



STATE OF TEXAS
COUNTY OF TRAVIS

**Summerwood Homeowners' Association of Austin, Inc.
Resolution Regarding Exterior Maintenance**

1

Whereas the Declaration of Covenants, Conditions and Restrictions for Summerwood Homeowners' Association of Austin, Inc. is recorded in Volume 5005 Page 568; and

Whereas Article 5 of the Declaration provides for the exterior maintenance of lots and the levy of annual assessments by the Association, and describes the calculation of those assessments; and

Whereas the Declaration requires that the assessments on each lot for exterior maintenance bear as near a relationship to the actual cost of exterior maintenance as is practicable, the Board has adopted the following Resolution that will be applied to all lots and improvements in the Association. The Resolution is as reflected in the minutes of the attached March 24, 2005, Board of Directors meeting (see page 3-4), and such Resolution generally provides that assessments for an individual will be adjusted if the disparity in maintenance cost between lots is forty percent or more.

Effective March 24, 2005.

Summerwood Homeowners' Association of Austin, Inc.

By: Niemann & Niemann, L.L.P.

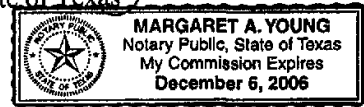
By: Connie N. Heyer
Connie N. Heyer, Attorney and Authorized Agent

STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on the 21st day of April, 2005, in the capacity stated above.

Margaret A. Young
Notary Public, State of Texas

After recording, please return to:
Niemann & Niemann, L.L.P.
Attorneys At Law
Westgate Building, Suite 313
1122 Colorado Street
Austin, Texas 78701



**Summerwood Homeowners' Association
Monthly Meeting of the Board of Directors
March 24, 2005**

Board Members Present:

Judy Briscoe; Jerry Nugent; Lee Posey; Jim Robinson; Griff Singer; Kay Sterling; Sue Sullivan

Board Members Absent: Brett Dula; David Seligman

Committee Chairs & Residents:

Bob Betzer, Irrigation Co-chair; Gary Briscoe, Grounds; Art Elliott, Irrigation Co-chair; Louise Hill, Recreation Chair; Dorothy Reeves, Recreation

Property Manager: Stan Scheiber

Adoption of Agenda:

Jim Robinson, President, called the meeting to order, noting that a quorum was present and asked for adoption of the agenda. *Briscoe moved; Singer seconded and the motion carried to approve the agenda.*

Approval of Minutes of Regular Meeting on February 24, 2005:

Sue Sullivan verified that the date on the Treasurer's Report was correct. *Sterling moved; Posey seconded and the motion carried to approve the minutes of the February 24, 2005 meeting.*

Committee Reports:

Brett Dula, ECC Chair, submitted a written report indicating that the painting contract for 2005 is complete, with all 18 homes detailed. The ECC's focus for the next several months will be repairing damaged areas to those 16 homes scheduled to be painted in 2006: 3801 & 3802 Woodbrook Circle; 8312, 8314, 8316, 8318, 8320 & 8322 Summerwood Drive; and 8205 – 8305 Greenslope.

Dula's report indicated that the Property Manager had obtained two bids for the replacement of two heaved and broken driveways at 8401 Cima Serena Ct and 8348 Summerwood Dr.: Chandler Construction bid \$3354.44 & Don Brown Concrete Repair bid \$4820. *ECC recommended that the Board accept Chandler Construction's low bid of \$3354.44, and asked the Board to survey the properties & decide a course of action.*

Robinson asked Scheiber to verify the bids & to determine if the sections closest to the streets can be preserved. Robinson agreed to poll the Board as soon as Stan verified the information so that work can begin.

Sterling expressed her concern that certain areas of the common sidewalks retain water. *Scheiber agreed to check with Dula.*

Singer stated that there is a heave in the public sidewalk beyond where Summer Tree Ct. ends and wondered if SHOA might be liable. *Scheiber knows of a company that can level the area and will check with Dula, but he first agreed to determine if they are Summerwood's sidewalks.*

Hugo Silva, Facilities & Security Chair, submitted his written report indicating that there were no major problems at this time; however, *he and Dula would have a report on the pool fences for the next Board meeting.* He commended the trimming of the trees around the large pool and stated that the fluorescent lights are exceeding expectations.

Scheiber noted that several garage door lights are out and agreed to email the specific information to Silva.

Gary Briscoe, Grounds Chair, asked for residents' patience with the large amount of leaves on the grounds this time of year, and stated that now that the sprinkler system has been activated, Vista Scape will apply spring fertilizer.

Briscoe distributed an article that Posey obtained from Texas A & M regarding ball moss. **Simply stated, ball moss does not kill trees**; however, if it is not controlled, it will spread. *Briscoe asked Singer to summarize the article for the newsletter & filed the report in the clubhouse. Briscoe & Posey will spray some of the trees to see if that will kill the ball moss.*

Bob Betzer, Irrigation Co-Chair, reported the irrigation systems were operationally inspected and repaired accordingly; however, other repairs will be completed the week of March 21st. Further, the systems were activated on March 17th to water the grounds twice per week. Systems A & C – Summer Place areas & the west side of Summerwood & Greenslope pool areas – operate on Friday and Monday; Systems B & D – Summerwood & club house areas and areas north of the creek bed – operate on Saturday and Tuesday.

Jim Robinson reported for **Brett Dula, Nominations Chair**. Although we do have four (4) candidates, Dula obtained negative responses from 26 people. The lack of interest and/or the unwillingness to accept responsibility in helping to run SHOA is a matter of concern.

Louise Hill, Recreation Chair, and **Dorothy Reeves, Committee Member**, reported that a "Meet the Candidates" function will be Sunday, May 1, 2005 from 5:00 p.m. to 7:00 p.m. Invitations will be distributed.

Treasurer's Report:

Sue Sullivan reported there is only \$3,000.00 budgeted for driveway repairs in the 2005 budget.

Property Manager's Report:

Scheiber reported that Hillcrest Baptist Church has been reserved for the Annual Meeting on May 19, 2005 at 7:00 p.m. The room has been reserved from 6:00 to 9:00 p.m.

With regard to pool fences, Scheiber stated that so far he has received two (2) bids to bring them up to code, and that Dula & Silva will decide. He indicated that some pillars are rusted, but new faces can be welded.

Scheiber reported that the insurance issue is still pending. He has contacted the previous insurance company to determine if SHOA was due a rebate, but because the company had made adjustments throughout the year, there will be no rebate. SHOA's current insurance company will refund approximately \$800.00 within the next week. *Since the renewal date is June 17th, Scheiber has been assured that he will receive a firm figure the first week of May.* That should provide ample time to notify the residents so they can decide whether or not to be insured under the Master Policy. Briscoe asked if this would be discussed at the Annual Meeting and Robinson responded that it would be a major item.

The CAM financial report for the month ending February 28, 2005, indicated that total expenses were \$3,835.00 under budget for the month and \$8,665.00 under budget for the year.

The EM financial report for the month ending February 28, 2005, indicated that total expenses, prior to the painting and insurance budget, were \$3,944.00 under budget for the month and \$595.00 under budget for the year.

Resolution Relating to Unequal Exterior Maintenance Assessments:

Robinson distributed the proposed resolution as suggested by the Ms. Heyer, attorney hired by SHOA, and asked that upon approval by the Board, Singer include an article in the newsletter regarding this issue.

After reviewing the proposed resolution, Briscoe moved; Posey seconded and the resolution was adopted as follows:

WHEREAS, Article V of the Amended Declaration of Covenants, Conditions and Restrictions of Summerwood Homeowners' Association of Austin, Inc. (hereinafter called "the Declaration") provides for the exterior maintenance of lots (as defined in the Declaration) and the levy of annual assessments by the Association, uniformity in the rate

of assessment as to each lot not being required provided the Board of Directors of the Association fixes such assessment, and any increase or decrease thereof, so that it bears as near a relationship to the actual cost of such exterior maintenance as is practicable, and

WHEREAS, from time to time the Association has encountered disparity in the cost of similar maintenance of comparable lots caused by uniqueness, location, and/or construction of, or difficulty of access to, the lot, the disparity sometimes being substantial, and

WHEREAS, such substantial disparity in the cost of similar maintenance of comparable lots will cause other owners of comparable lots to subsidize the additional maintenance costs of the lot which causes the disparity, or conversely the owner of the lot causing the disparity to subsidize the other owners of comparable lots if his/her maintenance costs are substantially less, unless the assessment of the owner of the lot causing the disparity is increased, or decreased as the case may be, to account for the disparity.

