

Dear Members:

Enclosed are ballots in accordance with the board decision made at the open board meeting on May 3, 2025, and in accordance with Texas Property Code 209.0058. In order for your vote to be counted properly on May 29, 2025, the instructions are to return the ballots in the pre-addressed and stamped envelope provided, and returned by mail. **THESE BALLOTS MUST BE MAILED BACK IN TIME TO BE RECEIVED BY MAY 29, 2025 at 4:00pm. WITH AN OFFICIAL POSTMARK IN ORDER TO BE VALID. DO NOT PLACE THE BALLOTS IN THE MAILBOX NOR EMAIL YOUR BALLOT TO THE ASSOCIATION.** These are to be held strictly confidential as these are Absentee/Secret Ballots. To ensure a completely confidential and secure vote, the returned ballots will only be collected by the Secretary. These ballots will not be opened by anyone in Camp Branch Acres to assure utmost confidentiality. A neutral third party will be opening, verifying and counting these ballots. Should you have further questions, please contact the Secretary at cbapoa@gmail.com. Thank you

There are 3 Types of Homeowners Associations:

1. Unincorporated association

- **DEFINITION:** An unincorporated HOA is an association of homeowners managing common areas, without formal incorporation.
- **LEGAL STRUCTURE:** Operates under contract between members, with **no separate legal entity status from its members.**
- From 1967 to May 2024, we operated as an unincorporated association.

2. Unincorporated non-profit association

- **DEFINITION:** An unincorporated nonprofit HOA is an association of homeowners with a common, nonprofit purpose, also without formal incorporation that has applied for an exemption from the Texas Comptroller's office.
 - To apply for an exemption, you must file Form AP-206, Texas Application for Exemption – Homeowners Associations to the Texas Comptroller's office.
- **LEGAL STRUCTURE:** Operates under a contract between members but **may be treated as a separate legal entity from its members** for certain issues like property ownership and liability.
- We have **never operated** as an unincorporated non-profit association.

3. Incorporated non-profit association

- **DEFINITION:** An incorporated nonprofit HOA, is an association of homeowners with a common, nonprofit purpose, with a formal incorporation, (Certificate of Formation filed with the Texas Secretary of State) and has applied for an exemption from the Texas Comptrollers office
- **LEGAL STRUCTURE:** Operates under a contract between members and is a **separate legal entity from its members.**
- From May 28, 2024 to March 26, 2025, we operated as an incorporated non-profit association.
 - In March of 2025 it was discovered that someone forged the Chairmans signature and filed a Certificate of Termination with the Secretary of States office. This document nullified our incorporation nonprofit status. As a result, we are now back to item 1 above and are operating as an unincorporated association with **no separate legal entity status from its members.**

Prior to May 2024, this association operated as an **unincorporated association (#1 above)**. With this type of association all the liability would be on you the property owner instead of the association. This should not be confusing with an unincorporated **non-profit** association which we have never been. These are two very different types of POA's.

History as to how we became an Incorporated nonprofit association. We also did check with an attorney who advised us that filing the Certificate of Formation did not need a member vote as it was not changing the CCR's.

- When we tried to get funding for our washout we provided FEMA with our tax id number that was obtained in 1977.
- We were advised by FEMA that our tax id was not valid. This prevented us from getting FEMA assistance and a grant through the department of agriculture.
- A new tax id number was obtained, in May 2024 and tax returns were subsequently filed. This is the number we will use going forward for the POA.
- Once the new tax id number was obtained we also filed a certificate of formation with the Secretary of State in order to be recognized as an Incorporated nonprofit association.
 - The reason this was done:
 - Numerous legal documents stated we were a nonprofit association organized under the laws of Texas.
 - Legally protect all the property owners from previous board's actions
 - Protect property owners from any liability or penalties that may be imposed by the IRS for failure to ever file tax returns.

This termination of our incorporation filing can be overturned by filing a Rejection of Authorization which will return us to an Incorporated nonprofit status, however we are seeking input and a vote from the property owners. If you vote yes, we will return to an Incorporated non-profit association (#3 definition above). By voting no, we will remain an unincorporated association (-#1 definition above).

CAMP BRANCH ACRES SUBDIVISION PROPERTY OWNERS ASSOCIATION

ABSENTEE/SECRET BALLOT (1)

The undersigned member of the Camp Branch Acres Subdivision Property Owners Association, also known as Camp Branch Acres Property Owners Association, herein after "the association", being entitled to one (1) vote on the removal of a board member, on May 29, 2025, hereby casts my vote as set forth below.

