

**AFFIDAVIT IN COMPLIANCE WITH § 202.006**  
**OF THE TEXAS PROPERTY CODE**

**THE STATE OF TEXAS**                   §  
  §  
**COUNTY OF BEXAR**                   §

BEFORE ME, the undersigned authority, on this day personally appeared RODNEY HERRERA, who, being by me duly sworn according to law, stated the following under oath:

“My name is RODNEY HERRERA. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

Diamond Association Management is the Managing Agent of 281 East Homeowners Association, also known as Mountain Lodge Homeowners Association (the “Association”). Diamond Association Management is the custodian of the records for the Association, and I have been authorized by the Association’s Board of Directors to sign this Affidavit.

The Association is a “property owners’ association” as that term is defined in *TEX. PROP. CODE* § 202.001. The Association’s jurisdiction includes, but may not be limited to, the property in Bexar County, Texas subject to:

That certain subdivision known as Mountain Lodge, being the property identified and referenced in that Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 8202, Page 524; as amended and supplemented by that Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge, San Antonio, Texas, recorded in Volume 8202, Page 516 of the Official Public Records of Real Property of Bexar County, Texas; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 2 and 2A, San Antonio, Texas, recorded in Volume 8616, Page 1454; First Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 2 and 2A, San Antonio, Texas, recorded in Volume 9106, Page 1322; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 7, San Antonio, Texas (Fairway Bridge), recorded in Volume 9303, Page 2350; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-3A1, San Antonio, Texas, recorded in Volume 10150, Page 793; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-5A1, San Antonio, Texas, recorded in Volume 10159, Page 1571; First Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 5A1, San Antonio, Texas, recorded in Volume 10221, Page 2019; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-5A-2, San Antonio, Texas, recorded in Volume 10583, Page 410; and Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 10774, Page 1422, all of the Official Public Records of Real Property of Bexar County, Texas; and that Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6A-1, San Antonio, Texas, recorded in Volume 11032, Page 1586; First Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 5A2, San Antonio, Texas, recorded in Volume 11065, Page 2074; Second Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 11189, Page 1411; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6B-1, San Antonio, Texas, recorded in Volume 11189, Page 1523; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6A-2 South, San Antonio, Texas, recorded in Volume 11707, Page 2401; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6A-2 North, San Antonio,

Texas, recorded in Volume 11707, Page 2417; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 9, San Antonio, Texas, recorded in Volume 11805, Page 626; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Units 6B-2 and 6B-3, San Antonio, Texas, recorded in Volume 12209, Page 1308; Third Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas recorded in 12161, Page 1227, re-recorded in Volume 12399, Page 1928; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-6A3 and 6A4, San Antonio, Texas, recorded in Volume 12830, Page 108; Fourth Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 14213, Page 40; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 8, San Antonio, Texas, recorded in Volume 14698, Page 2210; Amendment to Supplemental Declarations for Covenants, Conditions and Restrictions for Mountain Lodge, San Antonio, Texas, recorded in Volume 15620, Page 1714; and Fifth Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 15967, Page 2130; all of the Official Public Records of Bexar County, Texas; and the By-Laws of the Association, recorded in Volume 10979, Page 800, of the Official Public Records of Real Property, Bexar County, Texas, as amended ("By-Laws").

Attached hereto is the original of, or true and correct copy of, the following dedicatory instrument(s), including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

*281 East Homeowners Association  
Resolution Adopting:  
Collection and Payment Plan Policy, Board Hearing Policy, Religious Display Policy,  
Security Measures Policy, Swimming Poole Enclosures Policy, and  
Association Contracts and Solicitation of Bids Policy*

The documents attached hereto are subject to being supplemented, amended or changed by the Association. Any questions regarding the dedicatory instruments of the Association may be directed to the Association at:

Diamond Association Management  
14603 Huebner Road, Building 40  
San Antonio, Texas 78230  
(210) 561-0606 Office  
(210) 690-1125 Fax  
[resales@damctx.com](mailto:resales@damctx.com)

SIGNED on this the 31 day of August, 2021.



