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**AMENDED AND RESTATED POLICY FOR ELECTION OF DIRECTORS  
FOR  
THE RENAISSANCE ON TURTLE CREEK CONDOMINIUM ASSOCIATION, INC.**

This Amended and Restated Policy for the Election of Directors (this "Elections Policy") for The Renaissance on Turtle Creek Condominium Association, Inc., a Texas nonprofit corporation (the "Association"), is established and adopted on December 2, 2022, for the purposes stated herein and according to the Governing Documents, including, without limitation, the Amended and Restated Bylaws of the Association, as may be amended and supplemented (the "Bylaws"), recorded in the Official Public Records on the same date as the Effective Date, hereinafter defined. This Elections Policy shall be effective upon its recordation in the Official Public Records of Dallas County, Texas (the "Effective Date"), and shall amend and restate, in its entirety, that certain "*Policy for the Election of Directors*" duly adopted by the Board of Directors (the "Board") at a duly called Board meeting held on November 11, 2014, at which a quorum of Directors was present, as may be amended and supplemented (the "Original Elections Policy"). Any capitalized terms not defined herein shall have the meanings given to such terms in the Bylaws.

In the event of a conflict of interpretation between the provisions set forth in the Governing Documents, including, without limitation, the Bylaws, and this Elections Policy, this Elections Policy shall govern such conflict as it concerns those matters, policies and procedures established hereunder for candidates and nominations for open Director positions on the Board. If the Act, TNCL, or other applicable Legal Requirements are amended after the Effective Date in a manner that directly affects the terms of this Elections Policy, this Elections Policy shall be interpreted in a manner that conforms to such current provisions in the Act, TNCL, or other applicable Legal Requirements.

RECITALS:

**WHEREAS**, Section 7.15 of the Bylaws and Section 82.102(a) of the Act, incorporated into the Bylaws by reference, grant to the Board those powers necessary and proper for the government and operation of the Association;

**WHEREAS**, the Board, acting pursuant to the powers and authority granted to it by the Governing Documents, established the Original Elections Policy, which now requires amendment and restatement to be consistent with current Governing Documents and applicable Legal Requirements and to provide updated procedures and guidelines for annual elections of Directors that support the current election processes and procedures conducted by the Association; and

**WHEREAS**, the Board duly approved and adopted this Elections Policy at a duly called special meeting of the Board at which a quorum of Directors was present and about which Members were duly given prior notice in accordance with the Act, the minutes of which meeting shall be kept in the Association records according to the Records Policy.

POLICIES AND PROCEDURES FOR CANDIDATE NOMINATION  
AND RUNNING FOR OPEN DIRECTOR POSITION(S):

- I. Qualifications of Directors. The qualifications of Directors are expressly set forth in Section 7.1 of the Bylaws and include, but are not limited to, that Directors must be Members in Good Standing. Article IV of the Bylaws sets forth defined terms, some of which are used in this Elections Policy,

including the terms “Good Standing,” “Member,” “Owner,” and “Person.” On the Effective Date, the definitions used in the Bylaws\* for these terms, though in abbreviated form below, are as follows:

- a. “*Good Standing*”\*\* means a Member (i) that has, at least ten days prior to the taking of any vote of the Association, fully paid all Assessments and other charges and fines that are due and payable according to the Declaration or the Rules, hereinafter defined, as applicable; (ii) that is not in violation of Section 3.3 of the Declaration after receiving written notice thereof at least ten days prior to the taking of any vote of the Association; and (iii) whose vote is not currently suspended according to Section 4.2 of the Declaration;
- b. “*Member*” means the Owner of a Unit;
- c. “*Owner*” means any Person(s) owning fee title to a Unit, excluding any Person having an interest in a Unit solely as a security obligation; and
- d. “*Person*” means any individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, joint venture, estate, trust, unincorporated association, and any other legal entity.

