

***** Electronically Recorded Document *****

Midland County

Alison Haley

County Clerk

Midland County Clerk Unofficial Copy

Document Number: 2017-19469

Recorded As: ERX-RECORDING

Recorded On: June 30, 2017

Recorded At: 03:23:20 pm

Number of Pages: 4

Recording Fee: \$34.00

Parties:

Direct-

Indirect- NOT REQUIRED

Receipt Number: 541213

Processed By: Vangie Montemayor

Midland

Midland County Clerk Unofficial Copy

*** THIS PAGE IS PART OF THE INSTRUMENT ***

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.



State of Texas
County of Midland

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the named RECORDS of Midland County, Texas as stamped hereon.

County Clerk
Midland County, Texas

Midland

MISSION ESTATES PROPERTY OWNERS' ASSOCIATION
THIRD AMENDMENT TO THE BY-LAWS

THE STATE OF TEXAS

COUNTY OF MIDLAND/ECTOR

On June 29, 2017, a majority of the Board of Directors of MISSION ESTATES PROPERTY OWNERS' ASSOCIATION (the "Association"), a Texas Non-Profit Corporation pursuant to Chapter 21 of the Texas Business Organizations Code, voted to adopt the following Third Amendment to the By-Laws of the Association:

WHEREAS, in 1983, the Association caused to be executed and adopted that certain document titled By-Laws of MISSION ESTATES PROPERTY OWNERS' ASSOCIATION, a Texas Non-Profit Corporation; and

WHEREAS, on two (2) prior occasions, the Association caused to be adopted two (2) Amendments to the By-Laws of MISSION ESTATES PROPERTY OWNERS' ASSOCIATION; and

WHEREAS, Section 209.00593(a) of the Texas Property Code ("Code") provides that any board member whose term has expired must be elected by owners who are members of the property owners' association; a board member may be appointed by the board to fill a vacancy on the board; a board member appointed to fill a vacant position shall serve for the remainder of the unexpired term of the position; and

WHEREAS, the Association's By-Laws, including the amendments, are unclear as to the terms of the Directors thereby potentially preventing the Association from having a proper election of Directors each year; and

WHEREAS, the Association's has, from time to time, difficulty establishing quorum at the Annual Meeting thereby potentially preventing the Association from having a proper election; and

WHEREAS, Section 209.00593(b) of the Code provides that a board of a property owners' association may amend the bylaws of the property owners' association to provide for elections to be held as required by Subsection 209.00593(a) of the Code; and

WHEREAS, it is the desire of the Board of Directors to amend the By-Laws to ensure that elections occur during Annual Meetings each year.

NOW THEREFORE, BE IT RESOLVED THAT, in consideration of the above factors and others, MISSION ESTATES PROPERTY OWNERS' ASSOCIATION, acting through the Board of Directors, hereby adopts the following Third Amendment to the By-Laws of MISSION ESTATES PROPERTY OWNERS' ASSOCIATION:

ARTICLE II Meetings of Members, Section 6. Quorum is hereby amended to read as follows:

Section 6. Quorum. For a meeting of the members at which a Director or Directors will be elected, the members present in person or by proxy at the meeting shall constitute a quorum for the purpose of conducting elections. Except as may otherwise be provided in the Declaration or these By-Laws, the presence in person or by proxy of Members having a majority of the votes in the Association shall constitute a quorum at any meeting of the Members.

ARTICLE III Directors, Section 2. Number of Directors, is hereby amended to read as follows:

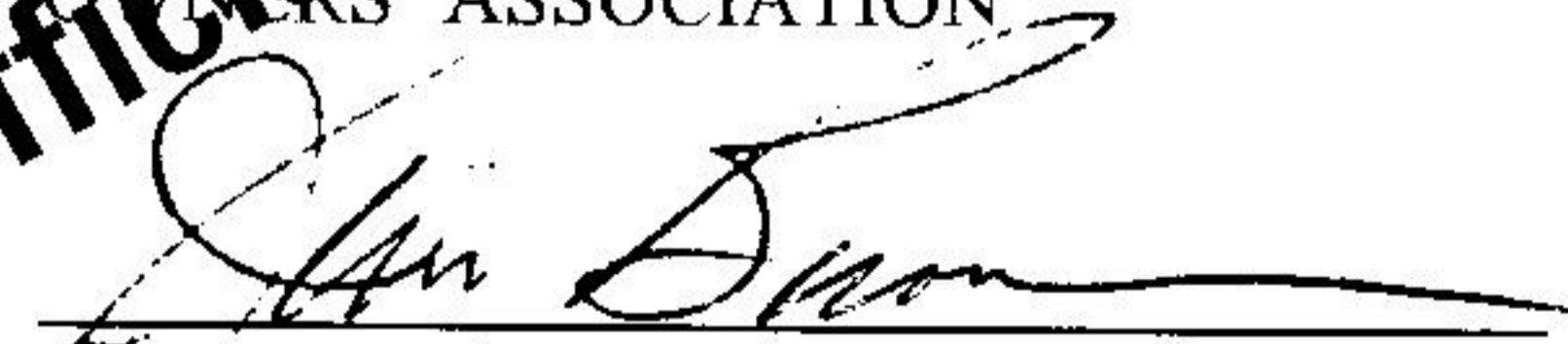
Section 2. Number of Directors. The number of Directors shall be seven (7). The number of Directors may be increased or decreased from time to time by amendment to the By-laws of the Association, provided that no decrease shall have the effect of shortening the term of any incumbent director, and further provided that the number of Directors shall never be less than three (3). The terms of the Directors shall be for three (3) years each. Starting in 2017, the terms of the Directors shall be as follows to allow for staggered terms: three (3) Directors shall serve for a term of three (3) years; two (2) Directors shall serve for a term of two (2) years; and two (2) Directors shall serve for a term of one (1) year.

