

PINE HARBOR OWNERS ASSOCIATION, INC.

**BYLAWS OF
A TEXAS CORPORATION**

1808 VOL: 988 PG: 194

**ARTICLE I
NAME**

- Section 1. The name of this organization shall be: Pine Harbor Owners Association.
- Section 2. The organization shall have principal offices at Pine Harbor Subdivision, Marion County, Texas.
- Section 3. The Association is incorporated under the laws of Texas as a non-profit Corporation.

**ARTICLE II
PURPOSE**

- Section 1. The purposes for which the Corporation is organized are:
- a. to maintain and operate a private resort, not in fact open to the public, to be a social organization composed of members of good moral character, reputation and habits, to establish and support a club organization with the power to acquire, own, operate, manage, lease, sell, convey or otherwise dispose of all property, real and personal, incident to such operations, including a recreational area for members.
 - b. to enter into such agreements, purchases and all other things necessary to carry out the above stated purposes.
 - c. to act, as determined by the Bylaws and Board of Directors of the corporation and authorized by the Texas Non-Profit Corporation Act, as now in force or as may be amended from time to time hereafter.
 - d. any other lawful purpose.

**ARTICLE III
MEMBERSHIP**

- Section 1. Each owner of or purchaser under contract for one or more lots in Pine Harbor Subdivision is automatically a member of the Association, provided that as of September 1983, East Texas Resort Company shall not be eligible for membership.
- Section 2. Each property owner in the Association must sign, and record with the Association, a Membership Agreement, in such form as the Board of Directors shall prescribe.
- Section 3. Up to date membership records shall be maintained in the Association's files and members shall be furnished a card, document, or other writing, as the board of directors shall authorize, as evidence of membership.
- Section 4. Each property owner shall receive one (1) vote only, regardless of how many lots owned.

**ARTICLE III
MEMBERSHIP (CONTINUED)**

- Section 5. Any building, structure, or improvement commenced upon any lot shall be completed as to exterior finish and appearance within six (6) months from the commencement date. No lot or portion of any lot shall be used as a dumping ground for rubbish or trash, nor for storage of items of materials (except during construction of a building), and all lots shall be kept clean and free of any boxes, rubbish, trash, inoperative cars, tall grass or weeds or other debris, and refrigerators and other large appliances shall not be placed outdoors. The undersigned shall have the right to enter the property where a violation exists under this paragraph after notification by registered letter giving the property owner thirty (30) days to remove the incomplete structure or other items at the expense of the offending party.

**ARTICLE IV
DUES AND FEES**

- Section 1. Annual fees shall be due and payable by January 1 of each year. As of January 1, 2014 annual fees will be set at a base rate of fifty dollars (\$50.00) for one (1) lot, per membership. All additional lots will be assessed at ten dollars (\$10.00) for each additional lot owned by the member. All dues, fees and assessments are subject to the late charge of 12% per year on the unpaid balance.
- Section 2. Each rental property shall be assessed at fifty (\$50.00) base rate and ten dollars (\$10.00) for each additional lot per each rental property. The assessment will be made to the owner of the property. A member is not considered currently paid until all fees, additional assessments, rental fees and late charges are paid in full.
- Section 3. After January 31 of each year, members who have not paid the current year's assessments shall be considered delinquent and shall not be entitled to the rights and privileges of membership and shall not be entitled to vote until all dues, fees and assessments are paid in full.
- Section 4. Annual fees may be changed only by majority vote of members present and voting at the annual meeting.
- Section 5. All persons handling Association funds shall be bonded. This shall include all board members and Office Manager.
- Section 6. Annual fees that are unpaid after January 31 of each year shall be considered delinquent and a penalty of 12% per year shall be added on the unpaid balance. The late fees will be added at the end of the first quarter. Any accounts delinquent for two (2) years will be sent to the collection department. Any fees charged by the collection department will be added to the account.
- Section 7. A special assessment clause shall apply in case of foreclosure or called note or notes due to non-payment. In such case, all property owners shall be responsible for their share of the note or notes.

