



**RESOLUTION RATIFYING AND APPROVING THE AMENDED AND RESTATED
BYLAWS OF MESA TRAILS HOMEOWNERS' ASSOCIATION, INC.**

WHEREAS, the Mesa Trails Homeowners' Association, Inc. (hereinafter the "Association") is a property owners association established by, and governed through that certain Declaration of Covenants, Conditions and Restrictions for Mesa Trails, A Planned Unit Development recorded in Volume 12083, Page 1 of the Official Public Records of Travis County, Texas;

WHEREAS, the Association is further governed by those certain Bylaws of Mesa Trails Homeowners' Association, Inc. recorded in Document Number 20020197719 (the "Original Bylaws");

WHEREAS, the Association amended Article IV, Sections 4.01 and 4.02 and Article VIII, Section 8.08(D) of the Original Bylaws pursuant to Article XIII of the Original Bylaws via a two-thirds (2/3rds) vote of members present in person or by proxy at a meeting (the "Bylaw Amendments");

WHEREAS, the Bylaw Amendments were never filed in the Official Public Records of Travis County, Texas;

WHEREAS, Section 202.006 of the Texas Property Code requires a property owners' association to "file all dedicatory instruments in the real property records of each county in which the property to which the dedicatory instruments relate is located";

WHEREAS, the Association desires to incorporate the Bylaw Amendments into the Original Bylaws to create Amended and Restated Bylaws of Mesa Trails Homeowners' Association, Inc (the "Amended and Restated Bylaws") with no other changes made from the Original Bylaws except the approved Bylaw Amendments; and

WHEREAS, the Association desires to record the Amended and Restated Bylaws to comply with Section 202.006 of the Texas Property Code.

BE IT RESOLVED that the Association hereby ratifies and approves the Amended and Restated Bylaws attached hereto as Exhibit "A" to be recorded in the Official Public Records of Travis County, Texas.

This resolution was passed by a unanimous vote of the Board of Directors of the Association on the date set forth below.

(Signature Page Follow)

Executed this the 18th day of JANUARY, 2021.

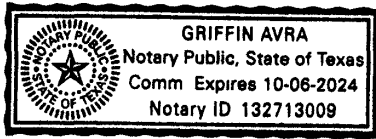
By: 

Name: DAVID FOX

Title: SECRETARY

STATE OF TEXAS)
)
COUNTY OF TRAVIS)

This instrument was acknowledged before me on this the 18th day of January, 2021,
by David Fox, Secretary of and for the Association, for the purposes
therein expressed.




Notary Public, State of Texas

AFTER RECORDING PLEASE RETURN TO:
Adam Pugh
CAGLE PUGH
4301 Westbank Dr.
Bldg. A, Ste. 150
Austin, TX 78746

BYLAWS OF

MESA TRAILS HOMEOWNERS' ASSOCIATION, INC.

ARTICLE I

Section 1.01. The name of the Association is Mesa Trails Homeowners' Association, Inc., hereinafter referred to as the "Association".

Section 1.02. The mailing address of the Association shall be at 7975 Mesa Trails Circle, Austin, Texas 78731, but meetings of members and directors may be held at such places within the city of Austin, as may be designated from time to time by the Board of Directors.

ARTICLE II

DEFINITIONS

Section 2.01. "Association" shall mean and refer to the Mesa Trails Homeowner's Association, Inc., a Texas non-profit corporation, its successors and assigns.

Section 2.02. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation, provided, however, that the purchaser at a foreclosure sale or trustee's sale shall be deemed an owner.

Section 2.03. "Property" shall mean and refer to that certain real *property* herein described, including Lots and Common Area, described and encompassed by the Mesa Trails Subdivision, and any resubdivisions thereof, as recorded in the Plat Records of Travis County, Texas and such additions thereto as may be brought within the jurisdiction of the Association.

Section 2.04. "Common Area" shall mean all real property (including the improvements thereto) owned by the Association for the common use and enjoyment of the owners, as depicted on *the* plat for Mesa Trails Subdivision and recorded with the County Clerk of Travis County, Texas, including the private streets, green belts, walkways, recreational areas, common drives, off-street parking areas, parks, trails, swimming pool, sprinkler systems, lighting fixtures located thereon, entrance structures, and maintenance structures, and all fixtures, equipment and improvements located thereon, including mailboxes and perimeter fences around the whole property. Such Common Area specifically to include Lots 48 and 49, Mesa Trails as designated on the plat.

Section 2.05. "Lot" shall mean and refer to all lots in the subdivision being Lot 1 thru 47, inclusive, and excluding Lots 48 and 49 which are part of the Common Area

Section 2.06. "Member" shall mean and refer to every person or entity who holds membership in the Association.

Section 2.07. "Bylaws" shall mean the Bylaws of the Association as amended from time to time.

Section 2.08. "Mortgage" shall mean a security interest, mortgage, deed of trust, or lien granted by an Owner in and to, or against, a lot and its improvements to secure the repayment of a loan, and duly filed for record in the office of the County Clerk of Travis County, Texas.

Section 2.09: "Mortgagee" shall mean the person who holds a Mortgage as security for repayment of a debt and shall include, without limiting the generality of the foregoing, the Federal Home Loan Mortgage Corporation or other similar government agency, and any bank, savings and loan association, or similar financial institution.

Section 2.10. "Person" shall mean a natural person, firm, corporation, partnership, trust or other legal entity.

Section 2.11. "Declarant" shall mean and refer to Mesa Trails, Inc., a Texas corporation, its successors and assigns.

Section 2.12. "Declaration", shall mean and refer to the Declaration and Covenants, Conditions and Restrictions for Mesa Trails recorded in Volume 6929, Page 1580, of the Deed Records of Travis County, Texas and any supplement and amendment for Mesa Trails filed in the Deed Records of Travis County, Texas.

ARTICLE III

MEETING OF MEMBERS

Section 3.01. Annual Meeting. The annual meeting of the Association shall be held in December of each year.

Section 3.02. Special Meetings. Special meetings of the members may be called at any time by the president or by the Board of Directors, or upon written request of the members who are entitled to vote one-tenth (1/10) of all of the votes of the membership.

Section 3.03. Notice of Meetings. Written notice of each meeting of the members stating date, time, and location shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days, but not more than sixty (60) days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall be deemed to be delivered when deposited in the United States mail.

Section 3.04. Quorum. One fourth (1/4) of the votes cast in person or by proxy by the membership shall constitute a quorum, for any action except as otherwise provided in the declaration or these bylaws. If, however,, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

Section 3.05. Proxies. At any meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

ARTICLE IV

BOARD OF DIRECTORS, SELECTION, TERM OF OFFICE

Section 4.01. Number. The affairs of this association shall be managed by a board of not less than five (5) nor more than nine (9) directors elected from the membership of the Association.

Section 4.02. Term of Office. The Board starting in the year immediately following the adoption of these revised bylaws shall consists of three (3) members elected to serve three (3) years, three (3) members elected to served two (2) years, and three (3) members elected to serve one (1) year. (In the event only five (5) members are elected, only one (1) member will serve three (3) years; if only seven (7) members are elected two (2) members will serve three (3) years.) At each succeeding annual meeting the membership shall elect directors to replace those whose terms are expiring.

Section 4.03. Removal. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

Section 4.04. Compensation No director shall receive compensation for any service he may render to the Association in his capacity as a director. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties as a director.

ARTICLE V

NOMINATION AND ELECTION OF DIRECTORS

Section 5.01. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual

meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors,, and two or more members of the Association. The Nominating Committee shall be appointed at the first meeting of the Directors to serve until the end of the next annual meeting of the Association. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations shall be made from among members.

Section 5.02. Election. Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provision of the Declaration. The person receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VI

MEETINGS OF DIRECTORS

Section 6.01. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly, at such place and hour as may be fixed from time to time by resolution of the Board.

Section 6.02. Special Meetings. Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any two directors, after not less than three (3) days notice to each director.

Section 6.03. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act done or decision made by a majority of the directors shall be regarded as the act of the Board.

