

BY - LAWS  
OF  
TIMBERIDGE TOWNHOMES, HOMEOWNERS ASSOCIATION, INC.

DEED RECORDS

24644

(A Non-Profit Corporation Under  
the Laws of the State of Texas)

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ARTICLE I

DEFINITIONS:

Section 1 -- The words "said property" as used in these By-Laws shall be deemed to mean the following described real property situated in the County of Denton, State of Texas, and being:

All that certain tract or parcel of land situated in the S.C. Hiram's Survey, Abstract No. 616, Denton County, Texas, being a part of a certain (called) 1.335 acre tract "B" deeded by V.W. Redman to Randy Feucht Construction, Inc. on the 19th day of March, 1981 recorded in Volume 1066, Page 431, Deed Records of said County, and being more fully described as follows;

BEGINNING at the Southmost Southeast corner of said 1.335 acre tract "B" an iron pin in the North Right-of-Way of Hopkins Drive;

THENCE N 00 degrees 20' 43" W a distance of 174.84 feet to an iron pin;

THENCE S 88 degrees 42' 07" E a distance of 99.81 feet to an iron pin;

THENCE N 00 degrees 03' 06" W a distance of 163.60 feet;

THENCE S 89 degrees 56' 54" W a distance of 42.67 feet;

THENCE N 88 degrees 22' 27" W a distance of 64.03 feet;

THENCE S 89 degrees 44' 40" W a distance of 42.67 feet;

THENCE S 00 degrees 15' 20" E a distance of 251.21 feet to an iron pin;

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THENCE S 41 degrees 51' 04" W a distance of 48.06 feet to an iron pin in the Northeast Right-of-Way of Dallas Drive;

THENCE S 48 degrees 00' 55" E with said Right-of-Way a distance of 76.50 feet to an iron pin in the North Right-of-Way of Hopkins Drive;

THENCE S 88 degrees 58' 13" E with said Right-of-Way a distance of 24.89 feet to the Point-of-Beginning and containing 0.772 acres of land.

COMMON AREA TRACT "A"

All that certain tract or parcel of land situated in the S.C. Hiram Survey, Abstract No. 616, Denton County, Texas, and being a part of a certain (called) 1.335 acre tract "B" deeded by V.W. Redman to Randy Feucht Construction, Inc. on the 19th day of March, 1981 recorded in Volume 1066, Page 431, Deed Records of said County, and being more fully described as follows;

BEGINNING at the Southmost Southeast corner of said 1.335 acre tract "B" an iron pin in the North Right-of-Way of Hopkins Drive;

THENCE N 00 degrees 20' 43" W a distance of 174.84 feet to an iron pin;

THENCE S 88 degrees 42' 07" E a distance of 87.81 feet to an iron pin;

THENCE N 00 degrees 03' 06" W a distance of 10.72 feet;

THENCE S 89 degrees 56' 54" W a distance of 30.67 feet;

THENCE N 00 degrees 03' 06" W a distance of 133.67 feet;

THENCE N 89 degrees 56' 54" E a distance of 30.67 feet;

THENCE N 00 degrees 03' 06" W a distance of 18.92 feet;

THENCE S 89 degrees 14' 41" W a distance of 30.67 feet;

THENCE N 88 degrees 22' 27" W a distance of 64.03 feet;

THENCE S 89 degrees 44' 40" W a distance of 30.67 feet;

THENCE S 00 degrees 15' 20" E a distance of 20.00 feet;

THENCE N 89 degrees 44' 40" E a distance of 30.67 feet;

THENCE S 00 degrees 15' 20" E a distance of 95.67 feet;  
THENCE S 89 degrees 44' 40" W a distance of 30.67 feet;  
THENCE S 00 degrees 15' 20" E a distance of 10.00 feet  
to an iron pin;

THENCE S 89 degrees 44' 40" W a distance of 12.00 feet  
to an iron pin;

THENCE S 00 degrees 15' 20" E a distance of 124.70 feet  
to an iron pin;

THENCE S 41 degrees 54' 04" W a distance of 48.06 feet  
to an iron pin in the Northeast Right-of-Way of Dallas  
Drive;

THENCE S 48 degrees 00' 55" E with said Right-of-Way a  
distance of 76.50 feet to an iron pin in the North  
Right-of-Way of Hopkins Drive;

THENCE S 88 degrees 58' 13" E with said Right-of-Way a  
distance of 24.89 feet to the Point-of-Beginning and  
containing 0.531 acres of land.

and any other property hereafter designated by the Board of  
Directors of the Corporation and the owners thereof admitted  
to membership by such Board upon written request and the  
filing of necessary restrictions upon the property and the  
agreement to be bound by the provisions of the present  
By-Laws and any amendment thereto.

