

NOTICE OF DEDICATORY INSTRUMENTS  
for  
BRIARCREEK OWNERS ASSOCIATION, INC.

THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

The undersigned, being the Authorized Representative of Briarcreek Owners Association, Inc. ("Association"), a property owners' association as defined in Section 202.001 of the Texas Property Code hereby certifies as follows:

1.     Property: The Property to which the Notice applies is described as follows:
  - a.     Briarcreek Subdivision, Section One (1), a subdivision in Travis County, Texas according to the map or plat thereof recorded under Clerk's File No. 200100193 of the Plat Records of Travis County, Texas and all amendments to or replats of said maps or plats, if any.
  - b.     Briarcreek, Section Four (4), a subdivision in Travis County, Texas according to the map or plat thereof recorded under Clerk's File No. 200400239 of the Plat Records of Travis County, Texas and all amendments to or replats of said maps or plats, if any.
  - c.     Briarcreek, Section Five (5), a subdivision in Travis County, Texas according to the map or plat thereof recorded under Clerk's File No. 200600134 of the Plat Records of Travis County, Texas and all amendments to or replats of said maps or plats, if any.
  
2.     Restrictive Covenants: The description of the documents imposing restrictive covenants on the Property, the amendments to such documents, and the recording information for such documents are as follows:
  - a.     Documents:
    - (1)    Amended and Restated Declaration of Covenants, Conditions, and Restrictions Briarcreek.
    - (2)    Supplement and Amendment to Declaration of Covenants, Conditions and Restrictions Briarcreek.
    - (3)    Notice of Annexation/ Addition to Declaration of Covenants, Conditions, and Restrictions Briarcreek.
    - (4)    Notice of Annexation/ Addition to Declaration of Covenants, Conditions, and Restrictions Briarcreek.
    - (5)    Notice of Annexation/ Addition to Declaration of Covenants, Conditions, and Restrictions Briarcreek.

b. Recording Information:

- (1) Travis County Clerk's File No. 2002102865.
- (2) Travis County Clerk's File No. 2005077490.
- (3) Travis County Clerk's File No. 2002087110.
- (4) Travis County Clerk's File No. 2004204141.
- (5) Travis County Clerk's File No. 2006158785.

3. Other Dedicatory Instruments: In addition to the Restrictive Covenants identified in Paragraph 2 above, the following document is a Dedicatory Instrument governing the Association which was previously recorded in the Official Public Records of Real Property of Travis County, Texas:

a. Document:

- (1) Briarcreek Owners' Association Xeriscaping Policy.

b. Recording Information:

- (1) Travis County Clerk's File No. 2013173840.

4. Dedicatory Instruments: In addition to the Dedicatory Instruments identified in Paragraphs 2 and 3 above, the following document is a Dedicatory Instrument governing the Association:

- a. Certificate of Secretary of Briarcreek Owners Association, Inc. regarding Amendment to Bylaws of Briarcreek owners Association, Inc.

A true and correct copy of such Dedicatory Instrument is attached to this Notice.

This Notice is being recorded in the Official Public Records of Real Property of Travis County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Notice is true and correct and that the copies of the Dedicatory Instruments attached to this Notice are true and correct copies of the originals.

Executed on this 20<sup>th</sup> day of October, 2017.

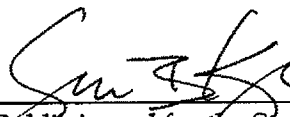
**BRIARCREEK OWNERS ASSOCIATION, INC.**

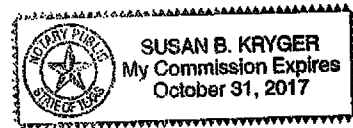
By:

  
Cliff Davis, Authorized Representative

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned notary public, on this 20<sup>th</sup> day of October, 2017 personally appeared Cliff Davis, Authorized Representative of Briarcreek Owners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas



CERTIFICATE OF SECRETARY  
of  
BRIARCREEK OWNERS ASSOCIATION, INC.  
regarding  
AMENDMENT  
to  
BYLAWS OF BRIARCREEK OWNERS ASSOCIATION, INC.

