



Message to HOA Members

Maintaining and preserving the quality and character of our beautiful neighborhood is important to us all – for us to enjoy and to preserve our property values. Our subdivisions were developed to be “residential areas of high quality” as defined in our deed restrictions which apply to all properties, not just HOA members - Single family homes on large lots with wide spacing, rock or brick exteriors, no front facing garages or front yard fences, etc. The result is one of the most beautiful and desirable neighborhoods in Austin and we want to keep that way!

The proposed Land Development Code (previously known as CodeNext) threatens our ability to maintain our single-family neighborhood. The current proposal changes our zoning from SF1 single family to R2A which allows two families in duplexes or auxiliary dwelling units on each property. By Texas Law, changes in zoning cannot over-ride pre-existing deed restrictions like ours. However, that does not preclude legal challenges. Therefore, it is important to make sure all **our documents are up-to-date** and that our **deed restrictions are enforced** so they cannot be deemed to be abandoned.

The BV/S HOA Board of Directors is proposing an update of the Articles of Incorporation on the advice of our legal counsel to better position us to **defend enforcement of the deed restrictions** to maintain our single-family residential area of high-quality neighborhood if it is challenged in the future.

We are asking for your vote to approve the proposed update of our Articles of Incorporation as described below by submitting the enclosed ballot. The ballot also includes a minor update to our by-laws. In addition, we are providing you the opportunity to indicate your endorsement of deed restriction enforcement.

Articles of Incorporation Amendment

The HOA proposes to revise the purpose statement to be consistent with our current and future role as well as with the current applicable property code law. The proposed **update does not change what you can and can't do or what the HOA does**..... it just brings this document up-to-date with that. Here is the background:

HOA was established and incorporated in 1972 for the homeowners early in the development of the Balcones Village subdivision and amended in 1979 to include Spicewood at Balcones Village. In 1992, the function of the Architectural Control Committee was transferred from the developer to the HOA. The purpose statement in Article IV of the Articles of Incorporation was not amended at those times to include the Spicewood at Balcones Village subdivision and to incorporate this change in responsibility. The proposed amendment corrects those oversights.

The proposed amendment restates the purpose to include:

- Maintaining compliance with the deed restrictions
- Solving common problems
- Facilitating activities to enhance the enjoyment of the community

Amending the document also gives us an opportunity to eliminate the reference to buying and selling property which is no longer applicable and to include a clause that allows the Board to approve future changes in the scope of responsibility. See the ballot for the current and proposed text of Article IV.

By-Laws Amendment

The dues of a new member joining in the last half of the year are intended to be discounted by 50%. The by-laws currently specify the start of the discounted dues is based on the HOA's **fiscal year** (September 1 to August 31) rather than the membership year which is the **calendar year**. The proposed amendment clarifies when the half-price dues are offered, i.e. the first of July.

PLEASE complete and submit the ballot. Thank you for your support.

BV/S HOA Document Update Ballot - February 2021

HOA Articles of Incorporation – Article IV. Purpose

<u>Current</u>	<u>Proposed</u>
<p>The purpose for which the corporation is organized is to buy, sell and deal in or with personal property, real property and services, subject to the provisions of Part 4 of the Texas Miscellaneous Corporation Laws Act, for the purpose of solving common problems and enhancing the enjoyment of the owners of property in Balcones Village.</p> <p>This corporation is organized and operated exclusively for the benefit of its members as hereinabove set forth, and other non-profit purposes, and no part of any net earnings shall inure to the benefit of any private member or shareholder</p>	<p>The corporation is organized for the purpose of ensuring the subdivisions known as Balcones Village and Spicewood at Balcones Village are developed and maintained as residential areas of high standard by:</p> <ul style="list-style-type: none"> Striving to maintain compliance with the restrictions, covenants, conditions, and uses documents applicable to the properties within those subdivisions, Solving common problems, Facilitating activities to enhance the enjoyment of the community at large, and Undertaking acts the Board of Directors determines to be in the interest of its members. <p>The corporation is organized and operated exclusively for non-profit purposes. No part of any net earnings shall inure to the benefit of any private member of the corporation. Notwithstanding any other provision of these articles, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the purposes of this corporation.</p>

HOA By-Laws - ARTICLE VIII. DUES; Section 2. Payment of Dues

<u>Current</u>	<u>Proposed</u>
<p>.... Dues of a new member shall be reduced by 50% on the first day of the sixth month of the fiscal year of the Corporation.</p>	<p>..... Dues of a new member shall be reduced by 50% on the first day of July.</p>

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Name* (please print): _____

Address*: _____

Please initial to indicate approval:

_____ I approve the proposed amendment to the BV-S HOA Articles of Incorporation.

_____ I approve the proposed amendment to the BV-S HOA By-laws

_____ I endorse enforcement of the deed restrictions.

Please submit ballots ONLINE, Hand Deliver, Email, or Mail by FEBRUARY 15, 2021

ONLINE: Visit www.bvshoa.com for link to the Online Ballot

Deliver: Jacque Forrest, 9430 Spring Hollow, Austin TX 78750

Email: acc.bvshoa@gmail.com

Mail: BV/S HOA, P.O. Box 202107, Austin, TX 78720-2107

Signature*: _____

Date*: _____

* Required

Please feel free to provide feedback/comments on the reverse side of the ballot or email to acc.bvshoa@gmail.com