

**AFTER RECORDING RETURN TO:**

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**FIRST AMENDMENT TO THE AMENDED AND RESTATED BYLAWS  
OF THE ARTS CONDOMINIUM OWNERS ASSOCIATION**

**Cross reference to that certain Amended and Restated Bylaws of The Arts Condominium Owners Association, recorded at Document No. 20200262722 of the Official Public Records of Bexar County, Texas.**

**FIRST AMENDMENT TO THE AMENDED AND RESTATED  
BYLAWS OF THE ARTS CONDOMINIUM OWNERS ASSOCIATION**

**RECITALS:**

A. WHEREAS, The Arts Residences (the "Arts Condominium") is a condominium regime in Bexar County, Texas established by that certain Amended and Restated Declaration of the Arts Residences, recorded at Document No. 20200262722 in the Official Public Records of Bexar County, Texas (the "Declaration").

B. WHEREAS, the Declaration establishes the Arts Condominium Owners Association (the "Association") as a condominium association for the Arts Condominium, which is governed by the Texas Uniform Condominium Act, which is codified at Chapter 82 of the Texas Property Code.

C. WHEREAS, the Association is a Texas nonprofit corporation that is governed by that certain Amended and Restated Bylaws of The Arts Condominium Owners Association, which is attached to the Declaration as Exhibit A and recorded at Document No. 20200262722 of the Official Public Records of Bexar County, Texas (the "Bylaws").

D. WHEREAS, Section 82.102 of the Texas Property Code authorizes the Association, acting through its Board of Directors (the "Board"), unless other provided by the Declaration, to adopt and/or amend Bylaws.

E. WHEREAS, Section 14.1 of the Declaration provides that during the period of "Declarant control" of the Association, the Bylaws may be amended by a vote of the Board.

F. WHEREAS, Section 8.3 of the Declaration provides that the Declarant control period shall terminate upon the earlier of the 120<sup>th</sup> day after conveyance of seventy-five percent (75%) of the units or ten (10) years after the first completed unit is conveyed.

G. WHEREAS, the Declarant control period of the Association has not terminated and the Board desires to amend the Bylaws to provide for additional methods of voting by unit owners in anticipation of the termination of the Declarant control period.

H. WHEREAS, this First Amendment to the Bylaws of the Arts Condominium Owners Association was approved by a majority of the members of the Board by unanimous written consent, for which at least 10 days advance written notice of the meeting and the Board's intention to amend the Bylaws was given.

**NOW THEREFORE**, the Bylaws are hereby amended as follows:

1. **Voting By Written Ballot.** The following *Section 2.15* is hereby added to Article II of the Bylaws:

**Section 2.15 Voting by Written Ballot.** Any action which may be taken at any annual or special meeting of the Association's members (including the election of directors and amendment of the Bylaws) may be taken without a meeting if the Association delivers a written ballot to every member entitled to vote on the matter. Voting by written ballot shall be permitted to the fullest extent allowed by law, and shall be conducted as follows:

- (1) The ballot shall set forth each proposed action and shall provide an opportunity to vote either for or against each proposed action.
- (2) The number of ballots received by the Association must equal or exceed the quorum that would have been required had there been a meeting (i.e., the Association must have received a valid ballot from twenty percent (20%) or more of its voting members.)
- (3) Unless otherwise indicated in these Bylaws, a majority of the affirmative votes cast by ballot shall constitute the action of the members with respect to each matter on the ballot.
- (4) All solicitations for votes by written ballots shall indicate the number of responses needed to meet the quorum requirement, state the percentage of approvals necessary to approve each matter, and specify the time by which a ballot must be received by the Corporation in order to be counted.
- (5) To the fullest extent allowed by law, the election process may be completed by written ballots delivered to members and received from members by mail, facsimile, electronic mail, or by an internet or other electronic-communications-based protocol, or any combination thereof, as determined by the Board in its sole discretion.

2. **Election.** *Section 3.4* of Article III of the Bylaws is hereby deleted in its entirety and replaced with the following

**Section 3.4 Election.** Directors shall be elected annually by the Members. The election of Directors shall be conducted at the annual meeting of the Association, at any special meeting called for that purpose, or by written ballot cast outside of a meeting as authorized by Section 2.15 herein.

3. **Transition to Staggered Terms of Office.** In order to transition the Board to three-year staggered terms of office at the termination of the Declarant's control of the Association, at the meeting of the Association's membership conducted for the purpose of electing three new directors to the Board pursuant to Section 8.3 of the Declaration, the members of the Association shall conduct an election to fill all three Directors positions. At the conclusion of such election, the directorial candidate receiving the highest number of votes shall be elected to serve an initial term of office of three years, the directorial candidate receiving the next highest number of votes shall be elected to serve an initial term of office of two years, and the directorial candidate receiving the next highest number of votes shall be elected to serve an initial term of office of one year. Thereafter, their successors shall be elected to serve three-year terms of office in conformity with Section 3.2 of the Bylaws.

4. **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 remain in full force and effect as written and are hereby ratified and confirmed.


5. **Effective Date.** This First Amendment to the Bylaws of The Arts Condominium Owners Association shall be effective upon its recording in the Official Public Records of Bexar County, Texas.