Section 6.04. Action Taken Without a Meeting. The directors shall have the right to take any action, in the absence of a meeting which they could take at a meeting by obtaining the approval of a majority of the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors and shall be ratified at the next board meeting.

ARTICLE VII

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 7.01. General Powers and Duties. The Board of Directors shall exercise for the association all the powers and duties and authority vested in or delegated to the association which are not reserved to the membership by the articles of incorporation, the declaration or these bylaws.

Section 7.02. Additional Powers. In carrying out its duties and obligations defined in the

declaration, the Board may adopt and publish pertinent rules and regulations; establish penalties for infraction; remove directors for non attendance to meetings or conflicts of interest; employ independent contractors or persons as the Board deems necessary and to proscribe their duties and compensation for such services and set up bank and security accounts for the protection of the association monies.

Section 7.03. Additional Duties. In carrying out its duties and obligation defined in the declaration the Board shall: cause a record of its acts and corporate affairs to be kept and make a report at the annual meeting of the association; supervise all officers, agents, contractors of this association to see that their duties are properly performed; cause the establishment, notification and collection of assessments and foreclose any lien against any property as provided for in the declaration; issue proper notices and certificates; procure and maintain insurance as provided in the declaration; and cause the proper maintenance of the common area.

ARTICLE VIII

OFFICERS AND THEIR DUTIES

Section 8.01. Enumeration of Officers. The officers of this Association shall be a president and vice president, who shall at all times be members of the Board of Directors, a secretary, and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 8.02. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 8.03. Term. Each officer of this Association shall be elected annually by the Board and each shall hold office for one year unless he shall sooner resign, or shall be removed, or otherwise disqualified to service.

Section 8.04. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, as the Board may from time to time require.

Section 8.05 Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later, time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 8.06. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the official replaced.

Section 8.07. Multiple Offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 8.04 of this Article.

Section 8.08. Duties. The duties of the officers are as follows:

President

(A) The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments, and shall co-sign all promissory notes.

Vice-President

(B) The vice-president shall act in the place and stead of the president in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.

Secretary

(C) The secretary shall cause a record to be kept of the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the members; shall cause proper records of the members of the Association together with their addresses to be kept, and shall perform such other duties as required by the Board.

Treasurer

(D) The treasurer shall cause the receipt and deposit in appropriate bank accounts of all monies of the Association and shall cause the proper disbursement of the funds as directed by resolution of the Board of Directors; shall cause the keeping of proper financial records and shall op-sign any promissory notes of the Association; shall cause an annual review of the Association's financial records to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget to be presented to the membership at its regular annual meeting and make copies available for the membership.

ARTICLE IX

COMMITTEES

The Board of Directors shall appoint an Architectural Committee, as provided in the Declaration,

and a Nominating Committee, as provided in these Bylaws. In addition, the Board of Directors may appoint other committees as deemed appropriate in carrying out the purposes of the Association.

ARTICLE X

BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member or first mortgagee. The Declaration, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any member or first mortgagee at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE XI

ASSESSMENTS

The Board of Directors, acting for the Association shall impose and cause to be collected all assessments as directed or allowed in conformance with the Declaration.

ARTICLE XII

CORPORATE SEAL

The issuance of a corporate seal shall be at the discretion of the Board of Directors.

ARTICLE XIII

AMENDMENTS


These Bylaws may be amended, at a regular or special meeting of the members, by a vote of two-thirds (2/3) of the votes which members present in person or by proxy are entitled to cast and the affirmative of all first mortgagees.

ARTICLE XIV

MISCELLANEOUS

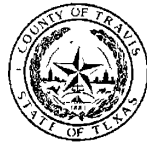
The fiscal year of the Association shall be the calendar year.

IN WITNESS THEREOF, acting for and under the direction of the Board of Directors of the Mesa Trails Homeowners' Association, I hereby set my hand hereunto this the 6th day of December, 2015.



President

Mesa Trails Homeowners' Association



2021049731

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

Mar 09, 2021 02:15 PM

Fee: \$62.00

WELLINB