

**Form 414**  
**(Revised 09/13)**

Submit in duplicate to:  
Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
512 463-5555  
FAX: 512/463-5709  
**Filing Fee: See instructions**



**Restated Certificate of  
Formation  
With New Amendments**

This space reserved for office use.

**FILED**  
In the Office of the  
Secretary of State of Texas

**JUN 06 2016**

**Corporations Section**

**Entity Information**

The name of the filing entity is:

Tahitian Village Property Owners Association, Inc.

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- |   |   |
|---|---|
| <input type="checkbox"/> For-profit Corporation           | <input type="checkbox"/> Professional Corporation               |
| <input checked="" type="checkbox"/> Nonprofit Corporation | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association          | <input type="checkbox"/> Professional Association               |
| <input type="checkbox"/> Limited Liability Company        | <input type="checkbox"/> Limited Partnership                    |

The file number issued to the filing entity by the secretary of state is: 31054801

The date of formation of the filing entity is: N/A

**Statement of Approval**

Each new amendment has been made in accordance with the provisions of the Texas Business Organizations Code. The amendments to the certificate of formation and the restated certificate of formation have been approved in the manner required by the Code and by the governing documents of the entity.

**Required Statements**

The restated certificate of formation, which is attached to this form, accurately states the text of the certificate of formation being restated and each amendment to the certificate of formation being restated that is in effect, and as further amended by the restated certificate of formation. The attached restated certificate of formation does not contain any other change in the certificate of formation being restated except for the information permitted to be omitted by the provisions of the Texas Business Organizations Code applicable to the filing entity.

**Effectiveness of Filing** (Select either A, B, or C.)

- A.  This document becomes effective when the document is filed by the secretary of state.
- B.  This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: \_\_\_\_\_
- C.  This document takes effect upon the occurrence of the future event or fact, other than the passage of time. The 90<sup>th</sup> day after the date of signing is: \_\_\_\_\_

The following event or fact will cause the document to take effect in the manner described below:

**Execution**

The undersigned affirms that the person designated as registered agent in the restated certificate of formation has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: February 18, 2016

Tahitian Village Property Owners Association

Name of entity (see Execution instructions)

  
Signature of authorized individual (see instructions)

Jan Schwindt

Printed or typed name of authorized individual

Attach the text of the amended and restated certificate of formation to the completed statement form. Identify the attachment as "Restated Certificate of Formation of [Name of Entity]."

**THIRD AMENDMENT TO THE:  
CERTIFICATE OF FORMATION (ORIGINALLY ENTITLED ARTICLES OF  
INCORPORATION) OF  
TAHITIAN VILLAGE PROPERTY OWNERS' ASSOCIATION, INC.**

We the undersigned, members of the Tahitian Village Property Owners' Association, Inc. have participated in the amendment of this Certificate of Formation (originally entitled Articles of Incorporation) in accordance with Article 1396 - 4.02 of the Texas Non-Profit Corporation Act. The meeting of the membership at which these amendments were adopted was January 30, 2016. A quorum of the membership, as defined by the TVPOA Bylaws, was present. We do say that the amendments received at least a two-thirds (2/3) vote of the members present. At least two (2) of the undersigned Board of Directors are eligible to be acting as incorporators of a corporation under the Texas Non-Profit Corporation Act. We hereby adopt the following Third Amendment to the Certificate of Formation (originally entitled Articles of Incorporation) of such corporation.

**ARTICLE ONE**

The name of the corporation (which is hereinafter called "Association") is TAHITIAN VILLAGE PROPERTY OWNERS' ASSOCIATION, INC.

**ARTICLE TWO**

The Association is a non-profit corporation.

**ARTICLE THREE**

The period of its duration is perpetual.

**ARTICLE FOUR**

SECTION 1. The purpose for which the Association is organized is to promote and develop the common good and social welfare of the people of the community of TAHITIAN VILLAGE and its environs. For purposes hereof, TAHITIAN VILLAGE is defined as a subdivision more specifically described in the plats of its various units appearing in the Plat Records of Bastrop County, Texas.

