evergreen at Tobin Hill Condominiums, recorded as Document No. 20210223757, Official Public Records of Bexar County, Texas; Bylaws of Evergreen at Tobin Hill Homeowners Association, Inc. recorded as Document No. 20220031469 in the Official Public Records of Bexar County, Texas.

**FIRST AMENDMENT TO BYLAWS
OF
EVERGREEN AT TOBIN HILL HOMEOWNERS ASSOCIATION, INC.**

This First Amendment to the Bylaws of Evergreen at Tobin Hill Homeowners Association, Inc., (the "**Amendment**") is made by the Board of Directors of Evergreen at Tobin Hill Homeowners Association, Inc. (the "**Board of Directors**") and is as follows:

RECITALS:

A. WHEREAS, Evergreen at Tobin Hill Homeowners Association, Inc. (the "**Association**"), a Texas nonprofit corporation, was established and is governed by that certain Declaration of Evergreen at Tobin Hill Condominiums, recorded as Document No. 20210223757, Official Public Records of Bexar County, Texas; together with all amendments, supplements, and annexations (collectively the "**Declaration**");

B. WHEREAS, the Association is further subject to and governed by that certain Bylaws of Evergreen at Tobin Hill Homeowners Association, Inc. recorded as Document No. 20220031469 in the Official Public Records of Bexar, Texas as amended from time to time (collectively the "**Bylaws**").

C. WHEREAS, The Board of Directors desires to Amend the Bylaws as further provided herein;

D. WHEREAS, Section 22.102 of the Texas Business Organizations Code provides that the Board of Directors of a nonprofit corporation may amend or repeal its bylaws, or adopt new bylaws, unless Chapter 22 of the Texas Business Organizations Code or the nonprofit corporation's articles of incorporation wholly or partly reserves the power exclusively to the nonprofit corporation's members;

E. WHEREAS, the Association's Articles of Incorporations omits provisions that reserve power to amend its Bylaws in whole or in part to the members of the Association;

F. WHEREAS, in accordance with the authority vested in the Board of Directors by Section 22.102 of the Texas Business Organizations Code, the Secretary of the Association hereby certifies that this Amendment to the Bylaws of Evergreen at Tobin

Hill Homeowners Association, Inc., was approved by a majority vote of the Board of Directors at a meeting conducted on the 27th day of October, 2025.

NOW THEREFORE BE IT RESOLVED, the Bylaws are hereby amended as follows:

1. *Article 2, Section 2.3* of the Bylaws entitled "**ELECTION**" is hereby deleted in its entirety and replaced wholly with the following:

2.3 ELECTION: Pursuant to Section 82.103(e) of the Act, the Unit Owners shall elect a Board of Directors consisting of at least three (3) members who need not be Unit Owners. Nomination for election to the Board of Directors shall be made by a Member who desires to run for election to that position upon his/her filing with the Board of Directors a written candidacy solicitation notice. The Association shall distribute calls for candidates at least thirty (30) days prior to the meeting. The voting rights of an Owner may be cast or given as designated by the Board of Directors, such permitted methods include: (1) in person or by proxy at a meeting of the Association; (2) by absentee ballot; or (3) by electronic ballot. Any vote cast in an election or vote by a Member of the Association must be in writing and signed by the Member. Electronic votes constitute written and signed ballots. The election of Directors will be conducted at the annual meeting of the Association, at any special meeting called for that purpose. Any such meeting of the Association may be held by any method of communication, including electronic and telephonic pursuant to Section 82.108 of the Act.

2. **Miscellaneous**. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Bylaws. Unless expressly amended by this instrument, all other terms and provisions of the Bylaws shall remain in full force and effect as written and is hereby ratified and confirmed.

3. **Effective Date**. This First Amendment to the Bylaws of Evergreen at Tobin Hill Homeowners Association, Inc. shall be effective upon its recording in the Official Public Records of Bexar County, Texas.

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File Information

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STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 10/28/2025 9:46 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk