

STATE OF TEXAS §

COUNTY OF TRAVIS §

NOTICE OF DEDICATORY INSTRUMENTS FOR SHADOW OAKS TOWNHOMES CONDOMINIUM ASSOCIATION, INC.

Document reference. Reference is hereby made to that certain Condominium Declaration for Shadow Oaks Townhomes, filed at Vol. 2, Pg. 478 in the Condominium Records of Travis County, Texas (together with all amendments and supplemental documents thereto, the "Declaration").

WHEREAS the Declaration provides that owners of units subject to the Declaration are automatically made members of Shadow Oaks Townhomes Condominium Association, Inc. (the "Association"); and

WHEREAS Section 202.006 of the Texas Property Code requires that a homeowners association record all dedicatory instruments in the county in which the related property is located;

THEREFORE the Association does hereby file the attached dedicatory instruments of record to put members of the public on notice of their existence and substance.

SHADOW OAKS TOWNHOMES CONDOMINIUM ASSOCIATION, INC.

Handwritten signature of Connie N. Heyer, followed by a horizontal line and the text: By: Connie N. Heyer Title: Attorney-in-Fact

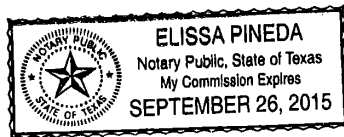
- Exhibit "A": Articles of Incorporation Exhibit "B": Previously-adopted Rules

Acknowledgement

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was executed before me on the 30th day of April, 2012, by Connie N. Heyer in the capacity stated above.



Handwritten signature of Elissa Pineda, followed by a horizontal line and the text: Notary Public, State of Texas



FILED  
In the Office of the  
Secretary of State of Tex

MAY 24 1978

*Patrick Brice*  
Attorney, Corporation Division

ARTICLE OF INCORPORATION  
OF

SHADOW OAKS TOWNHOMES CONDOMINIUM ASSOCIATION, INC.

We, the undersigned natural persons of the age of eighteen (18) years or more, at least two of whom are citizens of the State of Texas, acting as incorporators of a corporation under the Texas Non-Profit Corporation Act, do hereby adopt the following articles of incorporation of such corporation.

ARTICLE I

The name of the corporation is SHADOW OAKS TOWNHOMES CONDOMINIUM ASSOCIATION, INC., hereinafter sometimes called the "Corporation" or the "Association".

ARTICLE II

The corporation is a non-profit corporation.

ARTICLE III

The period of its duration is perpetual.

ARTICLE IV

The purpose or purposes for which the corporation is organized are: to operate, manage, maintain and administer the affairs of Shadow Oaks Townhomes Condominiums, a condominium project established pursuant to Article 1301a of the Texas Revised Civil Statutes and that certain Condominium Declaration dated August 30, 1973, recorded in Volume 2, Page 478 of the Condominium Records of Travis County, Texas, (the "Declaration"); to enter into and perform any contract and to exercise all power which may be necessary or convenient to the operation, management, maintenance and administration of the affairs of Shadow Oaks Townhomes Condominiums as a condominium project in accordance with the Declaration;

to promote the health, safety and welfare of the residents within the above condominium project; to exercise the powers and privileges and to perform all of the duties and obligations, including but not limited to the collection of assessments for such purposes, as set forth in the Declaration, as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length, and to have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of Texas by law may now or hereafter have to exercise.

ARTICLE V

The street address of the initial registered office of the corporation is 7404 Shadowhill, Austin, Texas 78731 and the name of its initial registered agent at such address is John W. Donoghue.

ARTICLE VI

Every person or entity who is a record owner of a condominium unit which is subject by the Declaration to assessment of the Association shall be a member of the Association and shall be entitled to one vote for each unit owned, the value of such vote shall be equal to the percentage interest assigned to each such unit as set forth in the Declaration. When more than one person holds an interest in any unit, all such persons shall be members. The vote for such unit shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any unit. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Memberships shall be appurtenant to and may not be separated from ownership of any unit which is subject to assessment by the Association.

ARTICLE VII

The name and street address of each incorporator is:

<u>NAME</u>	<u>ADDRESS</u>
Charles B. Kreutz	2600 Austin National Bank Tower Austin, Texas 78701
Richard S. Donoghue,	2600 Austin National Bank Tower Austin, Texas 78701
Donald L. Totusek	2600 Austin National Bank Tower Austin, Texas 78701

ARTICLE VIII

The affairs of this Association shall be managed by a Board of five (5) Managers. The number of Managers may be changed by amendment of the By-Laws of the Association. The names and addresses of the persons who are to act in the capacity of initial Managers until the election of their successors are:

<u>NAME</u>	<u>ADDRESS</u>
Barbara Burns	7404 Shadowhill Austin, Texas 78731
John W. Donoghue	7404 Shadowhill Austin, Texas 78731
Jean Collard	7404 Shadowhill Austin, Texas 78731
Diana Post	7404 Shadowhill Austin, Texas 78731
Cecil Drummond	7404 Shadowhill Austin, Texas 78731

ARTICLE IX

Amendment of these articles shall require the assent of three-fourths (3/4) of the entire membership.

IN WITNESS WHEREOF, we have hereunto set our hands, this  
24th day of May, A.D., 1978.

Charles B. Kreutz  
CHARLES B. KREUTZ

Richard S. Donoghue  
RICHARD S. DONOGHUE

Donald L. Totusek  
DONALD L. TOTUSEK

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

I, the undersigned authority, do hereby certify on this  
24th day of May, 1978, personally appeared  
before me, CHARLES B. KREUTZ who being by me first duly  
sworn declared that he is the person who signed the foregoing  
documents as incorporator, and that the statements therein  
contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal  
the day and year written above.

Elaine Hardin  
Notary Public in and for  
Travis County, Texas

My Commission Expires:

ELAINE HARDIN  
Notary Public, Travis County, Texas.  
My commission expires 10-21-78

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

I, the undersigned authority, do hereby certify on this 24th day of May, 1978, personally appeared before me, RICHARD S. DONOGHUE, who being by me first duly sworn declared that he is the person who signed the foregoing documents as incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year written above.

Elaine Hardin  
Notary Public in and for  
Travis County, Texas

My Commission Expires:

ELAINE HARDIN  
Notary Public, Travis County, Texas  
My commission expires 10.31.78

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

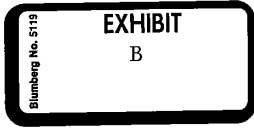
I, the undersigned authority, do hereby certify on this 24th day of May, 1978, personally appeared before me, DONALD L. TOTUSEK, who being by me first duly sworn declared that he is the person who signed the foregoing documents as incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year written above.

Elaine Hardin  
Notary Public in and for  
Travis County, Texas

My Commission Expires:

ELAINE HARDIN  
Notary Public, Travis County, Texas  
My commission expires 10.31.78



**Shadow Oaks Townhome Condominium Association, Inc.**

**Rules for Residents**

(Revised July 2009)

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**CABLE TV'S AND STEREOS**

Basic cable is included in the monthly home owners' fee. A resident may subscribe for more programs by paying for them. If you want additional cable hook-ups in other rooms, the cable company will charge you \$99.95. There are some forms required and can be provided by the property manager, 923-2473.

- Time Warner Communications ..... 485-6555
- Cable Repair Phone Number ..... 485-5080
- Bills and Accounts Phone Number ..... 485-5555

The Shadow Oaks Account number is 0150-173557-01.

**ELECTRIC**

This is the only utility bill that each resident pays. You should check page 2 of your bill where there is a total charge for Electric Service, Solid Waste Service and Drainage/Street Service. If any other charges appear on your bill, call 472-0500 and remind them that you live at Shadow Oaks Townhomes and get the charges removed. Water is paid by the Homeowners' Association and we encourage you to be thrifty with its use since it is the single highest monthly bill we have.

The outside lights are all controlled by sensors; if you see a problem with a light, please report it to the manager to get it checked out.  
**VALERIE THURMAN, MANAGER, 924-2473**

**GARBAGE REMOVAL**

All garbage and trash should be put into the dumpsters; boxes should be broken down flat before disposal. Large items like appliances and furniture should not be put into the dumpsters. Texas Disposal Systems will not pick up anything that is not in the containers. We also ask that you always close the lids when you have dumped something.

**PATIOS**

Each resident is responsible for the upkeep and cleanliness of the unit's patio area. Please do not store boxes or open containers as they retain water and can cause mosquitoes. Excessive clutter is an invitation to termites, roaches and rats.

Residents are also responsible for controlling the growth of weeds, grass and vines within their patio areas. All trees and other plants (or vines) should be trimmed so they do not hang over your neighbor's patio or touch the walls or roof of any other unit. If you have planted a tree or shrub in your patio area, you must maintain the trimming, etc. required for that particular tree.

Mops, brooms, tools, shades, blinds should not be above the fence line or allowed to hang on the fence or patio cover.

Do not hang towels, swimming suits, laundry, etc. over the fences including the pool fences.

Keep patio gates closed at all times.

NO TV antennas or satellite dishes are permitted if they are to be attached to the building structure. They can, however, be mounted on a post which is installed away from the walls and roof of the unit.

Do not use patio units for storage purposes.

Be very careful when using outdoor barbecue grills.



Keep a water hose connected to the outlet in your patio to be available in case of fire.

#### ***PARKING RULES***

1. Every unit is entitled to one numbered, covered space.
2. Any unnumbered space may be used for a second car on a first come, first served basis. A motorcycle may be parked in a second space.
3. Any extra vehicles should be parked on the street.
4. The parking spaces on Greystone – one in front of 3445-3449 and one in front of 3513-3517 – and the east side of Shadow Hill Drive are for temporary visitors, delivery and repair trucks only.
5. Boats or trailers CANNOT be parked in the parking areas.
6. Vehicles that extend far beyond the carport cover and make it hard for others to park or maneuver in the lot cannot be parked in the parking area.
7. Please reduce speed in the parking area as other residents may be backing from their parking space or there may be children in the area.

#### ***LAUNDRY ROOMS***

There are two laundry rooms for the Shadow Oaks residents; please leave them clean after each use. Do not (!) attempt to dye clothes in the washers. When you are finished drying your clothes please remove the lint from the dryers, turn off the lights and close the door to the room.

Should you have a problem with a machine call the number posted in the laundry room. The company will refund any money you have lost in a non-functioning machine.

Inadequate plumbing in the units makes it necessary for the Association to prohibit the installation of washers and dryers in the units.

#### ***PETS***

Only small household pets are allowed. Normally, a 15 pound maximum limit will serve to restrict dogs to the smaller breeds most suited and popular for apartment and townhome living. Dogs MUST BE CONFINED to the home owners' or tenants' unit or be on a leash or well-supervised outdoors.

It is the owner's responsibility to clean up outside after a pet. Any persistent barking by dogs or cat noises in the night or other irritating nuisance behavior by pets should not have to be tolerated by your neighbors. If a resident has a complaint, he or she should contact the pet's owner and discuss the problem. If there is no cooperation contact the Manager. If after being given a warning, the pet owner does not cooperate, he or she will be asked to remove the pet from the premises or the Humane Society will be contacted.

**PEST CONTROL**

Regularly the perimeter of the buildings is treated to prevent pests from entering the buildings. If your unit has a heavy infestation of insects, we can arrange for the pest control people to treat the inside. Request this service by calling the Manager.

Once a year we have termite inspection. If you suspect termite activity again you should call the Manager.

**DOOR CHECK**

We urge you to check outside your front door each day to remove any unwanted advertisements and papers. By leaving this type of material out, you may give the impression that no one is at home. When you are away, ask a neighbor to pick up your paper for you.

**SWIMMING POOL**

Bluebonnet Pool Service is in charge of the swimming pool maintenance. The pool is owned by all the home owners of Shadow Oaks, and it is necessary that all residents use consideration and courtesy to protect the pool and rights and safety of others. The following are the rules for the use of the pool.

- Swim at your own risk; there is no lifeguard on duty.
- Guests must be accompanied by a resident. Children under 14 must be with an adult.
- Proper swim attire – no cut-offs.
- No glass containers in the pool area.
- Do not use suntan oil before swimming.
- Dispose of trash properly in trash cans or dumpster.
- City ordinance prohibits having pets in the pool area.
- No swimming after 10:00 PM.
- Keep volume of radios low.
- Pool gate is to be closed at all times (City Ordinance).
- Phone in front of office is for emergency use.
- No parties in the common area.

**WATER**

The Board requests that all residents keep a water hose connected to the water outlets in their patios. This would be a big help in case of a fire anywhere near the units.

Please take special precautions to avoid any type of tragedy at the complex by exercising common sense and safety precautions in using outdoor grills.

Remember, too, to take precautions when we have a "freeze alert".

Please have any leaky faucets or commodes repaired or corrected; water is included in the Home Owners fees and it is one of the biggest monthly bills we pay.

If for any reason you must cut off the water to your unit, you must give your neighbors advance warning. Water cut-off information is in the back of this booklet.

**BOARD OF MANAGERS and the ARCHITECTURAL COMMITTEE**

The Board of Managers consists of six members who must, according to the by-laws, be unit owners but they do not have to be residing in their units. They are nominated and elected by a majority of the owners. They are not paid for their services. And owners are encouraged to feel responsible for serving at some time.

The Board engages a part-time Manager/Bookkeeper to carry out the day-to-day operation of the Association.

The Board also becomes the Architectural Committee which is responsible for approving any structural changes to the townhome interiors or exteriors.