NOTICE REQUIRED BY SECTION 209.00592 OF THE TEXAS PROPERTY CODE

By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail."

REMOVAL OF DIRECTOR

Charlene O'Brien shall be removed from the board of directors of the Association for the following reasons: 1) misuse of funds by not turning in receipts for reimbursement in a timely manner (18 mos.) for verifiability, 2) prioritizing personal interests by submitting IRS request to deactivate/cancel valid EIN without verification and/or board notification or approval, and 3) breach of fiduciary duty for failure to verify the validity of any and all EIN/Tax ID information timely and accurately.

_____ Yes



_____ No

***** FOR THIS ABSENTEE BALLOT TO BE EFFECTIVE, YOU MUST SIGN BELOW AND RETURN YOUR COMPLETED, SIGNED ABSENTEE/SECRET BALLOT TO THE ASSOCIATION IN THE ENCLOSED, SELF-ADDRESSED STAMPED ENVELOPE, VIA U.S.P.S. by 4:00p.m. on MAY 29, 2025, TO BE COUNTED ON MAY 29, 2025 at 6:00p.m .**

Property Owner Name: _____

Property Address: _____

Property Owner Signature: _____

CAMP BRANCH ACRES SUBDIVISION PROPERTY OWNERS ASSOCIATION

ABSENTEE/SECRET BALLOT (2)

The undersigned member of the Camp Branch Acres Subdivision Property Owners Association, also known as Camp Branch Acres Property Owners Association, herein after "the association", being entitled to one (1) vote on the removal of a board member, on May 29, 2025, hereby casts my vote as set forth below.

NOTICE REQUIRED BY SECTION 209.00592 OF THE TEXAS PROPERTY CODE

By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail."

REMOVAL OF DIRECTOR

Jerry Sullivan shall be removed from the board of directors of the Association for the following reasons: 1) breaching fiduciary duty by not validating EIN of the association nor ensuring the legally required filing of yearly tax returns, 2) conflicts of interest by charging the association through his personal business for services rendered as volunteered, and 3) ethical misconduct for submitting false resale certificates without properly filing for tax exemption status with respective government agencies.

_____ Yes

_____ No



***** FOR THIS ABSENTEE BALLOT TO BE EFFECTIVE, YOU MUST SIGN BELOW AND RETURN YOUR COMPLETED, SIGNED ABSENTEE/SECRET BALLOT TO THE ASSOCIATION IN THE ENCLOSED, SELF-ADDRESSED STAMPED ENVELOPE, VIA U.S.P.S. by 4:00p.m. on MAY 29, 2025. TO BE COUNTED ON MAY 29, 2025 AT 6:00p.m.**

Property Owner Name: _____

Property Address: _____

Property Owner Signature: _____

CAMP BRANCH ACRES SUBDIVISION PROPERTY OWNERS ASSOCIATION

ABSENTEE/SECRET BALLOT (3)

The undersigned member of the Camp Branch Acres Subdivision Property Owners Association, also known as Camp Branch Acres Property Owners Association, herein after "the association", being entitled to one (1) vote on the status of the association as unincorporated association or non-profit corporation, on May 29, 2025, hereby casts my vote as set forth below.

NOTICE REQUIRED BY SECTION 209.00592 OF THE TEXAS PROPERTY CODE

By casting your vote via absentee ballot you will forgo the opportunity to consider and vote on any action from the floor on these proposals, if a meeting is held. This means that if there are amendments to these proposals your votes will not be counted on the final vote on these measures. If you desire to retain this ability, please attend any meeting in person. You may submit an absentee ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail."

STATUS OF THE ASSOCIATION AS UNINCORPORATED ASSOCIATION OR
NON-PROFIT CORPORATION
(see attached comparison)



____ YES, I wish for Camp Branch Acres Subdivision Property Owners Association to remain a NON-PROFIT CORPORATION.

____ NO, I do not wish for Camp Branch Acres Subdivision Property Owners Association to remain a NON-PROFIT CORPORATION.

***** FOR THIS ABSENTEE BALLOT TO BE EFFECTIVE, YOU MUST SIGN BELOW AND RETURN YOUR COMPLETED, SIGNED ABSENTEE/SECRET BALLOT TO THE ASSOCIATION IN THE ENCLOSED, SELF-ADDRESSED STAMPED ENVELOPE, VIA U.S.P.S. by 4:00p.m. on MAY 29, 2025. TO BE COUNTED ON MAY 29, 2025 AT 6:00p.m.**

Property Owner Name: _____

Property Address: _____

Property Owner Signature: _____