NOW, THEREFORE, BE IT RESOLVED, that the Association, pursuant to Article V, Section 7, of the Declaration, shall adjust the assessment of any lot owner whose lot is determined by the Board of Directors to cause a disparity in the cost of similar maintenance of comparable lots, whether more or less, amounting to forty percent (40%) or more of the average cost of similar maintenance of other comparable lots. The Board of Directors, in determining such disparity and the percentage thereof, shall when reasonably possible base its determination on at least three competing bids by independent contractors who have no personal or business affiliation with the Association or any of its then directors or officers.

Scheiber will have Connie Heyer, SHOA attorney, file a copy of the resolution and the minutes with the County Clerk.

Long Range Study of Summerwood Needs:

Robinson reiterated his belief that Summerwood should have a long-range planning committee whose responsibilities would not conflict with those of the standing committees, but would be more big-picture, future-oriented. *He suggested that the incoming Board consider appointing the ad-hoc committee. Singer suggested that a survey of residents be developed and distributed to assist in the long-range study.*

Summerwood Declaration Anniversary:

Robinson stated that March 28, 2005 is the 30-year anniversary of the Summerwood Declaration and now that that milestone has been passed, only 75% of residents have to approve the new SHOA Declaration, rather than the previous 90%. Robinson further stated that the Revision Committee has had two reviews and now the legal review is being conducted.

Summerwood Forum to Spotlight Summerwood Residents:

Judy Briscoe stated that she and Robinson had met to discuss the proposed continuing education/"did you know" presentations. There are so many Summerwood residents who have varied and interesting experiences, careers, travels, etc. and it would be a wonderful way to get to know each other better and expand our horizons. An initial discussion included a list of 9 or 10 potential speakers, with a premier being held either April 19th or 20th, with quarterly forums after that. *Posey suggested calling them "Clubhouse Chats" and the Board encouraged Briscoe and Robinson to pursue the idea.*

Other Business:

Posey asked Singer to include an article in the newsletter about residents picking up after their dogs. There was discussion about installing signs citing the City of Austin ordinance and also non-residents being the main violators. Scheiber suggested notifying him if anyone sees a resident not picking up after his/her animals and he will send the resident a letter.

Jerry Nugent arrived.

Sullivan reported a resident who has installed an unsightly mailbox. *Robinson said that since this is also the resident with an unapproved garage door, he will send a letter advising him of the garage door and mailbox violation.*

There being no further business, the meeting adjourned.

**SUMMERWOOD HOMEOWNERS' ASSOCIATION OF AUSTIN,
INC.**

PROPOSED RESOLUTION
(For Adoption by the Board of Directors)

WHEREAS, Article V of the Amended Declaration of Covenants, Conditions and Restrictions of Summerwood Homeowners' Association of Austin, Inc. (hereinafter called "the Declaration") provides for the exterior maintenance of lots (as defined in the Declaration) and the levy of annual assessments by the Association, uniformity in the rate of assessment as to each lot not being required provided the Board of Directors of the Association fixes such assessment, and any increase or decrease thereof, so that it bears as near a relationship to the actual cost of such exterior maintenance as is practicable, and

WHEREAS, from time to time the Association has encountered disparity in the cost of similar maintenance of comparable lots caused by uniqueness, location, and/or construction of, or difficulty of access to, the lot, the disparity sometimes being substantial, and

WHEREAS, such substantial disparity in the cost of similar maintenance of comparable lots will cause other owners of comparable lots to subsidize the additional maintenance costs of the lot which causes the disparity, or conversely the owner of the lot causing the disparity to subsidize the other owners of comparable lots if his/her maintenance costs are substantially less, unless the assessment of the owner of the lot causing the disparity is increased, or decreased as the case may be, to account for the disparity.

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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2005 Apr 29 01:58 PM 2005075173

HERRERAR \$28.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS