

**AFFIDAVIT IN COMPLIANCE WITH SECTION 202.006
OF THE TEXAS PROPERTY CODE**

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

BEFORE ME, the undersigned authority, on this day personally appeared Sarah B. Gerdes, who, being by me duly sworn according to law, stated the following under oath:

“My name is Sarah B. Gerdes. I am over twenty-one (21) years of age and fully competent to make this affidavit. I have personal knowledge of all facts stated herein, and they are all true and correct.

I am the attorney for Village of Biscayne Bay Homeowners Association, Inc., a Texas non-profit corporation (the “Association”), and I have been authorized by the Association’s Board of Directors to sign this Affidavit.

The Association is a “property owners’ association” as defined in Section 202.001(2) of the Texas Property Code.

Attached hereto is the original of, or true and correct copy of, the following dedicatory instrument, including known amendments or supplements thereto, governing the Association, which instrument has not previously been recorded: **Amendment to Bylaws in Regards to Quorum for Village of Biscayne Bay Homeowners Association, Inc.**

The document attached hereto is subject to being supplemented, amended or changed by the Association.

Dedicatory instruments of the Association that have already been filed in the Real Property Records are as follows:

- a. Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk’s File No. 2004034202 in the Official Public Records of Brazoria County, Texas.
- b. Supplement Declaration / Designation of Village (Biscayne Bay) recorded under County Clerk’s File No. 2004068450 in the Official Public Records of Brazoria County, Texas.
- c. Supplemental and Amended Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk’s File No. 2006070798 in the Official Public Records of Brazoria County, Texas.
- d. Supplemental and Amended Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk’s File No. 2008058686 in the Official Public Records of Brazoria County, Texas.
- e. Supplemental and Amended Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk’s File No. 2009056173 in the Official Public Records of Brazoria County, Texas.
- f. Certificate of Corporate Resolution of Village of Biscayne Bay Homeowners Association, Inc., Collection Policy, recorded under County Clerk’s File No. 2011041851 in the Official Public Records of Brazoria County, Texas.

- g. Certificate of Corporate Resolution of Village of Biscayne Bay Homeowners Association, Inc., Records Production and Copying Policy, recorded under County Clerk's File No. 2011041332 in the Official Public Records of Brazoria County, Texas.
- h. Supplemental and Amended Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk's File No. 2012007700 in the Official Public Records of Brazoria County, Texas.
- i. Supplemental and Amended Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk's File No. 2013005579 in the Official Public Records of Brazoria County, Texas.
- j. Supplemental Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk's File No. 2014041548 in the Official Public Records of Brazoria County, Texas.
- k. Supplemental and Amended Declaration of Covenants, Conditions and Restrictions for Village of Biscayne Bay, recorded under County Clerk's File No. 2014032104 in the Official Public Records of Brazoria County, Texas.
- l. Amendment to Bylaws in Regards to Article V Board of Directors: Selection: Term of Office, for Village of Biscayne Bay Homeowners Association, Inc., recorded under County Clerk's File No. 2019021875 in the Official Public Records of Brazoria County, Texas.

SIGNED on this the 24th day of September, 2021.

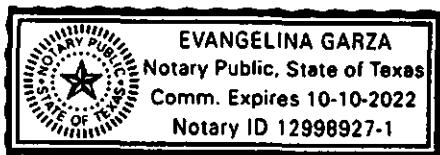
Sarah B. Gerdes, Attorney/ Agent for Village of Biscayne Bay Homeowners Association, Inc.

VERIFICATION

THE STATE OF TEXAS §
§
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day personally appeared Sarah B. Gerdes who, after being duly sworn stated under oath that she has read the above and foregoing Affidavit and that every factual statement contained therein is within her personal knowledge and is true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 24th day of September, 2021.



Evangelina Garza
Notary Public - State of Texas

RETURN TO:

BSG | SEARS
BENNETT
& GERDES, LLP

6548 GREATWOOD PKWY.
SUGAR LAND, TEXAS 77479

**AMENDMENT TO BYLAWS IN REGARDS TO QUORUM
FOR
VILLAGE OF BISCAYNE BAY HOMEOWNERS ASSOCIATION, INC.**

WHEREAS, the original Bylaws of VILLAGE OF BISCAYNE BAY HOMEOWNERS ASSOCIATION, INC. (the "Association") were adopted by the Board of Directors on March 7, 2005 and properly filed of record in the Brazoria County Real Property Records;

WHEREAS, Article XV, Section 15.1 of the Bylaws provides that the "Bylaws may be amended by a vote of a majority of the Board of Directors..."

WHEREAS, Article X, Section 10.4, entitled "Quorum," states in relevant part that, "The presence at the meeting of Members entitled to cast, or of proxies entitled to cast ten percent (10%) of the votes, shall constitute quorum. 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 represented."

NOW THEREFORE, Article X, Section 10.4 of the By-Laws is hereby **DELETED AND REPLACED** in its entirety as follows:

"Section 10.4. Quorum. The quorum required for any action authorized to be taken by the Association shall be as follows:

- (a) **Quorum in General:** The presence at annual or special meetings of members, either in person or by proxy, entitled to cast ten percent (10%) of all the votes of the members of the Association, shall constitute a quorum for all purposes at any meeting of the Members, EXCEPT as otherwise provided in the Declaration AND except if a greater quorum or vote of the members is required by law, the Articles of Incorporation, or elsewhere in the Declaration, or these Bylaws.
- (b) **If Quorum Not Met - for Association Business OTHER than Board of Director Elections:** If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have 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 represented.
- (c) **If Quorum Not Met for Board of Director Elections Only:** If quorum is not present or represented, the meeting shall be adjourned without notice other than announcement at the meeting, and immediately reconvened for the sole purpose of election of directors. At the reconvened meeting, quorum shall be all those members counted as present whether in person or by proxy, absentee ballot, electronic ballot, or any other method of representative or delegated voting. Directors shall be elected by a majority of those votes."

Nothing herein is intended to alter, modify or amend the Bylaws except as specifically provided hereinabove.

CERTIFICATION

I, the undersigned, am the duly elected and acting President of VILLAGE OF BISCAYNE BAY HOMEOWNER'S ASSOCIATION, INC., a non-profit corporation, and I do hereby certify:

That the within and foregoing Amendment to Bylaws in Regards to Quorum for VILLAGE OF BISCAYNE BAY HOMEOWNER'S ASSOCIATION, INC. was properly adopted as of the _____ day of _____, 2019, that same, in addition to the Bylaws and any amendments thereto, do now constitute the Bylaws of said corporation.

IN WITNESS WHEREOF, I have executed this Amendment to Bylaws in Regards to Quorum to be effective as of the _____ day of _____, 2019.

(Signature)

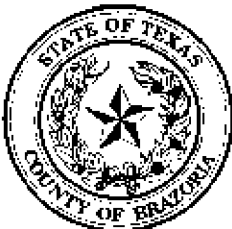
Jeremy Harris
(Print Name)
President, VILLAGE OF BISCAYNE BAY
HOMEOWNER'S ASSOCIATION, INC.

FILED and RECORDED

Instrument Number: 2021063198

Filing and Recording Date: 09/24/2021 09:18:52 AM Pages: 6 Recording Fee: \$42.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT DESTROY - Warning, this document is part of the Official Public Record.

cclerk-regina