

STATE OF TEXAS §
§
COUNTY OF BEXAR §

KNOW ALL MEN BY THESE PRESENTS:

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ROSEHEART HOMEOWNERS ASSOCIATION
REGARDING THE ASSOCIATION'S VOTING OVERSIGHT COMMITTEE**

WHEREAS, the By-Laws of the Roseheart Homeowners Association provide, in Article IV, Section 2, that the Board shall have the powers and duties necessary for the administration of the affairs of the Association and for the operation and maintenance of a first class residential development; and,

WHEREAS, the Board has voted, at a duly called meeting at which a quorum of Directors was present, or by unanimous signed written consent in lieu of a meeting, to appoint a committee of the Association to be named, comprised of such members, and perform such tasks for such periods, as is set forth in detail below;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the following Committee is hereby established:

1. Name. The name of the Committee shall be the "Voting Oversight Committee".
2. Members. The committee shall be composed of three, but not more than five members. The members of the committee shall be appointed and/or removed by the Board of Directors.
3. Purpose: To provide third party independent assistance to the Board of Directors by overseeing the process of voting (electronic or otherwise) whereby voting is required of all Roseheart owners as directed by the Board of Directors.
4. Responsibilities. The Committee shall have the following responsibilities:
 - a. Assist in the development of ballots to be used in the election process which shall be approved by the Board prior implementation.
 - b. Create a timeline of events and deadlines as requested by the Board.
 - c. Proxy and on-line voting will be made available if possible.
 - d. Create a working budget, if applicable, and submit to the Board of Directors for approval prior to implementation.
 - e. Monitor voting progress and integrity to ensure only one vote per platted lot. Owners owning more than one lot will be given one vote per platted lot.
 - f. **BALLOTS**: Any vote cast in an election or vote by a member of the Association must be in writing and signed by the member. Electronic votes cast shall constitute written and signed ballots. Proxy or electronic ballots may not be counted if the owner attends the meeting to vote in person. Any vote cast at a meeting supersedes any vote submitted by absentee or electronic ballots.
 - g. **TABULATION OF AND ACCESS TO BALLOTS**: No person who is a candidate in an election, or related to a candidate in an election may be considered for the committee. If such an issue exists due to oversight or otherwise, then the committee member may not tabulate or otherwise be given access to the ballots cast in that election or vote. The Board will make the final determination on any such issue, and the Board's ruling shall be considered final.

**Resolution of the Board
Voting Oversight Committee
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Any person described above that may tabulate votes in an Association election may not disclose to any other person how an individual voted.

In the event that more than one ballot was cast any owner, the latest dated ballot shall be considered the ballot to be counted.

A minimum of two committee members must be present at all times while any tabulation is in process.

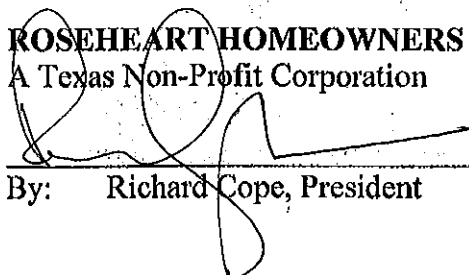
- h. **ELECTION RESULTS:** The Oversight Committee shall compile the results of the election and provide a Teller's Report to the Board of Directors. The Teller's Report shall include at a minimum the name of each candidate, the number of votes of each individual candidate received, the name of each committee member performing the tabulation along with their signature authorizing the report as final, true and a correct. The Board of Directors shall then approve the results prior to releasing them to the membership.
- i. Work in conjunction with management as needed and/or required.
- j. Report to, and act under the direction of the Board of Directors.

5. Duration. The Committee shall serve until the Board passes a resolution dissolving it.

By their signatures below, the President and Secretary of the Association certify this Resolution to be the valid, official act of the Board of Directors of the Association.

Executed on the 17TH day of September, 2012.

ROSEHEART HOMEOWNERS ASSOCIATION,
A Texas Non-Profit Corporation


By: Richard Cope, President


Attest: 
Sandra Drummond, Secretary

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on the 17TH day of September, 2012, by the President and Secretary of the Board of Directors of the Roseheart Homeowners Association, a Texas non-profit corporation, on its behalf, who stated before me that the foregoing was true and correct to the best of their knowledge and belief.

 **STEVEN H. BROWN**
Notary Public
State of Texas
Comm. Exp. 10-02-2012


Notary Public, State of Texas

AFTER RECORDING, PLEASE RETURN THIS INSTRUMENT TO:

Association Management Services
1600 N. E. Loop 410, Suite 202
San Antonio, Texas 78209

Doc# 20120183839 Fees: \$24.00
09/20/2012 3:53PM # Pages 3
Filed & Recorded in the Official
Public Records of BEXAR COUNTY
GERARD C. RICKHOFF COUNTY CLERK

Any provision in this instrument which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

SEP 20 2012



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

ALLEN, STEIN & DURBIN, P.C.

ROBERT A. ALLEN
MARK R. STEIN
JENNIFER G. DURBIN
JOHN C. HOWELL
ISIDRO O. CASTANON
TOM L. NEWTON, JR.
KATHERINE M. WILLIS
CLAY W. MORGAN
VINCENT VASQUEZ
GUILLERMO M. HERNANDEZ, III

ATTORNEYS AT LAW

OF COUNSEL:

JOHN T. DAILEY
NANCY L. FARRER
SHARON D. HOBBS

SAN ANTONIO
6243 IH-10 WEST, 7TH FLOOR
SAN ANTONIO, TEXAS 78201
210.734.7488
210.738.8036 FAX

PALACIOS
809 1ST STREET
PALACIOS, TEXAS 77465
361.972.6006
361.972.3444 FAX

September 21, 2012

Steven H. Brown
Association Management Services
1600 N. E. Loop 410, Suite 202
San Antonio, TX 78209

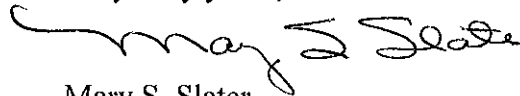
Re: **Original Filed Resolution**
Roseheart Homeowners Association
Our File No. 5397 001

Dear Mr. Brown:

Enclosed please find the original filed *Resolution of the Board of Directors of Roseheart Homeowners Association Regarding the Association's Voting Oversight Committee* which was filed of record on September 20, 2012:

If you have any questions, please contact us.

Very truly yours,



Mary S. Slater,
Legal Assistant to Tom L. Newton, Jr.

/mss
Enclosures
5397001/1008795