

# 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 purposes as presented and/or outlined in this Ballot, the results of which are to be announced at the Board of Directors Meeting of the Members of Cyprus Villas Homeowner's Association, Inc tentatively scheduled for Tuesday, March 25<sup>th</sup>, at 6:00 p.m. I understand that I may cast my vote online from the Association's website or complete this ballot and return it to the managing agent using one of the alternate return methods provided below. Furthermore, I understand that I am to cast my vote for each proposed change. If I choose not to cast a vote or fail to mark at least one ballot box on any proposed change, any unmarked proposed change(s) will not be counted. 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 I have read over the summary provided for the proposed amendments prior to casting vote. I understand the results 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\*\*\*

## Summary of Articles/Sections Proposed for Amendment -

Refer to the sample 2<sup>nd</sup> Amendment attached for details of all the updated language amended or added.

### 1) Section 2.2.1 Leasing

This section is to amend the leasing requirements and to add language for the leasing rules and restrictions. Section 2.2.1.1 was also added please see the attached draft amendment.

Vote to Approve Section 2.2.1.

Vote to Deny Section 2.2.1.

### 2) Section 2.5 (a) Uses Specifically Prohibited

This section was revised and information on the Declarant and builder/contractor were removed, also it was changed from the Board of Directors approval to ACC approval.

Vote to Approve Section 2.5 (a).

Vote to Deny Section 2.5(a).

### 3.) Section 2.5 (g)

This section was to update the language to meet Texas Property Code requirements for antennas, satellite dishes, etc.

Vote to Approve Section 2.5(g).

Vote to Deny Section 2.5(g).

Essex Association Management L.P.  
Attn: Kennedy Middlebrooks  
1512 Crescent Drive, Suite 112  
Carrollton, TX 75006  
Phone: (972) 428-2030 Fax: (469) 342-8205

4.) Section 2.5 (k)

This section was to update the language to meet Texas Property Code requirements for signs, seasonal displays, political signs and flags. It also removed the mention of Declarant and builder signs and condensed.

Vote to Approve Section 2.5(k).

Vote to Deny Section 2.5(k).

5.) Section 2.7 Fences and Walls

This section was revised to remove mention of the Declarant approval or review needed and now approval will be by the ACC.

Vote to Approve Section 2.7.

Vote to Deny Section 2.7.

6.) Section 3.1 Review Authority

This section was revised to remove any mention of the Declarant having review authority, it also revised the language regarding Board Members or members of their household's inability to serve on the ACC up to date.

Vote to Approve Section 3.1.

Vote to Deny Section 3.1.

7.) Section 3.3 Procedure for Approval

This section was revised to update the language and remove mention of the Declarant.

Vote to Approve Section 3.3.

Vote to Deny Section 3.3.

8.) Section 3.5 Requests for Variance

In this section any reference to the Declarant was removed and other revisions as needed were made.

Vote to Approve Section 3.5.

Vote to Deny Section 3.5.

9.) Section 3.6 Liability of Reviewer

In this section any reference to the Declarant was removed and other revisions as needed were made.

Vote to Approve Section 3.6.

Vote to Deny Section 3.6.

10.) Section 3.7

Section 3.7 Special Rights of the Declarant were deleted in its entirety.

Vote to Approve Section 3.7.

Vote to Deny Section 3.7.

11.) Section 4.5 Fifteen (15) Year Limitation

This section there is a slight revision to the Declarant rights during the Development Period which is different than the Declarant or Class B period.

Vote to Approve Section 4.5.

Vote to Deny Section 4.5.

12.) Section 6.1 Special Enforcement Rights of the Board of the Association

This section was updated to meet the language of the current Texas Property Code requirements & remove any mention of the Declarant as applicable.

Vote to Approve Section 6.1.

Vote to Deny Section 6.1.

13.) Section 7.1 Amendment

This section was revised to remove most of the mentions of the Declarant & to reduce the percentage of votes needed by the HOA in order to amend the CCR's from 67% to 51%. Additional language in regard to the Board's ability to amend the CCRs without consent of owners in regard to certain Freddie Mac, Fannie Mae, and FHA/VA requirements as well to correct typographical errors, etc. was revised or added.

Vote to Approve Section 7.1.

Vote to Deny Section 7.1.

14.) Section 7.2 Termination

Revised to remove mention of Declarant and to increase the percentage of owners needed in order to terminate the Association from 75% to 90%.

Vote to Approve Section 7.2.

Vote to Deny Section 7.2.

15.) Section 8.2 Class B

The section that references Class B Members was deleted in its entirety.

Vote to Approve Section 8.2.

Vote to Deny Section 8.2.

16.) Section 8.3.1

This section was revised to clarify the notice requirements only that pertains to annual or special meetings of the members.

Vote to Approve Section 8.3.1.

Vote to Deny Section 8.3.1.

17.) Section 8.3.2

This section was revised to clarify meetings in which a quorum of the members would apply.

Vote to Approve Section 8.3.2.

Vote to Deny Section 8.3.2.

18.) Section 9.2 Additional Common Properties

This section was revised to remove the mention of the Declarant and revise the percentage of owners' votes lowered from 60 % to 51%.

Vote to Approve Section 9.2.

Vote to Deny Section 9.2.

19.) Section 9.3 Acceptance and Control of Common Properties

This section was revised to remove some of the language regarding the transfer of common areas by the Declarant.

Vote to Approve Section 9.3.

Vote to Deny Section 9.3.

20.) Section 10.1 Creation of the Lien and Personal Obligation of Assessments.

Most of Article 10 was revised to bring to date the language with the current state and Texas Property Code requirements. Any mentions of the Declarant were also removed.

Vote to Approve Section 10.1.

Vote to Deny Section 10.1.

21.) Section 10.4 Acquisition Assessments

This section revised to remove the unnecessary mention of the Declarant. Language was changed for the Resale Fee to reduce to \$375.00

Vote to Approve Section 10.4.

Vote to Deny Section 10.4.

22.) Section 10.5 Special Assessments

Broadened the use of Special Assessments to include unbudgeted or unforeseen expenses.

Vote to Approve Section 10.5.

Vote to Deny Section 10.5.

23.) Section 10.6 Special Individual Assessments. Interest and Fines.

This section added language regarding certain charges for self-help like trip charges not previously mentioned.

Vote to Approve Section 10.6.

Vote to Deny Section 10.6.

24.) Section 10.9.1 Duties of the Board of Directors with Respect to Assessments

This section added language that an owner must submit request in writing for inspections of roster, etc.

Vote to Approve Section 10.9.1.

Vote to Deny Section 10.9.1.

25.) Section 10.10 Assessment Lien to Secure Charges and Assessments

This section was revised with current most up to date language.

Vote to Approve Section 10.10.

Vote to Deny Section 10.10.

26.) Section 10.11 Effect of Nonpayment of Assessment

This section was revised with the most current up to date language.

Vote to Approve Section 10.11.

Vote to Deny Section 10.11.

27.) Section 10.12 and (a) and (b)

This section was revised with the most current up to date language.

Vote to Approve Section 10.12, 10.12 (a), 10.12 (b).

Vote to Deny Section 10.12, 10.12 (a), 10.12 (b).

28.) Section 10.17 Declarant Subsidy

This section was revised to clarify that Declarant subsidy paid to cover any existing deficit or deficiency in HOA expenses when assessments collected are not enough or not a loan.

Vote to Approve Section 10.17.

Vote to Deny Section 10.17.

29.) Section 10.18 Declarant's Assessment

This section was changed so that the subsidy cannot be claimed as a loan.

Vote to Approve Section 10.18.

Vote to Deny Section 10.18.

30.) Section 11.5 Liability Limitations: Indemnification

This section was revised to provide the most up to date language from an HOA attorney for protection and indemnification of the board, Association and managing agent.

Vote to Approve Section 11.5.

Vote to Deny Section 11.5.

31.) Section 11.6 Notice and Hearing; Dispute Resolution; Liens

This entire section was revised, and the description changed to meet state and Texas Property Code Requirements.

Vote to Approve Section 11.6.

Vote to Deny Section 11.6.

32.) Section 12.1 Declarant Rights

This section was deleted in its entirety

Vote to Approve Section 12.1.

Vote to Deny Section 12.1.

33.) Section 12.2 Easement to Inspect and Right to Correct

This section of the language was changed to allow the Association (the board) the same rights of easement to inspect, etc. as the Declarant would have.

Vote to Approve Section 12.2.

Vote to Deny Section 12.2.

34.) Section 12.3 Right to Develop

This section was deleted in its entirety.

Vote to Approve Section 12.3.

Vote to Deny Section 12.3.

35.) Section 12.5 Changes in Master Plan.

This section was revised to remove unnecessary mention of Declarant or Declarant rights over ACC.

Vote to Approve Section 12.5.

Vote to Deny Section 12.5.

36.) Section 12.7 Declarant Provisions

This section was revised to remove what can be removed along with Exhibit B.

Vote to Approve Section 12.7.

Vote to Deny Section 12.7.

37.) Section 14.1 and Section 14.2

This section was revised to limit the Declarant's rights to the Declarant control period & expand on the HOA's rights for Expansion.

Vote to Approve Section 14.1 and 14.2.

Vote to Deny Section 14.1 and 14.2.

38.) Section 15.2 Term

This section removed any unnecessary mention of the Declarant and expanded the percentage requirement for termination by owners from 67% to 75%.

Vote to Approve Section 15.2.

Vote to Deny Section 15.2.

39.) Section 15.5 Notices

This section updated the language and added alternative methods of delivery when applicable.

Vote to Approve Section 15.5.

Vote to Deny Section 15.5.

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40.) Section 15.8 No Liability for Trespass

This was revised to update the language.

Vote to Approve Section 15.8.

Vote to Deny Section 15.8.

41.) Section 15.12 Limitation of Liability

This section was deleted in its entirety.

Vote to Approve Section 15.12.

Vote to Deny Section 15.2.

I hereby understand and acknowledge, that according to the 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. I understand if I assign my Proxy I may do so for quorum only or for the purpose of quorum and voting on all the proposed amendments set forth in this Ballot.

By submitting this Ballot, I affirm that I have read and understand the summary provided with this Ballot regarding the purposes behind the proposed amendments to the Covenants, Conditions and Restrictions ("CC&R's"). 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 using any of the authorized methods provided before the deadline of March 12<sup>th</sup>, at 11:59 p.m. and that NO VOTES cast regardless of the voting method may be counted after the deadline date above.

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

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

E-mail to:

Fax to: (469) 342-8205, Attn: Kennedy Middlebrooks

Or mail to the address located just below in the footer, Attn: Kennedy Middlebrooks

Attn: Kennedy Middlebrooks  
1512 Crescent Drive, Suite 112  
Carrollton, TX 75006  
Phone: (972) 428-2030 Fax: (469) 342-8205