

AMENDED AND RESTATED BYLAWS
OF
ASHMORE TYLER HOMEOWNERS ASSOCIATION, INC.

These Amended and Restated Bylaws of Ashmore Tyler Homeowners Association, Inc., are made as of the date executed below by as approved by a majority of the members of the Association, and amend and supersede prior all prior versions of the Bylaws of Ashmore Tyler Homeowners Association, Inc.

ARTICLE I

Office and Registered Agent

1.01 Offices: The registered and principal office of the Association is located at 6300 Ashmore LN, Tyler, Texas 75703.

1.02 Agent: The registered agent of the Association is Dennis A. Santo, 2114 Kennebunk Lane, Tyler, Texas 75703.

ARTICLE II

Membership and Voting Rights

2.01 Membership: Every person or entity who is a record owner of a lot in Ashmore Addition shall be a member of the Association.

2.02 Voting Rights: All members shall be entitled one vote for each lot in which they hold the interests required for membership by Article 2.01. No more than one vote may be cast with respect to any one lot.

ARTICLE III

Meetings of Members

3.01 Annual Meeting: The annual meeting of the members of the Association will be held at a location to be determined by the Board of Directors. The location, time and date will be specified in the notice given to the members by the Board of Directors.

3.02 Special Meetings: Special Meetings of the members for any purpose may be called at any time by the President, the Board of Directors, or by members having not less than ten percent (10%) of the votes entitled to be cast at such a meeting.

3.03 Notices: Notice of meetings shall be given to the members by the Secretary. Notice may be given to a member either personally, by mailing a copy of the notice to the address appearing on the books of the Association or electronically as provided by Texas Property Code § 209.0051.

3.04 Proxy Voting: At any membership meeting, in order to establish a quorum and transact business, twenty-five percent (25%) of the total membership must be present either in person or by proxy. All proxies shall be in writing and filed with the Secretary prior to the commencement of the meeting. Any proxy given by a person who shall not be a qualified member at the date of the meeting and any proxy more than eleven months before the date of the meeting shall be void.

ARTICLE IV

Directors

4.01 Authority: The Directors shall act only as a board and an individual Director shall have no power as such. All corporate powers of the Association shall be exercised by, or under the authority of, and the business and affairs of the Association shall be controlled by, the Board of Directors, subject, however, to such limitations as are imposed by law, the Articles of Incorporation, or these Bylaws, as to actions to be authorized or approved by the members of the Association. The Board of Directors may, by contract or otherwise, give general or limited or special power and authority to the officers and employees of the Association to transact the general business or any special business, of the Association, and may give powers of attorney to agents of the Association to transact any special business requiring such authorization.

4.02 Terms of Office: All Directors must be members of the Association and be residents of Texas. The terms for all Directors shall be from the annual meeting of the members in which elected, or when appointed, to the next annual meeting of the members.

4.03 Election: The Directors shall be elected annually and shall hold office for one year until the next annual meeting of the members when their successors are elected, unless such term is terminated by their death, resignation or removal.

4.04 Vacancies: Vacancies on the Board of Directors may be filled by a majority of the remaining Directors, though less than a quorum, or by a sole remaining Director. The members may elect a Director at any time to fill any vacancy not filled by the Directors.

4.05 Removal: The entire Board of Directors or any individual Director may be removed from office with or without cause by vote of the holders of a majority of the members entitled to vote for Directors, at any regular or special meeting of such members.

4.06 Place of Meetings: All meetings of the Board of Directors will be held at a time and location to be determined by the Board of Directors.

4.07 Special Meetings: Special meetings of the Board of Directors for any purpose shall be called at any time by the President, or, if he is absent, unable or refuses to act, by the Vice-President or any two Directors. Notice of the meeting shall be provided to Members in accordance with Texas Property Code § 209.0051.

4.08 Quorum: A majority of the authorized number of Directors shall be necessary to constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present shall be regarded as the act of the Board of Directors, unless a greater number be required by law or by the Articles of Incorporation.

