

BLUFFVIEW HEIGHTS HOMEOWNERS ASSOCIATION, INC.

7613 Tezel Road

San Antonio, Texas 78250

(210) 523-1320

mpotex@swbell.net

May 21, 2010

Dear Homeowner:

There have been some questions regarding the perimeter fence around our subdivision. This letter is to clarify what areas of the perimeter fence the association is responsible for maintaining.

The Declaration of Covenants, Conditions and Restrictions Article 1, Section 1.12 states the following:

“Perimeter Wall” shall mean and refer to the wall and/or fence and/or entry structures erected by the Declarant on Lots 1 through 16, Block 1; Lots 1 through 9, Block 2; Lots 56 through 78, Block 2 and along the median strip separating Morningbluff Drive from Wood Valley Drive which shall be owned by the Owners of the Lots upon which such wall or fence is located and maintained by the Association. No Owner shall relocate or remove any portion of the Perimeter Wall without the written consent of the Board of Directors of the Association.

The brick fencing that the association is responsible for is as follows:

Lots 1 – 16, block 1: *Odd number homes* – 13703 – 13763 Morningbluff Dr.

Lots 1 – 9, block 2: *Odd number homes* 13803 – 13831 Morningbluff Dr., 13830 Morningbluff Dr.

Lots 56 – 78, block 2: 406 – 430 Shadowbluff Dr.; *Even number homes* 202 – 218 Silentbluff Dr.; 219 Silentbluff Dr.; 230 Willowbluff Dr.; 203 Willowbluff Dr.

We encourage all homeowners to work with their neighbors regarding shared fences, as per Section 9.12, which states:

Fences. No fence, wall or hedge shall be erected or maintained on any Lot nearer to the street than the building setback lines for the front and side yards, except for fences erected in conjunction with model homes or sales offices. All fences shall be constructed of wood or masonry except for retaining walls installed by the Declarant or retaining walls or decorative walls approved by the ACC. All side and rear property lines must be fenced. All fences shall be six (6) feet in height. No chain-link, metal cloth or agricultural fences may be built or maintained on any Lot. Unless otherwise agreed between Owners, side and rear yard fences that separate adjacent lots shall be owned and maintained by the Owner on whose Lot the fence exists, or if the location is indefinite, such fence will be maintained by the Owners whose Lots are involved jointly with expenses being shared equally. Notwithstanding the foregoing, this Section 9.12 shall not apply to the location of the Perimeter Wall erected by the Declarant or the Association.

While many of our residents have already replaced all, or some, of their fence that faces a street, those that have yet to accomplish this should plan to do it soon, in a way that reflects a competent, professional job. This repaired/replaced section of fence in each resident's yard is the only part that can be seen during the HOA management company's drive by, for neighborhood inspections. Neighbors should communicate with each other to plan for replacement of common fencing that divides adjacent lots, as referenced above.

This communication not only serves to facilitate fence replacement, but also serves to improve the overall level of security of our neighborhood.

There have been some questions regarding the replacement of the backyard wooden perimeter fence which separates the row of homes on the even numbered address side of Morningbluff Dr. and homes on Willowbluff Dr., with the First Assembly of God Church. Other homes on Morningbluff Dr. and Whisperwood Dr., also share a common property line with the Mirada Apartments addressing West Ave. Article 1, Section 1.2 in the Declaration of Covenants, Conditions and Restrictions, also refers to homes on Willowbluff Dr. and Silentbluff Dr.

These questions date back to the June 2009 meeting. At that meeting, your HOA Board stated that it would sum up all available information to identify whether the HOA, or individual neighbors, are responsible for the wooden perimeter fence replacement. In this particular situation, the term "perimeter fence" is a misnomer. Unlike the brick wall that separates many of our lots from West Ave., Wood Valley, or Bitters Road, the referenced wood fence separates member lots from lots owned by non-residents, and certain residents. The only "Perimeter Wall" that exists is a brick wall.

Secondary to the June 2009 meeting, one of your Board members took on and accepted responsibility, for collecting and processing pertinent information, in order to draft a letter of explanation and guidance, regarding this issue. This Board member does not have the referenced fence on his property line, which is exactly why two Board members removed themselves, from the fence replacement issue. Two of your HOA Board members, have the referenced wooden fence, in their backyards. It would have been very easy to disregard or malign the facts, in order to generate reasons for the HOA to replace the backyard fence, but that would be inappropriate.

Unfortunately, doing the necessary research, and producing this letter did not happen as planned. We apologize in advance, for any inconvenience. The President and Vice President of your association, in conjunction with MPOT, filled the void in our spare time, along with our other duties, and produced this letter. We drew our findings from the Declaration of Covenants, the original Plat for Bluffview Heights HOA, and accepted practices for fence replacements on common property lines.

There are no mandates regarding time-lines for completion of fence replacement, as each resident's situation is different, but working with each other, on accepted goals, will keep property values high, and a pleasant curb appeal for everyone.

If you should have any question please call the management company at (210) 523-1320.

Sincerely,

Management Professionals Of Texas

MPOT

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