Section 2 -- The word "residence" wherever used in  
these By-Laws shall be deemed to mean a lot with  
improvements thereon in the form of a dwelling designated to  
be used as a residence deeded to an owner included within  
the area of said property, or any other property so  
designated and admitted to membership according to the  
provisions of the By-Laws and included by the Board of  
Directors as a residence with the written consent of the  
owner or owners thereof.

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ARTICLE II

MEMBERSHIP:

Section 1 -- The members of this corporation shall be:

(a) All persons who are owners of record of any residence in said property, provided, that no person or corporation taking title as security for the payment of money or the performance of any obligation shall thereby become entitled to membership. Any person who is not an owner of record of any such residence shall be eligible for membership in accordance with such requirements and procedures as may hereafter be set by the Board of Directors.

(b) When a residence is owned of record in common ownership, joint tenancy or tenancy in common, the membership as to such residence shall be joint and the right of such membership (including the voting power arising therefrom) shall be exercised only by the joint action of all owners of record of such residence.

(c) Membership in the Corporation shall be automatic and compulsory so far as the record owners of title to any of the property set out and described in Article I, Section 1 of these By-Laws, is concerned. Any person residing on the premises and who is not the record owner thereof shall be entitled to the use and benefits of membership, but shall not have any right to vote or to participate in the business affairs of the Corporation unless he does so as underwritten proxy of the record owner of such lot.

(d) No membership or initiation fee shall be charged, nor shall members be required to pay at any time any amount to carry on the business of this Corporation, except to pay as charged or assessed the charges or assessments made in accordance with the Deed Restrictions, Covenants, and Conditions of Record with respect to said real property.

(e) Membership in this Corporation shall lapse automatically and terminate when any such member shall cease to be the owner of record of any residence.

(f) No certificate of stock shall be delivered to any member at any time.

Section 2 -- In the event that any record owner is a non-resident of the State of Texas, service of process in any action involving the Corporation as plaintiff and such record property owner as defendant may be had by serving any person using or occupying such premises or any officer of the Corporation if the premises are unoccupied. Such owner of record agrees that such person shall be his agent for service of process in such matters. In the event that such owner of record cannot by reasonable effort be located either within the boundaries of this State or elsewhere, service of process may be had upon the person occupying or using his premises and the owner of record does hereby agree that such person shall be his agent for service in such matters.

Section 3 -- The owner of any residence, as herein defined, agrees that should action be brought against him in any court of competent jurisdiction to effect collection of any assessment or charge in default that in addition to the amount of the assessment or charge he shall pay reasonable attorney's fees, interest, and costs. Provided, however, that a thirty day written notice of such default be given to such owner or his agent and delivered to the premises owned by him located on the above described premise; that such notice be dated thirty days prior to the institution of any legal action; and that a judgment is obtained. In addition, all rights, obligations and liens retained in the Deed Restrictions, Covenants and Conditions of Record in Denton County, Texas, may be exercised and controlled by the Association.

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ARTICLE III

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VOTING RIGHTS:

Section 1 -- In all matters which shall come before the members of this Corporation, and in all corporate matters, the voting power of the members of this Corporation shall be according to the following rules:

(a) Except as provided in (c) of this Section, each member of this Corporation shall have one vote.

(b) Except as provided in (c) of this Section, each member of this Corporation owning of record one or more residences shall have the right to the number of votes equal to the total number of residences of which he is the owner of record.

(c) When a residence is owned of record in common ownership, joint tenancy or tenancy in common, the several owners or purchasers of said residence shall collectively be entitled to one vote only therefore.

