

TAMARACK OWNERS BY LAWS

TAMARACK MOUNTAIN OWNERS ASSOCIATION

AS AMENDED July 16, 2016

ARTICLE ONE

MEMBERSHIP

Section 1. Each owner of one or more lots in any section of Tamarack Mountain Subdivision (hereinafter “Tamarack Mountain Subdivision” is eligible for membership; provided, however, That commencing the last Friday in April, 1986, Tamarack Properties, Incorporated, shall not be eligible for membership.

Section 2. Each Owner will hereinafter be an Owner-Member.

Section 3. Effective July 16, 2016 All members and their families shall have the right to use of the Association’s facilities, including its swimming pool (only two guests are allowed per member), parks and recreational areas, to the extent permitted by and in accordance with the terms and that may be set out in the Association’s rules which may from time to time be established by its Board of Directors. Any exceptions to the above must be brought to the Board of Directors for approval. All dues and assessments must be current. Large groups/family parties need to contact a Board Member for passes and approval.

Section 4. As to each membership which is held by other than a single individual, that is , a membership held by two or more persons, by a corporation or by a firm or partnership, the use of the Association’s facilities shall be only by an individual person and the family of such individual person named by such member.

Section 5. Effective July 16, 2016 All property owners are eligible to vote, either being present or by proxy vote at the annual meetings. Members who own one or more lots are entitled to one vote. Jointly owned lots including married couples have only one vote.

Section 6. Upon the termination of membership for any cause, all the rights and interest of the member in the privileges, rights, properties, funds or assets of the Association shall cease, ipso facto.

Section 7. Membership shall be evidenced by such card, certificate and other writings, as the Board of Directors shall authorize.

Section 8. A non-owner must become an associate member of Tamarack Mountain Subdivision as required in Article Two, Section Six.

ARTICLE TWO

DUES AND ASSESSMENTS

Section 1. There shall be no initiation fees.

Section 2. Dues and assessments apply to all Owner-Members.

Section 3. Effective July 16, 2016 Dues and assessments set in the subdivision restrictions may from time to time be adjusted in order to meet the financial obligations of the Owners Association. This adjustment must be approved unanimously by the entire Board plus the approval of at least two-thirds of votes cast.

Section 4. If the Association is ever dissolved all the assets will be distributed to a successor Texas nonprofit (type 501 C (7) association or to a tax exempt charitable organization. No distribution will be made to any member of the Association.

Section 5. No part of the net earnings of the Association will inure to the benefit of any member.

Section 6. Non-owners, renters or separate households occupying or living on an owner's property must become an Associate member of Tamarack Mountain Subdivision and pay separate dues. Non-payment of these dues will revert back to the property owner for collection purposes including, but not limited to, filing of liens on subject property.

Section 7. Effective July 16, 2011, A late charge of \$25 a month will be added to each year's Dues and Assessments or any portion thereof of the remaining unpaid balance.

Section 8. Effective July First, 2012 (7-1-2012) Standard Dues will be TWO HUNDRED FORTY and No/100 Dollars (\$240.00) for all owners and associate members.

Section 9. The Following was approved at the Annual Meeting July 21, 2007:
Grandfather in all present Property Owners and set a lot limit per set of dues for future purchases, acquisitions, or change of ownership after July 21, 2007. The standard will be set at 2 residential lots or 4 camping lots per set of dues. With each additional residential lot or each camping lot "or any portion thereof" to be assessed an additional \$25.00.

Amendment July 17, 2010

The Owners covered by the Grandfather Clause will forfeit their Grandfather status upon the purchase, acquisition or addition of any properties after July 17, 2010.

ARTICLE THREE

BOARD OF DIRECTORS

Section 1. The affairs and management of the Association shall be conducted by a Board of Directors consisting of the number of Directors as provided in Section 3 of this Article Three, which Board shall have full power and authority to carry out the purposes of the Association and to do any and all lawful acts necessary or proper thereto

Section 2. Except as otherwise provided in Section 3 of this Article Three, Directors shall serve a term of three years and thereafter until their successors are elected and have qualified. Any Director may succeed himself and serve as many consecutive terms or nonconsecutive terms as he may be elected. Directors must be members of the Association.

Section 3. The terms of the Board of Directors shall be so staggered that no more than two Directors shall be elected yearly (in addition to Directors elected due to resignation, death or removal, and the Directors to fill vacancies thus caused may be elected by a majority of the remaining Directors constituting a quorum). The Board of Directors shall consist of five Directors.

