

Midland County
Alison Haley
County Clerk
Midland, Texas 79702



70 2016 00001604

Instrument Number: 2016-1604

As

Recorded On: January 20, 2016

Recording after Aug 2005

Billable Pages: 10

Number of Pages: 11

Comment: AM MOCKINGBIRD OAKS

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recording after Aug 2005	62.00
Total Recording:	62.00

***** DO NOT REMOVE. 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.

File Information:

Document Number: 2016-1604

Receipt Number: 491417

Recorded Date/Time: January 20, 2016 9:36:30A

User / Station: P Marshall - CC218

Record and Return To:

SPECTRUM ASSOCIATION MANAGEMENT

ATTN K ABLE

17319 SAN PEDRO #318

SAN ANTONIO TX 78232



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 volume and page of the named RECORDS of Midland County, Texas as stamped hereon.

County Clerk
Midland County, Texas

**PROPERTY OWNERS' ASSOCIATION 3rd AMENDED MANAGEMENT CERTIFICATE FOR
MOCKINGBIRD OAKS HOMEOWNERS ASSOCIATION, INC.**

This Management Certificate is recorded pursuant to Section 209.004 of the Texas Property Code.

State of Texas §
County of Midland §

- 1. Name of Subdivision: Mockingbird Oaks
- 2. Subdivision Location: Midland, Texas
- 3. Name of Homeowners Association: Mockingbird Oaks Homeowners Association, Inc.
- 4. Recording Data for Association: See Exhibit A of the Declaration
- 5. Recording Data for Declaration: Declaration of Covenants, Conditions, Easements, Charges, and Liens are filed at the county under 1080.Declaration 3/9/2012. DOC
- 6. Supplemental Bylaws; Certificate of Filing; Design Guidelines of February, 2011 are filed with Instrument # 2015-12018

Resolutions of the Association are attached to and filed under Instrument #2015-12018: Record Retention Policy; Record Inspection Policy; Payment Plan Policy; Membership Voting Policy; E-Mail Registration Policy; Religious Item Display Guidelines; Solar Energy Device Guidelines; Roofing Material Guidelines; Rainwater Collection Devices Guidelines; Flag Display Guidelines; Drought Resistant Landscaping and Natural turf Guidelines; Assessment Collection Policy; Violation Enforcement Policy; Application of Payments; Conflict of Interest Policy

Violation Enforcement Resolution signed on 9/29/2015 is attached to and filed with the 2nd Management Certificate.

The following are attached to and filed with this Management Certificate. Uncurable Violation Enforcement Policy; Electronic and Telephonic Action Policy; Payment Plan Policy; Standby Electric Generators

- 7. Mailing Address and Contact Information for the Association and the Managing Agent:
Spectrum Association Management, 17319 San Pedro, Suite 318
San Antonio, TX 78232
(210) 494-0659 Fax: (210) 494-0887 contact@spectrumam.com
- 8. Other information the Association considered appropriate for the governing, administration or operation of the subdivision and homeowners association: Prospective purchasers are advised to independently examine the Declaration, Bylaws, and all other governing documents of Association, together with obtaining an official Resale Certificate and performing a comprehensive physical inspection of the lot/home and common areas, prior to purchase. THE PURPOSE OF THIS CERTIFICATE IS TO PROVIDE INFORMATION SUFFICIENT FOR A TITLE COMPANY TO CORRECTLY IDENTIFY THE SUBDIVISION AND TO CONTACT THE GOVERNING ASSOCIATION. THIS CERTIFICATE DOES NOT PURPORT TO IDENTIFY EVERY PUBLICLY RECORDED DOCUMENT AFFECTING THE SUBDIVISION, OR TO REPORT EVERY PIECE OF INFORMATION PERTINENT TO THE SUBDIVISION. NO PERSON SHOULD RELY ON THIS CERTIFICATE FOR ANYTHING OTHER THAN INSTRUCTIONS FOR CONTACTING THE ASSOCIATION IN CONNECTION WITH THE TRANSFER OF TITLE TO A HOME IN THE SUBDIVISION. THE REGISTERED AGENT FOR THE ASSOCIATION IS ON FILE WITH THE TEXAS SECRETARY OF STATE.

Signed this 11 day of January, 2016
Mockingbird Oaks Homeowners Association, Inc.

