

Quail Creek Homeowners Association
QCHOA INC.

RECOUNT OF VOTES POLICY

The following Recount of Votes Policy (the "**Policy**") is established by the Board of Directors (the "**Board**") of QCHOA, Inc. (the "**Association**") in accordance with Texas Property Code, Subsection 209.0057(b):

(a) Any Owner may, not later than the 15th day after the later of the date of any meeting at which the election and/or the vote tally was held or the date of the announcement of the results of the election or vote, require a recount of the votes. A demand for a recount must be submitted in writing either:

(1) by verified mail, or by delivery by the United States Postal Service with signature confirmation service to the Association's mailing address as reflected on the latest management certificate filed under Section 209.004 of the Texas Property Code; or

(2) in person to the Association's managing agent as reflected on the latest management certificate filed under Section 209.004 or to the address to which ballots, proxy ballots, and absentee ballots are mailed.

(b) The Association must estimate the costs for performance of the recount by a person qualified to tabulate votes under Subsection (c) and must send an invoice for the estimated costs to the requesting owner at the owner's last known address according to Association records not later than the 20th day after the date the Association receives the owner's demand for the recount.

(b-1) The Owner demanding a recount under this section must pay the invoice described by Subsection (b) in full to the Association on or before the 30th day after the date the invoice is sent to the owner.

(b-2) If the invoice described by Subsection (b) is not paid by the deadline prescribed by Subsection (b-1), the Owner's demand for a recount is considered withdrawn and a recount is not required.

(b-3) If the estimated costs under Subsection (b) are lesser or greater than the actual costs, Association must send a final invoice to the Owner on or before the 30th business day after the date the results of the recount are provided. If the final invoice includes additional amounts owed by the Owner, any additional amounts not paid to the Association before the 30th business day after the date the invoice is sent to the owner may be added to the Owner's account as an assessment. If the estimated costs exceed the final invoice amount, the owner is entitled to a refund. The refund shall be paid to the owner at the time the final invoice is sent under this subsection.

(c) Following receipt of payment under (b-1) the Association shall, at the expense of the Owner requesting the recount, retain for the purpose of performing the recount the services of a person qualified to tabulate votes under this subsection. The Association shall enter into a contract for the services of a person who:

(1) is not a member of the Association or related to a member of the Association board within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code; and

(2) is:

(A) a current or former:

- (i) county judge;
- (ii) county elections administrator;
- (iii) justice of the peace; or
- (iv) county voter registrar; or

(B) a person agreed on by the association and the persons requesting the recount.

(c-1) A person who tabulates votes under a recount may not disclose to any other person how an individual voted.ⁱⁱ

(c-2) Notwithstanding any other provision of this Policy or any other law, only a person who performs a recount under this Policy may be given access to the ballots cast in the election or vote.ⁱⁱⁱ

(d) On or before the 30th day after the date of receipt of payment for a recount in accordance with Subsections (b-1) the recount must be completed and the Association must provide each Owner who requested the recount with notice of the results of the recount. If the recount changes the results of the election, the Association shall reimburse the requesting Owner for the cost of the recount not later than the 30th day after the date the results of the recount are provided. Any action taken by the Board in the period between the initial election vote tally and the completion of the recount is not affected by any recount.

This policy shall supersede and render null and void any previously adopted Recount of Votes Policy to the extent that the terms of such Policy are contradictory.

The foregoing Recount of Votes policy was duly adopted by the Board of the Association on the 17th day of October, 2022.

QCHOA, INC.

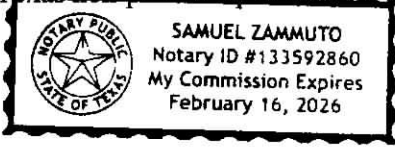
By:



Robert Steinhagen, President

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

This instrument was acknowledged before me on this 24TH day of FEBRUARY, 2023 by (name) ROBERT STEINHAGEN, the (title) PRESIDENT of QCHOA, Inc., a ~~Texas non-profit corporation~~, on behalf of said corporation.



[Handwritten Signature]

Notary Public, State of Texas

ⁱ Property Code Title 11, § 209.0057 Added by Acts 2011, 82nd Leg., R.S., Ch. 1026 (H.B. 2761), Sec. 3, eff. January 1, 2012. Amended by: Acts 2015, 84th Leg., R.S., Ch. 1183 (S.B. 1168), Sec. 10, eff. September 1, 2015.

ⁱⁱ Property Code Title 11, § 209.00594 (b-1) Amended by: Acts 2015, 84th Leg., R.S., Ch. 1183 (S.B. 1168), Sec. 16, eff. September 1, 2015.

ⁱⁱⁱ Property Code Title 11, § 209.00594 (c) Amended by: Acts 2015, 84th Leg., R.S., Ch. 1183 (S.B. 1168), Sec. 16, eff. September 1, 2015.

Filed and Recorded
Official Public Records
Jennifer Fogg, County Clerk
Rockwall County, Texas
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[Handwritten Signature]