Section 4. Effective July 16, 2016 (Beginning in July of 1983), Directors shall be elected at the annual meeting of members by a majority of the vote at such meeting. Before the expiration of the term of any Director, the President shall appoint a nominating committee of three members, which committee shall nominate one nominee for each Directorship to be filled.

Section 5. A majority of the Directors shall constitute a quorum at any meeting and a majority of those present shall be sufficient to determine any question except in regard to expulsion of members as herein-before proved. Meetings of the Board of Directors may be held at any place within the boundaries of the Association.

ARTICLE FOUR

OFFICERS

Section 1. The officers of the Association shall be a President, one or more Vice Presidents, a Secretary, and a Treasurer, elected by the Board of Directors. More than one office may be held by the same person. All officers shall be elected annually the Board of Directors within a reasonable time after the annual meeting of the membership of this Association. All officers shall hold office for a period of one year or until his successor is duly elected and qualified. All officer shall be required to be a member of the Association and who are not in arrears for more than 30 days in respect to all assessments and dues of the Association.

Section 2. The President shall be the chief executive officer of the Association and shall preside over meetings of the Board of Directors and meetings of the membership.

Section 3. Any Vice President shall exercise the functions of the President in his absence and shall perform such other duties as the Board of Directors may prescribe.

Section 4. The Secretary shall keep, or cause to be kept the minutes of all meetings and complete list of all members and their addresses, shall give the notices required of a secretary.

Section 5. The Treasurer shall work closely with the Association Manager in the collection of all fees, dues and charges and the handling and disbursing of all money. He shall be responsible for the proper accounting of the Association's financial affairs and the preparing of proper reports on financial matters and such other reports as may be specified by the Board of Directors.

ARTICLE FIVE

COMMITTEES

Section 1. The Board of Directors or the President may appoint such Committees from time to time and delegate to such committees such duties as it or he may deem proper.

Section 2. The appointments of the membership committee and the nominating committee shall be made by the President as provided above.

ARTICLE SIX

MEETINGS

Section 1. The annual meeting of the members of the Association shall be held on the third Saturday in July of each year commencing with the year 1988 at the park area in Tamarack Mountain Subdivision or at such other place as shall be determined by the President of the Association at 10:00 o'clock A.M. Any change in time or date may be made by the Board of Directors and 30 days notice be mailed to the last known address of all members. Special meetings may be called by the President or by a majority of the Board of Directors.

Section 2. Effective July 16, 2016, The number of members entitled to vote shall decide any question brought before such meeting; the respective members are to have such number of votes as hereinbefore provide in Article One.

Section 3. Without notice the annual meeting of the Board of Directors shall be held on the same day and at the same place as the annual meeting. Special meetings of the Board of Directors shall be called at any time by the President or by any three members of the Board of Directors. Ten days written notice shall be required for special meetings unless notice is waived in writing.

Section 4. No notice shall be required with respect to any annual or regular meeting of the members or annual or regular meeting of the Board of Directors.

ARTICLE SEVEN

MISCELLANEOUS

Section 1. Effective July 16, 2016, These By-Laws or any part thereof may be amended, modified, or repealed only by the unanimous vote and approval of all the Directors of the Association plus approval of two-thirds of the voting members.

Section 2. Unless otherwise required by statute, the Articles of Incorporation or by these By-laws, any notice required to be given shall not be deemed to be a personal notice but may be orally given by the President causing to be posted such notice upon any bulletin board at the park area in Tamarack Mountain.

Section 3. The Association shall not enter into any contract to pay and shall not pay a salary or other remuneration to any officer, Director, or committee member of the Association for their services as such nor in any other capacity regardless of the capacity in which they may act.

ARTICLE EIGHT

ENFORCEMENT OF DEEDED RESTRICTIONS

Section 1. The Architectural Control Committee will present to the Board of Directors selected violations. (For review, approval or disapproval) including but not limited to; A. Effective July 18, 2015, All permanent residents must have a Brown County approved septic system and water meter before occupancy.

Section 2. The Board of Directors will notify property owners of any approved violations by "form Letter" stating corrective action and time allocation for completion. (Member should notify the Board if circumstances will prevent the work from being completed within the time stated.)

Section 3. Twenty five dollars (\$25) non-compliance fee, if corrections are not made within the allotted time. Twenty-five (\$25) added each moth until corrections are made.

Section 4. Non-payment of any non-compliance fees will be added to dues and assessment balance. (normal collection process will then apply.)

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Contact Us

 325-203-1931

 info@tamarackowners.com

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