

BIRNAM WOOD III COMMUNITY ASSOCIATION, INC.

23803 Birnam Wood Blvd.

Spring, Texas 77373

Tel. No. 281-350-8556/ Fax No.281-288-8951

Birnamwood3@sbcglobal.net

BALLOT/PROXY FOR ANNUAL MEETING OF THE MEMBERS

Property Address: _____, Spring, Texas 77373

INSTRUCTIONS: I, _____, as an owner of the above-described property, cast my Ballot [**choose/circle one**] as follows: **(1)** in person at the meeting; **(2)** by Absentee Ballot; **OR (3)** I hereby revoke any previous proxies and appoint _____, as my proxy to attend the November 1, 2011 Annual Meeting of the Members of Birnam Wood III COMMUNITY ASSOCIATION, INC. (the "Association," a Texas Non-Profit Corporation) to be held at the Association's Clubhouse, 23803 Birnam Wood Blvd., Spring, Texas 77373, at 7:30 p. m. on November 1, 2011, and any continuation or adjournment thereof and to represent and vote for me in the same manner and with the same effect as if I were personally present. (**see CONDITIONS on reverse side of this Ballot, which are incorporated herein.* **I hereby vote in the following manner (note: place a check in the "For" space, and Vote for one (1) Director [choose only one (1) candidate for the Director Position] :**

ELECTION OF DIRECTORS:

<u>Position:</u>		<u>Name of Candidate(s)</u>	<u>For:</u>
Director	-	Jacob Bice (Current Board Member)	_____
Director	-	_____ Write In	_____

DATED: _____, 2011

Signature: _____

Printed Name: _____

*** CONDITIONS:**

A) Voting in Person or by Appointment of Proxy Holder: If you **voting in person or by Proxy holder**, in order to be validated, this Ballot/Proxy must be completed, signed and delivered to the Proxy holder (designated above) AND received by the Association **no later than 4:00 p m on Friday October 28, 2011** at the Birnam Wood III CAI clubhouse located at 23803 Birnam Wood Blvd., Spring, Texas 77373 for the referenced November 1, 2011 Annual Meeting of Members. You may appoint one of the current Board members as your proxy or any other adult person of your choosing.

B) Limitation(s) of Absentee Ballot: By casting your vote via Absentee Ballot (if applicable) 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 or by proxy. You may submit an Absentee Ballot and later choose to attend any meeting in person, in which case any in-person vote will prevail.

C) Instructions for Delivery of Completed Absentee Ballot: A completed Absentee Ballot may be cast by utilizing one (1) of the following methods: (i) placing the completed Absentee Ballot through the mail slot in the door of the Association's office located at the Clubhouse (at the address provided on the reverse side of this Ballot) **no later than 4:00 p.m. on Friday, October 28, 2011**; (ii) mailing the completed Absentee Ballot to Birnam Wood III Community Association, Inc., 23803 Birnam Wood Blvd., Spring, Texas 77373, so that it is received **no later than 4:00 p. m. on Friday, October 28, 2011**; (iii) telefaxing the completed Absentee Ballot (with receipt requested) to the Association at 281-288-8951 so that it is received **no later than 4:00 p. m. on Friday, October 28, 2011**; or (iv) e-mailing the completed Absentee Ballot (with receipt requested) to birnamwood3@sbcglobal.net so that it is received **no later than 4:00 p. m. on Friday, October 28, 2011**.

D) Additional Information: This Proxy/Ballot or Absentee Ballot (if or as applicable) may be used for the purpose of establishing a quorum, and the Proxy provisions herein shall terminate after the November 1, 2011 Annual Meeting of the Association's Members or any continuation or adjournment thereof.

List of Current Board Members

Perry Trosclair – President – Director since 1992

Faye Frost – Vice President – Director since 2010

Kathleen Harrison – Treasurer/Secretary – Director since 2007

Elly Brokaw – Director since 1979

Jacob Bice – Security/Recreation- Director since 2010

BIRNAM WOOD III COMMUNITY ASSOCIATION, INC.

23803 Birnam Wood Blvd.

Spring, Texas 77373

Tel. No. 281-350-8556/ Fax No.281-288-8951

Birnamwood3@sbcgloal.net

September 28, 2011

Dear Owner(s):

The Association recently received from legal counsel information regarding multiple changes to Texas statutory law concerning voting for property owners' associations ("POAs"). Some of these laws affect how the Association's election is governed (e.g., the election of a Director at the upcoming annual meeting on November 1, 2011. Highlights are listed below:

1) **BALLOT/PROXY** - An Owner may now vote for the candidate(s) for a Director position(s) by completing, signing and returning a ballot: a) in person; b) by proxy; c) absentee by mail; d) absentee by e-mail; e) absentee by Fax; or f) absentee through the drop slot at the Association's office at 23803 Birnam Wood Blvd., Spring, Texas 77373. **Regardless of the method of delivery, the Association must receive the Ballot NO LATER THAN 4:00 P.M. ON FRIDAY, OCTOBER 28, 2011.**

2) On this ballot, write-ins are permitted. Nominations from the floor will still be accepted.

3) **BY STATE LAW, SECRET BALLOTS ARE NO LONGER ALLOWED.** This is clearly indicated from the ballot.

4) Subject to the information provided in "1" above, proxies essentially work the same way as before.

5) The volunteer vote tabulators will still sign a Certificate of Confidentiality (provided by the Association).

6) The Association's vote tabulators will start the tabulation after 4:00 p.m. on October 28, 2011.

7) Potential candidates must sign a Director's Certification (provided by the Association)

If you know of anyone who is interested in running for the one Director position that is up for election, feel free to have them contact the office or appear at the October 4th meeting. Jacob Bice is the Board member (i.e., Director) who currently holds the position up for re-election this year and he has expressed interest in re-running.

Feel free to contact the office if you have any questions.

Sincerely,

Birnam Wood III C. A. I.

Board of Directors