Oak Parke Homeowners' Association
% Goodwin Management, Inc.
11149 Research Blvd., Suite 100, Austin, TX 78759-5277
Phone: 512-502-7517 Email: hoa@ophoa.org

To: Mr. Thomas Lott
XXX XXXX XX
Austin, TX 78749

Mr. Robert Wood
XXX XXXX XX
Austin, TX 78749

Date: September 16, 2010

Re: Fence Repair Request

Dear Tom & Rob:

At the June 15, 2010 Board meeting, you requested that the HOA replace the fence along the five homes that border Brodie Lane and at the July 20th meeting provide additional information from the fence committee. After reviewing the documentation you provided, it is opinion that the Board should base its decision on what the "intent" of the developer was when the fence was constructed and definition set forth in the CC&R's (Section 2.3.c). Although no vote was taken at either meeting, this letter is your notice that the Board will vote as follows at the September 21st Board meeting:

> *It is the decision of the BOD that our governing documents do not prescribe the payment for the maintenance of, or replacement of any fences that border private residences. Any fence that borders a private residence is wholly the responsibility of the homeowner regardless of who originally paid for the fence.*

For your convenience, the portions of the June 15, 2010 Board minutes regarding the fence issue are being placed as an attachment to this letter.

In addition to the Board discussion on June 15th, the Board also found a notation from the Recording Secretary's Draft of the July 10, 2007 Board minutes that assisted us with our decision. That notation is as follows:

Oak Parke Homeowners' Association
% Goodwin Management, Inc.
11149 Research Blvd., Suite 100, Austin, TX 78759-5277
Phone: 512-502-7517 Email: hoa@ophoa.org

Notation from July 10, 2007 of Minutes by Recording Secretary:

Tom Lott reported that the Fence Committee has divided the fence into three distinct sections:

(1) The primary section is the section immediately behind the five residences along Brodie Lane. This section is primarily needed for privacy of the individual residences but still owned by the Association. Its condition is adequate to last at least a couple of years with some TLC by the Association and the residents adjacent to it. *(NOTE: this is not an official document demonstrating ownership – the wording was taken from a presentation provided by the Fence Committee to the Board.)*

As reported by Mr. Lott in 2007, the fence along the five homes that border Brodie Lane is primarily needed for the privacy of the individual residences. Therefore, the main benefit of the fence is for the personal homeowners, not the Association. Other than the presentation provided by the Fence Committee to the Board, the Board has found no evidence or documentation exhibiting ownership to indicate that the fence is currently owned by the Association, or that the Association has any obligation to maintain it. Please refer to the attachment for further discussion on this issue.

We hope you understand that the Board has a fiduciary duty to all Members of the Association. We feel that spending so much of the HOA's valuable resources on five Members is not in the best interest of the entire membership.

The Board appreciates your interest in this matter, and would like to thank you for your understanding of its decision.

Sincerely,

Chris Driggs, President