



Land's End Homeowner Association

Minutes of Board of Directors Meeting

Date: April 25, 2009

The Board met on this date in the Community Room of the LEVFD at 9:45am. In attendance were HOA Directors TJ Henshaw, Joe Munsch, Jim Tucker, Tony Brill and Brad McCampbell. Barb Henshaw secretary was also present.

Prior to the meeting Board members had received all of the Owner input emails regarding the circulated drafts of PR #5 and PR #11 that had been adopted at the April 4th meeting, along with an updated draft that incorporated many of the Owner's suggestions. After one modification was made, all five Board members agreed that Draft #4 accurately reflected what the Board had always permitted under Section 6.2 and how they had and will continue to enforce that provision. Some Owners had suggested in their comments that adopting PR #11 would require a 75% vote of all Owners because it would amend Section 6.2 rather than interpret the intent. TJ reminded the Board members that the WHEREAS statements in draft #4 of PR #11 outline the Board's authority and motivation in this respect. He called their attention to all of the preceding PRs that have been adopted over the past seven years with the full support and input of Owners, and that each of those PRs is an exercise of discretionary authority to determine how certain provisions of the CCRs would be interpreted or applied. Brad McCampbell was asked his opinion on whether or not PR #11 was legal and if the Board has the authority to adopt it. Brad answered "yes" to both.

Jim raised the question as to why the Board needed to define what commercial activity is permitted. Even though he had voted for it, he was concerned that several Owners were upset about the PR and some suggested the Board was just doing this for Lee Knight. During a lengthy discussion on the merits of PR #11, TJ read aloud Section 6.2 which states, "*no commercial activity shall be carried on, except that, home office/telecommuting or other such non-public activities may be permitted by the Board.*" TJ said the Board had never defined (in writing or otherwise) what it may permit and failure to do that leaves the door open to interpret that nothing is permitted, and any owner with a home office or money making hobby is at risk of being sued if another homeowner chooses to do so. TJ named several residents whose activities could be considered "commercial": Bill Musgrave works with model toys in his garage and sells

at shows and over the Internet, Chester Martin sells wood carvings over the Internet, Chuck Davis writes software programs, Jim Saegert runs his business from home and stores samples in his garage, Jeanette Warren does CPA work, and others, not to mention any number of professionals and business owners who sometimes work from home or entertain clients. TJ said the activities that "*may be permitted*" needs defining to clearly state what is and is not permissible. Joe said every time there is a problem we deal with it, and this is no different than any other policy and needs to be addressed. Defining home office use is reasonable and the board needed to do so to prevent the same sort of problems from happening in the future.

The board discussed all those owner comments that were helpful in nature and decided to give owners extra time to comment since many owners hadn't responded at all and/or owners who wanted to say more on the issue should have the chance to do so. They were happy with the wording in draft # 4 (included in minutes) but wanted some additional time to think about it. Final action on PR #11 was postponed until the next board meeting.

The revised draft of PR #5 that incorporated several suggestions made by Owners was reviewed and unanimously adopted to take effect immediately.

The Board then discussed Merion Reynolds' response to the Board's letter of April 4th regarding a nuisance complaint filed by Missy Knight. Mr. Reynolds' response confirmed allegations 1 & 2. The Board decided to respond to Mr. Reynolds with an appeal to stop those actions that were annoying and disruptive to the community. Joe suggested we include in our reply to Missy Knight a request they not solicit support from neighbors for their position, as this would also be divisive to the community. TJ will draft a response to each party and circulate it to all Board members for review and approval.

TJ told the board he had finally contacted Mr. Banning and all fees, dues, assessments and late charges had been paid in full.

The meeting ended at 12:45 pm

Barb Henshaw Secretary



The Board of Directors

TJ Henshaw, President Joe Munsch, Vice President
Brad McCampbell Jim Tucker Tony Brill

POLICY RESOLUTION NUMBER 5 (Revision #2)

FENCES & PARKING

WHEREAS, Article VII Section 7.1.g Duties of the Association, of the Declaration of Covenants, Conditions, Restrictions and Easements for Land's End at Lake Fork (the "Declaration") makes the Board of Directors (the "Board") responsible for enforcing the provisions of the Declaration; and

WHEREAS, Article XV Section 15.8 Liberal Construction, of the Declaration allows provisions to be liberally construed to effectuate its purpose; and

WHEREAS, the Board desires to accommodate the wishes of Owners, providing that accommodation does not detract from the overall high quality of the Development, and desires to adopt reasonable standards that can be consistently applied to all Owners;

NOW THEREFORE BE IT RESOLVED THAT applications for approval of fences will be considered by the Architectural Control Committee (the "ACC") on an individual basis to the extent they are:

1. Not located closer to the roadways than the dwelling; and
2. Constructed of high quality materials that compliment the appearance of the home; and
3. Contain no elements of chain link or wood privacy-type; and
4. Constructed only of wrought iron if located in the rear of lots adjacent to the golf course; and
5. Not assured approval even if all the above criteria are met.

The following enclosures will be permitted without approval provided they meet the specified criteria:

6. Pet enclosures may be no larger than 10'L X 10'W X 6'H, must be black or other subdued dark color, and must be located near the home and not in plain view of the roadway. Pet enclosures not actively used must be removed.
7. The trunks of small trees may be protected from deer with 3" welded wire enclosures no taller than 48" high and in the smallest diameter practical. A limited use of similar enclosures using 3" welded wire no taller than 48" may be permitted to protect mass plantings, shrubbery or annual flowering plants, provided their use does not become excessive or detract from the overall esthetic appeal of the Lot or the community. Support stakes must be twisted wire of the same color or all-green T-posts no taller than the top of the wire. Enclosures may not be used as a perimeter around landscaping adjacent to structures. *It is strongly recommended that deer repellent such as "Deer Off" or "Liquid Fence" be used in place of enclosures, provided the odor does not constitute a nuisance to your neighbor.*

BE IT FURTHER RESOLVED THAT limited parking of empty boat trailers, utility trailers, tractors and lot maintenance equipment may be permitted on Lake Lots as long as they are not clearly visible from the roadways or fairways.

NOTICE: Permission to use pet enclosures, plant protectors and limited parking privileges under this resolution does not grant any Owner the right to continue doing so in the future should the Board decide to revise this Resolution. If at any time the Board determines there is excessive use of these permissions on any Lot, or if any of the above criteria are not met, the Board will request the items in question be removed from view and the Owner shall promptly comply. All existing pet enclosures, plant protectors or parked items must comply with the above standards not later than May 31, 2009.

ATTEST:

April 25, 2009

President of the Association



The Board of Directors

TJ Henshaw, President
Brad McCampbell

Joe Munsch, Vice President
Jim Tucker Tony Brill

POLICY RESOLUTION NUMBER 11

(Draft 4)

HOME OFFICE/TELECOMMUTING

WHEREAS, the Preamble C.(1), of the Declaration of Covenants, Conditions and Restrictions for Land's End at Lake Fork (the "Declaration") gives the Land's End Homeowner Association (the "Association") the power and authority to administer and enforce the covenants and restrictions governing the Development; and

WHEREAS, Article VI Section 6.24 Enforcement, of the Declaration empowers the Board of Directors to make such rules and regulations as may be necessary to carry out the intent of the restrictions in the Declaration; and

WHEREAS, Article 15.8 Liberal Construction, of the Declaration requires that the Declaration be liberally construed to effectuate its purpose, which purpose is stated in the Preamble B. "...*protecting the value and desirability of the Development, for the benefit of the Development and every Owner*"; and

WHEREAS, the Texas Property Code, Title 11 Section 202.004 Enforcement of Restrictive Covenants, presumes reasonable an exercise of discretionary authority by the Association concerning a restrictive covenant; and

WHEREAS, Article 6.2 Residential Use, of the Declaration prohibits all commercial activity except home office/telecommuting or other such non-public activities as may be permitted by the Board, and the Board has not heretofore defined what uses it does permit for home offices, telecommuting, or other non-public commercial activities; and

WHEREAS, strict enforcement of the "no commercial activity" provision in Article 6.2 would require the Association to shut down all home offices, telecommuters, hobby businesses and any other work from home, even though such activities have no negative impact on the community, and such strict enforcement may actually harm marketability and discourage prospective purchasers, which would adversely affect the value and desirability of homes in the Development; and

WHEREAS, the Board deems it to be in the best interest of the Association and all Owners to adopt certain guidelines that will provide guidance and clarity on the types of activities that are permitted and that will provide a foundation for fair and consistent enforcement of Article 6.2;

NOW, THEREFORE, BE IT RESOLVED THAT the Association does permit the use of your residence as a home office and for telecommuting and such other non-public activities that might otherwise be considered a business or commercial activity but have no impact or effect on the community or its high-quality residential character. In determining whether a particular resident's business activity or conduct has no impact on the community, certain factors will be considered by the Board, including without limitation the following:

1. Activities conducted entirely within the house or other improvement located on the Lot shall be considered non-public activity in compliance with Section 6.2 of the Declaration. The house shall be the bona fide residence of the Owner.
2. The residential character of the Lot and other improvements located on the Lot shall be maintained at all times.

3. The use of a residence as a home office shall not generate excessive vehicular traffic, and parking for any vehicles shall be provided on the subject Lot.
4. Any equipment, materials or products associated with any business operated from a home office shall be kept inside an improvement and may not be openly displayed outside an improvement.
5. A resident's personal vehicles may display a logo and/or reasonable amount of lettering, provided however, the residential address is not displayed on any vehicle owned by the resident.
6. Other than business cards or direct communications, no advertisement relating to any business operated from a home office shall indicate the address of the residence.
7. No activity shall produce loud external noise, odor, dust, smoke, vibration or anything else that may have an adverse impact on the quiet use of homes and safety of the community.
8. Garage and yard sales are public activity and remain prohibited under Section 6.2.
9. Notwithstanding the foregoing, the Association reserves the right to prohibit any business or commercial activity that, in its sole discretion, would have an adverse affect on the community.

BE IT FURTHER RESOLVED THAT the intent of this resolution is for the Board to exercise reasonable discretion in permitting certain in-home, non-public commercial activities as authorized in Section 6.2, while continuing to prohibit undesirable business conduct or activities which are not compatible or in keeping with the residential character and high quality of the Development. With respect to the above factors, the then current Association Board of Directors shall serve as the final authority in any dispute that arises under these standards.

ATTEST:

April 25, 2009

President of the Association