ARTICLE IV

CORPORATE RIGHTS:

Section 1 -- The Directors named in the Articles of Incorporation of this Corporation shall hold office until such time as seventy-five percent (75%) of the residences have been sold to an original owner by the Developer from date of election and until their successors are duly elected and qualified, either at the annual meeting or at a special meeting called for that purpose, unless otherwise provided by the By-Laws of this Corporation.

Section 2 -- Unless otherwise provided by the By-Laws of this Corporation, the term of office of any Directors shall begin immediately after election. The term of office of members of the Board of Directors of this Corporation shall be for one year terms but may, from time to time, be changed if demanded in writing by a majority of the members of this Corporation. The Directors constituting the initial

Board of Directors, shall serve until such time as seventy-five percent (75%) of the residence have been sold to an original owner by Randlee Development.

Section 3 -- At the first election of Directors, six Directors shall be elected with two elected to three year terms, two elected to two year terms, and two elected to one year terms, and until such time as their successors are duly elected and qualified.

Section 4 -- Any Director may be removed from office at any time with or without cause by a vote of two-thirds of the membership voting in person at a meeting specifically called for this purpose. The vacancy shall be filled as provided in Article V, Section 1, of the By-Laws. A written notice of such meeting shall be mailed to each member of the Corporation at the address of his residence or other address registered by such owner with the Secretary of the Corporation. Such notice shall be deposited in the United States mail at least ten days prior to the day set in such notice for the meeting thereof; and the certificate of the Secretary certifying to such mailing shall be evidence of the giving of such notice.

#### ARTICLE V

##### VACANCIES:

Section 1 -- Vacancies in the Board of Directors shall be filled by a majority of the remaining Directors though less than a quorum, and each Director so elected shall hold office for the duration of the term of the Director he replaces.

#### ARTICLE VI

##### POWERS OF DIRECTORS:

Section 1 -- The Board of Directors shall have power:

(a) To call special meeting of the members whenever it deems it necessary and it shall call a meeting at any time

upon written request or at least two-thirds of the membership.

(b) To appoint and remove at its pleasure all officers, agents and employees of the Corporation, prescribe their duties, fix their compensation if any, and may require from them security or a fidelity bond for faithful performance of the duties to be prescribed for them.

(c) To conduct, manage, and control the affairs and business of this Corporation, and to make rules and regulations not inconsistent with the laws of the State of Texas, the By-Laws of this Corporation, or Deed Restrictions or Protective Covenants of record with respect to the real property covered or to be covered by these By-Laws for the guidance of the officers and management of the affairs of this Corporation.

(d) To establish, levy, and assess, and collect the charges or assessments referred to in Article II hereof.

(e) To exercise for the Corporation all powers, duties, and authorities vested in or delegated to this Corporation or which it may lawfully exercise.

#### ARTICLE VII

##### DUTIES OF DIRECTORS:

Section 1 -- It shall be the duty of the Board of Directors:

(a) To cause to be kept a complete record of all of their minutes and acts, and of the proceedings of the members, and present a full statement at the regular annual meeting of the members, showing in detail the assets and liabilities of this corporation, and generally the condition of its affairs. A similar statement shall be presented at any other meeting of the members when required by members who have the right to vote at least two-thirds of all the votes of the entire membership.



(b) To supervise all officers, agents, and employees of this Corporation and to see that their duties are properly performed.

#### ARTICLE VIII

##### DIRECTORS' MEETING:

Section 1 -- The annual meeting of the Board of Directors shall be held on the second Monday in February of each year at the hour of 9:00 o'clock p.m. If the day for the annual meeting of the members shall fall upon a holiday, the meeting shall be held at the same hour on the first day following which is not a holiday. The Secretary shall send notices thereof to the Directors by mail to the addresses registered by them with the Secretary at least five days before the meeting.

Section 2 -- Special meetings of the Board of Directors shall be held when called by the President, the Vice-President, or Secretary or Treasurer, or upon the written notice of each special meeting of the Board of Directors shall be delivered personally to the Directors, or given or sent to each Director, at least three days before the time for holding said meeting, by letter, postage thereon fully prepaid addressed to the Director. Each Director shall register his address with the Secretary, and notices of meetings shall be mailed to him at such address.