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THE STATE OF TEXAS     §  
  §  
COUNTY OF TRAVIS     §

I, MICHAEL A PRILLAMAN <sup>ACTING</sup> Secretary of Briarcreek Owners Association, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 4th day of October, 2017, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following resolution was duly made and approved by a majority vote of the members of the Board:

WHEREAS, the Association has experienced difficulty in meeting the quorum requirement in the Bylaws of Briarcreek Owners Association, Inc. to conduct meetings of the Members and to hold elections;

WHEREAS, Section 22.102(c) of the Texas Business Organizations Code provides:

The board of directors may amend or repeal the bylaws, or adopt new bylaws, unless:

- (1) this chapter or the corporation's certificate of formation wholly or partly reserves the power exclusively to the corporation's members;
- (2) the management of the corporation is vested in the corporation's members; or
- (3) in amending, repealing, or adopting a bylaw, the members expressly provide that the board of directors may not amend or repeal the bylaw.

WHEREAS, there is no such restriction or reservation in the Association's Articles of Incorporation or Bylaws nor are there any vested rights specifically provided to the Association's Members;

WHEREAS, Section 209.00593(b) of the Texas Property Code provides that a board of a property owners' association may amend the bylaws of the property owners' association to provide for elections to be held as required by Subsection 209.00593(a);

WHEREAS, state law supersedes any language contained in the Association's Bylaws regarding the procedure to amend the Bylaws; and

WHEREAS, the Board determined it would be in the best interest of the Association to amend the Bylaws.

NOW THEREFORE, BE IT RESOLVED, the Bylaws are amended as follows:

1. Article V, Section 5.4 of the Bylaws is amended and restated as follows:

**Section 5.4. Quorum.** The presence of Members at a meeting, in person and/or by proxy, entitled to cast ten percent (10%) of the votes shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. If, however, such quorum is not present in person or by proxy at the meeting, either the presiding officer of the meeting or the Members in attendance may adjourn the meeting from time to time, without notice other than announcement at the meeting that the meeting will be reconvened until a quorum shall be present in person and/or by proxy. The meeting may be reconvened immediately after the adjournment, but must take place within sixty (60) days of the previously adjourned meeting. At each subsequent reconvening, the proxy requirement shall be five percent (5%) of the votes of Members entitled to cast in person and/or by proxy. If the date, time and place of the reconvening are announced at the time the meeting is adjourned, it is not required to give notice of the reconvened meeting. Any business may be transacted at any reconvened meeting that was included in the notice of the original meeting.

2. Article XVII, Section 17.1 of the Bylaws is amended and restated to read as follows:

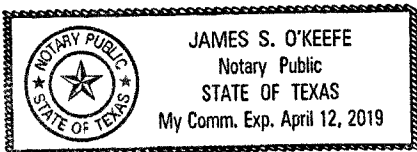
**Section 17.1.** These Bylaws may be amended by a majority vote of the Board of Directors pursuant to Section 22.102 of the Texas Business Organizations Code or at any properly noticed regular or special meeting of the Members at which a quorum is present, subject to notice requirements provided by law or in these Bylaws.

All other provisions of the Bylaws of the Association shall remain in full force and effect.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing resolution was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association.

TO CERTIFY which witness my hand this the 11<sup>th</sup> day of OCTOBER, 2017.

BRIARCREEK OWNERS ASSOCIATION, INC.



By: [Signature]

Printed: MICHAEL PRILLAMAN

Its: Secretary

STATE OF TEXAS §  
COUNTY OF Williamson §

This instrument was acknowledged before me on 11<sup>th</sup> day of October, 2017 by Michael Prillaman, Secretary of Briarcreek Owners Association, Inc. on behalf of said corporation.

[Signature]  
Notary Public in and for the State of Texas



**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Dana Debeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

October 23 2017 09:22 AM

FEE: \$ 50.00 2017168992