

CORRECTION THIRD AMENDMENT TO
AMENDED AND RESTATED BYLAWS OF
HARPER'S PRESERVE COMMUNITY
ASSOCIATION, INC.

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS THAT:
COUNTY OF MONTGOMERY §

WHEREAS, that certain First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Harper's Preserve (as supplemented and amended, the "Declaration") was recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File No. 2011011454 on February 8, 2011, and subjects the real property described therein and now known as Harper's Preserve, to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration; and

WHEREAS, Amended and Restated Bylaws (the “Bylaws”) of Harper’s Preserve Community Association, Inc. (herein called the “Association”) were adopted in connection with the operation of the Association and recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk’s File Number 2011054436 on June 23, 2011; and

WHEREAS, Article XI, Section 11.1 of the Bylaws provides that during the Development Period (as defined in the Declaration and herein so called), the “Declarant” reserves the sole right, to amend the Bylaws; and

WHEREAS, 242, LLC, a Texas limited liability company (the “Declarant”) is the current “Declarant” under the Declaration pursuant to that certain Assignment of Declarant Interests recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk's File Number 2008058953 on June 12, 2008; and

WHEREAS, the Development Period has not expired; and

WHEREAS, Sam Yager, III inadvertently executed the Third Amendment to Amended and Restated Bylaws of Harper’s Preserve Community Association, Inc. (the “Third Amendment to Bylaws”) as the President of the Declarant when he should have executed the Third Amendment to Bylaws as the Vice President of the Declarant; said Third Amendment to Bylaws being recorded in the Office of the County Clerk of Montgomery County, Texas, under Clerk’s File Number 2025054672 on June 2, 2025; and

WHEREAS, this Correction Third Amendment to Amended and Restated Bylaws of Harper's Preserve Community Association, Inc. is executed by Sam Yager, III, as Vice President of the Declarant to correct the inadvertent signing error on the Third Amendment to Bylaws;

NOW, THEREFORE, effective as of June 2, 2025, the Third Amendment to Bylaws is corrected as stated above and therefore, the Declarant does hereby amend the Bylaws to read as follows:

1. Article V, Section 5.1.1 is deleted in its entirety and replaced with the following:

5.1.1 General. The affairs of the Association will be managed by a Board of five (5) Directors. The number of Directors may be increased or decreased from time to time by amendment of these Bylaws provided that the Board shall at all times have not less than three (3) Directors. Unless otherwise expressly required by law or other applicable provision of the Governing Documents, the Board may exercise and will have all rights, powers, authority and responsibilities of the Association.

2. Article V, Section 5.3 is deleted in its entirety and replaced with the following:

5.3 Directorship Positions; Term of Office. Directors will be appointed or elected to one of five Directorship Positions designated as Director Positions One through Five. The initial Board of Directors named in the Association's Certificate of Formation and/or such other persons as may be appointed by Declarant during the Development Period will serve until the First Meeting. At the FIRST MEETING OF THE MEMBERS OF THE ASSOCIATION, the Class A Members will elect three (3) Directors with the Director nominee receiving the most votes being elected to serve for Directorship Position One and until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2027, the Director nominee receiving the second most votes being elected to serve for Directorship Position Two and until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2026, and the Director nominee receiving the third most votes being elected to serve for Directorship Position Three and until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2026. Debbie Pilcher and Jack Seitzinger will continue to serve as Directors to Directorship Position Four and Directorship Position Five, respectively, until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2027. Thereafter, as their respective Directorship Position terms expire, the nominee or nominees receiving the largest number of votes shall be elected to the Directorship Positions to be filled at the annual meeting of the Class A Members of the Association for a term of two (2) years each.

3. Article V, Section 5.4 is deleted in its entirety and replaced with the following:

5.4 Nomination; Election; Cumulative Voting Prohibited. Before each annual meeting of Members, the Board of Directors shall make reasonable efforts to obtain at least as many nominees for election to the Board as will be required to fill all Directorship Positions to be elected at the ensuing annual meeting. Solicitation for director candidates shall be done in accordance with Section 209.00593 of the Texas Property Code. All such nominees must be listed in or included with the notice of each annual meeting. Nominations may, if allowed by the Board of Directors, in its sole and absolute discretion, be made from the floor at the annual

meeting of Class A Members. Further, the Board of Directors, in its sole and absolute discretion, may allow write-in candidates. Election to the Board of Directors must be by ballot (including Mail-In Ballot) or proxy. At each election, the Members or their proxies may cast, in respect of each vacancy, as many votes as they are entitled to exercise under the provisions of these Bylaws. At the FIRST MEETING OF THE MEMBERS OF THE ASSOCIATION, the Class A Members will elect three (3) Directors with the Director nominee receiving the most votes being elected to serve for Directorship Position One and until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2027, the Director nominee receiving the second most votes being elected to serve for Directorship Position Two and until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2026, and the Director nominee receiving the third most votes being elected to serve for Directorship Position Three and until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2026. Debbie Pilcher and Jack Seitzinger will continue to serve as Directors to Directorship Position Four and Directorship Position Five, respectively, until the conclusion of the annual meeting of the Class A Members of the Association held in the year 2027. Thereafter, as their respective Directorship Position terms expire, the nominee or nominees receiving the largest number of votes shall be elected to the Directorship Positions to be filled at the annual meeting of the Class A Members of the Association for a term of two (2) years each. Cumulative voting is not permitted.

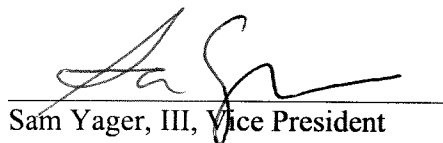
It is expressly agreed and understood that the individual executing this document on behalf of Declarant is acting in his respective representative capacity only and solely as a representative of such entity and any liability resulting hereunder based upon the actions of such individual, including but not limited to, the breach of any warranty, covenant, representation and/or provision contained herein, if any, not that of such individual. The sole purpose of the execution of this document by the Declarant hereunder is to duly acknowledge the Declarant's consent to the terms and provisions herein contained.

EXECUTED as of the date of acknowledgment set forth below.

DECLARANT:

242, LLC, a Texas limited liability company

By:


Sam Yager, III, Vice President

/

THE STATE OF TEXAS

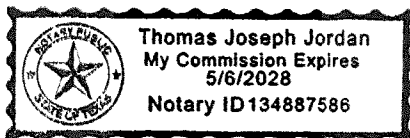
§

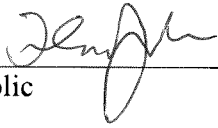
COUNTY OF HARRIS

§

§

This instrument was acknowledged before me on the 21st day of October, 2025, by Sam Yager, III, Vice President of 242, LLC, a Texas limited liability company, on behalf of said entity.





Notary Public

E-FILED FOR RECORD

10/21/2025 03:12PM



L. Brandon Steinmann

County Clerk,
Montgomery County, Texas

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number
sequence on the date and time stamped herein
by me and was duly e-RECORDED in the Official Public
Records of Montgomery County, Texas.

10/21/2025



L. Brandon Steinmann

County Clerk,
Montgomery County, Texas