Section 3 -- The transactions of any meetings of the Board of Directors, however called and noticed, or wherever held, shall be as valid as though had at a meeting duly held after regular call and notice of a quorum be present, and if either before or after the meeting each of the Directors not present sign a written waiver of notice, give written consent to holding such meeting, give written approval of the minutes thereof, or written consent of minutes as executed by all Directors. All such consents or approvals

shall be filed with the Corporate records and made a part of the minutes of the meeting.

Section 4 -- Every act, or decision, done or made by a majority of the Directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the Board of Directors. In the absence of a quorum, the majority of the Directors present may adjourn from time to time until the time fixed for the next regular meeting of the Board.

#### ARTICLE IX

##### MEETING OF MEMBERS:

Section 1 -- The regular annual meeting of the members shall be held on the second Monday of the month of February in each year, at the hour of 8:00 o'clock p.m. If the day for the annual meeting of the members shall fall upon a holiday, the meeting shall be held at the same hour on the first day following which is not a holiday.

Section 2 -- Special meetings of the members for any purpose may be called at any time by the President, the Vice-President, the Secretary, the Treasurer, or by the Board of Directors, or by any two or more members thereof, or upon written request of the members who have the right to vote at least two-thirds of all the votes of the entire membership.

Section 3 -- Notices of annual and special meetings shall be given in writing to the members by the Secretary. Notice may be given to the members either personally, or by sending a copy of the notice through the mail, postage thereon fully prepaid to his address appearing on the books of the corporation. Each member shall register his address with the Secretary and notices of meetings shall be mailed to him at such address. Written notice of each meeting shall, at least three days before the time for holding said meeting be given or sent to each member by letter, postage

thereon fully prepaid addressed to the member. Notice of each annual or special meeting of the members shall specify the place, the date, and the hour of the meeting, and the general nature of the business to be transacted.

Section 4 -- The transactions at any meeting of the members however called or noticed shall be as valid as though had at a meeting duly held after regular call and notice if a quorum be present, in person or by proxy if either before or after the meeting each member entitled to vote not present signs a written waiver of notice, or gives written approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records and made a part of the minutes of the meeting. The presence in person or by proxy of two-thirds of the members of this Corporation shall constitute a quorum for the transaction of business. In the absence of a quorum any meeting of the members may be adjourned from time to time by a vote of a majority of the members present at any duly called or held meeting at which a quorum is present in person or by proxy may continue to do business notwithstanding the withdrawal of enough members to leave less than a quorum,

#### ARTICLE X

##### OFFICERS:

Section 1 -- The Officers of this Corporation shall be a President, who shall at all times be a member of the Board of Directors, a Vice-President, and a Secretary, and a Treasurer, and such other officers as the Board of Directors may, from time to time, by resolution create.

Section 2 -- The Officers of this Corporation except such Officers as may be appointed in accordance with Sections 3 or 5 of this Article, shall be chosen annually by the Board of Directors, and each shall hold his office for

one year unless he shall sooner resign or shall be removed, or otherwise be disqualified to serve.

Section 3 -- The Board of Directors may appoint such other officers as the business of the Corporation may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board of Directors may, from time to time, determine.

Section 4 -- Any officer may be removed from officer either with or without cause by a majority of the Directors at any annual, regular, or special meeting of the Board. Any officer may resign at any time by giving a written notice to the Board of Directors, or to the President, or the Secretary of the Corporation. Any such resignation shall take effect at the date of receipt of such notice, or at any later time specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5 -- A vacancy in any office because of death, resignation, removal, disqualification, or other causes shall be filled in the manner prescribed in the By-Laws for regular appointment to such office. Any vacancy filled shall be for the unexpired term of the officer replaced.

Section 6 -- The offices of Secretary and Treasurer may be held by the same person.

#### ARTICLE XI

##### PRESIDENT:

Section 1 -- The Board of Directors shall at their first regular meeting elect one of their number to act as President, and shall also at said meetingsome member of the Board to act, in whom shall be vested for the time being all the duties and functions of the President.