**ARTICLE V
OFFICERS AND DIRECTORS**

- Section 1. Only Association members are eligible to be elected and serve as officers and directors, and must reside in Pine Harbor.
- Section 2. Day to day business of the Association shall be conducted by a Board of Directors, consisting of five (5) members.
- Section 3. Directors shall be elected at the annual meeting for terms of three (3) years, with terms staggered in yearly cycles of three (3), two (2) and two (2) seats up for election. Since a five (5) person board has been approved, the following terms of office are one three (3) year, two two (2) year and two one (1) year terms, based on the highest number of votes received in descending order.
- Section 4. In the event of a vacancy occurring on the Board, it shall be filled by the person having the highest vote total of candidates not chosen at the last election. In the event that there is no such eligible person, the board shall fill the vacancy. In either case, the interim appointee shall serve until the next annual meeting, when members shall elect someone to fill the unexpired term.
- Section 5.
- a. Any board member absent for three (3) consecutive meetings, without good cause, may be removed from office by a majority of the remaining board members.
 - b. Any board member who violates the Bylaws or rules of the Association may be subject to removal from the board by unanimous vote of the remaining board members.
 - c. The Board of Directors, and their immediate families, will not receive pay, nor be on the payroll of the Association as an employee, nor for contract labor. A currently paid member of the Association may be a paid employee of the Association.
- Section 6. Directors shall, after each annual meeting, elect from their number, a President, Vice-President, Secretary/Treasurer, Maintenance Supervisor and Architectural Control Supervisor. The recording secretary, at scheduled meetings, shall be the PHOA Office Manager.
- Section 7. The President shall preside at all meetings of the Association, Board of Directors and Executive Committee. The President shall supervise the work of the board and committee chairman and is an ex-officio member of all committees, shall prepare and distribute an agenda to the board prior to each meeting and shall perform all other duties that ordinarily pertain to this office.
- Section 8. The Vice-President shall, in the absence of the President, preside at all meetings of the Association, Board of Directors and Executive Committee and shall perform such other duties as ordinarily pertain to this office or as the board may specify.

**ARTICLE V
OFFICERS AND DIRECTORS (CONTINUED)**

- Section 9. The Office Manager shall record minutes of all meetings of the Association, Board of Directors and Executive Committee, which shall be kept in a minute book. Minutes shall be signed by the Office Manager and co-signed by the President after approval by the appropriate body. Minutes shall be recorded as outlined in the Texas Open Meetings Act Handbook, 1998.
- Section 10. The Treasurer, with the Office Manger shall:
- a. Keep a correct account of all receipts and disbursements.
 - b. Furnish a monthly statement of finances of the Association to the board of directors. This report shall be available to all members.
 - c. Make all disbursements by check. The Treasurer and President shall be authorized to sign checks, and 1 alternate board member that is approved by the board.
 - d. Be responsible for preparing and distributing fees notices on or before December 31 of each year.
 - e. Supervise preparation of a budget for approval by the board and membership at the beginning of each fiscal year.
 - f. Prepare or be responsible for preparation of all required tax reports on a timely basis.
 - g. Perform all other duties as usually pertain to this office or that may be assigned by the President or the board.
- Section 11. Any person nominated and/or elected to the Pine Harbor Owners Association Board of Directors shall have and keep their annual fees paid before they can be nominated and/or elected to serve on the Board of Directors.
- Section 12. A board member, without an assigned office, will be appointed Sergeant-At-Arms, to keep order at meetings according to the Texas State Rulings.
- Section 13. A contingency plan that states what each board has started will be followed through by succeeding boards so that we, in time, will have continuity and a history.

**ARTICLE VI
COMMITTEES**

- Section 1. The following shall be standing committees appointed by the Board of Directors of the Association: Nominating, Elections, Budget and Finance and Architectural Control.
- Section 2. The Nominating Committee shall consist of the President and three (3) off board members.
- a. This committee shall nominate a slate of nominees for election to the Board of Directors. The slate shall consist of at least one (1) to three (3) nominees for each vacancy.

**ARTICLE VI
COMMITTEES (CONTINUED)**

- b. The committee shall also place on the ballot the name of any eligible member who submits to the committee a petition signed by twenty-five (25) eligible members to include his or her name as a candidate.

- Section 3. The Election Committee shall have a board member as chairman and three (3) additional off board members. This committee shall be responsible for activities involved in handling elections, help during the annual meeting, including but not limited to, preparing and mailing ballots and counting votes. All ballots will remain unopened and placed in a locked, secure box until voting is completed. The box may only be opened and ballots counted when all election committee members are present.
- Section 4. The Budget and Finance Committee shall consist of the Treasurer, as Chairman, and three (3) off board members. The Office Manager shall be an ex-officio, non-voting member.
- Section 5. The Architectural Control Committee shall have the Architectural Control Supervisor as chairman. The committee will be organized by the Pine Harbor sections with a representative from each section making up the committee's membership.

**ARTICLE VII
MEETINGS**

- Section 1. The Association shall hold an annual meeting on the last Saturday in July at 10:00 a.m. at the Pine Harbor office. Election of Directors, action on proposed Bylaws amendments, and proposed fees changes shall be conducted at this meeting. Other Association business may be considered also.
- Section 2. The Board of Directors shall meet on the 2nd Saturday of each month at 10:00 a.m. at the Pine Harbor office. The agenda for each meeting shall be posted five (5) days in advance at the office and visible from outside.
- Section 3. Special board meetings may be held at any other time with three (3) days notice and agenda posted as in Section 2.

**ARTICLE VIII
VOTING**

- Section 1. Members shall be entitled to vote as provided in Article III.
- Section 2.
- a. All votes for directors may be cast in person or by mail, provided that PHOA Maintenance Fees are paid.
 - b. All voting for assessment changes shall be cast in person at the annual meeting, provided that PHOA Maintenance Fees are paid.

**ARTICLE VIII
VOTING (CONTINUED)**

c. No proxy voting shall be permitted.

Section 3. There shall be no cumulative voting.

Section 4. To insure the utmost privacy and confidentiality, the ballots will be enclosed in a return envelope with the homeowner as the return address and addressed to PHOA with **BALLOT** marked in the left bottom corner. Once the envelope is received, it will be placed in the ballot box to be opened and counted on meeting day.

**ARTICLE IX
AMENDMENTS TO BYLAWS**

Section 1. Any proposed changes to these Bylaws shall be read at the two (2) board meetings prior to the annual meeting and a copy of all proposed changes shall be available to members upon request.

Section 2. All changes must be approved by a majority of members voting, either in person or by mail ballot, in the annual association election and shall become effective immediately upon adoption.

**ARTICLE X
PARLIAMENTARY AUTHORITY**

Texas State Laws shall be the Parliamentary Authority in all instances where it is not in conflict with the Bylaws.

**ARTICLE XI
REPEAL OF PRIOR BYLAWS**

All prior Bylaws or documents, which purport to be Bylaws of the Association, are hereby repealed.

**ARTICLE XII
DEFINITION OF TERMS**

“Rights and privileges of membership” (Article IV, Section 2).

- a. To be nominated and/or serve on the Board of Directors.
- b. To have use of the facilities in Pine Harbor.
- c. To cast a vote for the Board of Directors.

**ARTICLE XIII
ANIMAL ORDINANCE**

Any dog/cat/pet, which comes to be a problem to any member, resident or guest in Pine Harbor, the animal may be subject to removal at the discretion of the Marion County Sheriff's Department. The Marion County Sheriff's Department will be notified on these calls.

Definition of "Problem." Any pet that repeatedly causes a problem to any person, other pet or causes property damage i.e. barking dogs, free running dogs posing a threat, chasing and/or creating a problem to people, children, or bicycles, etc. threatening, attacking, destruction of property, etc. All calls regarding the above will be referred to the Marion County Sheriff's Department for action.

**ARTICLE XIV
LIMITATION OF GARAGE SALES**

A garage sale can consist of a "sale" that can continue for a seven (7) day period during each quarter or season of the year. This is four (4) sales per year. After that, a "Garage Sale" is considered a business and must comply with commercial zoning and state taxes and reporting. A garage sale that lasts only three (3) days then ends is considered a full term sale and has completely used their "Sale" period for the quarter.

**Article XV
OFF ROAD VEHICLES**

Off road vehicles cannot be operated by minors on any Pine Harbor roads, private or county. Drivers must not exceed 15 mph. No more than 2 riders at one time, one of which must be a licensed driver over 18 years of age.

Bylaws adopted July 27, 1996, Annual Meeting
 Amendments adopted July 26, 1997, Annual Meeting
 Amendments adopted July 25, 1998, Annual Meeting
 Amendments adopted July 28, 2001, Annual Meeting
 Amendments adopted July 27, 2002, Annual Meeting
 Amendments adopted July 30, 2005, Annual Meeting
 Amendments adopted August 26, 2006, Annual Meeting
 Amendments adopted July 27, 2013, Annual Meeting
 Amendments adopted July 25, 2015, Annual Meeting
 Amendments adopted July 27, 2019, Annual Meeting

Executed this 13th day of August, 2019

PINE HARBOR OWNERS ASSOCIATION

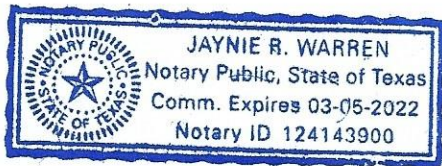
BY: Robert Dean Karns
Robert Dean Karns/President

Pamela K. Mox
Pamela K. Mox/Secretary-Treasurer

ACKNOWLEDGMENT

STATE OF TEXAS
COUNTY OF MARION

On August 13, 2019 Robert Dean Karns and Pamela K. Mox proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity.



Jaynie R. Warren
Jaynie R. Warren
Notary Public in and for Marion County, Texas

STATE OF TEXAS COUNTY OF MARION FILED FOR RECORD
I hereby certify that this instrument was filed on
the date and time stamped hereon by me and Aug 14, 2019 11:53A
was duly recorded in the volume and page of the
named records of Marion County, Texas as stamped
hereon by me. OFFICIAL PUBLIC RECORDS VICKIE SMITH,
COUNTY CLERK
MARION COUNTY, TEXAS
Aug 14, 2019 11:53A By:
VICKIE SMITH, COUNTY CLERK Kim Jackson
MARION COUNTY, TEXAS DEPUTY