



## BALLOT

I, the undersigned, being the owner of record for the property identified below, do hereby consent to the casting of a ballot for the purpose(s) stated in the notice and as outlined on the draft agenda for the Special Meeting of the Members for Valencia on the Lake Homeowners Association Inc., scheduled to take place on Thursday, November 9, 2023, at 6:00 pm. I understand that I may cast my vote electronically online from the Association's website or complete this ballot and return it to the managing agent via one of the return methods provided below. Furthermore, I understand that if I cannot attend the meeting or cast my own vote, I may assign my vote by Proxy to a member of the Board or any Class A Member of my choice. My signature below affirms that I have been informed of the discussion topics and I understand the result of the vote will be announced at the Special Meeting of the Members and posted to the Association's website.

Your Full Name: \_\_\_\_\_

Your Property Address: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\*\*BALLOT MUST HAVE YOUR COMPLETE NAME, ADDRESS AND SIGNATURE TO BE VALID\*\*\***

### 1) Section 2.1 Governance / Section 10.4 Special Rights of Declarant / Section 11.1 Authority

- Vote to Approve the First Amendment to the Bylaws.
  
- Vote to Deny the First Amendment to the Bylaws.

I hereby understand and acknowledge, that according to Texas Property Code, § 209.00592, my electronic ballot may be counted as an owner present and voting for the purpose of establishing a quorum, for items appearing on the ballot with no Proxy needed.

By submitting this Ballot, I affirm that I have read and understand the summary provided with this Ballot regarding the purpose behind the amendment to the Bylaws. Furthermore, I affirm I am the Owner of the Property address listed above and do hereby consent to the casting of this ballot. I understand, I must cast my ballot online or return this paper ballot before the deadline by any method provided below. I understand the deadline for casting an online vote or returning this ballot is Wednesday, November 8, 2023, by 5:00 pm. and that NO VOTES cast regardless of the voting method used will be counted after the deadline date above.

My signature above affirms that I have been informed of the general discussion topics as noted in the notice. I understand if I assign my Proxy I may do so for quorum only or quorum and voting for any Agenda topic put before the Members for vote at the Special Meeting of the Members. I understand the final vote tally will be announced at the meeting and posted to the Association's website.

### **Return your paper Ballot using any of the following methods:**

**(do not return if you voted online)**

[www.valenciaonthelakehoa.com](http://www.valenciaonthelakehoa.com)

E-mail to: [Abarnes@essexhoa.com](mailto:Abarnes@essexhoa.com)

Fax to: (469) 342-8205, Attn: Ashton Barnes

Mail to: Essex Association Management, L.P.

Attn: Ashton Barnes

1512 Crescent Drive, Suite 112

Carrollton, TX 75006



## Summary of Amended Articles/Sections

### 1) Section 2.1 Governance

*The Board will consist of four (4) Declarant appointed members and one (1) Class A elected member. Within 120 days after the end of the Declarant Period, a meeting will be held to replace by election those members appointed by the Declarant who shall serve on staggering terms. All Members must be Owners and reside within the community. The three individuals receiving the greatest number of votes shall serve a term of two (2) years; the two individuals receiving the fourth and fifth greatest number of votes shall serve for a term of one (1) year. Said initial terms will create the ability to maintain staggered terms and allow for continuity and experience amongst the Board of Directors. At every annual meeting or special election meeting of the Members of the Association held thereafter, each director elected shall serve a term of two (2) years and shall hold office until their successors have been elected. In the event an election cannot be held, the then current Board of Directors shall continue to serve and fulfill their duties until successors can successfully be elected.*

### 2) Section 10.4 Special Rights of Declarant.

*Notwithstanding anything contained in these Bylaws to the contrary, so long as Declarant owns at least one (1) Lot, the Board of Directors may not take any action on the items listed below without the prior, written consent of the Declarant:*

- a. Terminate any existing dedicatory instrument of the Association or amend the Declaration, Bylaws, or Rules and Regulations, including the adoption of any new policy, rules, regulations or other dedicatory instrument;*
- b. Change the amount of any assessment or levy a special assessment;*
- c. Approve capital improvements, use reserve funds, or cause a change in any banking arrangements of the Association;*
- d. Approve or amend any budget;*
- e. Approve major repairs or improvements to Common Areas or any structure, easement, or other areas of the Association in which Declarant may have a vested interest or responsibility;*
- f. Change the number of Directors, remove, or appoint a Director outside the election process, remove an Officer, appoint Officers, appoint individuals to a Committee, or charter a Committee;*
- g. Terminate or renegotiate any existing contract to which the Association is a party;*

**Return your paper Ballot using any of the following methods:**

**(do not return if you voted online)**

[www.valenciaonthelakehoa.com](http://www.valenciaonthelakehoa.com)

E-mail to: [Abarnes@essexhoa.com](mailto:Abarnes@essexhoa.com)

Fax to: (469) 342-8205, Attn: Ashton Barnes

Mail to: Essex Association Management, L.P.

Attn: Ashton Barnes

1512 Crescent Drive, Suite 112

Carrollton, TX 75006



- h. Engage in legal proceedings of any kind, except foreclosures for unpaid assessments;*
- i. Interfere with or involve in Development, Builders or the ACC approval process in place for new construction;*
- j. Any action that will violate or interfere with Declarant's Special Rights under Article 10, Section 10.4 of the Bylaws or which may adversely affect the Declarant and its rights, Special Declarant rights, or the Class "B" Control Period; and/or*
- k. Dissolve the Association.*

*Any action taken by the Board of Directors on any of the items described above without the prior, written consent of the Declarant shall be deemed void ab initio, although the Declarant may subsequently ratify such actions. Declarant reserves the right, to be exercised in its sole and absolute discretion, to remove any Declarant appointed Board Member and appoint a new Director at any time, and from time to time, without consent or joinder of the Board of Directors should a Director attempt to or actually engages in any action which violates or interferes with the Declarant's rights and its authority under the Declaration and Bylaws.*

*In the event this Section 10.4 of Article 10 conflicts, in whole or in part, with any provision contained in these Bylaws, the terms and conditions of this Section 10.4 of Article 10 shall control.*

**3) Section 11.1. Authority.**

*These Bylaws shall be amended by the express written consent of at least fifty-one percent (51%) of the Directors attending a duly called regular or special meeting where a quorum is present.*

**\*\*\*Complete copy of proposed Amendment is available on the Association's Website\*\*\***

I understand that I can view the voting roster online from the Association's website.

**Return your paper Ballot using any of the following methods:**

**(do not return if you voted online)**

[www.valenciaonthelakehoa.com](http://www.valenciaonthelakehoa.com)

E-mail to: [Abarnes@essexhoa.com](mailto:Abarnes@essexhoa.com)

Fax to: (469) 342-8205, Attn: Ashton Barnes

Mail to: Essex Association Management, L.P.

Attn: Ashton Barnes

1512 Crescent Drive, Suite 112

Carrollton, TX 75006