

**RESOLUTION REGARDING MAINTENANCE OF FENCES  
THE KIRKWOOD SOUTH COMMITTEE  
A TEXAS NON-PROFIT CORPORATION**

WHEREAS, the By-Laws governing The Kirkwood South Committee, ("the Committee"), as well as the Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions governing the Kirkwood South subdivision, Chapter 204 of the Texas Property Code, and the Texas Non-Profit Corporation Act, authorize the Committee to exercise all powers reasonable and necessary for the governance and operation of the Committee;

WHEREAS, the Texas Property Code further authorizes the Committee to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision;

WHEREAS, the Texas Property Code provides that the Committee may implement written architectural control guidelines for its own use or record the guidelines in the real property records of Harris County, Texas, and modify the guidelines as the needs of the subdivision change;

WHEREAS, the Committee's Board of Directors has determined that such policies, rules and guidelines are necessary and desirable for the fair, efficient and cost effective management of the Committee, and in the best interest of the Committee and its members;

WHEREAS, the Committee's Board of Directors has also determined that it is in the Committee's best interest to adopt certain policies, rules and procedures regarding the maintenance, repair and replacement of fences upon properties within Kirkwood South;

**NOW, THEREFORE, BE IT RESOLVED** that the following policies, rules and procedures regarding the maintenance, repair and replacement of fences within Kirkwood South are hereby adopted on behalf of the Committee,

1. All properties within Kirkwood South will be inspected annually, in January of each calendar year, for the purpose of determining whether fences located within Kirkwood South are in need of maintenance, repair or replacement. Such initial inspection may be conducted by the Committee's managing agent, the Board of Directors, or both.

2. Following the initial (January) inspection, owners of properties determined to need fence repair, maintenance or replacement shall receive written notification, wherein such owner(s) will be requested to take corrective action within thirty (30) days of the date of such request. Such notification shall request that all necessary work be completed within thirty (30) days of the date of such request.

3. Following the thirty (30) day period described above, all properties shall be inspected for compliance with the Committee's request. Those owners who have failed to comply shall receive a (final) written notification, wherein such owner(s) will be requested to complete all work within fifteen (15) days of the date of such request. Within such final request, all non-complying owners shall be advised that failure to comply with the Committee's request will result in such owner/property being referred to the Committee's legal counsel for appropriate legal action.

4. Following the fifteen (15) day period described above, all properties shall be re-inspected for compliance with the Committee's request. Those owners who have failed to comply shall be referred to the Committee's legal counsel for appropriate legal action.

5. In accordance with the Texas Property Code, after providing notice and an opportunity to be heard, all attorney's fees and other costs incurred in the enforcement of deed restrictions, policies, rules and regulations shall be the obligation of the owner(s) of the property where such deed restriction violation or infringement occurred, and the same shall be charged to the owner's assessment account and collected in a like manner.

Adopted on this 30<sup>th</sup> day of November, 2000.

THE KIRKWOOD SOUTH COMMITTEE

L. J. Guillory  
By: L. J. GUILLORY, PRESIDENT

ATTEST:

Cynthia Pennington  
Secretary

Jean K. Blackmon  
Vice President

Margaret Jordan  
Director

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Director