

**Denton County
Juli Luke
County Clerk**

Instrument Number: 76287

ERecordings-RP

AMENDMENT

Recorded On: July 19, 2023 11:30 AM

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" Examined and Charged as Follows: "

Total Recording: \$42.00

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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.

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STATE OF TEXAS
COUNTY OF DENTON

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 Denton County, Texas.

Juli Luke
County Clerk
Denton County, TX

After Recording, Please Return To:
Judd A. Austin, Jr., Esq.
Henry Oddo Austin & Fletcher, P.C.
1717 Main Street
Suite 4600
Dallas, Texas 75201

**FIRST AMENDMENT TO THE
BYLAWS
OF
WINDHAVEN CROSSING TOWNHOME
HOMEOWNER'S ASSOCIATION, INC.**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS
COUNTY OF DENTON §

This First Amendment to the Bylaws of Windhaven Crossing Townhome Homeowner's Association, Inc. ("*Bylaws*") is made by Wilbow-Windhaven Development Corporation, a Texas corporation ("*Declarant*") and is effective as of the date it is filed with the Denton County Clerk:

W I T N E S S E T H :

WHEREAS, Section 13.1 of Article XIII of the Bylaws authorizes the Declarant to amend the Bylaws unilaterally during the Development Period without the consent or joinder of the Board of Directors or the Members; and

WHEREAS, the Development Period has not lapsed or expired; and

WHEREAS, the Declarant has determined it would be in the best interest of the Association to amend the Bylaws as hereinafter set forth; and

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

• Article II, Section 3.4 of the Bylaws is hereby amended, and shall hereinafter read, in its entirety, as follows:

Section 3.4. Notice of Meetings. At the direction of the Board, written notice of meetings of the Association will be given to the Members at least ten (10) days but not more than forty-five (45) days prior to the meeting. Notices of meetings will state the date, time, and place where the meeting is to be held. Notices will identify the type of

meeting as annual or special and will state the particular purpose of a special meeting. Notices may also set forth any other items of information deemed appropriate by the Board. Only one method of notification for meetings is required.

- Article III, Section 3.7 of the Bylaws is hereby amended, and shall hereinafter read, in its entirety, as follows:

Section 3.7. Proxies. Votes may be cast in person, by written proxy, or online/electronic ballot. For a written proxy to be valid, each proxy must: (i) be signed and dated by a Member or his attorney-in-fact; (ii) identify the Lot to which the vote is appurtenant; (iii) name the person or title (such as "presiding officer") in favor of whom the proxy is granted, such person having agreed to exercise the proxy; (iv) identify the meeting for which the proxy is given; (v) not purport to be revocable without notice; and (vi) be delivered to the secretary, to the person presiding over the Association meeting for which the proxy is designated, or to a person or company designated by the Board. Unless the proxy specifies a shorter or longer time, it terminates eleven (11) months after the date of its execution. Perpetual or self-renewing proxies are permitted, provided they are revocable. To revoke a proxy, the granting Member must give actual notice of revocation to the person presiding over the Association meeting for which the proxy is designated. Unless revoked, any proxy designated for a meeting which is adjourned, recessed, or rescheduled is valid when the meeting reconvenes. A proxy may be delivered by fax. However, a proxy received by fax may not be counted to make or break a tie-vote unless: (a) the proxy has been acknowledged or sworn to by the Member, before and certified by an officer authorized to take acknowledgements and oaths; or (b) the Association also receives the original proxy within five (5) days after the vote.

- Article III, Section 3.11 of the Bylaws is hereby amended, and shall hereinafter read, in its entirety, as follows:

Section 3.11. Action without Meeting. Subject to Board approval, any action which may be taken by a vote of the Members at a meeting of the Association may also be taken without a meeting by written consents. The Board may permit Members to vote by any method allowed by the Texas Business Organizations Code, including Section 22.160 thereof, which may include hand delivery, United States Mail, facsimile, e-mail, electronic means and electronic voting platforms and vote counters, or any combination of these. Written consents by Members representing at least a majority of votes in the Association, or such higher percentage as may be required by the Documents, constitutes approval by written consent. If voting via electronic means is approved by the Members, all Members shall have a 21-day notice in which all Members are given notice of the parameters of the voting window and how the voting will take place on the electronic platform. This Section may not be used to avoid the requirement

of an annual meeting and does not apply to the election of Directors.

SIGNED this 13 day of July 2023.

DECLARANT:

**WILBOW-WINDHAVEN
DEVELOPMENT CORPORATION,
a Texas Corporation**

By: *Mehdi Moayed*
Name: *Mehdi Moayed*
Its: *Murray*

CERTIFICATION OF AMENDMENT TO BYLAWS

I, *Mehdi Moayed*, *Murray* of Wilbow-Windhaven Development corporation, a Texas corporation, hereby certify:

That this First Amendment to the Bylaws of Windhaven Crossing Townhome Owner's Association, Inc. was approved on the 13 day of July 2023, and that the same does now constitute a portion of the Bylaws of Windhaven Crossing Townhome Owner's Association, Inc.

IN WITNESS WHEREOF, I heretofore subscribe my hand on this 13 day of July 2023.

By: *Rome Barnes*