Section 3 -- The President, or the Vice-President, or in the absence of inability to act of both the President and

the Vice-President, the Director appointed as above provided:

(a) Shall preside over all meetings of the members and of the Board of Directors.

(b) Shall sign as President all deeds, contracts, and other instruments in writing which have been first approved by the Board of Directors.

(c) Shall call the Directors together whenever he deems it necessary and shall have, subject to the advice of the Board of Directors, general supervision, direction and control of the business affairs of the Corporation and generally shall discharge such other duties as may be required of him by the Board of Directors.

#### ARTICLE XII

##### VICE-PRESIDENT:

Section 1 -- All duties and powers required by law, or by these By-Laws of, and all powers conferred by law or by these By-Laws upon the President shall, in his absence, inability, or refusal to act, be performed by the Vice-President.

#### ARTICLE XIII

##### SECRETARY AND ASSISTANT SECRETARY:

Section 1 -- The Board of Directors shall elect a Secretary, and it shall be the duty of the Secretary:

(a) To keep a record of all meetings and proceedings of the Board of Directors, and of the members.

(b) To keep the corporate seal of the corporation, and to affix it on all papers requiring the seal of the Corporation.

(c) To keep proper books.

(d) To serve notices of meetings of the Board of Directors and the members required either by law or by the By-Laws of this Corporation.

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(e) To keep appropriate records showing the members of this Corporation together with their addresses as furnished him by such members.

Section 2 -- The Board of Directors may appoint an Assistant Secretary who, in the case of absence, inability, or refusal to act of the Secretary shall perform the duties of the Secretary.

Section 3 -- The Assistant Secretary shall also perform such other duties as may be required of him by the Board of Directors.

#### ARTICLE XIV

##### TREASURER:

Section 1 -- The Treasurer shall receive and deposit in such bank or banks as the Board of Directors may, from time to time, direct, all of the funds of the Corporation, which funds shall be withdrawn by such officer or officers as the Board of Directors shall, from time to time, designate.

#### ARTICLE XV

##### BOOKS AND PAPERS:

Section 1 -- The books, records, and such papers as may be placed on file by the vote of the members of the Board of Directors shall at all times, during reasonable business hours, be subject to the inspection of any member.

#### ARTICLE XVI

##### PROXIES:

Section 1 -- At all corporate meetings of members, each member may vote in person or by proxy.

Section 2 -- All proxies shall be in writing, and filed with the Secretary.

#### ARTICLE XVII

CORPORATE SEAL:

Section 1 -- This Corporation shall have a scroll for a seal in circular form. In the event the Board of Directors elects to use an assumed name to conduct the corporate business, or any portion thereof, then the officers of the Corporation shall have the right to use a circular scroll for a seal for such assumed name.

ARTICLE XVIII

FISCAL YEAR:

Section 1 -- The fiscal year of the Corporation shall coincide with the calendar year.

ARTICLE XIX

AMENDMENTS:

Section 1 -- By-Laws may be adopted, amended, or repealed by the majority vote of the members present at a meeting duly called for such purpose, provided notice of provided notice of proposed By-Laws amendment is submitted with notice of membership meeting.

SIGNED FOR IDENTIFICATION by the President this the 2<sup>nd</sup> day of Sept., 1982.

Randy Fauch  
PRESIDENT

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THE STATE OF TEXAS \*

COUNTY OF DENTON \*

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BEFORE ME, the undersigned authority, on this day personally appeared Randy Feucht, of RANDY FEUCHT CONSTRUCTION, INC., a corporation, 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 purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 2<sup>nd</sup> day of Sept., 1982.



Katy, Texas  
NOTARY PUBLIC IN AND  
FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES: 3-11-86



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FILED  
1982 SEP -3 AM 8 31  
COUNTY CLERK, DENTON COUNTY, TEXAS  
BY: [Signature]

FILED

Return To:  
Vick and Reese  
223 W. Hickory St  
Denton, TX. 76201

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FILED FOR RECORD Sack DAY OF September A.D. 1982, at 8:31 A.M.  
RECORDED 274 DAY OF September A.D. 1982.  
MARY JO HILL, COUNTY CLERK, DENTON COUNTY, TEXAS.  
BY: Sandie [Signature] DEPUTY.