Kathleen S. Able
Kathleen S. Able (of Spectrum Association Management) Managing Agent

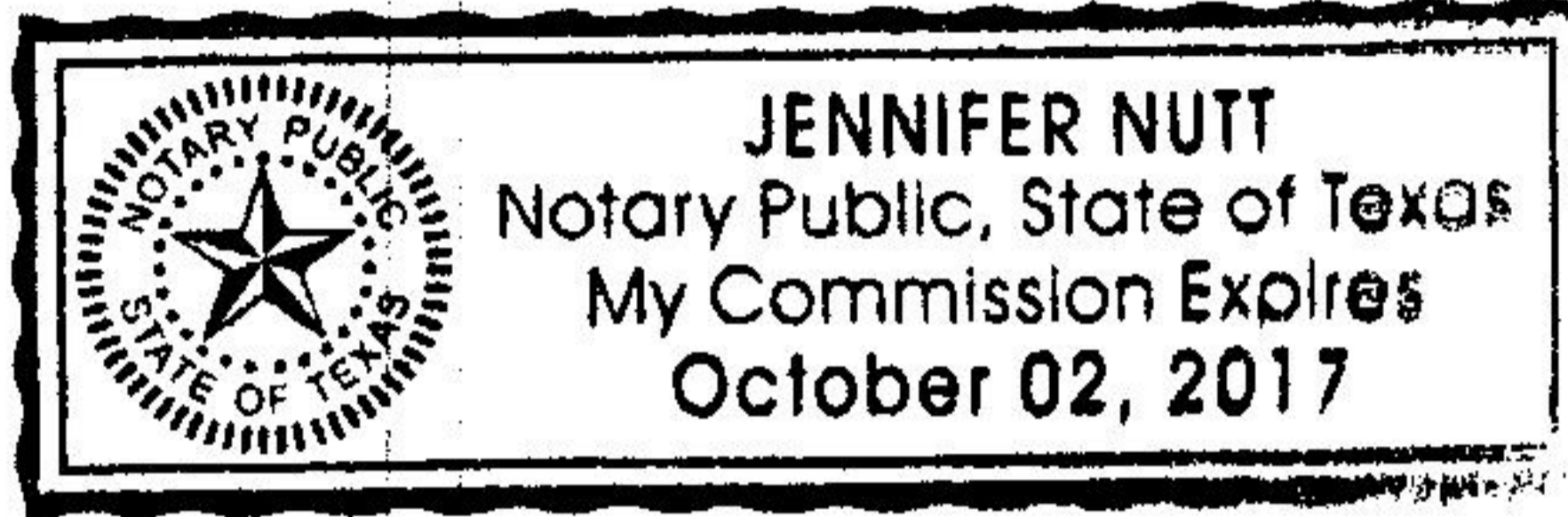
State of Texas §

County of Midland §

This Instrument was acknowledged and signed before me on 11 January, 2016 by
Kathleen S. Able, representative of Spectrum Association Management, LP, the Managing Agent for Mockingbird Oaks
Homeowners Association, Inc. on behalf of said Association.

Jennifer Nutt
Jennifer Nutt Notary Public, State of Texas

After Recording Return To:
Spectrum Association Management
Attn: K Able
17319 San Pedro, #318
San Antonio, TX 78232



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Electronic and Telephonic Action Policy for the Mockingbird Oaks Homeowners Association, Inc

STATE OF TEXAS §
COUNTY OF MIDLAND §

This Membership Voting Policy for the Mockingbird Oak Homeowners' Association, Inc (the "Policy") is adopted by the Mockingbird Oaks Homeowners Association (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, Section 209.0051(h) of the Texas Property Code was recently amended to allow the Board of Directors to take action outside of a meeting including voting by electronic or telephonic means without notice to the members; and

WHEREAS, pursuant to Section 209.0051(h), the Association desires to enact uniform procedures to ensure that for electronic or telephonic voting, each Director has a reasonable opportunity to express his or her opinion to all other board members and to cast his or her vote; and

WHEREAS, this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code 202.001,et. seq, and the Association shall have and may exercise discretionary authority with respect to these restrictive covenants;

NOW, THEREFORE, the Board of Directors hereby adopts the following Electronic and Telephonic Action Policy:

General Procedures:

- 1) Voting Quorum is defined as a majority of the Board positions currently filled.
2) Reasonable opportunity is defined as 72 hours .
3) Upon election to the Board of Directors, each Director has the responsibility to provide his or her preferred email address and phone number to the Association's managing agent and/or all other current Board members, and has the responsibility to update the email address or phone number if their preferred contact information changes.
4) At any point in time a Director may request an alternate method of voting. The Board of Directors may provide a reasonable alternative method of voting such as email, phone, fax, mail or other method agreed upon by the Board of Directors and the requesting Director.