#### ***HOME OWNER IMPROVEMENTS OR CONSTRUCTION***

Any home owner wanting to have any type of exterior modification done (i.e. storm windows, storm doors, patio doors, patio covers, fences, etc.) must get written approval from the Board prior to beginning construction. This is covered more fully in the By-Laws.

Any resident wishing to put up an outside mail box may do so without approval by the Board.

#### ***ASSOCIATION RESPONSIBILITIES***

All maintenance, repairs and replacements to the common elements and the townhouse exteriors shall be the common expense of all homeowners as a part of the monthly home owner fees. The Association has responsibility for such maintenance. Any damages to the common elements or property directly caused by a negligent home owner, members of his family, guests, tenants or employees shall be repaired at the expense of that home owner NOT the Association.

#### ***HOME OWNER RESPONSIBILITY***

Each home owner and tenant should strive to keep his unit in safe operational order. Faulty wiring should be repaired immediately; patio areas should be free from litter such as boxes, rags, paint cans, wood, logs, etc.

Please be sure that the Manager has (1) a working key(s) to the unit (we have had emergencies such as a unit's fire alarm going off when no one is home and the fire department has said that they would have to break the door down if they came) and (2) an emergency phone number – preferably a family member or close friend that hopefully we will never have to use.

**Pass Keys:** There is a policy that states that says that the emergency keys are for emergencies only; therefore, under no circumstances will the keys be given to the owners/tenants who have locked themselves out or lost their keys. Please make arrangements with a neighbor or friend for spare keys, etc.

**Homeowner fees:** (1) HOA fees are due the first day of the month and checks should be made payable to Shadow Oaks Townhomes Condo Assn. and be paid to the mailing address, 7409 Shadow Hill Dr. #115. Past due payments cause bookkeeping problems because all bills are paid by the tenth of each month. (2) A \$5. late charge will be added to all fees which are received after the 10<sup>th</sup> of the month; any fees not received before the 15<sup>th</sup> of the month will be subject to a 17% interest fee. Should an attorney or small claims court be necessary to collect past due fees, the homeowner will be responsible for all the fees involved.

Home owner fees cover the following:

- Cable (up to channel 77)
- Record keeping and annual statements
- Garbage and trash removal
- Pest control and annual termite inspection
- Biweekly yard maintenance
- Outside electrical and plumbing repairs

- Light fence repairs
- Light exterior painting

### ***INSURANCE***

Our insurance coverage is arranged by McCall-Hibler & Allen, Inc. Article 27 of the Condominium Declaration provides that a blanket policy will be carried to cover all townhome exteriors. Each homeowner pays a pro-rated share (based on a unit's square footage) when the policy is renewed. You will be billed in August AND YOUR PROMPT PAYMENT WILL BE APPRECIATED. We must pay the premium in full in September.

If there is a change to the lender or if your mortgage is paid in full, the changes must be reported to the insurance company.

Personal property insurance coverage for those items considered to be the homeowners' responsibility such as carpet, appliances, furnishings, electronics as well as personal liability within the unit is the responsibility of the owner (and/or tenant) to obtain such a policy and pay for it.

### ***FINANCIAL STATEMENTS***

The bookkeeper prepares a monthly financial statement. Home owners will receive an annual financial statement just before the Annual Meeting. If you would like to review a copy of any financial statement, please contact the Manager/Bookkeeper (924-2473) and a copy will be prepared for you.

### ***INCORPORATION AND ACCOUNTING PROCEDURES***

Shadow Oaks Townhomes Condominium Association, Inc. (the Corporation) was incorporated under the laws of the State of Texas on May 14, 1978 as a not-for-profit corporation. The purpose of the corporation is to operate, manage, maintain and administer the affairs of the Shadow Oaks Townhomes Condominium Association. The corporation is the outgrowth of the Shadow Oaks Townhome Association and began operations with the transfer of all assets, liabilities and fund balances on May 24, 1978. The corporation maintains its accounting records on the cash basis of accounting and operates on a September 1 through August 31 fiscal year.

### ***FISCAL RESPONSIBILITY***

Fiscal responsibility for the cost efficient operation of the Association's business transactions, including proper bookkeeping methods, receipt of home owners' fees, prompt payment of invoices due and annual financial statements to all home owners shall rest with the bookkeeper/manager under the supervision of the Board of Managers. Proper records shall be maintained and shall be available for audit by an outside accounting firm. Any questions concerning the financial status or operation of the Association should be addressed to the president of the Board of Managers.

