

**BYLAWS OF LOS CERRITOS
UNIT II HOMEOWNERS'
ASSOCIATION, INC.
As Amended**

January 12, 2010

**BYLAWS OF LOS CERRITOS UNIT II HOMEOWNERS'
ASSOCIATION, INC.**

TABLE of CONTENTS

1.0 GENERAL.....2

2.0 DEFINITIONS.....3

3.0 MEETINGS.....4

4.0 BOARD OF DIRECTORS.....4

4.4 Board Meetings.....5

4.5 Powers.....5

4.6 Duties.....6

5.0 BOARD OF DIRECTORS ORGANIZATION.....7

5.8 Duties.....8

6.0 COMMITTEES.....9

7.0 COLLECTION OF DUES AND ASSESSMENTS.....9

8.0 INSPECTION OF RECORDS.....10

9.0 REVISIONS.....10

10.0 ORDER OF PRECEDENCE.....10

1.0 General

The name of the corporation is Los Cerritos Unit II Homeowner’s Association, Inc. The principal office of the Corporation will be located at 1586 Belvidere, El Paso, TX 79912, but meetings of members and directors may be held at such places within the State of Texas as may be designated by the board of directors.

January 12, 2010

2.0 Definitions

All definitions listed in the FOURTH AMENDED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR LOS CERRITOS UNIT 11 REPLAT "A" shall be the same and apply to these Bylaws.

3.0 Meetings

3.1 Annual Membership Meetings. An annual membership meeting of members shall be held in the month of January each year at a place and time determined by the Board of Directors to:

3.1.1 Review status and accomplishments from the previous year.

3.1.2 Review and comment on the annual budget.

3.1.3 Approve, by simple majority of those present or voting by proxy, plans presented by the Board of Directors for the following year. Plans requiring use of Initial Investment funds require two-thirds majority.

3.1.4 Elect three members to serve on the Board of Directors for the next three years.

3.1.5 Conduct such other business that may be presented by the Board of Directors or a member.

3.2 Special Membership Meetings. Special meetings of members may be called at any time by the president or by the Board of Directors, or on written request of one fourth (1/4) of all owners

3.3 Notice of Meetings. Written notice of each meeting of members will be given by, or at the direction of, the secretary of the Board of Directors or any other person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least ten (10) but not more than fifty (50) days before such meeting to each member entitled to vote, 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 receiving notice. The notice will specify the day, hour, and place of the meeting, and in the case of a special meeting, the purpose of the meeting.

3.4 Quorum. The presence at the Annual or Special Membership meetings, either in person or by proxy, of a simple majority of members in good standing will constitute a quorum for authorization of any action, except as may otherwise be provided in the declaration, the articles of incorporation, or these bylaws. If a quorum is not present at any meeting, the meeting shall be adjourned and rescheduled within two weeks. After three failed attempts to gain a quorum, a quorum at the fourth meeting shall be determined by those present in person or by proxy.

3.5 Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies will be in writing and filed with the secretary. Proxies will be revocable in writing to the secretary prior to any vote, and the proxy of any owner will automatically terminate on conveyance by such owner of his or her lot.

4.0 Board of Directors

4.1 Number and Qualifications. The affairs of the Association shall be managed by a Board of Directors consisting of a minimum of five (5) members.

4.2 Nomination. Nomination for election to the Board of Directors may be by nominating committee, and may also be made from the floor at any annual membership meeting of members. The nominating committee will consist of a chairperson who is a member of the Board of Directors, and two or more members of the Association. The committee will be appointed by the Board of Directors prior to each annual membership meeting to serve from the close of such meeting until the close of the next annual meeting, and such appointment will be announced at each annual membership meeting. The nominating committee will make as many nominations for election to the board of directors as it will in its discretion determine, but in no event will it nominate less than the number of vacancies to be filled.

4.3 Election. Election to the Board of Directors to fill expiring vacancies shall be by secret written ballot at the Annual Membership Meeting. Each member shall vote, in person or by proxy, for a maximum of three (3) candidates. The three candidates receiving the most votes shall be elected for a three (3) year term. In case of a tie vote that affects the results, a runoff election shall be conducted to resolve the winner between the tied candidates

4.4 Board Meetings

4.4.1 Regular Meetings. Regular meetings of the Board of Directors shall be held at least quarterly at a time and place determined by the President.

4.4.2 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.

4.4.3 Quorum. A simple majority of the directors will constitute a quorum for the transaction of business. Every act performed or decision made by a majority of directors present at a duly held meeting in which a quorum is present will constitute the act or decision of the board.

4.5 Powers.

4.5.1 The board of directors shall have the power to adopt and publish rules and regulations governing the use of the common areas and facilities, including the personal conduct of the members and their guests in using them and to establish penalties for infractions of such rules and regulations.

