

MANDATORY CHANGES REQUIRED BY THE TEXAS RESIDENTIAL PROPERTY OWNERS PROTECTION ACT (TRPOPA) TO THE COMANCHE CLIFFS HOMEOWNERS ASSOCIATION BYLAWS AND DECLARATION, COVENANTS, CONDITIONS AND RESTRICTIONS (DCCR):

CHANGES TO THE BYLAWS – To change how our documents are written they must be voted on even if mandated. Please vote yes for mandatory changes for our documents to reflect the changes. To change the covenants it takes 104 affirmative (yes) votes to change them. If they do not pass the covenants will retain their original wording.

Article 5.01 (e): “to suspend the voting right and right to use of the Common Properties of a Member (including those of a tenant of such Member, any persons residing with such Member as tenant and any guest of such Member of tenant) during any period in which such Member shall be in default in the payment of any assessment levied by the corporation. Such rights may also be suspended after notice and hearing, for a period of not to exceed sixty (60) days for infraction of published rules and regulations. DELETED by TRPOPA, Section 209.0059 as described below!

TRPOPA, Section 209.0059, RIGHT TO VOTE states: “a provision in a dedicatory instrument (our Bylaws) that would disqualify a property owner from voting in a property owners’ Association election of board members or any matter concerning the rights and responsibilities of the owner is VOID! Vote Yes or NO

Article 5.01, It shall be the duty of the board of director, (c) (4): “to foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the owner personally obligated to pay the same IS VOID! Vote Yes or NO

Article 16, Section 50, of the Texas Constitution states in part: “The homestead of a family, or of a single adult person, shall be and is hereby protected from forced sale, for the payment of all debts!” Please vote YES to change the bylaws to accommodate the law.

TRPOPA, Section 209.009, FORECLOSURE SALE PROHIBITED IN

CERTAIN CIRCUMSTANCES states: “A property owners’ association may not foreclose a property owners’ association’s assessment lien if the debt securing the lien consists solely of:

(1) fines assessed by the association; (2) attorney’s fees incurred by the association solely associated with fines assessed by the association; or (3) amounts added to the owner’s account as an assessment

TRPOPA, Section 209.0091. PREREQUISITES TO FORECLOSURE: NOTICE AND OPPORTUNITY TO CURE FOR CERTAIN OTHER LIENHOLDERS must be complied with to the fullest extent of the law. In most cases, JUDICIAL FORECLOSURE IS REQUIRED!

CHANGES TO THE DCCR

Article IV, Section 3 (c) states: The right of the Association, as provided in its Bylaws, to suspend membership rights for any period during which any assessment against a Lot remains unpaid, and for any period not to exceed sixty (60) days for an infraction of its rules and regulations; provided that the Association shall not deny the use of such of the Common Properties as is necessary for access to each Lot, including without limitation to streets and sidewalks!” DELETED by TRPOPA, Section 209.0059 stated above under Article 5.01 (e), regarding “any matter concerning the rights and responsibilities of the owner!” Vote Yes or NO

Article V, Section 8. Effect of Nonpayment of Assessment. We are required to adopt a payment plan policy that allows property owners to pay amounts owed to the HOA under an installment plan no to exceed 18 months. compliance with the TRPOPA, Section 209.0064 is mandatory and is adopted. Vote Yes or NO Please vote **Yes to change to accommodate the law.**

Article VII, Section 4, Signs states: “No sign of any kind shall be displayed to the public view on or from any part of the Properties, without the prior consent of the Committee (hereinafter defined), except signs temporarily used by Declarant in the development, sale or leasing of lots, and “for sale” signs (of a size and composition approved by the Committee) temporarily used for the sale of Lots.”

TRPOPA, Section 202.009, REGULATION OF DISPLAY OF POLITICAL SIGNS: (a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner from displaying on the owner's property, one or more signs advertising a political candidate or ballot item for an election:

(1) on or after the 90th day before the date of the election to which the sign relates; or

(2) before the 10th day after the election date. This entire Section of the TRPOPA should be adopted in its entirety and included in the DCCR Amendment.