*\*After the Effective Date, the foregoing definitions must be confirmed as the same as those definitions used for the same defined terms in the most current version of the Bylaws recorded in the Official Public Records of Dallas County, Texas, before any Person, including a Member, the Board, the Association or a Manager is entitled to rely on them. The definitions used in the Bylaws will control, at all times, over the definitions used above in the event a conflict arises in connection with the same. The content contained in this Section I is included only to assist in the interpretation and enforcement of this Elections Policy, and the Elections Policy shall be subject to and enforced in conjunction with, not separate and apart from, the Bylaws. Nothing in this Section I is intended or shall be interpreted to modify or amend Section 7.1 of the Bylaws or any other provision of the Bylaws or any other Governing Document.*

*\*\* Any Person that fails to be a Member in Good Standing on the date such Person submits his or her Nomination Packet, and such failure cannot be remedied in full by such Member prior to the date of the Deadline, hereinafter defined, then such Member, upon the occurrence of the Deadline, without exception, shall automatically be deemed disqualified from running for an open Director position in the upcoming annual Director election.*

- II. Evidence of Ownership. Current fee title ownership of a Unit is typically evidenced by a warranty deed for the Unit, which is recorded in the Official Public Records of Dallas County, Texas; provided, however, in limited circumstances, other recorded legal documentation may be available that duly evidences Unit ownership (i.e., documentation arising out of a conveyance of the Unit through probate). **Any Member desiring to run for an open Director position on the Board possesses the exclusive burden to prove and provide evidence showing such Member is the fee title Owner of a Unit in the event the Board, Manager, or other authorized representative of the Association requests or requires such evidence.** The Board, Association, and Manager, and their respective members, officers, employees, and agents, are not liable or responsible for or obligated to produce or deliver proof of ownership for or on behalf of any Person desiring to run for an open Director position on the Board.

III. Director Standards. According to Section 7.1(c) of the Bylaws and Section 82.103 of the Act, in addition to the qualifications for Directors, Directors must also meet certain standards and uphold their fiduciary duties arising out of TNCL, the Act, and other Legal Requirements. Also, in addition to the fiduciary duties owed by Directors under TNCL, per Section 82.103(a) of the Act, Directors are fiduciaries of the Owners. As further described below, the Board has the power and authority to request certain information from Members seeking nomination as candidates for open Director positions on the Board for which elections are conducted at the annual Member meetings. To uphold the Director standards and in the observance of the fiduciary duties owed by Directors, and acting with the authority granted to the Board in Section 7.15(a) of the Bylaws and Section 82.102(a) of the Act, the Board may adopt and amend general guidelines and procedures to assist the Board, Association, and/or Manager with the government, administration and operation of the Association, including guidelines and procedures that assist the Board in reviewing and evaluating forms, documentation, and information submitted by Members pursuant to this Elections Policy. Members who have previously served as Directors on the Board to which those provisions in Section IV(d) apply shall not be eligible to run for open Director positions per the terms of such provisions.

IV. Documentation for Candidate Nominations for Director Positions on the Board of Directors.

- a. Nomination Form. Per Section 7.3 of the Bylaws, each Member of the Association desiring nomination as a candidate for an open Director position on the Board for which an annual Member election will be held (each a "Potential Candidate") is required to complete a written petition of nomination, a standard form of which may be provided by the Association to Potential Candidates ("Nomination Form"). Nomination Forms may be made available to Potential Candidates on or about December 1, or such other date as the Board deems appropriate, of each calendar year. If December 1 falls on a day during which the Management Office is closed for business (i.e., holiday or weekend), the Nomination Form will be provided on the next following day on which the Management Office is open for business. No Member is or will be considered a Potential Candidate or eligible to run for a Director position unless he or she is a Member in Good Standing, satisfies all other Director qualifications arising under Section 7.1 of the Bylaws, and submits a complete Nomination Packet, hereinafter defined, prior to the Deadline.
- b. Candidate Personal Information. Potential Candidates must submit the Nomination Form together with the following information (the "Candidate Bio") and the Candidate Application, hereinafter defined. The Nomination Form, Candidate Bio and Candidate Application, hereinafter defined, collectively are the "Nomination Packet."

The Candidate Bio\* shall (1) be limited in length to one page equivalent to one side of an 8 1/2 x 11" letter size sheet of paper with a font size of 10.5 point or greater and standard spacing and margins (the "Maximum Length"); and (2) include true and correct responsive information to the following:

- i. Name and Unit(s) Potential Candidate owns as well as the length of time of such ownership;
- ii. Description of the current occupation of Potential Candidate and disclosure of the nature of any personal income received (or which may be received during the two-

year term of directorship such candidate is running for, if elected) from other Owners in the Condominium or the Association;

- iii. Reason(s) Potential Candidate desires to run for a Director position on the Board;
- iv. Three (3) issues Potential Candidate believes are of primary importance with which the Board is faced on a regular basis and how Potential Candidate would address those issues;
- v. Qualifications, skills, experiences, and characteristics possessed by Potential Candidate that will benefit the Association and support the role of Director on the Board;
- vi. Description of involvement in the Condominium community during Potential Candidate's ownership of a Unit(s) (i.e., committee membership, past Board member, or Director);
- vii. Responsive information to the above-listed items that exceeds the Maximum Length will be immediately deleted from the Candidate Bio and will not be reviewed by the Board. Each Potential Candidate may, but is not required to, include one professional photograph with his or her Candidate Bio.

*\*The Association may, but is not obligated to, make available for use a template form of the Candidate Bio; provided, however, neither the Board, the Association nor the Manager, nor any of their respective directors, officers, employees, representatives or agents, for any reason whatsoever, shall be liable or responsible to any Potential Candidate, Member or any other Person for the content, true or false, a Potential Candidate includes in a Candidate Bio, through a template form or otherwise, or for any acts, representations, speech or conduct of a Potential Candidate. If material information or content a Potential Candidate included in the Candidate Bio or any other portion of the Nomination Packet is determined to be false on or after the Deadline, but prior to the occurrence of the annual election of Directors, such Potential Candidate will become immediately ineligible to run for an open Director position without any notice, hearing or other requirements of the Board, Manager or any other Person to effectuate the Potential Candidate's ineligible status.*

*If at any time, any portion of the information required for a Candidate Bio or otherwise per this Elections Policy becomes unlawful to require or request or any such requirements or requests otherwise violate any applicable Legal Requirements, such information or requests or requirements shall automatically be deemed void, unenforceable and excluded from this Elections Policy; however, the remaining information required of Potential Candidates and permitted requests and requirements in or arising out of this Elections Policy shall remain in full force and effect.*

c. Candidate Application. Potential Candidates must also complete that certain application form promulgated by the Association and included in the Nomination Packet (the "Candidate Application") that contains the following information in a question format and requires "Yes" or "No" answers only:

- i. Potential Candidate's review and understanding of the Governing Documents;

- ii. Potential Candidate's awareness of the fiduciary duties owed by Directors and his or her ability to base decisions made in the role of Director on the best interest(s) of the Association;
- iii. Potential Candidate's commitment and ability to serve the entire two-year term of his or her directorship, if elected; and
- iv. Potential Candidate's joinder, role, or other involvement in claims, actions, proceedings, or lawsuits brought against the Association and/or the Board of Directors in the past ten years.

The above-listed matters directly concern certain aspects of the fiduciary duties owed by Directors according to the Act, the Bylaws, TNCL, and other Legal Requirements.

d. Former Directors.

