

BIRCH CREEK FOREST PROPERTIES, INC.
MINUTES OF REGULAR MEETING OF BOARD OF DIRECTORS, JUNE 7, 2025

THE BOARD OF DIRECTORS OF BIRCH CREEK FOREST PROPERTIES, INC. MET AT THE COMMUNITY BUILDING IN BIRCH CREEK FOREST SUBDIVISION ON SATURDAY, JUNE 7, AT 9:04 AM.

AFTER A SHORT PRAYER, PRESIDENT RENITA ODSTRCIL CALLED THE MEETING TO ORDER, THERE BEING A QUORUM PRESENT. VICE-PRESIDENT SCOTT HOWARD WAS ABSENT.

MINUTES OF THE REGULAR BOARD MEETING HELD MAY 3, 2025, WHICH WERE POSTED AND CIRCULATED, WERE APPROVED UNANIMOUSLY ON MOTION BY DENNIS SHOOK AND SECONDED BY ANN MARIE GALLAGHER. THESE MINUTES WILL BECOME PART OF THIS MEETINGS RECORDS.

THE TREASURER'S REPORT FOR MAY 31, 2025 WAS GIVEN BY TREASURER ANN MARIE. SHE NOTED THAT MAY IS THE LAST MONTH OF THE FISCAL YEAR. SHE WENT OVER THE P&L AND BALANCE SHEET NOTING THAT MOWING CHARGES ARE HIGHEST THIS TIME OF YEAR. SHE ASKED IF THERE WERE ANY QUESTIONS AND THERE WERE NONE. UPON MOTION BY ANN MARIE, SECONDED BY DENNIS SHOOK, THE BOARD UNANIMOUSLY APPROVED THE TREASURER'S REPORT AS PAID. THIS REPORT WILL BECOME PART OF THIS MEETING'S RECORDS.

NEXT, ANN MARIE PRESENTED THE FISCAL YEAR'S BUDGET FOR 2025/2026 THAT SHE AND THE BOARD HAVE PREPARED. A MOTION BY ANN MARIE, SECONDED BY PRESIDENT ODSTRCIL, TO ACCEPT PASSED UNANIMOUSLY. RENITA ALSO PRESENTED A SPREADSHEET SUMMARIZING THE LAST 4 FISCAL YEARS SHOWING THAT THE PRESENT BOARD IS DOING A GOOD JOB KEEPING EXPENSES DOWN AND ELIMINATING THE NEED FOR RAISING THE ANNUAL MAINTENANCE FEE THIS YEAR.

ANNOUNCEMENTS:

BIRCH CREEK AREA VFD INDEPENDENCE DAY FUNDRAISER: SATURDAY, JULY 5 (FIRE STATION) ALL FIREMEN* ARE SELLING TICKETS FOR **B-B-Q PLATES** CATERED BY DAISY DUKES AT **\$15/PLATE** (500 WILL BE PREPARED: **SERVING STRICTLY AT 11:00 AM TO 1:00 PM ONLY**). ALSO AVAILABLE ARE: **GIFT CARD** RAFFLE TICKETS; (TEN, \$100 VISA GIFT CARDS AT **\$10/TICKET**, ONLY 300 TICKETS SOLD). **FIVE GUNS** RAFFLE TICKETS; (**\$20/TICKET**, ONLY 500 TICKETS SOLD, FIVE WINNING TICKETS).

***NOTE:** TICKETS MAY BE PURCHASED BY CASH OR CHECK FROM ANY FIREMAN. IF YOU WANT TO PAY BY CREDIT/DEBIT CARD OR THROUGH VENMO/CASH APP, PLEASE CONTACT MELVIN LEHMANN.

THE PICNIC-IN-THE-PARK FESTIVAL HELD ON MAY 4 WAS AN AWESOME SUCCESS WITH A GREAT TURNOUT. RENITA REPORTS THE HOA NETTED \$1,892. THANKS TO THE SPONSERS, THE VENDORS, AND EVERYONE WHO VOLUNTEERED THEIR TIME AND EFFORT. THANKS ALSO TO BURLESON CO. CHAMBER OF COMMERCE FOR CONTRIBUTING A \$1,000 HOT TAX GRANT. WE PLAN ON ANOTHER PICNIC NEXT YEAR.

FLAG-MY-YARD: RENITA REPORTS THE FLAG-MY-YARD ANNUAL EVENT HAD 33 PARTICIPANTS AND 40 FLAGS PUT OUT FOR MEMORIAL DAY WEEKEND. WE HAVE 3 MORE HOLIDAYS THIS YEAR: 4TH OF JULY, LABOR DAY, AND VETERAN'S DAY AND WILL PRORATE THE COST FOR THOSE WANTING TO PARTICIPATE.

GAME NIGHT: THE NEXT GAME NIGHT IS ON **JUNE 20TH** FROM 6-9 PM. A TENTATIVE LIST OF HOA GAME NIGHTS AND OTHER EVENTS FOR THE REST OF 2025 HAS BEEN POSTED ON OUR FACEBOOK PAGE.

