



Office of the Secretary of State

Doc# 2012000710
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The undersigned, as Secretary of State of Texas, does hereby certify that the attached is a true and correct copy of each document on file in this office as described below:

REDBIRD RANCH HOMEOWNERS ASSOCIATION, INC.
Filing Number: 800934073

Certificate of Formation

February 05, 2008

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in Austin, Texas on February 28, 2008.



A handwritten signature in cursive script that reads "Phil Wilson".

Phil Wilson
Secretary of State

Corporations Section
P.O.Box 13697
Austin, Texas 78711-3697



Phil Wilson
Secretary of State

Office of the Secretary of State

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**CERTIFICATE OF FILING
OF**

REDBIRD RANCH HOMEOWNERS ASSOCIATION, INC.

File Number: 800934073

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Nonprofit Corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 02/05/2008

Effective: 02/05/2008



A handwritten signature in black ink that reads "Phil Wilson".

Phil Wilson
Secretary of State

Phone: (512) 463-5555
Prepared by: Lisa Jones

Come visit us on the internet at <http://www.sos.state.tx.us/>
Fax: (512) 463-5709
TID: 10306

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Document: 202368930004

CERTIFICATE OF FORMATION

FEB 05 2008

OF
REDBIRD RANCH
HOMEOWNERS ASSOCIATION, INC.

Corporations Section

I, the undersigned, a natural person of the age of twenty-one (21) years or more, a citizen of The State of Texas, acting as organizer of a nonprofit corporation under the Texas Business Organizations Code, do hereby adopt the following Certificate of Formation for such nonprofit corporation:

ARTICLE ONE. NAME

The name of the nonprofit corporation is **REDBIRD RANCH HOMEOWNERS ASSOCIATION, INC.**, hereinafter sometimes called "the Corporation" or "the Association."

ARTICLE TWO. NONPROFIT

The Corporation is a nonprofit corporation.

ARTICLE THREE. DURATION

The period of its duration is perpetual.

ARTICLE FOUR. PURPOSES AND POWERS

The purpose or purposes for which the Corporation is organized are to promote the health, safety and welfare of the residents in the Subdivision (as hereinafter defined); to the improvement and maintenance of the Common Area (as that term is defined in the "Declaration" hereinafter referred to); and, at the Association's election, to the enforcement of any restrictions governing that one certain subdivision known as Redbird Ranch Unit 1A, which is described on a plat recorded in Volume 9573, Pages 100-102, of the Deed and Plat Records of Bexar County, Texas; (the "Subdivision") and any additions thereto as may hereinafter be brought within the jurisdiction of the Association for this purpose to:

(a) Exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions (hereinafter called the "Declaration"), applicable to the property and recorded or to be recorded in the Real Property Records of Bexar County, Texas, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length, as well as that which may be set forth in any related Declaration of Use Restrictions affecting the Subdivision.

(b) Fix, levy, collect and enforce payment by any lawful means, all charges or assessments, pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property by the Association.

(c) Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association.

(d) Borrow money, and with the assent of two-thirds (2/3rds) of each class of members, mortgage, pledge, deed in trust or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred.

(e) Dedicate, sell or transfer all or any part of the Common Area (as that term is defined in the Declaration) to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3rds) of each class of members agreeing to such dedication, sale or transfer.

(f) Participate in mergers and consolidations with other nonprofit corporation organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3rds) of each class of members or as may be provided for in said Declaration.

(g) Have and to exercise any and all powers, rights and privileges which a corporation organized under the Texas Nonprofit Corporation Act by law may now or hereafter have or exercise.

ARTICLE FIVE. MEMBERSHIP

The Corporation shall have members. Every record owner, whether one or more persons or entities of fee simple title in any platted single family residential lot situated within the Subdivision which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any lot in the Subdivision which is subject to assessment by the Association.

ARTICLE SIX. VOTING RIGHTS

The Association shall have two (2) classes of voting membership:

CLASS A. Class A members shall be all owners with the exception of the Declarant and shall be entitled to one (1) vote for each lot owned. When more than one person holds an interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any lot.

CLASS B. The Class B member(s) shall be the Declarant (as defined in the Declaration), and shall be entitled to three (3) votes for each lot owned. The Class B

membership shall cease and be converted to Class A membership on the happening of any of the following events, whichever occurs earlier:

- (a) When the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or
- (b) On January 1, 2025.

ARTICLE SEVEN. BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of five (5) Directors who need not be members of the Association. The number of Directors may be changed by amendment of the Bylaws of the Association. Notwithstanding the foregoing, until the election of Directors at the first annual meeting of the members, the three (3) initial Directors shall so serve.

At the first annual meeting, the Class A members shall elect two (2) Directors for a term of one (1) year and the Class B member(s) shall elect three (3) Directors for a term of one (1) year; and at each annual meeting thereafter, the same procedure shall be followed until there are no longer any Class B member(s); and at such time the Class A members shall elect the entire Board of Directors as follows: three (3) Directors shall be elected for a term of one (1) year each; and two (2) Directors shall be elected for a term of two (2) years each; thereafter, all Directors shall be elected for two (2) year terms.

ARTICLE EIGHT. DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3rds) of each class of members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets (if any) of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE NINE. AMENDMENTS

Amendment of this Certificate of Formation (other than for changes in registered agent and/or registered office) shall require the assent of three-fourths (3/4ths) of the votes of the entire membership of each class of members.

ARTICLE TEN. REGISTERED AGENT

The street address of the initial registered office of the Corporation is 211 N. Loop 1604 E. Ste. 130, San Antonio, Bexar County, Texas 78232, and the name of its initial registered agent at such street address is Lynn Harmon.

ARTICLE ELEVEN. INITIAL BOARD OF DIRECTORS

The number of Directors constituting the initial Board of Directors of the Corporation is three (3) and the names and addresses of the persons who are to serve as the initial Directors are:

<u>NAME</u>	<u>ADDRESS</u>
Lynn Harmon	211 N. Loop 1604 E. Ste. 130 San Antonio, Texas 78232
Timothy D. Pruski	211 N. Loop 1604 E. Ste. 130 San Antonio, Texas 78232
Carla Freise	211 N. Loop 1604 E. Ste. 130 San Antonio, Texas 78232

ARTICLE TWELVE. ORGANIZER

The name and street address of the organizer is:

<u>NAME</u>	<u>ADDRESS</u>
Margaret Susan Rice	128 W. Blanco, Suite 8 Boerne, Texas 78006

EXECUTED as of the 14th day of February, 2008.

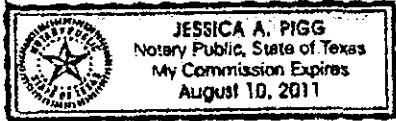
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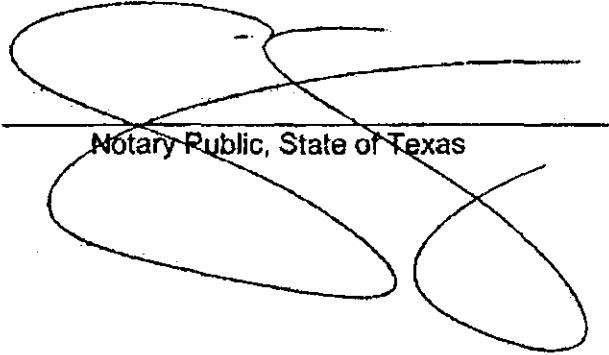
MARGARET SUSAN RICE

STATE OF TEXAS §
 §
COUNTY OF KENDALL §

I, Jessica A. Pigg, a notary public, do hereby certify that on the 4th day of February, 2008, personally appeared before me MARGARET SUSAN RICE, who, being by me first duly sworn, declared that she is the person who signed the foregoing document as Incorporator, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the date above written.





Notary Public, State of Texas

PLEASE RETURN TO:

Margaret Susan Rice
128 W. Blanco, Suite 8
Boerne, Texas 78006