



### Process for Amending Council Creek South Deed Restrictions

The amendment process for amending the Council Creek South (CCS) Deed Restrictions was approved by CCS property owners. The process was approved by 76.92 % of the voting property owners. The ballots were counted, certified by the canvassing committee and presented to the CCSPOA Presiding Officer on 14 March, 2009. The written certification is included, along with this page, as part of the instrument filed with Burnet County. The election was conducted in accordance with the Legislature of the State of Texas H.B. 1631, Section 1. Title 11, Property Code; Chapter 211, Section 211.004. The approved amendment process consisted of the following text.

- (a) An amendment binds all property owners in the subdivision if more than two-thirds of the voting property owners vote in favor of the amendment.
- (b) Not later than the 30<sup>th</sup> day before the date a ballot for a vote must be received to be counted, the CCSPOA shall mail to each affected property owner a notice that includes:
  - (1) the exact wording of the amendment; and
  - (2) the date by which a property owner's ballot must be received to be counted.
- (c) The CCSPOA shall pay all costs of;
  - (1) Printing and mailing the required notices and ballots; and
  - (2) Canvassing, tabulating, and certifying the vote.
- (d) A property owner may not cast more than one vote, regardless of the number of lots the person owns. If more than one person owns an interest in a lot, the owners may cast only one vote for that lot. A person may not vote if the person has an interest in a lot only by virtue of being a lien holder.
- (e) A ballot cast is secret and cannot be counted unless it is placed inside an unmarked envelope that is placed inside another envelope that bears the signature and printed name of the property owner casting the enclosed ballot.
- (f) The presiding officer of the property owners' association shall appoint an election canvassing committee and a committee chairperson to canvass and count the votes and determine the outcome. The committee is also responsible for (1) certifying that all ballots mailed to property owners are properly stamped and deposited in the United States Postal Service for delivery and (2) receiving the returned ballots for canvassing and counting.
- (g) If the amendment receives the number of votes required under Subsection (a) above, the election canvassing committee chairperson shall certify the result to the presiding officer of the property owner's association. The presiding officer shall file in the real property records of Burnet County an instrument that indicates that the amendment was adopted.
- (h) If the amendment is not adopted, the property owners' association may not submit the same amendment to a vote on or before the first anniversary of the date the previous votes on the amendment were certified.

State of Texas  
County of Burnet

The above statements were acknowledged before me  
on March 19, 2009 by Candice Smith.

*Nancy K. Collins*  
Nancy K. Collins, Notary Public Burnet Co.

*Candice Smith*  
Secretary, CCSPOA



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



*Janet Parker*

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March 19, 2009 10:27:13 AM

FEE: \$16.00

Janet Parker, County Clerk  
Burnet County, Texas