Email Procedures:

- 1) When a matter arises for a vote of the Board of Directors for which email voting is permitted, the managing agent and/or the requesting Director shall send an email to the email address of each Director. The email will state the proposal(s) being voted on and include any pertinent information or documents necessary for the decision to be made.
2) Each Director shall be entitled to reply to all other Directors and express his or her opinion on the proposal before casting his or her vote.
3) A vote shall be considered concluded upon any of the following occurrences:
a. At least a majority of the Directors vote to approve the proposal, or
b. A Voting Quorum respond with their vote and the majority of the Voting Quorum vote in agreement on the proposal, and each director has had a reasonable opportunity to respond to email request for vote.

Telephonic Procedures:

- 1) When a matter arises for a vote of the Board of Directors for which telephonic voting is permitted, the managing agent and/or the requesting Director shall contact each Director via

- provided contact information.
- 2) Each Director shall be informed of the proposal(s) being voted on and include any pertinent information of the decision to be made. A date, time and phone number shall be provided of when the vote will occur and allow for reasonable opportunity of review by each Director.
- 3) During the telephonic conference, each Director must be able to hear and be heard by all other directors. Each Director shall be entitled to reply to all other Directors and express his or her opinion on the proposal before casting his or her vote.
- 4) A vote shall be considered concluded upon any of the following occurrences:
 - a. At least a majority of the Directors vote to approve the proposal, or
 - b. A Voting Quorum respond with their vote and the majority of the Voting Quorum vote in agreement on the proposal, and each director has had a reasonable opportunity to respond to email request for vote.

All routine and administrative business of the Association may be conducted via email or phone as permissible by law.

EFFECTIVE DATE: September 1st, 2015

Authorized Board Member Signature

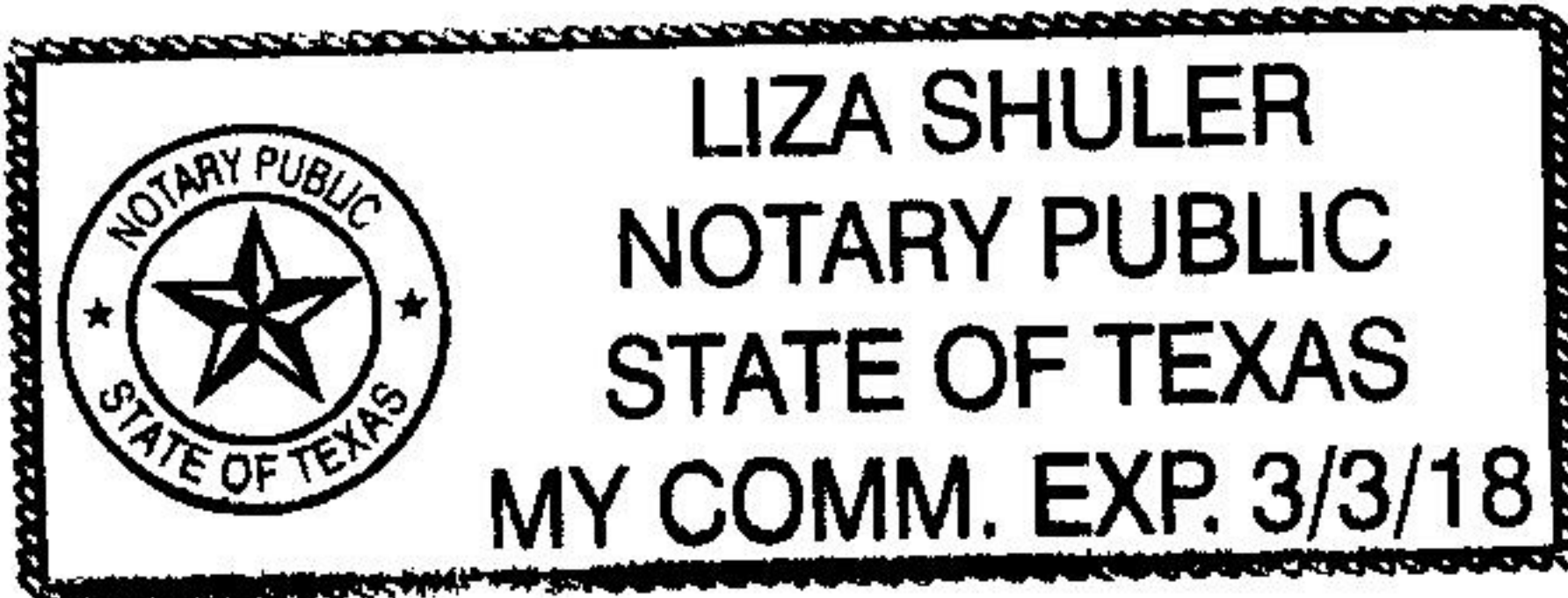
[Handwritten Signature]