- i. Director Conduct. Pursuant to the Bylaws, any Person desiring to be a Potential Candidate who previously served as a Director on the Board and which Member was either removed from his or her Director position by the Board or Members for cause or was disciplined and/or sanctioned by the Board or Association for improper conduct (or receipt of an improper benefit), breaching a fiduciary duty, or engaging in bad faith conduct described in Section 82.103(f) of the Act shall be, for a period of ten consecutive calendar years from and after the date of such removal, discipline or sanction, (A) ineligible to run for an open Director position on the Board at any election conducted at an annual or special meeting of the Members; and (B) ineligible for appointment by the Board to fill a vacant Director position on the Board. The Board shall be entitled to exclusively rely on information in or arising out of the Association Records for such removal, discipline or sanction for purposes of determining such past Director's eligibility to run for an open Director position in an annual Director election or to fill a Director vacancy on the Board.
- ii. Commission of Felony or Crime. If the Board is presented with written evidence by a Member from a public database or a record maintained by a Governmental Authority that a Director serving on the Board was convicted of a felony or a crime involving moral turpitude not more than 20 years before the date upon which the Board is given such evidence, then such Director will be promptly removed from the Board for cause following the Bylaws and permanently prohibited from serving as a Director or officer on the Board. A crime of moral turpitude is a crime involving dishonesty, fraud, deceit, misrepresentation, or deliberate violence. Texas case law has defined a crime of moral turpitude as (A) an act of baseness, vileness, or depravity in the private and social duties that a man owes to his fellow men or to society in general; and (B) immoral conduct that is willful, flagrant, or shameless conduct that shows a moral indifference to the opinion of the good and respectable members of the community. Crimes considered deemed to be those of moral turpitude in Texas, per Texas case law, include, without limitation, the sale of narcotics, arson, blackmail, forgery, robbery, burglary, theft, lying to a police officer, mail fraud, tax evasion, and bank fraud.

- e. Nomination Packet Deadline. The completed and signed Nomination Packet must be delivered to the Management Office no later than 6:00 p.m. Central Standard Time on January 5, or the next following day during which the Management Office is open for business in the event January 5 falls on a weekend day or other day that the Management Office is closed (the "Deadline"). Upon submission of the complete Nomination Packet, no changes or supplements to the Candidate Bio will be permitted. No "Write-In" candidates for open Director positions are permitted.

V. Potential Candidate Promotion.

- a. Newsletter Advertising. After the Deadline, and subject to any disqualification or ineligibility arising thereafter but before the annual Director election, Potential Candidates may purchase advertising in the Association's weekly newsletter distributed to Members, subject to the terms of this Elections Policy and the Rules, hereinafter defined. Any advertisement, and all other promotional material of any Potential Candidate, must, prior to publication and distribution, be reviewed by the Board, or, if the Board so delegates, by the Manager. Any statements or content of any advertisement or other promotional material supporting a Potential Candidate shall be prohibited from containing any words, images, or other content that would be considered offensive or derogatory to any reasonable person or is otherwise in violation of the community etiquette and written communication rules contained in Section 1.5 of the Rules, hereinafter defined.
- b. Rules Apply. **Potential Candidates are obligated to comply, at all times, in all respects with the Governing Documents, including the Second Amended and Restated Rules and Regulations for The Renaissance on Turtle Creek Condominium filed of record in the Official Public Records of Dallas County, Texas, as Document No. 2021002922136, as may be amended (the "Rules"), and applicable Legal Requirements in connection with being a Potential Candidate and running for election to an open Director position on the Board.** These requirements include, without limitation, that advertising, promotional materials, and any other speech, conduct, or written communication of a Potential Candidate comply with Section 1.5(f) of the Rules. Conduct of any Potential Candidate in his or her campaign efforts, occurring at any time prior to the annual election of Directors in which such Potential Candidate is running for an open Director position, which conduct is identified as prohibited under Section 1.5(c) of the Rules (i.e., verbal and physical abuse, insults and derogatory name-calling, curse language and profanities, aggressive, threatening or assaultive behavior) shall immediately disqualify such Potential Candidate from running in such election. No further action of the Board, Manager, or Association shall be required to effectuate disqualification of the Potential Candidate as engagement in the prohibited conduct excludes such Member from being a Member in Good Standing.
- c. Event Rooms. Potential Candidates may be permitted to reserve conference rooms or other event rooms comprising a portion of the General Common Elements in the Condominium in connection with their campaign efforts subject to availability; provided, however, the Association shall be entitled, in addition to applicable Rules, to establish additional rules for any such events, and all of such events shall be restricted to attendance by Members. Potential Candidates are required to make reservations through the Management Office in sufficient advance of the proposed event date per the terms of the Rules.

- d. Meet the Candidates Event. A “Meet the Candidates” event may be arranged by or at the direction of the Board, in its sole and absolute discretion and without obligation, which event may be held on a date and at a time and location determined by the Board. This event, if held, will be open to all current Members of the Association to provide such Members with the opportunity to meet the Potential Candidates running for open Director positions.
- VI. Voting Guidelines. Section 7.15(a) of the Bylaws and Section 82.102(a) of the Act grant the Board the authority and power to establish and adopt general guidelines and procedures to assist in the operations and administration of the Association, which includes guidelines that serve to assist the Board, Association and Manager in performing their respective obligations. As they relate to this Elections Policy, guidelines the Board may adopt may address, amongst other things, (a) checklists and timelines associated with the annual Director elections; (b) coordination and logistics for campaign events and the annual meeting; (c) creation, use, delivery and collection of proxy and ballot forms; (d) tools and methods to be used to aid in the calculation and application of Member votes (according to the Declaration and Bylaws) and keep a record of such methods and votes; and (e) other matters that support the Association in its compliance with and enforcement of the Governing Documents. Guidelines adopted or to be adopted by the Board in connection with Potential Candidates or carrying out obligations and requirements of this Elections Policy shall comply with the Governing Documents but are not Governing Documents or dedicatory instruments, as defined under Chapter 202 of the Texas Property Code, and will not be, and are not required to be, recorded in the Official Public Records of Dallas County, Texas. Nothing contained in any such guidelines adopted by the Board or used by the Board, Association, or Manager in connection with this Elections Policy will, or is intended to, amend, change, control over or violate any terms of the Governing Documents.

*[Remainder of Page Intentionally Left Blank – Signature Page to Follow]*

IN WITNESS WHEREOF, the undersigned Officer executes this Elections Policy in the exercise of the powers granted thereto by the Board and the Bylaws to be effective on the Effective Date.

THE RENAISSANCE ON TURTLE CREEK CONDOMINIUM ASSOCIATION, INC.,  
a Texas nonprofit corporation

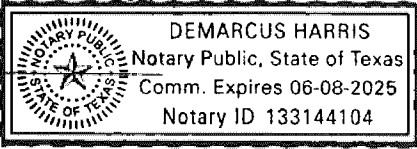
By: \_\_\_\_\_  
Name: Timothy Doyle  
Title: Secretary

THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 2 day of December 2022 by Timothy Doyle, the Secretary of THE RENAISSANCE ON TURTLE CREEK CONDOMINIUM ASSOCIATION, INC., a Texas nonprofit corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public – State of Texas

My Commission Expires:



**AFTER RECORDING RETURN TO:**  
The Renaissance on Turtle Creek Condominium Association, Inc.  
c/o FirstService Residential, General Manager  
3225 Turtle Creek Boulevard  
Dallas, Texas 75219



**Dallas County  
John F. Warren  
Dallas County Clerk**

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**Instrument Number:** 202200307300

eRecording - Real Property

Recorded On: December 02, 2022 02:46 PM

Number of Pages: 9

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**" Examined and Charged as Follows: "**

Total Recording: \$54.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 202200307300  
Receipt Number: 20221202000639  
Recorded Date/Time: December 02, 2022 02:46 PM  
User: Roger J  
Station: CC63

**Record and Return To:**

Simplifile



**STATE OF TEXAS  
COUNTY OF DALLAS**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Dallas County, Texas.**

John F. Warren  
Dallas County Clerk  
Dallas County, TX

A handwritten signature in black ink, appearing to be "JFW", is written over the printed name of John F. Warren.