SECTION 2. Only those units in TAHITIAN VILLAGE as presently platted or shall hereafter be platted and be subjected to an agreement of Covenants, Conditions and Restrictions, shall be considered as the properties and the community of TAHITIAN VILLAGE and the proper object of the powers and purposes of this corporation.

SECTION 3. Without limiting the foregoing general statement of purposes, the Association shall have the following specific purposes: (a) To aid, promote, and provide for the establishment, advancement and perpetuation of any and all utilities, systems, services and facilities within TAHITIAN VILLAGE which tend to promote the general welfare of its people with regard to health, safety, education, culture, recreation, comfort or convenience to the extent and in the manner deemed desirable by the Board of Directors. (b) Deleted (c) To enforce all covenants, restrictions, building guidelines, reservations, servitudes, profits, licenses, conditions, arguments, easements and liens established for the support and/or benefit of TAHITIAN VILLAGE and to

use and disburse any funds which may come into the hands of the Association for the promotion of any and all of the purposes of TAHITIAN VILLAGE and in a lawful manner determined by the Board of Directors.

The Association will take action to accomplish the foregoing purposes only when and if such action appears in the sole and absolute discretion of the Board of Directors to be desirable and feasible. The adoption of the name TAHITIAN VILLAGE shall not prevent use of different names for sub-developments within the community of TAHITIAN VILLAGE, and any such sub-developments within said community, known by another name, shall be part of the community of TAHITIAN VILLAGE as defined in this Article, and shall be a proper object of the purposes of this corporation.

#### **ARTICLE FIVE**

SECTION 1. Every person or entity who is the owner of any lot in TAHITIAN VILLAGE and also has record title of such lot shall be a member of the Association. For the purposes of determining membership, such ownership will be deemed to have vested upon delivery of a duly executed deed or contract for deed and recorded in the deed records of Bastrop County, Texas.

SECTION 2. Any member shall be considered in good standing and entitled to vote on any matter before the Association if current in payment of all monies assessed, and in compliance with all Covenants, Conditions and Restrictions as of November 30 of the year preceding the Annual Membership Meeting.

#### **ARTICLE SIX**

The registered agent is TVPOA President Janet L Schwindt. The principal street address of the office of the Association shall be 106 Conference Drive, Bastrop, Texas, 78602, or until changed by the Board of Directors. The principal mailing address of the Association shall be P.O. Box 636, Bastrop, Texas, 78602, or until changed by the Board of Directors.

#### **ARTICLE SEVEN**

SECTION 1. The Association shall have six (6) directors which shall constitute the Board of Directors and the governing body of the Association.

SECTION 2. The manner in which Directors shall be elected and removed from office, their qualifications, powers, duties, and tenure of office, the manner of filling vacancies on the Board, and the manner of calling and holding meetings of the Directors, shall be as stated in Article IX of the Bylaws.

**"RESOLUTION"**

WE, the undersigned Directors of Tahitian Village Property Owner's Association, Inc., do hereby certify that the foregoing Third Amendment to the Certificate of Formation (originally entitled Articles of Incorporation) are correct and that the same have been duly adopted by said Association at a meeting of the Membership of this Association held in Bastrop County, Texas at 2:00 p.m. on the 30 day of January, 2016.

Janet Schwindt  
Donald Fannin  
*10th Conference Dr. Ste B*  
PO Box 636  
Bastrop, TX 78602

Lois Hornbuckle  
Darrell Wood Jr.

Erika McDonald  
Melvin Hamner

Except as herein otherwise specified, the decision of the majority of the Directors currently serving as such shall be required and shall be sufficient to authorize any action on behalf of the Corporation. Each Director shall be entitled to one (1) vote on every matter presented to the Board of Directors.

IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

[Redacted Signature]

Janet Schwindt

[Redacted Signature]

Lois Hornbuckle

[Redacted Signature]

Erika McDonald

[Redacted Signature]

Donald Fannin

[Redacted Signature]

Darrell Wood Jr

[Redacted Signature]

Melvin Hamner

THE STATE OF TEXAS:  
COUNTY OF BASTROP:

Before me, the undersigned Notary Public, on this day personally appeared Lois Hornbuckle, Director of the Tahitian Village Property Owners' Association, Inc., and under oath, acknowledged to me that they executed the foregoing documents as an incorporator and that the statements therein confirmed are true.

SWORN TO AND SUBSCRIBED before me this 2<sup>nd</sup> day of February, 2016



*Patricia Lujan*  
Notary Public in and for Bastrop County, Texas

THE STATE OF TEXAS:  
COUNTY OF BASTROP:

Before me, the undersigned Notary Public, on this day personally appeared [REDACTED] Director of the Tahitian Village Property Owners' Association, Inc., and under oath, acknowledged to me that they executed the foregoing documents as an incorporator and that the statements therein confirmed are true.

SWORN TO AND SUBSCRIBED before me this 4th day of February, 2016.



[REDACTED]  
Notary Public in and for Bastrop County, Texas

THE STATE OF TEXAS:  
COUNTY OF BASTROP:

Before me, the undersigned Notary Public, on this day personally appeared [REDACTED], Director of the Tahitian Village Property Owners' Association, Inc., and under oath, acknowledged to me that they executed the foregoing documents as an incorporator and that the statements therein confirmed are true.

SWORN TO AND SUBSCRIBED before me this 4th day of February, 2016.

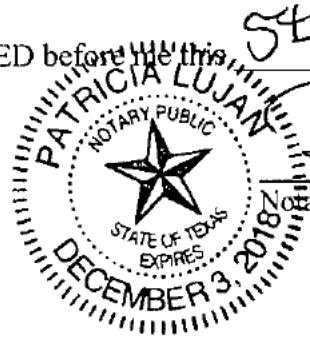


[REDACTED]  
Notary Public in and for Bastrop County, Texas

THE STATE OF TEXAS:  
COUNTY OF BASTROP:

Before me, the undersigned Notary Public, on this day personally appeared [REDACTED], Director of the Tahitian Village Property Owners' Association, Inc., and under oath, acknowledged to me that they executed the foregoing documents as an incorporator and that the statements therein confirmed are true.

SWORN TO AND SUBSCRIBED before me this 5th day of February, 2016.



[REDACTED]  
Notary Public in and for Bastrop County, Texas

THE STATE OF TEXAS:  
COUNTY OF BASTROP:

Before me, the undersigned Notary Public, on this day personally appeared [REDACTED], Director of the Tahitian Village Property Owners' Association, Inc., and under oath, acknowledged to me that they executed the foregoing documents as an incorporator and that the statements therein confirmed are true.

SWORN TO AND SUBSCRIBED before me this 8<sup>th</sup> day of February, 2016.



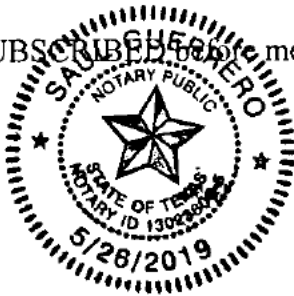
[REDACTED]

Notary Public in and for Bastrop County, Texas

THE STATE OF TEXAS:  
COUNTY OF BASTROP:

Before me, the undersigned Notary Public, on this day personally appeared [REDACTED], Director of the Tahitian Village Property Owners' Association, Inc., and under oath, acknowledged to me that they executed the foregoing documents as an incorporator and that the statements therein confirmed are true.

SWORN TO AND SUBSCRIBED before me this 15<sup>th</sup> day of February, 2016.



[REDACTED]

Notary Public in and for Bastrop County, Texas