4.5.2 The board of directors shall have power to suspend the voting rights and the right to use of the recreational facilities of any member during any period in which such member is in default in the payment of any assessment levied by the Association. Such rights may be suspended after notice and hearing, pursuant to the provisions of paragraph 209.006 of the Texas Property Code.

4.5.3 The board of directors shall have the power to exercise on behalf of the Association all powers, duties, and authority vested in or delegated to the Association and not specifically reserved to the membership by the declaration, articles of incorporation, or by other provisions of these by-laws;

4.5.4 The board of directors shall have the power to declare the office of a member of the board of directors to be vacant in the event that such member is absent from three (3) consecutive regular meetings of the board of directors.

4.5.5 The board of directors shall have the power to employ a manager, independent contractors, and such other employees as they may deem necessary, and to prescribe their duties.

4.5.6 In the interest of maintaining a harmonious atmosphere within the Los Cerritos community, the board of directors shall not have the power to levy fines on the residents.

4.5.7 The Board of Directors shall have the authority to decide, based on severity, potential remedy and cost risk, whether or not to seek an injunction or other legal action to enforce the Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A". A decision to seek a legal injunction or other legal action requires a two-thirds majority of voting Board members for approval. This decision does not preclude any owner from seeking compliance action at their own expense.

4.5.8 Notwithstanding any other sections of the bylaws, the Board shall have the authority to assess a Special Assessment in accordance with Paragraph 6.5 of the Covenants to recoup any special expenses incurred as the result of action taken to correct violations of the covenants or provide services over and above those covered by the Common Assessment (i.e. Cable Service). The assignment of a Special Assessments shall follow the procedure stated in the Covenants and the requirements of Chapter 209 of the Texas Property Code.

4.6 Duties

4.6.1 The Board shall cause to be kept a complete record of all its acts and corporate affairs and to present a statement of such acts and affairs to the members at each annual meeting, or at any special meeting at which such a statement is requested in writing by one fourth $\frac{1}{4}$ of the members entitled to vote at the meeting.

4.6.2 The Board shall supervise all officers, agents, and employees of the Association and see to it that their duties are properly performed.

4.6.3 The Board shall fix the amount of the annual common assessment against each lot at least thirty (30) days in advance of each annual assessment period.

4.6.4 The Board shall send written notice of each assessment to every owner subject to the assessment at least thirty (30) days in advance of each annual assessment period.

4.6.5 The Board has the authority to foreclose the lien against any property for which assessments are not paid within sixty (60) days after the due date and to bring an action at law against the owner personally obligated to pay the same, pursuant to the provisions Covenants and Chapter 209 of the Texas Property Code.

4.6.6 The Board shall issue, or cause an appropriate officer to issue, on demand by any person on imposition of a reasonable charge, a certificate setting forth whether or not any assessment has been paid, a statement in a certificate to the effect that an assessment has been paid constituting conclusive evidence of such payment.

4.6.7 The Board shall procure and maintain adequate liability and hazard insurance on all property owned by the Association.

4.6.8 The Board shall cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate.

4.6.9 The Board shall cause the common area to be maintained.

4.6.10 The Board shall support all annual and special membership meetings by providing information required by the agenda.

4.7 Term of Office. Board of Director members will be elected for a term of three years unless they are filling a vacancy resulting from a removal or resignation in which case they will serve the remaining term of that representative. This process is intended to have three terms expire each year. Retiring board members may be re-elected to the board.

4.8 Compensation. No director will receive compensation for any service he or she may render to the Association. However, any director may be reimbursed for his or her actual expenses incurred in the performance of his duties.

4.9 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 or her successor will be selected by the remaining members of the board and will serve for the unexpired term of his or her predecessor.

5.0 Board of Directors Organization

5.1 Enumeration of Officers. The officers of the Association shall be president, vice president and a secretary, treasurer, who will at all times be members of the board of directors, and such other officers as the board may from time to time create by resolution.

5.2 Election of Officers. The election of officers will take place at the first meeting of the Board of Directors following each Annual Membership meeting.

5.3 Term. The officers of the Association will be elected annually by the board. Each will hold office for a term of one year unless he or she will sooner resign, or be removed or otherwise disqualified to serve. Individuals may be elected to consecutive terms.

5.4 Special Appointments. The board may elect such other officers as the affairs in the Association may require, each of whom will hold Office for such period, have such authority, and perform such duties as the board may from time to time determine.

5.5 Resignation and Removal. Any officer may be removed from office by a two-thirds majority of the Board of Directors at any time with or without cause. Any officer may resign at any time by giving written notice to the board, the president or the secretary. Such resignation will take effect on the date of receipt of such notice or at any later time specified in the notice; and the acceptance of such resignation will not be necessary to make it effective.