### ***SELLING OR LEASING A UNIT***

Upon selling or leasing a unit, the responsibility of the home owner:

When selling

1. Make sure the buyer understands the condominium concept of living and agrees to comply with the Shadow Oaks guidelines.
2. Provide the buyer with a copy of the condominium declaration, by-laws, Handbook, Directory on or before closing.

3. Notify the Board and Manager of your intent to sell as soon as possible and have your home owner's fee paid up to date prior to closing.

#### **When leasing**

1. Make sure you have a well-written lease to avoid problems. The lease should in some way acknowledge that the tenant is aware of the guidelines governing Shadow Oaks and agrees to comply and cooperate as a resident
2. Provide the tenant's name and telephone number and date of occupancy to the Manager prior to their moving in.

#### ***LIABILITY AND COMMON EXPENSE WHEN SELLING***

Upon payment to the Association of a reasonable fee, not to exceed twenty-five (\$25.), and upon written request of any owner or any mortgage or prospective mortgagee of a condominium unit, the Association shall issue a written statement (a "resale certificate") setting forth the amount of the unpaid common expenses, if any, with respect to the subject unit, the amount of the current monthly assessment, including accumulated amounts for reserves or sinking funds, if any, which statements shall be conclusive upon the Association in favor of all persons who rely thereon in good faith.

Unless such request for a statement of indebtedness shall be completed within ten (10) days, all unpaid common expenses which became due prior to the date of making such request shall be subordinate to the rights of the person requesting such statement. The grantee of a condominium unit shall be jointly and severally liable with the grantor for all unpaid assessments up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee.

#### ***DIRECTORY AND NEWSLETTERS***

A directory which provides the name, addresses and phone numbers of each resident and tenant is printed periodically and is available to all residents. Please help us keep it current and correct by reporting any changes to the Manager. We also request your e-mail address (and changes to it if one should occur). If you need another copy of the Directory please notify the Manager. Newsletters are sent out several times a year but not on a regular schedule.

#### ***HOME OWNER MEETINGS***

Currently there is only one annual meeting of the Shadow Oaks home owners and residents. The Secretary distributes a notice giving the date, time and place. All home owners are encouraged to make every effort to come to the meeting because it gives us an opportunity to discuss thoroughly topics concerning their investment. There must be an attendance of 50% or more of the current home owners to provide the quorum needed to approve or defeat an issue. Interested tenants are welcome to attend the meeting but only home owners are eligible to vote. The home owners' meeting is held following the end of the fiscal year.

#### ***PLUMBING AND ELECTRICAL REPAIR***

Plumbing, electrical repairs, central heat and air conditioner repairs are the responsibility of the owner of each unit. Any water leakage should be reported to the involved home owner as soon as possible. Each resident should learn where the water cut-off to his unit is located. Should you need it, the Shadow Oaks Townhome water account at the City is #04186482.

**WATER CUT-OFF AND ELECTRIC METER LOCATIONS**

Electric meters are located on the outside walls of 7409 Shadow Hill #101 and 7406 Shadow Hill #101. All unit meters are located there.

Each town home has individual cut-off valves for the hot water heater, each sink and toilet. Naturally these small valves will only cut off the water for that particular fixture or the water heater. Should you need to cut off the water for the entire residence, the list below indicates the location of your townhome main cut-off valve:

7404 Shadow Hill Drive - Valve in sidewalk just north of laundry cuts off west laundry and unit 7404

7409 Shadow Hill Drive - Valve in patio of unit 101 cuts off east laundry and units 7407 and 7409

Condos facing the 3500 block of Greystone -- valve is located in front of 3503 Greystone and cuts off water to all condos with addresses in the 3500 block of Greystone

Condos facing 3400 block of Greystone -- valve is generally by air conditioning compressor in front of condo. Usually each valve cuts off two units.

Condos not facing of Greystone -- valve is generally in covered parking area back of condo. Again each valve cuts off water for two adjacent units and is near the kitchen.

In an EMERGENCY, or after notifying all residents on your side of Shadow Hill Drive, the water can be cut off using the main water cut off. The main cut off for units west of Shadow Hill Dr. is located by the street in front of 3517 Greystone. The cut off for the east side is located between the street and parking lot in front of 3445 Greystone

**After recording, please return to:**

Nieman & Heyer, L.L.P.  
Attorneys At Law  
Westgate Building, Suite 313  
1122 Colorado Street  
Austin, Texas 78701

Fileserver:CLIENTS:Shadow Oaks:NoticeDedictoryInstruments4-12.doc



**FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS**

*Dana Debeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

April 30 2012 03:01 PM

FEE: \$ 72.00 2012066905