4.09 Action Without Meeting: Any actions required or permitted to be taken by the Board of Directors may be taken without a meeting, and with the same force and effect as a vote of the Directors as provided by Texas. Property Code 209.0051.

4.10 Conduct of Meeting: The President, or, in his absence, any Director selected by the Directors present, shall preside at meetings of the Board of Directors. The Secretary of the Association, or in his absence, any person appointed by the presiding officer, shall act as Secretary of the Board of Directors. The Board of Directors may adjourn and reconvene in closed executive session as provided by Texas Property Code 209.0051.

4.11 Payment of Expenses: The Board of Directors may authorize the Association to pay expenses incurred by, or to satisfy a judgment or fine rendered or levied against present or former Directors, officers or employees of this Association as provided by Article 1396-2.22A of the Texas Non-Profit Corporation Act.

ARTICLE V

Officers

5.01 Officers: The officers of the Association shall be a President, a Vice-President, a Secretary, a Treasurer and other assistants as the Board of Directors shall from time to time determine. Any two offices, except the President and Secretary, may be held by one person. All officers shall be elected by and hold office at the pleasure of the Board of Directors. The directors shall be Members or spouses of such Members. No person and his or her spouse may serve on the Board at the same time.

5.02 Powers and Duties: The officers of the Association shall have the powers and duties generally ascribed to the respective offices, and such additional authority or duty as may from time to time be established by the Board of Directors.

ARTICLE VI

Contracts, Checks, Deposits and Funds

6.01 Contracts: The Board of Directors may authorize any officer or officers, agent or agents of the Association, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Association. Such authority may be general or confined to specific instances.

6.02 Checks and Drafts: All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Association shall be signed by such officer or officers, agent or agents of the Association and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instrument shall be signed by the Treasurer and counter-signed by the President or Vice President of the Association.

ARTICLE VII
Books and Records

7.01 Books and Records: The Association shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Association may be inspected by any member or his agent or attorney for the proper purpose at any reasonable time.

ARTICLE VIII
Amendments to Bylaws

8.01 Amendments: These Bylaws may be amended or repealed and new Bylaws may be adopted by the vote of fifty-one percent (51%) of the total votes allocated to Owners of Lots within the Property entitled to vote on the amendment. Any amendment must be recorded with the County Clerk of Smith County, Texas.

EXECUTED this 24th day of April, 2023.

ASHMORE TYLER HOMEOWNERS ASSOCIATION, INC.,
A Texas non-profit corporation

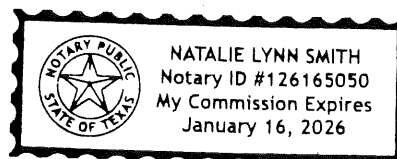
By: 
DENNIS A. SANTO, President

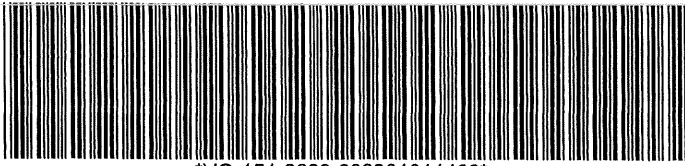
THE STATE OF TEXAS §

COUNTY OF SMITH §

This instrument was acknowledged before me on the 24th day of April, 2023, by DENNIS A. SANTO, as President, on behalf of ASHMORE TYLER HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation.


NOTARY PUBLIC – STATE OF TEXAS





VG-151-2023-202301011468

Smith County
Karen Phillips
Smith County Clerk

Document Number: 202301011468

Real Property Recordings
RESTRICTION

Recorded On: April 24, 2023 11:42 AM

Number of Pages: 5

Billable Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$38.00

***** 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.

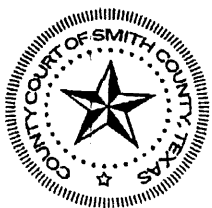
File Information:

Document Number: 202301011468

Receipt Number: 20230424000069

Recorded Date/Time: April 24, 2023 11:42 AM

User: Suni W



STATE OF TEXAS
Smith County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Smith County, Texas

Karen Phillips
Smith County Clerk
Smith County, TX