Date: 12/10/2015

THE STATE OF TEXAS

COUNTY OF MIDLAND

This instrument was acknowledged before me on the 10th day of December, 2015, by William Walker, in the capacities therein stated.



[Handwritten Signature: Liza Shuler]

Notary Public, State of Texas

Association may charge an owner a reasonable cost for administering the Payment Plan (the "Administrative Costs"). Any Administrative Costs will be identified in the Payment Plan.

5.) Default

- a. Any owner who defaults under a Payment Plan shall remain in default until his/her entire account balance is brought current;
- b. There is no opportunity to cure a default under a Payment Plan;
- c. While an owner is in default of a Payment Plan issued pursuant to this Policy, payments by the owner shall be applied in the manner specified in the written payment plan agreement.

EFFECTIVE DATE: September 1st, 2015

Authorized Board Member Signature: _____

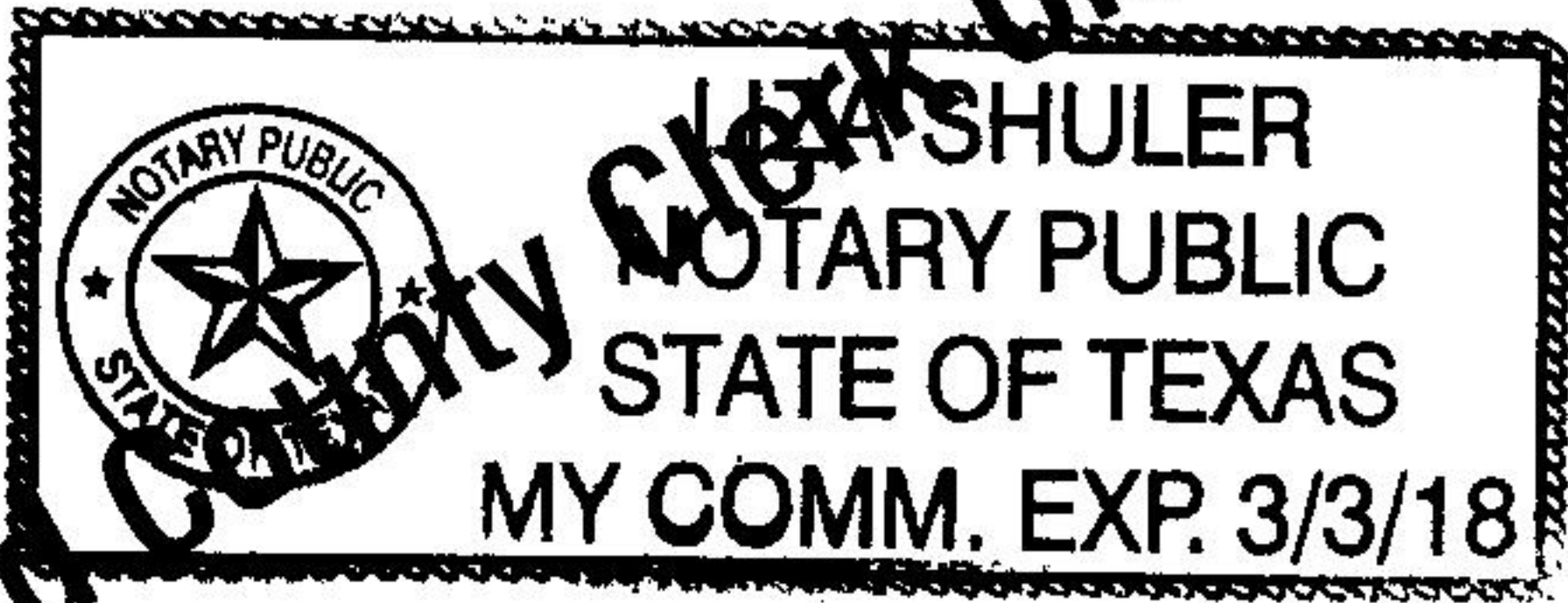
[Handwritten Signature]

