

~~MASTER DEED~~ • 850

MASTER DEED, OWNER'S DECLARATION,
RESTRICTIONS, AND BY-LAWS
FOR NORTHWEST HILLS, SECTION 11, BLOCK C
TOWN HOUSE SUBDIVISION

8/50
39-2377

STATE OF TEXAS
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That AUSTIN CORPORATION

of Austin, Travis County, Texas, the fee simple Owner and also Developer of the Town House Subdivision, known as NORTHWEST HILLS, SECTION 11, BLOCK C, according to map or plat of record in Book 53, Page 45 of the Travis County Plat Records, to which map or plat, and the record thereof, reference is here made for all purposes, hereby declares and covenants that the following provisions shall govern the said Subdivision as covenants running with the land; that is:

The grantee of each lot in said Subdivision shall be deeded an undivided interest in the fee title to the driveways or common areas in said Subdivision as shown on said map or plat, so that the ownership of said driveways or common areas shall be broken into the same number of undivided interests as there are lots in said subdivision, provided that if a Grantee owns two or more lots, he shall own the same number of undivided interests in the driveways and common areas as the number of lots he owns, provided that any transfer of title to a lot, or lots, thereafter, whether by way of grant, inheritance, devise, execution sale, foreclosure sale, or otherwise, shall carry with it an undivided interest or interests in the driveways and common areas according to the number of lots to which title is transferred.

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That there shall be a Town House Council, composed of the lot Owners, each lot owner having the same number of votes in such Council as he has lots (or fractional votes, if he has undivided interests in a lot or lots), and the purpose of the Council shall be to promote the common good and to supervise and maintain the driveways and common areas, pay the taxes thereon as they become due, maintain liability insurance for the benefit of all Owners, and otherwise act prudently in any respect reasonably required insofar as the driveways and common areas may be concerned. By acceptance of title the lot Owner or Owners shall be deemed to accept membership in the Council and to agree to abide by these covenants, and the by-laws of the Council, as well as to honor the Council's assessments and pay same promptly, and further agree to recognize and hereby ratify any lien against their lot or lots securing such assessment; by acceptance of title any Owner or Owners further agrees that such lien is validly created by this instrument, and that same may be enforced by any proper suit at law or in equity, but that such lien shall be inferior to: any mortgage or purchase money lien created at the time of the original purchase from Developer; any tax lien, or special assessment levied by the City, County and State Governments, or any political subdivision or special district thereof; or any lien securing any mortgage, vendor's lien, or deed of trust lien filed for record prior to the date for payment of any such assessment or assessments against such lot or lots.

That the following By-Laws shall be deemed covenants running with the land:

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BY-LAWS OF NORTHWEST HILLS SECTION 11, BLOCK C
TOWN HOUSE COUNCIL OF AUSTIN, TEXAS

1. MEETINGS:

Organizational Meeting: After Developer has sold and conveyed one-half of the lots in the Subdivision, or after the expiration of six months from the date of the recording in the deed records of the conveyance of the first lot sold and conveyed in the Subdivision (whichever first occurs), Developer or Developer's Agent will, as soon as practicable, call an Organizational Meeting of the Council, by written notice to each lot owner, designating the time and place of the meeting, which notice shall be sufficient if deposited in the doors of the Owners in the Subdivision, or otherwise left on the Owners' premises.

The Developer or Developer's Agent shall serve as Temporary Chairman at the Organizational Meeting, and shall call the meeting to order at the proper time if a quorum appears to be present. If no quorum is present, he may adjourn the meeting until a later date and give a new notice in the same manner as the first notice for the adjourned or new meeting.

Any reasonable time shall be sufficient for the notice, or notices of the Organizational Meeting, but ten days shall in any event be deemed reasonable.

At the Organizational Meeting, the first order of business shall be the election of officers. Officers shall be three: President, Secretary-Treasurer, and Vice-President. When elected the President shall assume the chair.

After the election of officers, the Developer or Developer's Agent shall submit a proposed budget for the ensuing year covering estimated taxes, insurance premiums, repair and maintenance costs, and incidental expenses.

The Council shall adopt such budget or some reasonable modification of such budget, by majority vote of the Owners.

The President may adjourn any meeting in the absence of a quorum to a time specified by him, but a new notice shall be given.

Annual Meetings: There shall be an annual meeting of the Owners every twelfth month after the Organizational meeting, pursuant to ten days' notice by the President given in the same manner as provided for the Organizational meeting. Officers for the ensuing year and a budget for the ensuing year shall be elected and adopted by majority vote of the Owners.

Special Meetings: A Special Meeting may be called of Owners at any time by any two officers, or by any group of Owners who own four or more lots, by giving at least three days notice in writing, stating the purpose of the meeting, which notice may be deposited in the doors of the Owners, or otherwise left on Owners' premises.

Trustees Meetings: The Trustees shall meet at least twice each calendar year on call of the President, and at such other times as two Trustees may call the meeting; notice of all such to be given in writing at least 3 days in advance by notices delivered in the manner for Council meetings.

Place of Meetings: All meetings shall be in one of the Town Houses on the Subdivision, as selected by the caller or callers of the meetings.

Quorum: A quorum of the Council shall consist of Owners or Proxies representing fifty per cent or more of the Lots. A quorum of the Board shall consist of two or more Trustees.

Voting: each lot shall represent one vote; an owner shall have as many votes or fractions of votes as he has lots or fractions of lots. Each Trustee shall have one vote at meetings of the Board. A majority vote will control on any question before the Council or the Board.

Proxies: Each owner may vote by written proxy in any reasonable form produced at the Council meeting. Trustees may not vote by proxy.

2. BOARD OF TRUSTEES:

There shall be three Trustees, who shall be the same persons as the Officers.

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The Trustees shall supervise all assessments and collections, payment of taxes, insurance premiums, establish a bank account, provide for proper bookkeeping and supervise the same, approve all expenditures, and generally prudently manage the affairs of the Council.

The Trustees shall have supervisory authority over each Officer.

3. OFFICERS: The President shall be general manager of the Council, subject to the supervision of the Board, and shall preside at all meetings. He shall sign all checks.

The Vice-President may serve in the absence of the President.

The Secretary-Treasurer shall keep accurate minutes of all proceedings, and accurate books of account; shall receive all collections, and write all checks and sign same with the President. He or she shall keep all records to date and in good order, making them available to any Owner at any time after reasonable notice.

He shall promptly file with the County Clerk, as soon after taking office as practicable, an assumed name certificate if any be required by law.

4. COLLECTIONS AND ASSESSMENTS: Each lot owner shall promptly pay each month, beginning the first month after the Organizational Meeting, one-twelfth of the assessed charge against his lot or lots, and the assessed charge shall be that reflected in the budget. Such payments shall be made to the Secretary-Treasurer. In the discretion of the Board, suit to foreclose liens for such assessments, if unpaid, may be filed at any reasonable time to enforce collection of the unpaid amounts, plus reasonable attorneys' fees and court costs.

5. BONDS. The Council or the Board may require the giving of a fidelity bond by any or all officers with premiums therefor to be paid by the Secretary-Treasurer out of Council funds.

6. WAIVER: Any Owner may waive at any time any notice of any Council Meeting; likewise any Board Member may waive notice; all waivers must be in writing and signed by the person waiving notice.

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7. REMOVAL OF OFFICERS AND TRUSTEES: Any officer or Trustee may be removed from office without notice at any time by majority vote of the Council.

8. COMPENSATION: All Officers shall serve without compensation except that the Council may vote reasonable compensation for specific duties to the President and the Secretary-Treasurer.

9. QUALIFICATION AND TENURE OF OFFICERS AND TRUSTEES:

Each Officer or Trustee must be at least 21 years of age, and must own or partly own a lot in the Subdivision. He shall hold office for one year, or until his successor qualifies and accepts office, unless sooner removed.

10. VACANCIES IN OFFICE:

In the event of any vacancy in office, by reason of death, resignation, or removal, the Board of Trustees may appoint an officer to fill out the unexpired term.

11. AMENDMENT OF BY-LAWS:

These by-laws may be amended by two-thirds vote of the Lot Owners, provided written consent is first obtained from all mortgagees and lienholders.

The following building restrictions and covenants shall likewise apply and govern said Subdivision as covenants running with the land, and may be enforced by any appropriate proceeding at law or in equity, including the remedy of injunction:

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- (1) Each lot shall be used for residential purposes only.
- (2) No business, professional, or commercial activity of any kind shall be permitted on any lot; no obnoxious or offensive nuisance of any kind shall be permitted on any lot, whether of a business, professional, or commercial nature.
- (3) Prior approval in writing, pursuant to majority vote of the Town House Council, must be obtained prior to: any structural change in any building, or part of any building; any modification of the exterior of any building; or the erection of any structure, whether temporary or permanent, of any kind whatsoever in any driveway or common area, or on or at any place outside the walls of any building.
- (4) Prior approval in writing, pursuant to majority vote of the Town House Council, must be obtained prior to: allowing any equipment, paraphernalia, or other personal property to stand outside any building.

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IN TESTIMONY WHEREOF, the above and foregoing are executed by Austin Corporation, acting by and through the undersigned and duly authorized officers, this 11th day of March, 1971.

(CORPORATE SEAL)

AUSTIN CORPORATION

By David B. Barrow
David B. Barrow, President

ATTEST:

Kay Gurley
Secretary

THE STATE OF TEXAS

COUNTY OF TRAVIS

Before me, the undersigned authority, on this day personally appeared David B. Barrow, to me well known, and known by me to be the person and officer whose name is subscribed to the above and foregoing instrument, and acknowledged to me that he executed the same in the capacity stated as the act and deed of Austin Corporation and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11th day of March, 1971, to certify which witness my hand and seal hereunto affixed.

NOTARY SEAL

David L. Tisinger
Notary Public, Travis County, Texas
DAVID L. TISINGER

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, as Stamped hereon by me, on

FILED

MAR 11 2 51 PM '71

Doris Anapolina
COUNTY CLERK
TRAVIS COUNTY, TEXAS

MAR 11 1971



Doris Anapolina
COUNTY CLERK
TRAVIS COUNTY, TEXAS

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