COMMITTEE REPORTS:

SWIMMING POOL: DENNIS REPORTS THE POOL WAS CLOSED FOR 4 DAYS AT THE END OF THE MEMORIAL DAY HOLIDAY WEEKEND (MAY, 29-JUNE, 2) BECAUSE OF A SEVERE STORM WHICH WASHED DIRT, DEBRIS, AND STARTED AN ALGAE BLOOM IN THE POOL. POOL MAINTENANCE WORKED AN EXTRA DAY TO BRING EVERYTHING BACK TO NORMAL. DENNIS WAS ASKED ABOUT THE POOL REPAIR WORK SCHEDULED FOR THE END OF THE SEASON. HE SAID THE MAIN DRAIN WILL BE REPAIRED, PIPES LEAK TESTED, THIRD SKIMMER REPAIRED, TILE REPLACED, AND POOL REPLASTERED. HE ESTIMATES THE WORK TO COST ABOUT \$20,000, BUT WE ARE STILL CONSIDERING OPTIONS.

ARCHITECTURAL: ONE ARCHITECTURAL FORM THIS MONTH

MARIA DENNEY APPLIED TO BUILD A SHED ON SKIDS AND REPLACE A WALKWAY RAMP ON HER PROPERTY AT 435 LEANING OAK LANE. UPON MOTION BY RENITA, SECONDED BY DENNIS, THE BOARD APPROVED UNANIMOUSLY.

OTHER COMMITTEES:

ENHANCEMENT/SOCIAL COMMITTEE: TINA BOLTEN AND SUZANNE HOOD ARE COLLECTING RECIPES FOR "**BEST RECIPES COOKBOOK**" TO RAISE MONEY FOR THE BASKETBALL COURT. PLEASE GIVE THEM YOUR RECIPES OR LEAVE THEM AT THE HOA OFFICE WHERE BLANK RECIPE FORMS MAY BE PICKED UP.

MAINTENANCE: DUMP, BURNING, GROUNDSKEEPING, AND MOWING. **NOTE:** PLEASE REMEMBER TO CRUSH OR COLLAPSE ALL CARDBOARD BOXES TO HELP PREVENT DUMPSTER OVERFLOW.

GRIEVANCE: NONE; **BUILDING RENTALS:** TWO

OLD (ONGOING) BUSINESS:

LAST MONTH THE BOARD UNANIMOUSLY VOTED TO ADOPT 3 RESOLUTIONS DESIGNED TO BRING OUR BASIC HOA DOCUMENTS UP TO DATE AND INCLUDE COMMENTS / FEEDBACK FROM MEMBERSHIP. THESE RESOLUTIONS ARE FOR: (1.) **ARTICLES** OF INCORPORATION, (2.) **BYLAWS**, AND (3.) **NEW POLICIES**.

ALSO, THE BOARD ASKED THE MEMBERSHIP TO BE PREPARED TO VOTE TODAY ON THESE RESOLUTIONS, BUT AFTER CONSULTING OUR ATTORNEY, IT WAS DECIDED THE BEST WAY TO PROCEED IS:

1. **ARTICLES** OF INCORPORATION TO BE VOTED ON BY MEMBERSHIP AT OUR ANNUAL MEETING (**SEPT. 6**);
2. **BYLAWS** TO BE VOTED ON BY MEMBERSHIP AT OUR NEXT REGULAR MONTHLY MEETING (**JULY 12**); AND
3. **NEW HOA POLICIES** TO BE VOTED ON BY THE BOARD TODAY, (**JUNE 7**).

NEW BUSINESS:

PRESIDENT ODSTRCIL WAS ASKED BY A PROPERTY OWNER HOW THE **ARTICLES, BYLAWS, AND POLICIES** RELATE TO **DEED RESTRICTIONS**. SHE SAID: 1. **ARTICLES** ESTABLISH THE LEGAL BASIS FOR OUR HOA AS A CORPORATION, ACCORDING TO TEXAS PROPERTY/BUSINESS CODES & PRACTICES; 2. **BYLAWS** ARE THE HOA'S PRIMARY GOVERNING DOCUMENT ESTABLISHING A LEGAL BASIS FOR MEMBERSHIP, VOTING, ELECTIONS, ETC.; 3. **DEED RESTRICTIONS** ARE THE DETAILED STATEMENT OF RIGHTS AND OBLIGATION OF PROPERTY USAGE; AND 4. **POLICIES** ARE THE ADMINISTRATIVE DETAILS FOR ENFORCING THE HOA RULES. SHE ADDED, THESE DOCUMENTS WERE PREPARED UPON THE ADVICE OF OUR ATTORNEY TO ENSURE THEY ARE LEGALLY UP TO DATE AND FREE OF CONTRADICTIONS AND AMBIGUITIES. ADDITIONALLY, RENITA SAID NO CHANGES TO THE DEED RESTRICTIONS ARE BEING PROPOSED AT THIS TIME.