5.6 Vacancies. A Board of Directors vacancy shall be filled by appointment approved by a simple majority of the active board members. The Director appointed to such vacancy will serve for the unexpired term of the Director he or she replaces.

5.7 Multiple Responsibility. The offices of secretary and treasurer may be held by the same person. No person will simultaneously hold more than one of any of the other offices, except in the case of special offices created pursuant to paragraph 5.4.

5.8 Duties.

5.8.1 President. The President shall preside at all meetings of the Board of Directors, shall see that orders and resolutions of the Board are efficiently carried out, will sign all leases, mortgages, deeds, and other instruments, and shall co-sign all checks and promissory notes.

5.8.2 Vice President. The Vice President shall act in the place of the President in the event of his or her absence, inability, or refusal to act, and will exercise and discharge such duties as may be required of him or her by the Board.

5.8.3 Secretary. The Secretary shall record 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 to all papers so requiring; serve notice of meetings of the Board and members, keep appropriate current records showing the members of the Association together with their addresses, and perform such other duties as may be required by the board or by law.

5.8.4 Treasurer. The treasurer shall be responsible for the receipt and deposit in appropriate bank accounts all funds of the Association, and shall manage disburse such funds as directed by resolution of the Board of Directors, shall sign all checks and promissory notes of the Association; shall be responsible for maintaining proper books of account; may, at the option of the Board of Directors, cause an annual audit of the Association books to be made by a Certified Public Accountant at the

completion of each fiscal year; and shall direct the preparation of an annual budget and statement of income and expenditures, a copy of which documents shall be delivered to each member, and a report on which shall be given at the regular annual meeting of members, and perform such other duties as may be required by the board or by law.

6.0 Committees

The President shall appoint a chairman for the architectural control committee, the pool committee, the programs committee, the Covenants Enforcement Committee and the custodian committee, with the approval of a simple majority of the Board of Directors. The Chairman of each committee shall select members of the committee. In addition, the President may appoint such other committees as may be appropriate.

6.1 Architectural Control Committee shall be responsible for assuring that all new construction, improvements and modifications are accomplished in accordance with the Declaration of Covenants, Conditions, Restrictions and Easements for Los Cerritos Unit II Replat "A". Deviations to the Declaration shall be approved by the Board of Directors.

6.2 Custodian Committee shall be responsible for the maintenance and control of the common areas, including the main gate, visitor parking and the yard maintenance provided to the residences, but not including the pool area.

6.3 Pool Committee shall be responsible for the maintenance and operation of the community pool, including preparation and enforcement of the pool rules as approved by the Board of Directors.

6.4 Programs Committee shall be responsible for communications with the residents, including the monthly newsletter, the Welcoming Committee and social events sponsored by the Association.

6.5 Covenant Enforcement Committee shall be responsible for investigating complaints of Los Cerritos Covenant violations and reporting the results of their investigation to the Board for disposition.

7.0 Collection of Dues and Assessments

7.1 As more fully provided in the declaration, each member is obligated to pay to the Association initial, common and special assessments (annually and otherwise) which are secured by a continuing lien on the property against which such assessments are made. Any assessments not paid when due are considered delinquent. If an assessment is not paid when due, the assessment bears interest from the date of delinquency at the rate of twelve percent (12%) per annum, and the Association may bring an action at law against

January 12, 2010

the owner personally obligated to pay the same, or may foreclose the lien against his or her property. Interest, costs, and reasonable attorney fees of any such action will be added to the amount of any assessment due. No owner may waive or otherwise escape liability for assessments by non-use of the common area or abandonment of his or her lot.

8.0 Inspection of Records

8.1 The books, records, and papers of the Association will be subject to inspection by any member during ordinary business hours. The Declaration, Articles of Incorporation, and Bylaws of the Association will be available for inspection by any member at the principal office of the Association.

9.0 Revisions

9.1 These bylaws may be amended at a regular or special membership meeting of members, by a vote of a simple majority of a quorum of members present, in person or by proxy.

10.0 Order of Precedence

10.1 In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles will control. In the case of any conflict between the Declaration and these Bylaws, the Declaration will control. . In the case of any conflict between these Bylaws and Chapter 209 of the Texas Property Code, the Code will control.

The above comprise the Bylaws of LOS CERRITOS UNIT II HOMEOWNER'S ASSOCIATION. INC.

Arthur W. Vogan, Secretary

Maxie Davie, President

18 RC

Doc# 20120025198
#Pages 17 #NFPages 1
4/5/2012 9:31:21 AM
Filed & Recorded in
Official Records of
El Paso County
Delia Briones
County Clerk
Fees \$80.00

I hereby certify that this instrument was filed on the date and time stamped
hereon by me and was duly recorded by document number in the Official
Public Records of Real Property in El Paso County.



EL PASO COUNTY, TEXAS

Delia Briones