

JP 2 C V19 00141

DARREN G. YANCY, SR. AND
CAROL A. YANCY

Plaintiffs,

VS.

THE BURLESON MAGNOLIA FARMS
HOMEOWNERS ASSOCIATION BOARD
OF DIRECTORS, CHARLES DUELLO,
INDIVIDUALLY

Defendants.

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IN THE JUSTICE COURT

PRECINCT 2, PLACE 1

JOHNSON COUNTY, TEXAS

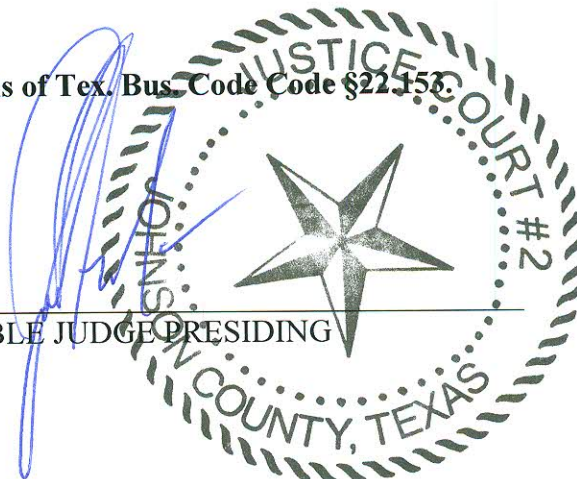
**ORDER GRANTING DEFENDANT BURLESON MAGNOLIA FARMS
HOMEOWNERS ASSOCIATION, INC.'S PLEA TO THE JURISDICTION**

On May 1, 2019, the Court heard Defendant Burleson Magnolia Farms Homeowners Association, Inc.'s Plea to the Jurisdiction in the above-numbered and styled cause. After considering the Plea to the Jurisdiction, pleadings on file and the arguments of counsel, the Court GRANTS Defendant's Plea.

IT IS THEREFORE ORDERED that the following causes of action filed by Plaintiff Darren G. Yancy, Sr. are DISMISSED because the court lacks jurisdiction to hear the claims:

1. All claims filed complaining of **Violations of Tex. Bus. Code §22.352 and §22.354.**
2. All claims filed complaining of **Violations of Tex. Bus. Code Code §22.153.**

HONORABLE JUDGE PRESIDING



*Plaintiff's
Copy*

Vernon's Texas Statutes and Codes Annotated
Business Organizations Code (Refs & Annos)
Title 2. Corporations (Refs & Annos)
Chapter 22. Nonprofit Corporations
Subchapter H. Records and Reports

V.T.C.A., Business Organizations Code § 22.352

§ 22.352. Financial Records and Annual Reports

Effective: January 1, 2006
Currentness

(a) A corporation shall maintain current and accurate financial records with complete entries as to each financial transaction of the corporation, including income and expenditures, in accordance with generally accepted accounting principles.

(b) Based on the records maintained under Subsection (a), the board of directors of the corporation shall annually prepare or approve a financial report for the corporation for the preceding year. The report must conform to accounting standards as adopted by the American Institute of Certified Public Accountants and must include:

- (1) a statement of support, revenue, and expenses;
- (2) a statement of changes in fund balances;
- (3) a statement of functional expenses; and
- (4) a balance sheet for each fund.

Credits

Acts 2003, 78th Leg., ch. 182, § 1, eff. Jan. 1, 2006.

V. T. C. A., Business Organizations Code § 22.352, TX BUS ORG § 22.352
Current through the end of the 2017 Regular and First Called Sessions of the 85th Legislature

Vernon's Texas Statutes and Codes Annotated
Business Organizations Code (Refs & Annos)
Title 2. Corporations (Refs & Annos)
Chapter 22. Nonprofit Corporations
Subchapter H. Records and Reports

V.T.C.A., Business Organizations Code § 22.354

§ 22.354. Failure to Maintain Financial Record or Prepare Annual Report; Offense

Effective: January 1, 2006

Currentness

(a) A corporation commits an offense if the corporation fails to maintain a financial record, prepare an annual report, or make the record or report available to the public in the manner required by Section 22.353.

(b) An offense under this section is a Class B misdemeanor.

Credits

Acts 2003, 78th Leg., ch. 182, § 1, eff. Jan. 1, 2006.

V. T. C. A., Business Organizations Code § 22.354, TX BUS ORG § 22.354

Current through the end of the 2017 Regular and First Called Sessions of the 85th Legislature

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Subchapter H. Records and Reports

V.T.C.A., Business Organizations Code § 22.355

§ 22.355. Exemptions from Certain Requirements Relating to Financial Records and Annual Reports

Effective: January 1, 2006
Currentness

Sections 22.352, 22.353, and 22.354 do not apply to:

(1) a corporation that solicits funds only from members of the corporation;

(2) a corporation that does not intend to solicit and receive and does not actually raise or receive during a fiscal year contributions in an amount exceeding \$10,000 from a source other than its own membership;

(3) a private or independent institution of higher education described by Section 61.003, Education Code, accredited by a recognized accrediting agency as defined by Section 61.003, Education Code, a postsecondary educational institution authorized to grant degrees under a certificate of authority issued by the Texas Higher Education Coordinating Board or a foundation chartered for the benefit of the institution or any component part of the institution, a career school or college that has received a certificate of approval from the Texas Workforce Commission, a public institution of higher education or a foundation chartered for the benefit of the institution or any component part of the institution, or an elementary or secondary school;

(4) a religious institution that is a church, an ecclesiastical or denominational organization, or another established physical place for worship at which religious services are the primary activity and are regularly conducted;

(5) a trade association or professional society the income of which is principally derived from membership dues and assessments, sales, or services;

(6) an insurer licensed and regulated by the Texas Department of Insurance; or

(7) an alumni association of a public or private institution of higher education in this state that is recognized and acknowledged as the official alumni association by the institution.

Credits

Acts 2003, 78th Leg., ch. 182, § 1, eff. Jan. 1, 2006. Amended by Acts 2005, 79th Leg., ch. 64, § 70, eff. Jan. 1, 2006.