

SUNBURY ESTATES COMMUNITY IMPROVEMENT ASSOCIATION

c/o Consolidated Management Services

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AFFIDAVIT IN COMPLIANCE WITH SECTION 202.006
OF TITLE 11 OF THE TEXAS PROPERTY CODE

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared **JAMES SPENCER**, who, being by me duly sworn according to law, stated the following under oath:

“My name is **JAMES SPENCER**. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct. I am the President of, and a Director of, **SUNBURY ESTATES COMMUNITY IMPROVEMENT ASSOCIATION** (the “Association,” a Texas Non-Profit Corporation and a Texas Property Owners’ Association).

- I.** The name of the Subdivision is **POST WOOD, Section Five (5)**.
- II.** The name of the Association is **SUNBURY ESTATES COMMUNITY IMPROVEMENT ASSOCIATION**.
- III.** The recording data (i.e., Map or Plat reference) for each Section of the Subdivision is as follows:

Map(s) or Plat(s) Records of Harris County, Texas:

Post Wood, Section Five (5) - Harris County Clerk’s File No. F959955 / Volume 285, Page 57; and corrected and re-recorded under Harris County Clerk’s File No. G941180 / Volume 301, Page 116.

- IV.** The recording data for the Declaration (which may be referred to as the “Declaration,” the “Restrictions,” the “Deed Restrictions,” the “Covenants, Conditions and Restrictions,” the “Restrictions and Covenants” or the “CC&Rs”) for each Section of the Subdivision, including Amendments, Modifications and/or Supplements as applicable, is as follows:

Deed Restrictions (Deed Records of Harris County, Texas):

Post Wood, Section Five (5) - County Clerk’s File No. H693613 / Film Code No. 030-84-1460 through 030-84-1480.

RP-2023-171906

**SUNBURY ESTATES COMMUNITY
IMPROVEMENT ASSOCIATION**

CERTIFICATE OF CORPORATE RESOLUTIONS
(First Amendments to Restated By-Law)

I CERTIFY THAT: I am the duly qualified and acting President of SUNBURY ESTATES COMMUNITY IMPROVEMENT ASSOCIATION (the "Association"), a duly organized and existing Texas Non-Profit Corporation. The Association's Board of Directors (the "Board") determined that it is necessary to amend and replace Article V, Section 3 and Article XV of the Association's Restated By-Laws (approved May 10, 2017), to submit such proposed resolutions to a vote of the Membership and to provide the Members with proper advance notice of such proposed resolutions. The following is a true copy of two (2) resolutions duly adopted by a majority vote of the Members of the Association at its Annual Meeting of Members held on May 10, 2023, at which meeting a quorum of Members was present in person or by proxy, and which resolutions have been entered in the minutes of such meeting in the minute book of the Association:

RESOLVED on May 10, 2023, and effective immediately, that Article V, Section 3 of the Association's Restated By-Laws (approved May 10, 2017) is hereby amended and replaced with the following:

"Section 3. Term Limits. No person shall serve on the Board more than two (2) complete consecutive terms. Notwithstanding the foregoing, a person may serve on the Board again after completing two consecutive terms, provided they do not serve on the Board for a period of at least thirty (30) days following the completion of the second consecutive term of service."

RESOLVED on May 10, 2023, and effective immediately, that Article XV of the Association's Restated By-Laws (approved May 10, 2017) is hereby amended and replaced with the following:

"MISCELLANEOUS

Section 1. Fiscal Year. The fiscal year of the Association shall begin on the 1st day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

Section 2. Prevailing Party Rights. The Association and/or any Owner may initiate a legal action to enforce the Declaration and/or these By-Laws and with respect to any litigation hereunder, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs of court from the non-prevailing party as a matter of right. The test for determining which is the prevailing party is a pragmatic one, namely the party which prevailed on a practical level by achieving its main litigation objectives. Any and all attorney's fees and costs of court awarded to the Association shall constitute a special assessment and may be collected and enforced in compliance with Article XI.

Section 3. Frivolous and Meritless Actions. In any legal action brought by an Owner for damages in which the Association and/or a member of the Board of Directors is named as a Defendant, if the legal action is (a) determined by the court to be meritless and/or frivolous, (b) dismissed prior to a trial on the merits, or (c) dismissed by the court on summary judgment, the Association shall be entitled to assess a special assessment against the Owner and its Property of up to ten thousand dollars (\$10,000). Any such special assessment may be collected and enforced in compliance with Article XI.”

The above resolutions have never been modified or repealed, and are now in full force and effect.

SIGNED on this the 11th day of May, 2023.

**SUNBURY ESTATES COMMUNITY
IMPROVEMENT ASSOCIATION**

By: 
JAMES SPENCER, President

**Sunbury Estates Community Improvement Association
Certificate of Corporate Resolutions - Dated May 11, 2023**

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Pages 5
05/11/2023 02:14 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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