IN WITNESS WHEREOF, the undersigned, being the President of the Association, hereby executed this document acknowledging that the forgoing Third Amendment to the By-Laws was approved by a majority of a quorum of the Board of Directors present in person at a regular meeting of the Board of Directors held on June __, 2017.

The undersigned has been duly authorized to execute and deliver this instrument.

Executed on this the 10 day of June, 2017.

MISSION ESTATES PROPERTY
OWNERS' ASSOCIATION

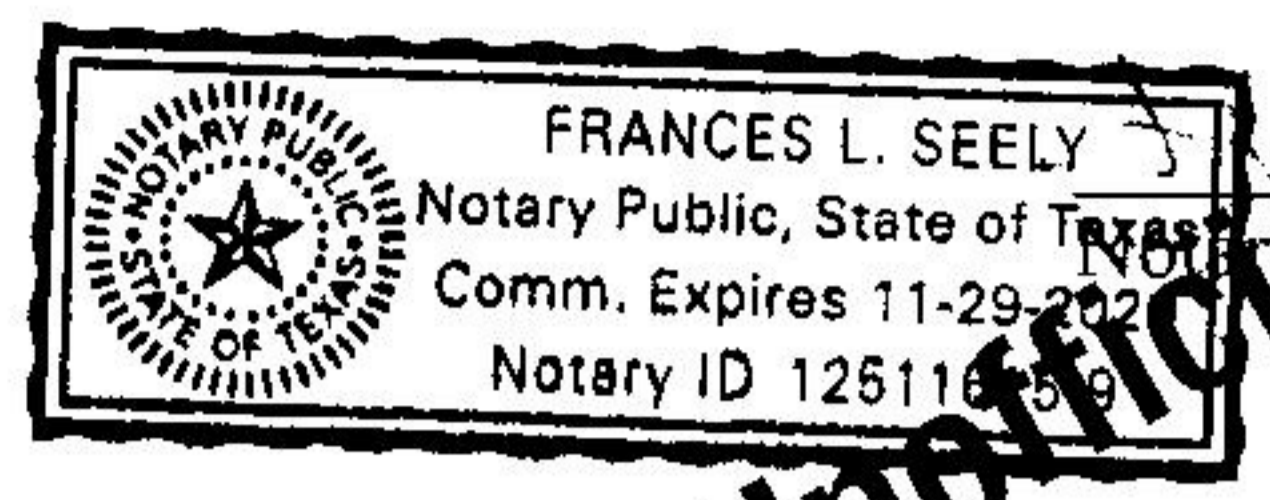

Jim Brown, President

THE STATE OF TEXAS §
COUNTY OF Midland §
§
§

ACKNOWLEDGMENT

BEFORE ME, the undersigned notary public, on this the 10th day of June, 2017, personally appeared JIM BROWN President of MISSION ESTATES PROPERTY

OWNERS' ASSOCIATION, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



Frances L. Seely
Notary Public in and for the State of Texas

E-RECORDED BY:



SEARS,
BENNETT &
GERDES, LLP

9700 Richmond Avenue, Suite 222
Houston, Texas 77043

Midland County Clerk Unofficial Copy

Midland

Outcome of the 2017 Election:

- 3 Directors elected at the Annual Meeting to a 3-year term:
 - 1.) Lee Emerson;
 - 2.) Sylvester John; and
 - 3.) Lisa Lossin.

- 2 Directors elected at the Annual Meeting to a 2-year term:
 - 1.) Garion Brunson; and
 - 2.) Tim Peden.

- 2 Directors (elected or already serving) with a 1-year term remaining:
 - 1.) Randy Lewis; and
 - 2.) Brad Ward.

Midland County Clerk Unofficial Copy

Midland