

BIRCH CREEK FOREST PROPERTIES, INC.

ELECTIONS AND VOTING POLICY AND PROCEDURES

1. Purpose:

This policy establishes procedures for conducting elections of the Board of Directors and for voting on amendments to governing documents, ensuring fairness, transparency, and compliance with Texas Property Code Section 209.00593 (elections) and Section 209.0041 (amendments).

2. Election Notice, Nominations, Deadlines & Eligibility:

- **Notice of Election and Nomination Process:** In accordance with Texas Property Code Section 209.00593 and the Association's Bylaws, the process for nominating candidates for the Board of Directors shall include a formal notice soliciting candidates provided to all Members not earlier than 60 days and not later than 10 days before the nomination deadline. A Nominating Committee of three (3) Members, pursuant to the *Nominating Committee Policy and Agreement*, shall be appointed no later than the July Board Meeting. Nominations may be presented by the Nominating Committee or submitted by individual Members during the Regular Monthly Board Meetings in July or August. The final deadline for all nominations is the August Board Meeting, held annually on the second Saturday of August. All nominations and intents to run must be submitted in writing. For convenience, the Association provides a *Candidate Information Form*.

3. Voting Procedures:

- **Voting for Board Elections (Per Lot Voting):**
 - Voting for the election of the Board of Directors follows a per lot-based system, where each full lot owned is equal to one vote.
 - If a lot is jointly owned (e.g., by a husband and wife or multiple business owners), they collectively share one vote since only each lot is entitled to one vote, regardless of the number of owners.
 - The Association does not use cumulative voting; therefore, an owner must distribute votes, one per lot, per candidate, up to the number of open seats available. Votes may not be stacked or allocated to a single candidate.
 - **Example 1:** If three Board seats are open and the owner(s) owns 4 lots, they may cast 4 votes per candidate, selecting up to three candidates out of the total candidates.
 - **Example 2:** If the owner supports Candidates A, B, and D, they will cast **1 vote per lot** for each of those candidates. If they own **4 lots**, their ballot will look like:
 - **Candidate A – 4 votes**
 - **Candidate B – 4 votes**
 - **Candidate C – 0 votes**
 - **Candidate D – 4 votes**
 - **Candidate E – 0 votes**

- Voting for elections can be done by Absentee Ballot, by Proxy, or in person at the Annual Meeting. Ballots are not required for uncontested races.
- **Voting for Amendments and Other Matters (Per Member Voting):**
 - For all other Association matters including amendments to governing documents, or any other matter requiring a Member vote, voting will follow a one-vote, per-member system (e.g., each owner on title, individually or as a business) to ensure equal representation in decisions affecting the Association's governance structure. One vote per member applies regardless of the number of properties or lots owned.
 - Each Member gets their own ballot for one vote, meaning a husband and wife would count as two separate votes, as long as both are present. If a wife, for example, is not present, the husband could vote on her behalf if he has a signed Proxy authorizing him to do so. This also applies to properties with multiple owners.
 - Voting on amendments must take place at any duly called meeting with a quorum present in person, by proxy or by absentee ballot as outlined in the Bylaws.
- **Voting on Amendments to the Deed Restrictions:**
 - This policy does not govern the amendment of Deed Restrictions. Any proposed amendment to the Deed Restrictions must follow the procedures outlined in the applicable Deed Restrictions and **Texas Property Code Section 211.004**, which requires approval by at least two-thirds (2/3) of the property owners within each affected section of the subdivision, along with any additional requirements set forth by law.
- **Voting Methods:**
 - **In-Person Voting:** Allowed for election of the Board of Directors and for voting on amendments of any governing document which requires a vote of the Members and will be conducted at the Birch Creek Forest Community Center.
 - **Absentee Ballots:** Allowed for the election of the Board of Directors as well as for amendments and other matters. Ballots should be signed and enclosed in an envelope clearly marked "BALLOT," which will remain sealed until voting closes.
 - **Proxy Voting:** Members may submit written Proxy authorization, designating another member to vote on their behalf by mail or in person for elections and for all other matters.

4. Ballot & Proxy Submission Deadlines:

- Proxies must be received by the Secretary no later than **48 hours** before the scheduled meeting to be counted and Absentee Ballots will be accepted until **1 hour** before the scheduled meeting.
- The Association is not responsible for lost, delayed, or misdirected Ballots or Proxies due to postal service issues. Members are encouraged to submit mailed Ballots and Proxies well in advance to ensure timely receipt.

5. Ballot & Proxy Verification:

- Ballots and Proxies will be verified for authenticity upon receipt.
- If a Member submits an Absentee Ballot after previously assigning a Proxy, the Member's Absentee Ballot will be counted instead, and the Proxy will not be exercised for that vote.
- If a Proxy agent has already submitted a Ballot on the Member's behalf, and the Member attends in person, the Member's in-person Ballot will supersede the Proxy vote.
- Any Proxy or Absentee Ballot submitted by a Member shall be deemed void and revoked upon the Member's attendance at the meeting, regardless of whether the Member casts a vote in person. If the Member intends to vote, he or she should submit an in-person Ballot.

6. Election Oversight & Vote Counting:

- The voting window for accepting in-person Ballots for elections or other voting on the day of the meeting is 12 noon. Any Proxies or Absentee Ballots not received by the deadlines stated in Paragraph 4 of this policy will not be accepted.
- Elections will be overseen by an Election Committee and/or Board-appointed Monitors in accordance with the *Elections Ballot Counting Guide* or the *Amendments Ballot Counting Guide* to ensure procedural integrity.
- Each candidate for the Board of Directors may appoint one person to observe the Ballot counting process in accordance with **Texas Property Code Section 209.0058(d)**. The results will be documented and retained for Association records.
- The Board meeting shall be recessed during ballot counting and reconvened to announce the results and address any remaining questions before adjourning.

7. Vote Recount Requests:

- In accordance with **Texas Property Code Sec. 209.0057**, any Member may request a recount of votes within 15 days after the later of:
 - The date of the meeting where the election or vote was held, OR
 - The date the results of the election were announced.
- A request for a recount must be submitted in writing, either:
 - By certified mail or U.S. Postal Service delivery with signature confirmation, OR
 - In person to the Association's managing agent or designated election official.
- The Association will conduct the recount process per state law and established procedures.

8. Resolving Other Disputes:

- Any election-related disputes must be submitted in writing to the Board within 15 days following the announcement of election results.
- The Board will review disputes and provide a ruling in accordance with Association policies, **Texas Property Code Chapter 209.0057** and governing documents.
- If a dispute involves allegations of improper voting procedures, Proxy handling, or Ballot miscounting, the Board may appoint an Election Review Committee to investigate and issue a resolution.
- All dispute decisions will be communicated to the parties involved within 30 days following submission.

CERTIFICATION

We, the undersigned officers of Birch Creek Forest Properties, Inc., hereby certify that this Elections and Voting Policy and Procedures was approved and adopted by the Board of Directors on July 12, 2025. It has been entered into the official books and records of the Association and shall be recorded in the Official Public Records of Real Property in Burleson County, Texas.

President: Renita Odstrcil

Printed Name: Renita Odstrcil

Vice-President: Scott Howard

Printed Name: SCOTT Howard

Secretary: John J. Dunkleman

Printed Name: John J. Dunkleman

Treasurer: Ann Marie Gallagher

Printed Name: Ann Marie Gallagher

Assistant Sec./Treasurer: Dennis Shook

Printed Name: Dennis Shook