RECOMMENDED AMENDMENTS TO THE BYLAWS, AND THE DECLARATION, COVENANTS, CONDITIONS AND RESTRICTIONS (DCCR) FOR THE COMANCHE CLFFS HOMEOWNERS ASSOCIATION

RECOMMENDED AMENDMENTS TO THE BYLAWS

A) Remove the titles of "Member, Members, and Membership," and replace with the titles of "Owner, Owners, and Ownership" in accordance with the TRPOPA. Reason: By our own current DCCR, it states "When the total votes outstanding in the Class A membership equals the total votes outstanding in Class B membership, then the Class B membership shall cease and be converted into Class A membership.

Note: The Class B member was the Developer/Declarant, neither of which no longer exists. The TRPOPA does not use the word "member" when referring to Property Owners' Associations, but uses "owner" instead.

Voting for Directors: Eliminate the voting method of "Proxy!" The TRPOPA requires HOAs to provide only one method of voting (besides in person), either "Absentee or Proxy!" Since there is indifference in the interpretation of the TRPOPA, we are providing the methods as follows:

A) If not voting in person, cast vote by- absentee ballot (mail-in):

B) or proxy ballot (solicitation not authorized): or both absentee (mail-in) or

proxy ballot (solicitation not authorized):

C)) or both absentee (mail-in) or proxy ballot

Circle A, B or C

Article IX, COMMITTEES, Section 9.01 states: “The board of directors of the corporation, by a majority vote of the board of directors, shall designate five (5) persons to serve upon a standing Nominating Committee as provided in these Bylaws, three (3) of whom shall be members of the board of directors and shall designate representatives to perform the duties and exercise the authority of the Architectural Control Committee, as provided in the Declaration.”

1) Recommend removal of the sentence “three (3) of whom shall be members of the board’ to ensure there is no conflict of interest for voting for election of board members.

Your vote (please circle one): YES NO

2) Recommend removal of the Architectural Control Committee because it is not related to the Nominating Committee.

Your vote (please circle one): YES NO

RECOMMENDED AMENDMENTS FOR OUR ELECTION PROCEDURES – Please see EXHIBITS

(1) and (2) on pages (8) and (9), and vote your choice accordingly.

Article IX, COMMITTEES, Section 9.02 states: “The board of directors may, by resolution passed by the majority of the board, designate an Executive Committee, to consist of two (2) or more of the directors of the corporation.

1) Recommend that this article be deleted. The board of directors, at their monthly board meetings, conduct an “Executive Session” after the completion of the regular board meeting, to discuss business related to “Confidential” matters and to take action on those matters. Circle Yes or No

1) Inasmuch as the Declarant no longer exists, recommend to remove “Declarant” where appearing in the document, and replace with CCHOA Board, CCHOA Board of Directors, or Board as appropriate.

Your vote (please circle one): YES NO

Article IV, Section 4. Declarants Use of Roads: Recommend delete this section, as Declarant no longer exists.

Your vote (please circle one): YES NO

Article IV, Section 5, Maintenance of Roads states: “Declarant shall maintain the roads within the properties until one-half (1/2) of the existing property is initially sold by contract or deed by Declarant, and thereafter the Association shall maintain all such roads until the County accepts the maintenance of such roads.”

Note: The Declarant no longer exists in Comanche Cliffs Subdivision. Recommend this section be amended to read: “Bandera County maintains the roads within the properties, however, the Board must maintain the Park Roads”! (please circle one): YES NO

Article V, Section 4. Basis and Amount of Annual Assessments:

A) The annual assessment for each lot may be increased by the Board of Directors at an amount required to meet budget requirements.

B) The annual assessment for each lot shall not be increased more than \$12.00 per year without the approval of two-thirds (2/3rds) of the property owners, even if this amount is not enough to meet budget requirements. (please circle one): A or B

Article V, Section 7. (a) Duties with Respect to assessments states; If the Board of Directors decide to fix and set assessments, the Board of Directors of the Association shall so fix the amount of the assessment against each lot and shall, at that time, prepare a roster of the lots and assessments applicable thereto which shall be kept in the office of the Association and shall be open

to inspection by any Owner.”

Recommend Article V, Section 7 be deleted as redundant, because of Article V, Section 4’s amendment votes 1) or 2), regardless of which way it is voted on. (please circle one): YES NO

Article VII, Section 4. Signs states: “No sign of any kind shall be displayed to the public view on or from any part of the Properties, without the prior consent of the Committee (hereinafter defined), except signs temporarily used by Declarant in the development, sale or leasing of lots, and “for sale” signs (of a size and composition approved by the Committee) temporarily used for the sale of Lots.”

Recommend amend Article VII, Section 4 to read: Signs: Temporary signs used by Builders in the construction of a property owners home (with residents address thereon), and “for sale” signs (temporarily used for the sale of Property Owners Lots and/or Home. These signs (and the size and composition) must be approved by the Board of Directors. (please circle one): YES NO

Article VII, Section 7. Rules of the Board states: “All Owners and occupants shall abide by any rules and regulations adopted by the Board. The Board shall have the power to enforce compliance with said rules and regulations by all appropriate legal and equitable remedies, and an Owner determined by judicial action to have violated said rules and regulations shall be liable to the Association for all damages and costs, including attorneys’ fees!”

Recommend amend Article VII, Section 7, Rules of the Board to read: “All Owners and occupants shall abide by all rules and regulations in the Association’s Dedicatory Documents (Articles of Incorporation, DCCR, Bylaws), and other rules and regulations adopted by the Board. The Board shall have the power to enforce compliance with said rules and regulations by all appropriate legal and equitable remedies, and an Owner determined by judicial action to have violated said rules and regulations shall be liable to the Association for all damages and costs, including attorneys’ fees!” (please circle one): YES NO

Recommend amend Article VII, Section 7. Rules of the Board to add:

A) After 4 Certified Letters are sent to owners, assess fines for continued, unresolved, un-cured covenant violations, not to exceed \$25.00 per violation, per month until covenant violation(s) is/are resolved or un- cured!

B) Fines for covenant violations are not allowed!

Circle A or B for vote

Article VII, Section 8. States: No animals, swine, livestock or poultry shall be raised, bred or kept in or on any portion of the Properties; except that dogs, cats or other household pets may be kept thereon, but not for any commercial purposes, provided that they do not create a nuisance and do not 'injure or harm any person or other animal, and except that one show calf or lamb or horses may be kept with the prior approval in writing of Declarant; provided that such calf or lamb is in a fenced area and is not allowed to run at large within the Properties.

The changes to be made are:

A). Animals – Limited to ONE (1) Calf, Lamb, Goat, or Horse: May be raised/kept (temporarily) for 4-H and FFA Projects only, with prior, written, permission from the Board, and must follow the guidelines from the Horse Committee regarding cleanliness and maintenance of the area which the animal is being raised/kept.

B). Animals are not allowed to be raised/kept (with exception of the horses already on the lots #60 and #64).

C). Up to two horses may be raised/kept with prior, written, permission from the Board depending on property size (only one horse per acre). Providing that such animals is in a fenced area and is not allowed to run at large within the properties. Please choose Answer A or B or C.

2) Poultry (Chicken Hens only – NO ROOSTERS) may be kept for the purpose of providing eggs for resident consumption, however, the chickens MUST BE CAGED or In A Pen. (please circle one): YES NO

Article VII, Section 9. Waste states in part: “Outside burning is prohibited

unless approved by the Committee!”

Recommend this sentence be amended as follows: “Outside burning is prohibited unless approved by the Board of Directors, and there must be a charged water hose, source of running water, and fire extinguisher (for a small fire) available at the burn site to extinguish a fire should one begin to burn!” (please circle one): YES NO

Article VII, Section 10. Boats; Motor Homes states: “No Planes, trailers, construction equipment, boats, campers, abandoned cars or trucks, motorboats, houseboats (or other similar water-borne vehicles), motor homes or “camper” vehicles may be maintained, parked, housed, stored or kept on or within the properties, except in an enclosed garage thereon, or by such other means or in such other location as conceals the same from view from streets and roads; provided that a motor home or trailer may be located on and used on a Lot for no more than seven (7) consecutive days and no more than twenty-one (21) total days in any one calendar year.”

This article is a volatile section. All points made by Committee Members were valid, on all sides of the table!

1) Recommend Motor Homes, Travel Trailers, Campers, RV’s be permitted, with prior approval by the Board, to house property owners when construction on their home begins. (please circle one): YES NO

2) Recommend ONLY ONE Boat, Motor Home, RV, Camper OR Travel Trailer be allowed on the owner’s property, with prior approval by the Board. A Utility Trailer is the ONLY other vehicle allowed on the owner’s property in addition to the other types of vehicles, but either or should be out of sight from the road. (please circle one): YES NO

Article VII, Section 12. Side Line and Front Line Set Back Restrictions:

1) Recommend change the 25 rear feet setback line to 10 feet. Twenty-Five (25) rear feet setback is considered excessive. (please circle one): YES NO

Article VII, Section 13. Fences, Walls, Hedges and Shrubs: 1) Recommend amend the maximum height of a fence allowed from six (6) feet to eight (8)

feet! (please circle one): YES NO

2) Recommend amend the section by adding “Barbed Wire Fencing is prohibited!” (please circle one): YES NO

3) Recommend amend the section by deleting “Hedge or Shrub!” (please circle one): YES NO

Article VII, Section 14. No more than one residence shall be constructed on any one lot as shown on the plat of properties, although several lots may be used for the site of one residence The exterior of all residences shall be finished from ground level with no exposed foundations. Roofs will be kept free of all extraneous material. All exteriors of residences will be completely finished and maintained to include a minimum of two coats of paint, if of a material other than stone, brick or natural wood, such as cedar, cypress or redwood. All construction shall be new construction, and shall not have a metal exterior (unless approved in writing by the committee, as herein after defined). No garage shall be required to be constructed on any lot, unless required to comply with provisions of sections 1 or 10 of this article. In no event shall any prefabricated, mobile home, modular home, or existing residence or garage be moved onto any lot, nor shall any construction of any residence or temporary building be commenced on any lot without the prior written approval of the committee (hereinafter defined). Modular or mobile homes shall be permitted on certain of the lots, as hereinafter provided, but must have a roof slope of at least 2 degrees/12 with skirting installed with underpinning in such a manner that the foundation is not visible, and the skirting material and all associated improvements must be approved by the committee (as hereinafter defined).

“Construction and Square Footage Requirements states in part: “No garage shall be required to be constructed on any Lot, unless required to comply with the provisions if Sections 1 or 10 of this Article. In no event shall any prefabricated, mobile home, modular home, or existing residence or garage be moved or built onto any Lot, nor shall any construction of any residence or temporary building be commenced on any Lot without the prior written approval of the Committee (hereinafter defined)”! The words “or built” were added and are highlighted for clarity!” (please circle one): YES NO

Article VII, Section 16. Hunting: Recommend to amend this section to read: “Hunting is prohibited on all properties in the Comanche Cliffs Subdivision, including the Common Properties!” (please circle one): YES NO

Article VII, Sections 4 through 21: Recommend amend those sections where “Committee” is cited therein, change “Committee” to “Architectural Control Committee!” (please circle one): YES NO

Article VII, Section 21. Access. Recommend to amend this section to read: “Access to driveway to each Lot shall be approved by the Architectural Control Committee!” (please circle one): YES NO

Article VIII, Architectural Control: Recommend to amend this section to read, at the beginning of the section, before “anything,”:

1) “All decisions by the Architectural Control Committee must be approved by the Board of Directors before commencement of any construction!” (please circle one): YES NO

Last Question:

Remove the Declaration of Covenants, Conditions and Restrictions?

Yes or No