POLICIES: COPIES OF THE POLICIES WERE HANDED OUT TO THE MEMBERSHIP. PRESIDENT ODSTRCIL THEN PROCEEDED TO EXPLAIN THE POLICIES AND ANSWER QUESTIONS. THE POLICIES ARE FOR: (1.) THE DUMP FACILITY, (2.) SWIMMING POOL, (3.) COMMUNITY BUILD, (4.) HOA RULES, (5.) ARCHITECTURAL CONTROL, (6.) UTILITY VEHICLES, (7.) ELECTIONS/VOTING, (8.) TEMPORARY STRUCTURES, AND (9.) CONSTRUCTION WASTE.

BASED ON THE DISCUSSION THE BOARD DECIDED TO DEFER CONSIDERATION OF THE POOL POLICY. IT WILL BE VOTED ON BY THE BOARD ALONG WITH OTHER POLICIES AT THE JULY MEETING.

ANN MARIE GALLAGHER MADE MOTION TO APPROVE THE REVISED POLICIES WITH THE EXCEPTION OF THE POOL POLICY. THE MOTION WAS SECONDED BY DENNIS SHOOK AND PASSED UNANIMOUSLY.

SEPTEMBER ELECTION: THREE PROPERTY OWNERS WERE APPOINTED TO SERVE ON THE NOMINATING COMMITTEE ACCORDING TO CURRENT BYLAWS (**ART. IV, SEC. 1**) UPON MOTION BY ANN MARIE GALLAGHER, SECONDED BY DENNIS SHOOK, THE BOARD UNANIMOUSLY APPROVED: (1.) MARY SCHOTT, (2.) DANA POMERENKE, AND (3.) BOB WARE TO BE ON THE NOMINATING COMMITTEE. THREE CURRENT BOARD MEMBERS TERMS OF SERVICE WILL END IN SEPTEMBER: J. DUNKLEMAN, R. ODSTRCIL, AND D. SHOOK.

BYLAWS: COPIES OF THE PROPOSED BYLAWS WERE HANDED OUT TO THE MEMBERSHIP. PRESIDENT ODSTRCIL EXPLAINED THE BYLAWS AND ANSWERED QUESTIONS. SHE SAID: THE BYLAWS STATE, THERE IS ONE CLASS OF MEMBER BASED ON PROPERTY OWNERSHIP. THE ASSOCIATION (HOA) HAS THE AUTHORITY TO ASSESS FEES FOR MAINTENANCE, GOVERNANCE, OPERATIONS, AND ENFORCING RULES. THIS AUTHORITY DOES NOT DEPEND ON THE EXISTENCE OF DEED RESTRICTIONS. PROPERTY OWNERS MUST FULFILL THEIR FINANCIAL OBLIGATIONS IN ACCORDANCE WITH BYLAWS AND THE OTHER GOVERNING DOCUMENTS OF THE ASSOCIATION.

PRESIDENT ODSTRCIL SUMMARIZED EACH OF THE THIRTEEN ARTICLES OF THE PROPOSED BYLAWS AND THERE WAS A LENGTHLY DISCUSSION.

PRESIDENT ODSTRCIL STATED THAT THE TEXT OF THE PROPOSED BYLAWS IS AVAILABLE ON OUR WEBSITE (birchcreekforest.com) AND COPIES CAN BE OBTAINED AT THE OFFICE (202 BIRCH FOREST DR, T: 979.535.8978) OR IN ELECTRONIC FORM UPON REQUEST BY EMAIL (bcpboard@gmail.com) OR A PAPER COPY VIA U.S. MAIL.

VOTING: WILL TAKE PLACE AT THE NEXT BOARD MEETING, **JULY 12**, IN THE COMMUNITY BUILDING AT THE CONCLUSION OF THE REGULAR MONTHLY MEETING AS PROVIDED BY THE CURRENT BYLAWS (**ART. XIV, AMENDMENTS TO BYLAWS AND POLICY No. 7, ELECTIONS AND VOTING ... by a majority of members of the board and a majority of the members in attendance ... and by proxy statements ...**).

COMMENTS FROM THE FLOOR: A PROPERTY OWNER ASKED WHAT THE ATTORNEY SAID REGARDING SECTIONS 5&6. DOES HE RECOMMEND REFUNDS? RENITA SAID, THE ATTORNEY EXPLAINED THAT NO ONE IS EXEMPT FROM PAYING ANNUAL MAINTENANCE FEES AND NO REFUNDS ARE DUE.

CHANGE IN OWNERSHIP: NONE

ADJOURNMENT: THE BOARD MET IN EXECUTIVE SESSION. A MOTION TO ADJOURNE BY DENNIS SHOOK, SECONDED BY JOHN DUNKLEMAN WAS UNANIMOUSLY APPROVED AT 12:46 PM. THE NEXT MONTHLY MEETING IS **SAT., JULY 12 AT 9:00 AM** AT THE COMMUNITY BUILDING. THESE MINUTES WERE APPROVED AT

THE REGULAR MONTHLY MEETING OF THE 12 DAY July, 2025, SEC. John Dunkleman PRES. Renita Odstrcil