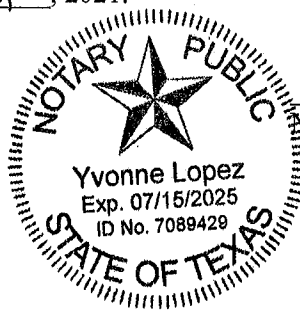
\_\_\_\_\_  
Rodney Herrera  
Diamond Association Management  
Managing Agent

**VERIFICATION**

THE STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR           §

BEFORE ME, the undersigned authority, on this day personally appeared Rodney Herrera, of Diamond Association Management, the Managing Agent of 281 East Homeowners Association, who, after being duly sworn, acknowledged and stated under oath that he has read the above and foregoing Affidavit and that every factual statement contained therein is within his personal knowledge and is true and correct.

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 31 day of August, 2021.



*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

**After Recording, Return To:**  
Michael B. Thurman  
Thurman & Phillips, P.C.  
4093 De Zavala Road  
Shavano Park, Texas 78249  
Phone: 210-341-2020

**281 EAST HOMEOWNERS ASSOCIATION  
ASSOCIATION CONTRACTS AND SOLICITATION OF BIDS POLICY**

This Association Contracts and Solicitation of Bids Policy of 281 East Homeowners Association, also known as Mountain Lodge Homeowners Association (the "Association") was duly adopted on the 30 day of August, 2021, setting forth certain policies of the Association in connection with the management of the Association and the properties known as Mountain Lodge, being the property identified and referenced in that Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 8202, Page 524 in the Official Public Records of Bexar County, Texas; and all amendments, annexations and supplements thereto (collectively, "Declaration"), the Bylaws of the Association, and all policies, rules, and regulations duly adopted by the Association from time to time (collectively, "Governing Documents").

This Association Contracts and Solicitation of Bids Policy is adopted under the requirements of the TEX. PROP. CODE § 209.0052 governing Association contracts and for the adoption of a bid solicitation process for use by the Association in contracting for services over \$50,000. Any previously adopted policies or other Governing Documents setting forth requirements for Association contracts or a bid solicitation process are of no further force or effect.

The adoption of this Association Contracts and Solicitation of Bids Policy for the purposes stated herein is in compliance with the TEX. PROP. CODE § 202.006, requiring all property owners' associations to file all Governing Documents in the real property records of each county in which the Property to which the Governing Documents relate is located. This Association Contracts and Solicitation of Bids Policy shall become effective as of the date the Association Contracts and Solicitation of Bids Policy is filed in the Official Public Records of Bexar County, Texas.

Capitalized terms contained herein shall have the definitions as set forth in the Declaration, as applicable.

1. Association Contracts.

A. The Association may enter into an enforceable contract with a current Association Board member, a person related to a current Association Board member within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, a company in which a current Association Board member has a financial interest in at least 51 percent of the profits, or a company in which a person related to a current Association Board member within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a financial interest in at least 51 percent of profits only if the following conditions are satisfied:

- i. the Board member, relative, or company bids on the proposed contract and the Association receives at least two other bids for the contract from persons not associated with the Board member, relative, or company, if reasonably available in the community;
- ii. the Board member:
  - a. is not given access to the other bids;
  - b. does not participate in any Board discussion regarding the contract; and
  - c. does not vote on the award of the contract;

- iii. the material facts regarding the relationship or interest with respect to the proposed contract are disclosed to or known by the Association Board and the Board, in good faith and with ordinary care, authorizes the contract by an affirmative vote of the majority of the Board members who do not have an interest governed by this Section 1; and
- iv. the Association Board certifies that the other requirements of this Section 1 have been satisfied by a resolution approved by an affirmative vote of the majority of the Board members who do not have an interest governed by this subsection.

B. Should the Association propose to contract for services that will, based on the Board of Directors' reasonable and anticipated projections, cost more than \$50,000, the Association shall use the bid solicitation procedure as outlined in Section 2 herein. The Board of Directors may, but is not obligated, to abide by this Association Contracts and Solicitation of Bids Policy when engaging in contracts for services which cost \$50,000 or less. For multi-phased project services comprised of dependent and related phases, the total estimated cost of all phases of the project shall be used to determine whether a contract will exceed \$50,000. For multi-phased projects comprised of independent but related phases, each phase shall be considered individually when determining whether Section 2 applies. For recurring contracted services, the cost shall be based on the annual cost for such service.

C. Regardless of the amount of a contract for goods or services, the Association shall comply with the standard of conduct and ethical principles as outlined in Section 1(A) and all applicable state and federal laws governing nonprofit and charitable organization contracts.

2. Bid Solicitation Procedure.

A. Prior to contracting for services in which the cost will exceed \$50,000, the Board of Directors of the Association, or its authorized agent, shall send out a request for proposals (RFPs) or solicitation document to prospective vendors that includes at least:

- i. a description of the service(s) sought;
- ii. the criteria that a vendor's submission must address in order to be considered by the Association;
- iii. the requirements to qualify, if any;
- iv. a list of required documents, if any;
- v. any restrictions on performance, if any;
- vi. a deadline for submission;
- vii. instructions on how and/or where to submit proposals; and
- viii. contact information for the Association or its authorized agent.

The Board of Directors may, in its sole discretion, determine the solicitation materials that are appropriate for a procurement and the manner in which they are prepared and, therefore, may request additional information as it deems necessary.

B. The Board of Directors shall make every effort to obtain at least two proposals or bids. If the service sought is of a specialized nature or in a specialized industry where potentially

qualified persons are difficult or burdensome to ascertain, the Board of Directors may recruit potential, qualified vendors and award such contract to a single vendor even though less than two proposals or bids may have been obtained. However, in such case, the Board of Directors shall include in their Board meeting minutes a description of the efforts to obtain competitive bids or the reason the Board of Directors could not obtain competitive bids. This subsection shall not apply to an Association contract subject to the requirements of Section 1 above.

C. Upon receipt of the requested proposals or bids, the Board of Directors shall review the proposals or bids; identify qualified applicants; engage in any written or oral discussions with qualified applicants, if needed; and request any additional information from qualified applicants. Any interested Board member, as described in Section 1(A), shall recuse himself/herself from discussions unless requested otherwise by other Board members and shall not vote on the contract. Any contract discussions occurring at a Board meeting may be done in executive session.

D. The Board of Directors shall, in its sole discretion and using its best judgment, determine the applicant or vendor that is best qualified to meet the Association's needs and need not necessarily award a contract to the lowest bidder. A contract shall be awarded by the affirmative vote of a majority of the Board members, excluding any member who has a direct or indirect financial interest in any business or entity or with any individual associated with such business or entity which shall benefit financially from the contemplated contract.

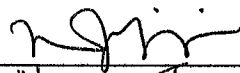
E. The Board of Directors shall notify the applicant or vendor in writing of its decision and intent to contract and shall proceed with contract negotiation and/or procurement.

CERTIFICATE OF OFFICER

The undersigned certifies that the foregoing Association Contracts and Solicitation of Bids Policy was duly approved and adopted by the Board of Directors of 281 EAST HOMEOWNERS ASSOCIATION on the 30 day of August, 2021, and that the undersigned has been authorized by the Board of Directors to execute and record this instrument. The undersigned further certifies that the foregoing Association Contracts and Solicitation of Bids Policy constitutes a dedicatory instrument under TEX. PROP. CODE § 202.006 which applies to the operation of Mountain Lodge, a subdivision located in Bexar County, Texas, as hereinabove described.

Signed this 30 day of August, 2021.

281 EAST HOMEOWNERS ASSOCIATION

By:   
Name: NORMA JEAN GIFFIN  
Title: PRESIDENT

**File Information**

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

**Document Number:** 20210242262  
**Recorded Date:** August 31, 2021  
**Recorded Time:** 4:40 PM  
**Total Pages:** 26  
**Total Fees:** \$122.00

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

**\*\* Do Not Remove \*\***

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 8/31/2021 4:40 PM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk