

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

THE STATE OF TEXAS           §

COUNTY OF HARRIS           §

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

“My name is Sarah Vultaggio 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 Forrest Lake Townhouse 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.

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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: **1.) Amendment to the By-Laws of Forrest Lake Townhouse 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:

- 1) Reservations, Restrictions, and Easements recorded March 6, 1975 under Clerk’s File No. E380175 in the Official Public Records of Harris County, Texas.
- 2) Correction to Reservations, Restrictions and Easements recorded March 14, 1975 under Clerk’s File No. E386773 in the Official Public Records of Harris County, Texas.
- 3) First Amendment to Reservations, Restrictions and Easements recorded April 18, 1975 under Clerk’s File No. E4134109 in the Official Public Records of Harris County, Texas.
- 4) Articles of Incorporation of Forrest Lake Townhouse Association, Inc. recorded December 28, 1999 under County Clerk’s File No. U147592 in the Official Public Records of Real Property of Harris County, Texas.

ER 073-16-2103

- 5) Articles of Amendment to the Articles of Incorporation of Forrest Lake Townhouse Association, Inc. recorded December 28, 1999 under County Clerk's File No. U147592 in the Official Public Records of Real Property of Harris County, Texas.
- 6) Forrest Lake Townhouse Association, Inc. By-Laws recorded December 28, 1999 and recorded under County Clerk's File No. U147592 in the Official Public Records of Real Property of Harris County, Texas.
- 7) Summary of Policies (Rules and Regulations) for Forrest Lake Townhouse Association, Inc. recorded December 28, 1999 under County Clerk's File No. U147592 in the Official Public Records of Real Property of Harris County, Texas.
- 8) Forrest Lake Townhouse Association, Inc. Maintenance Fees Policy recorded December 28, 1999 under County Clerk's File No. U147592 in the Official Public Records of Real Property of Harris County, Texas.
- 9) Payment Plan Policy dated September 11, 2012 and recorded under County Clerk's File No. 20120495641 in the Official Public Records of Real Property of Harris County, Texas.
- 10) Forrest Lake Townhouse Association, Inc. Voting, Tabulation of Ballots, and Access to Ballots Policy recorded October 24, 2014 under County Clerk's File No. 20120495646 in the Official Public Records of Real Property of Harris County, Texas.
- 11) Forrest Lake Townhouse Association, Inc. Guidelines for Solar Energy Devices recorded October 24, 2014 under County Clerk's File No. 20120495645 in the Official Public Records of Real Property of Harris County, Texas.
- 12) Forrest Lake Townhouse Association, Inc. Guidelines for Display of Certain Religious Items recorded October 24, 2014 under County Clerk's File No. 20120495644 in the Official Public Records of Real Property of Harris County, Texas.
- 13) Forrest Lake Townhouse Association, Inc. Records Production and Copying Policy recorded October 24, 2014 under County Clerk's File No. 20120495643 in the Official Public Records of Real Property of Harris County, Texas.
- 14) Forrest Lake Townhouse Association, Inc. Guidelines for Rainwater Recovery Systems recorded October 24, 2014 under County Clerk's File No. 20120495642 in the Official Public Records of Real Property of Harris County, Texas.
- 15) Forrest Lake Townhouse Association, Inc. Guidelines for Display of Flags recorded October 24, 2014 under County Clerk's File No. 20120495640 in the Official Public Records of Real Property of Harris County, Texas.
- 16) Forrest Lake Townhouse Association, Inc. Document Retention Policy recorded October 24, 2014 under County Clerk's File No. 20120495639 in the Official Public Records of Real Property of Harris County, Texas.

- 17) By-Laws of Forrest Lake Townhouse, Inc. Amendment Number 6 recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 18) By-Laws of Forrest Lake Townhouse, Inc. Amendment Number 7 recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 19) By-Laws of Forrest Lake Townhouse, Inc. Amendment Number 8 recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 20) Amendment to the By-Laws dated July 19, 2012 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 21) Amendment to the By-Laws dated January 19, 2013 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 22) Amendment to the By-Laws dated July 18, 2013 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 23) Amendment to the By-Laws dated December 20, 2013 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 24) Amendment to the Bylaws dated December 20, 2013 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 25) Amendments to the By-Laws dated December 20, 2013 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 26) Amendments to the By-Laws dated April 23, 2014 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 27) Board Resolution dated December 20, 2005 (Rental Resolution) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 28) Board Resolution dated October 17, 2006 (Proof of Insurance) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.;
- 29) Board Resolution dated May 21, 2009 (Leasing (including Application to Lease, Acknowledgement and Notice, and Affidavit of Each Proposed Occupant 18 or Over)

and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.

- 30) Board Resolution dated April 19, 2012 (Mailroom Posting) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 31) Board Resolution dated April 19, 2012 (Board Meeting Minutes) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 32) Board Resolution dated April 19, 2012 (Board Minutes Reports) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 33) Board Resolution dated June 5, 2012 (Recording of Meetings) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 34) Board Resolution dated September 20, 2012 (Personnel Holidays) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 35) Board Resolution dated January 19, 2013 (FLTA Personnel Policies Guides, Compensation and Benefits) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 36) Board Resolution dated December 20, 2013 (Postings on Bulletin Boards or Walls, Door, or Windows of the Mailroom) and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 37) Board Resolution (Format and Approval of Board Meeting Minutes) dated May 15, 2014 and recorded under County Clerk's File No. 20140341568 in the Official Public Records of Real Property of Harris County, Texas.
- 38) Board Resolution (Recording of Board or General Meetings) dated January 22, 2015 and recorded under County Clerk's File No. 20150057578 in the Official Public Records of Real Property of Harris County, Texas.
- 39) Leasing Resolution recorded April 8, 2015 under County Clerk's File No. 20150142564 in the Official Public Records of Real Property of Harris County, Texas.

SIGNED on this the 21<sup>st</sup> day of August, 2015.



Printed Name: Sarah Vultaggio Gerdes  
Attorney/ Agent for Forrest Lake Townhouse  
Association, Inc.

2OR

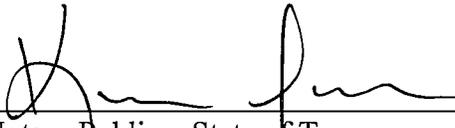
**VERIFICATION**

THE STATE OF TEXAS §

COUNTY OF HARRIS §

**BEFORE ME**, the undersigned authority, on this day personally appeared Sarah Vultaggio 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 21<sup>st</sup> day of August, 2015.

  
\_\_\_\_\_  
Notary Public – State of Texas

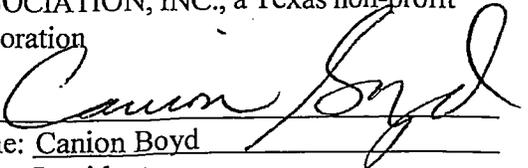
**RETURN TO:**  
**SEARS | BENNETT | LLP**  
ATTORNEYS AT LAW  
9700 RICHMOND AVENUE, SUITE 222  
HOUSTON, TEXAS 77042

ER 073-16-2107



DATED the 28th day of May 2015.

FORREST LAKE TOWNHOUSE  
ASSOCIATION, INC., a Texas non-profit  
corporation

By:   
Name: Canion Boyd  
Title: President

ER 073-16-2109

# Amendment to the By-Laws

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## Article XXIII Owner Occupancy

Section 1. In accordance with Article 3.12 of the RESERVATIONS, RESTRICTIONS AND EASEMENTS and the Leasing Resolution (hereafter "Leasing Resolution") approved on March 19, 2015, the members of the Forrest Lake Townhouse Association, Inc. (hereafter "Association") desire to limit the number Units leased in the Association.

All Owners are subject to this Amendment as of the date of recording. The term "Non-Resident Owner" is defined as an Owner in accordance with Article I Section 6 of the Association By-Laws and for the purposes of this Amendment includes those Owner(s) of a Townhouse Unit (Unit) that do not personally occupy the Unit on a daily basis as their principal residence.

No Owner shall permit any other person to occupy a Unit unless the requirements of this Article and the Leasing Resolution are met. All references to the "Association" mean the Forrest Lake Townhouse Association, Inc. and its board of directors (Board).

Section 2. An Owner that intends to lease a Unit must first submit a written request to lease to the Board for approval (hereafter "Request"). The Request must be delivered or mailed to the Association's business office at 5805 Lumberdale Road, Houston, Texas 77092.

A Request must be sent for each new lease agreement. Requests will be reviewed on a first come, first serve basis.

After receiving a Request from an Owner, the Board will notify the Owner within fifteen (15) business days of receipt, if the limitation on leasing of Units under Article XXIII Section 3 has been reached and whether the Request has been approved or denied. If the Owner does not receive written notification from the Board approving or denying the Request within fifteen (15) business days, the Owner may NOT lease the Unit.

No lease agreements will be valid until and unless the Board approves the Owner's Request in writing prior to the Owner entering into the lease. If a Request is approved, the Owner must submit an Application to Lease per the Leasing Resolution and a copy of the lease agreement signed by the tenant for inclusion in the Rental Unit Registry (Registry) as provided in Article XXIII Section 3.

If the Board denies a Request, the Unit will be placed on the Waiting List (as defined below) effective as of the date the Request was received by the Association unless the Owner indicates to the Board otherwise.

The Association will maintain a leasing Waiting List. The order of the Waiting List will be based upon the date that an Owner's Request was received by the Association.

If an Owner on the Waiting List is approved by the Board for leasing, the Owner will have four (4) weeks to submit an Application to Lease to the Board for approval. If no Application is received in that time period, the Owner will forfeit their spot on the Waiting List and must resubmit a new Request if he or she desires to lease their Unit in the future.

An Owner may submit a Request to the Board based upon financial or personal hardship. In such instances, even if the limitation on leasing under Article XXIII Section 3 below has been met, the Board, in its sole discretion, may authorize the Owner to lease the Unit. If an Owner is requesting consideration of financial or personal hardship as a basis for the written request to lease, the Owner must include a statement and supporting documentation evidencing the financial or personal hardship with the Request to the Board. The supporting documentation may include, but is not limited to, documentation of a death of a breadwinner, physician's statement of disability/illness/injury that prevents a person from working, documentation of unemployment, or documentation of employer mandated relocation out of the State of Texas or the United States of America.

Section 3. Leasing of Units will be limited to fifty (50) of the two hundred and forty-three (243) Units within the Association. After the number of Units being leased within the Association reaches the limit of fifty (50), no additional Requests will be approved until a current lease is terminated, a leased Unit is released from a lease, or a leased Unit is sold to a new Owner.

If a Unit is sold, the new Owner will not receive or be granted the prior Owner's occupancy status. A sold Unit becomes immediately subject to the provisions of the Amendment and the Leasing Resolution. The Association will attach a copy of this Amendment and the Leasing Resolution to a resale certificate when the resale certificate is requested by a prospective Owner's title company. The Board may, in its discretion, grant a variance to a new Owner when the Owner is required to honor a pre-existing lease.

All Owners must notify the Board when a lease is renewed, extended, or terminated. All Owners must also notify the Board of any updates, modifications, or changes to their lease agreements. If a lease is terminated for any reason, a Request must be submitted to the Board for approval subject to the limitations contained in this Amendment and the Leasing Resolution.

If a lease is to be renewed, the Owner must submit a new Request to the Board for approval. The renewed lease agreement must have the identical active tenant(s) as the original lease agreement. A renewed lease agreement that complies with the provisions of this Amendment and the Leasing Resolution will receive automatic approval by the Board without relegation to the Waiting List.

However, there is no grace period for automatic renewal of a Request. If the lease expires, it may not be renewed at a later date and the Owner will be required to submit a new Request for Board approval.

The failure to submit a Request and to obtain written approval of the Request by the Board will constitute a violation of this Amendment and subject the Owner to a penalty of \$100.00 per day from the commencement of a lease. The penalty shall be paid with the next monthly assessment that becomes due. The Association shall also have the right, in the event of a violation, to terminate any and all services that it provides to the Unit. So long as any demand for reimbursement of attorney's fees is allowed by the Texas Property Code, the Association may include in the next appropriate assessment any and all reasonable and necessary legal expenses incurred for the enforcement of this Amendment as to the specific Unit in question.

The term "immediate family member" is defined as an Owner's parents, spouses, siblings, children, grandparents, grandchildren, siblings-in-law, half-siblings, adopted children, step-parents/step-children, and cohabiting partners.

The Board shall maintain a Rental Unit Registry (Registry) to monitor the rental status of all Units. The Registry will include a list of Owner Occupied Units and Non-Resident Units (rental). Owner Occupied Units do not count towards the fifty (50) Unit limit. Owner Occupied Units include a Unit that is occupied by an Owner's immediate family member(s) who is not under a lease agreement and is not paying rent. Rental Units do count towards the fifty (50) Unit limitation.

For an Owner Occupied Unit that is occupied by the Owner's immediate family member(s), the Owner must submit to the Board, upon the Effective Date of this Amendment, proof of residence of the Owner, proof of residence of the immediate family member and a statement of the relationship between the Owner and the immediate family member. The proof of residence may include the following documentation: utility bill, driver's license, mortgage statement of another residence, or a lease agreement for another residence.

The Board has the authority to adopt reasonable rules and regulations related to the leasing of Units.

Section 4. All Units that are vacant, occupied by non-Owners not under a valid lease agreement (such as Units occupied by an immediate family member and not considered a leased Unit), or by non-Owners under a valid lease agreement, on the Effective Date of this Amendment, shall be grandfathered from the approval (Article XXIII

Section 2) and limitation (Article XXIII Section 3) provisions until the sale of the Unit to a new Owner.

Section 5. This Amendment shall be effective as of the date ("Effective Date") of recording in the Official Public Records of Harris County, Texas.

ER 073-16-2113

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# Pages 12  
08/21/2015 12:50 PM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees \$56.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Stan Stanart*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

ER 073-16-2114