Date: 12/10/2015

THE STATE OF TEXAS

COUNTY OF MIDLAND

This instrument was acknowledged before me on the 10th day of December, 2015, by William Walker, in the capacities therein stated.



[Handwritten Signature: Lisa Shuler]
Notary Public, State of Texas

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Standby Electric Generators Guidelines for the Mockingbird Oaks Homeowners Association, Inc

STATE OF TEXAS §
COUNTY OF MIDLAND §

Pursuant to the Bylaws of Mockingbird Oaks Homeowners Association, Inc (referred to as "Association") and the Declaration of Protective Covenants, the Directors of the Mockingbird Oaks Homeowners Association, a Texas non-profit corporation, consent to the adoption of the following resolution:

RE: Architectural Guidelines for Standby Electric Generators

WHEREAS:

- 1. The Texas Property Code Chapter 202 Section 202.019 prohibits associations from adopting or enforcing certain prohibitions or restrictions on standby electric generators (SEG); and,
2. Pursuant to Section 202.019 of the Texas Property Code, the Board of Directors is permitted to adopt certain limitations on standby electric generators.

BE IT RESOLVED THAT:

- 1.) In order to comply with Section 202.019 of the Texas Property Code, the Board of Directors of the Association adopts the following guidelines for standby electric generator devices:
a. The owner shall first apply to and receive written approval from the Association prior to installation of any SEG permitted by 202.019 that will be located outside of the main residential structure on the Property, in the same manner as all other submissions for approval or improvements to property.
b. The SEG must be installed by a licensed contractor in compliance with all applicable laws, governmental codes, and accepted standards, for all electrical, plumbing and fuel line connections.
c. The SEG must be installed and maintained to comply with zoning ordinances and governmental healthy, safety and other codes. If any component of the SEG or the SEG is deteriorated or unsafe then it shall be repaired, replaced or removed as appropriate.
d. The Association may restrict the location of the SEG within the guidelines of the law.
e. The Association may require the screening of SEG in public view and regulate the size, type, materials and manner of screening for SEG and systems that are visible from the street, another lot, or common area.
f. There must be sufficient areas on the owner's property to install the standby electric generator device.
g. The generator must only be used when utility-generated power is not available or intermittent to the residence for a continuous period of 6 hours or more. Once power has been restored to the residence and has been available for a continuous period of two hours, the generator may no longer be used.
2.) In the event of any conflict between these provisions and any SEG device restrictions contained in any governing documents of the Association, including design guidelines, policies and the Declaration, this Standby Electric Generator policy controls.

EFFECTIVE DATE: September 1st, 2015

Authorized Board Member Signature

[Handwritten Signature]

Date:

12/10/2015

1606

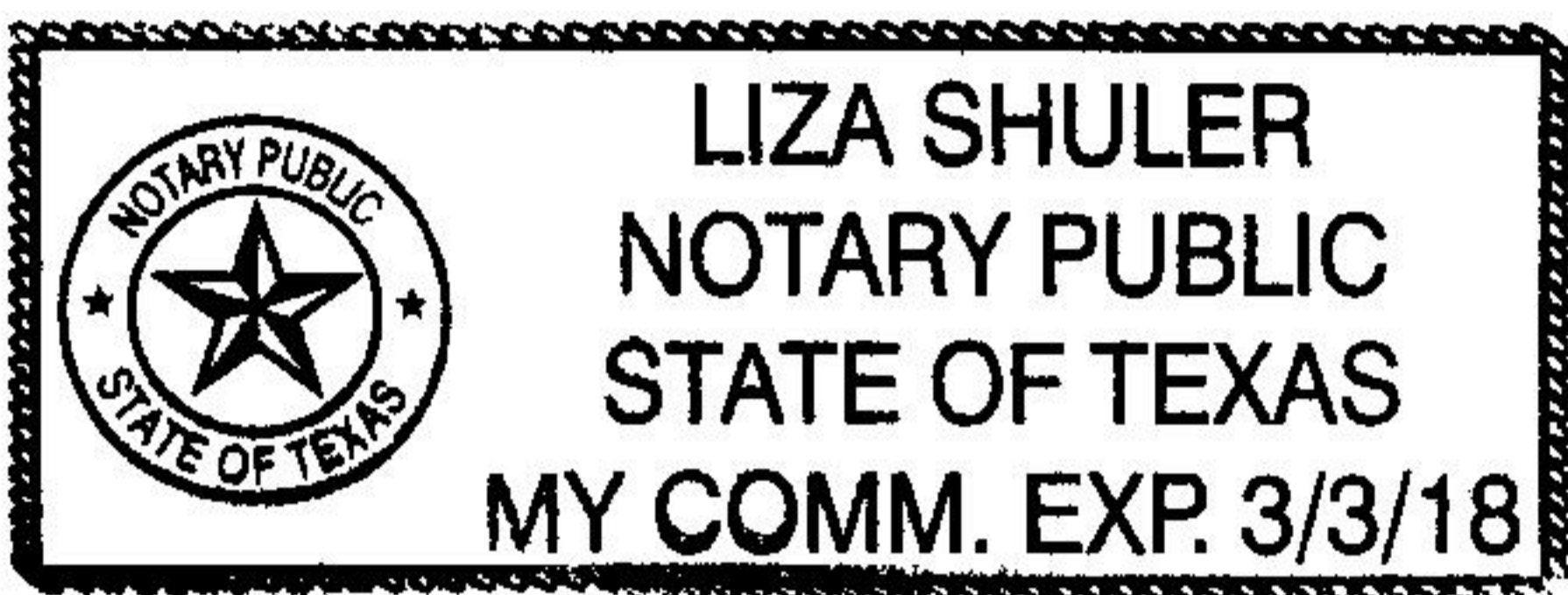
THE STATE OF TEXAS

COUNTY OF MIDLAND

This instrument was acknowledged before me on the 10th day of December, 2015, by William Walker, in the capacities therein stated.

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Liza Shuler

Notary Public, State of Texas

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Uncurable Violation Enforcement Resolution for the
Mockingbird Oaks Homeowners Association, Inc

STATE OF TEXAS §
COUNTY OF MIDLAND §

Pursuant to the Bylaws of the Mockingbird Oaks Homeowners Association, Inc (referred to as "Association") and the Declaration of Protective Covenants, the Directors of the Mockingbird Oaks Homeowners Association, a Texas non-profit corporation, consent to the adoption of the following resolution:

RE: Uncurable Violation Enforcement Policy

WHEREAS:

1. The Board of Directors is empowered to enforce the covenants, conditions and restrictions of the Covenants, Bylaws and any rules and regulations of the Association.
2. It is the Board's duty to use its best efforts to assure that said enforcement occurs. Uncurable violation is defined as: A violation that has occurred, but is not a continuous action or a condition capable of being remedied by affirmative action. The non-repetition of a one-time violation or other violation that is not ongoing is not considered to be an adequate remedy.

BE RESOLVED THAT:

1. The Board of Directors hereby adopts this Uncurable Violation Enforcement Policy to establish equitable policies for the Association in compliance with the Chapter 209 of the Texas Property Code.
2. All rules of the Association shall be enforced
3. The Violation Schedule (attached) shall be the Association's policy of enforcement of Uncurable Violations.
All other violations will be governed by the current Violation Enforcement Resolution and are not impacted by this policy.

EFFECTIVE: September 1st, 2015



Authorized Board Member

12/10/2015

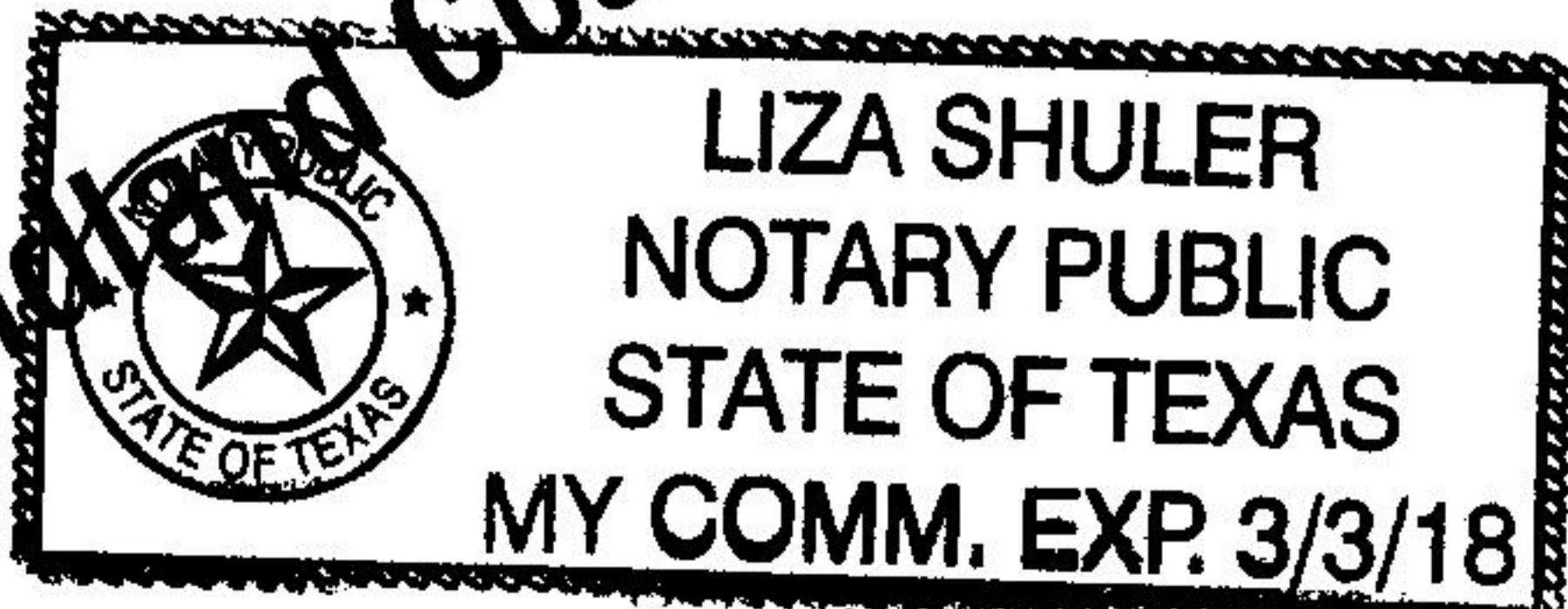
Date

THE STATE OF TEXAS

COUNTY OF MIDLAND

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<u>Violation Procedure</u>	<u>Status</u>	<u>Action Required</u>
Report Sighting: Fine Assessed and Fine Notice sent (verified mail)	Notice of applied fine and the intent to assess additional fine for any future occurrences	Owner must not repeat action or condition

General Policy

If a homeowner is in violation of an incurable violation as defined in this policy, the above table will govern action taken. All other violations will follow the Association Violation Enforcement Resolution. Incurable violation examples include, but are not limited to: shooting fireworks, an act constituting a threat to health or safety, a noise violation that is not ongoing, property damage (including the removal or alternation of landscape), and holding a garage sale or other event prohibited by the dedicatory instruments.

Attorney Procedure

The Board, in its best discretion may decide when and if an account is escalated to an attorney or other third party for enforcement. The decision to escalate an account to the attorney may be based on violation severity, prior violation history or other factors that may influence the Board of Director's decision. If allowable by law or the Association's Declaration of Covenants, all attorney's fees/court costs shall be the homeowner's responsibility and shall be charged to the homeowners account and the money due shall be subject to the Association's ordinary collection procedure, as permissible by law.

Other: This policy may be amended and/or adjusted by the Board of Directors from time to time without notice. Homeowners are advised that they should contact the management company to request the most recent version of this policy. If they have a question and/or need assistance in making payment arrangements.

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