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**CERTIFICATE OF ADOPTION**

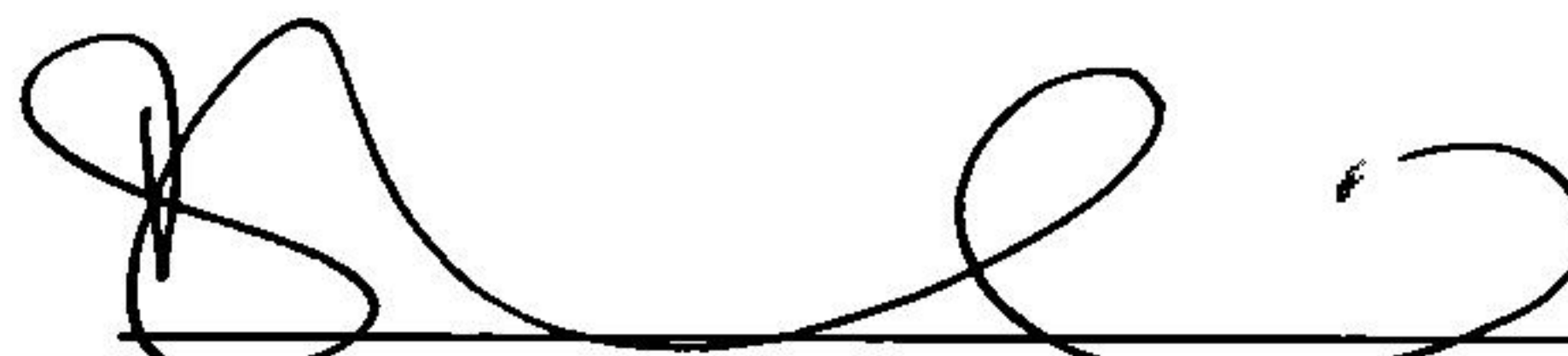
The undersigned President of The Arts Condominium Owners Association (the "Association"), a Texas non-profit corporation, hereby certifies that this First Amendment to the Bylaws of The Arts Condominium Owners Association was approved by a majority of the members of the Board present by unanimous written consent, for which at least 10 days advance written notice of the meeting and the Board's intention to amend the Bylaws was given.

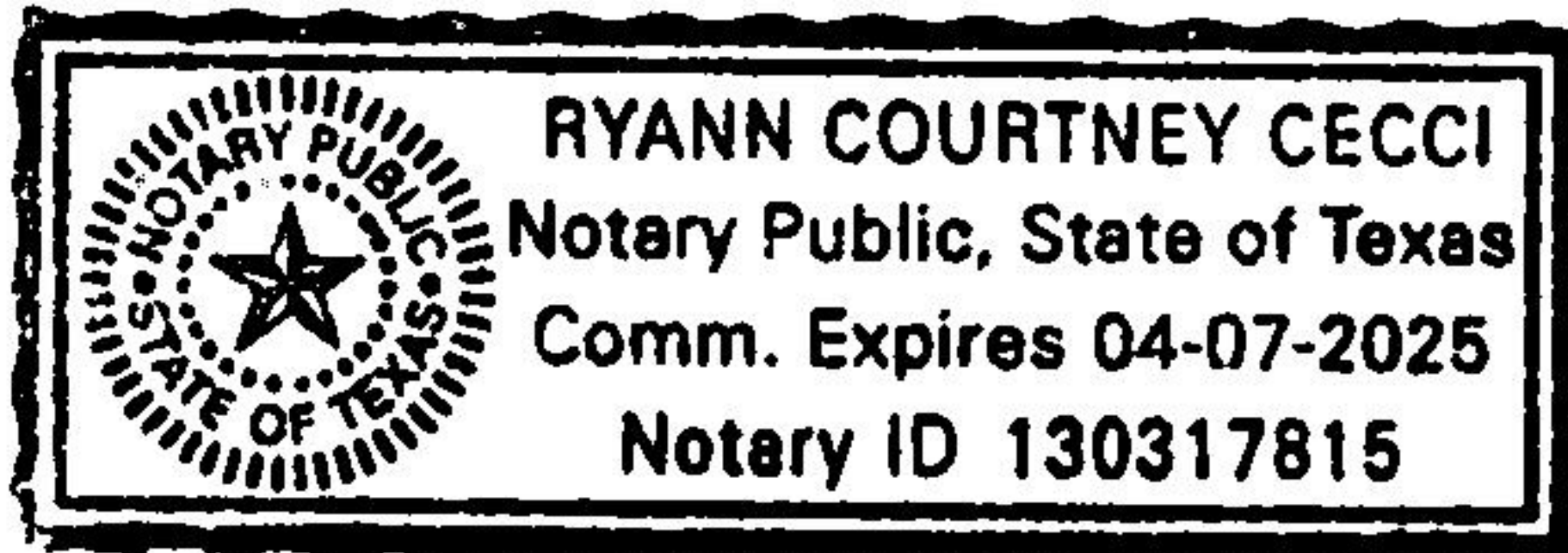
**THE ARTS CONDOMINIUM OWNERS ASSOCIATION**

  
\_\_\_\_\_  
Acho Azuike

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

THIS INSTRUMENT was acknowledged before me this 11<sup>th</sup> day of November, 2021 by Acho Azuike, President of The Arts Condominium Owners Association.

  
\_\_\_\_\_  
Notary Public of Texas



**File Information**

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

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: 11/23/2021 3:53 PM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk