

THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

1891325

NOTICE REGARDING FENCES  
Deed 07/01/02 3321680 \$11.00  
**UNIVERSITY PLACE CONDOMINIUM**

This Notice is made by East University Place Condominium Association, Inc. (the "**Association**"), the association of owners of units in University Place Condominium, located on East University Boulevard and Skillman Road in the City of Dallas, Dallas County, Texas, acting by and through its Board of Directors.

**OPENING RECITALS**

A. University Place Condominium is subject to the Enabling Declaration for Establishment of a Condominium Regime recorded September 8, 1978, in Volume 78174, Page 1015, Condominium Records, Dallas County, Texas (the "**Declaration**"), which divides the property into units and common elements and allocates the maintenance responsibility for each component.

B. The patios of some ground floor units have been fenced and/or gated at different times and by different parties, including the Declarant and the Association.

C. Because all patios are not fenced, disputes have arisen periodically among Association members about the character of patio fences and gates as common elements, and the responsibility of the Association to maintain patio fences and gates with Association funds.

D. The Board of Directors has been advised by the Association's legal counsel that patio fences and gates are, by default, general common elements because they are not described in the Declaration or shown on the condominium plat as part of the unit ownership or the limited common elements of the condominium.

E. The Board of Directors has been further advised by the Association's legal counsel that (1) the Association is obligated by the Declaration, the Bylaws of the Association, and the Association's Articles of Incorporation to pay the expenses for maintenance, repair, and replacement of general common elements, and (2) the maintenance obligation for fences and gates in particular is not expressly assigned to unit owners by the Declaration, Bylaws, or Articles of Incorporation.

F. The Board of Directors believes it is in the best interest of the Association to publish this Notice to confirm the character of and maintenance obligation for patio fences and gates in a manner consistent with the Association's governing documents and State law.

**NOTICE**

All fences and gates at University Place Condominium, including patio fences and gates, are general common elements of University Place Condominium. Because they are common elements, fences and gates, including patio fences and gates, must be maintained, repaired, and replaced by the Association as a common expense to which all owners are obligated to contribute on a pro

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rata basis. Also, the Association has the right to regulate every aspect of the appearance of all fences and gates at University Place Condominium, including patio fences and gates.

The fact that patio fences and gates are common elements to be maintained by the Association as a common expense does not prevent a unit owner and the Association from entering into a mutual covenant agreement that shifts some or all of the maintenance responsibility and cost to the unit owner, provided the agreement is signed by both parties and recorded in the Real Property Records of Dallas County, Texas. This Notice may not be construed (1) to require the Association to install fencing or gates where none exists, or (2) to require the Association to preserve or replace existing fencing or gates that the Association, acting through its Board of Directors and in the best interest of the Association as a whole, believes should be removed or modified.

The undersigned officer certifies that the substance of this Notice was approved by the Board of Directors of the Association at the meeting of the Board of Directors on May 15, 2002, at which a quorum was present, and that the exact wording of this Notice was subsequently approved by an executive committee of the Board of Directors.

SIGNED on the 26 day of June 2002.

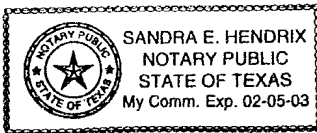
**EAST UNIVERSITY PLACE CONDOMINIUM ASSOCIATION, INC.**, a Texas condominium association

By: Kathaleen Bauer  
Kathaleen Bauer, President

THE STATE OF TEXAS §  
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COUNTY OF DALLAS §

This instrument was acknowledged before me on the 26 day of June 2002 by Kathaleen Bauer, President of East University Place Condominium Association, Inc., a Texas condominium association, on behalf of said association.

Sandra E. Hendrix  
Notary Public, The State of Texas



After recording, please return to:  
Principal Management Group  
Attn: Ms. Brenda Law  
5622 Dyer Street  
Dallas, Texas 75206

COUNTY CLERK, Dallas County, Texas

*Earl Bullock*



JUL 7 2002

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.  
STATE OF TEXAS  
COUNTY OF DALLAS  
I hereby certify this instrument was filed on the date and time stamped hereon by me and was duly received in the volume and page of the named records of Dallas County, Texas as stamped hereon by me.

2002 JUL -1 PM 3: 13  
EARL BULLOCK  
COUNTY CLERK  
DALLAS COUNTY

FILED

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