

AFFIDAVIT OF RESOLUTION ADOPTING FINE SYSTEM FOR MAINTENANCE FEE
COLLECTION

THE STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared LETA
WHISENHUNT, Agent-in-Fact for the Timbergate Homeowner Association, Inc., known to me
and who being by me duly sworn, states on oath the following:

"My name is LETA WHISENHUNT. I am over twenty-one (21) years of age, and am
fully competent to make this Affidavit. I am the agent-in-fact for Timbergate Homeowner
Association, Inc., a Texas non-profit corporation, operating in Harris County, Texas. I have
personal knowledge of all the facts stated herein and am fully authorized to make this
Affidavit in behalf of the Timbergate Homeowner Association, Inc. (the "Association").

*Law
Houll*

In my capacity as agent-in-fact for the Association, I am responsible for maintaining the
Association's business records. I have reviewed the Association's business records and the
statements below are within my personal knowledge true and correct.

I am a custodian of the records of the Association. Attached to this Affidavit are a number of
pages of records from the Association. The attached records are kept by the Association in
the regular course of business, and it was the regular course of business of Association for
an employee or representative of the Association, with knowledge of the act, event,
condition or opinion, to make the record or transmit information thereof to be included in
such record; and the record was made at or near the time or reasonably soon thereafter. The
records attached hereto are the original or exact duplicates of the original. A list of these
records is as follows:

- 1) Resolution Adopting Fine System for Maintenance Fee Collection

FILED FOR RECORD
8:00 AM

SEP 16 2004

Brenda D. Keyman
County Clerk, Harris County, Texas

Res
24
F

10-1-04-2004

FURTHER AFFAINT SAYETH NOT.

Leta Whisenhunt
LETA WHISENHUNT
Agent-in-Fact
Timbergate Homeowner Association, Inc.

SIGNED AND SWORN TO BEFORE ME, by the said LETA WHISENHUNT, this the
18th day of *August*, 2004.



Billie J. Graham
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

LJ ^{KAT ✓} Services
Property Management
Po Box 6406
KATY, TX 77491-6406

532-68-1135

TIMBERGATE HOMEOWNERS ASSOCIATION, INC.
C/O LJ Services Property Management Company
P. O. Box 6406 Katy, Texas 77491-6406

RESOLUTION ADOPTING FINE SYSTEM FOR MAINTENANCE FEE
COLLECTION

WHEREAS, the Board of Directors of the Timbergate Homeowners Association, Inc. (the "Association"), held a Board of Directors meeting on July 20, 2004; and

WHEREAS, the Board of Directors determined that it had a fiduciary duty to the membership to ensure that the community's deed restrictions are strictly enforced; and

WHEREAS, the Board of Directors further determined that this duty must, necessarily, be conducted in a reasonable and balanced manner with regard to both community and individual homeowner interests; and

WHEREAS, the Board of Directors further determined that, before turning such matters over to the Association's legal counsel, a fine system could be used to help prompt homeowner compliance without incurring the greater expense associated with legal action; and

WHEREAS, the Board of Directors determined that adoption of such a policy would be consistent with the powers vested in the Association pursuant to, *inter alia*, Texas Property Code 204.010 (a)(13),(20),(21) and Texas Non-Profit Corporation Act Art. 1396-2.02 (15); and

WHEREAS, a proposal was made to the Board of Directors to implement such a fine system whereby a fine would be assessed to a lot owners assessment account; and

WHEREAS, a proposal was made that the fines levied should be designed to recover the costs expended by the Association through its initial steps of maintenance fee collection; and

WHEREAS, a proposal was made that the initial fine for maintenance fee delinquency past February 1st of each year should be fifty dollars (\$50.00); and

WHEREAS, during the course of business, a vote of the Board of Directors was taken to approve adoption of the proposed policy pursuant to Art. VII, Section 2(c), of the Association's Bylaws; and

592-48-1186

WHEREAS, upon review of the votes cast for the above proposal, it was determined that the above-listed policy for deed restriction enforcement was passed by a vote of the Board of Directors; NOW, THEREFORE,

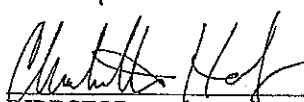
BE IT RESOLVED, that the Association, acting by and through its Board of Directors, shall adopt the aforementioned fine system whereby failure to pay any year's maintenance assessment by February 1st shall result in a fifty dollar (\$50.00) fine being levied against such owner's assessment account.

BE IT FURTHER RESOLVED, that the Board may increase this fine as the needs of the community dictate.

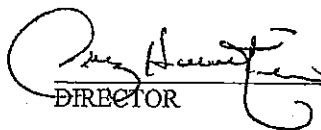
BE IT FURTHER RESOLVED, that the enforcement procedure hereby adopted be published to the membership through circulation of the community newsletter.

The resolution was adopted by the Board of Directors on July 20, 2004. IN WITNESS WHEREOF, the undersigned have executed this Resolution the 17th day of

August, 2004.

 Charvetter Haley
DIRECTOR


DIRECTOR

 IVEZ Hawkins
DIRECTOR

1522-43-1187

The resolution was adopted by the Board of Directors on the 20th day of JULY, 2004.

Charlnetter Haley – see signature on previous page

DIRECTOR

SIGNED AND SWORN TO BEFORE ME, by Charlnetter Haley this the 17th day of August, 2004.



Leta Whisenhunt
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Robert Dunlap – see signature on previous page

DIRECTOR

SIGNED AND SWORN TO BEFORE ME, by Robert Dunlap, this the 17th day of August, 2004.

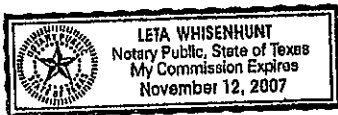


Leta Whisenhunt
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Inez Hawkins – see signature on previous page

DIRECTOR

SIGNED AND SWORN TO BEFORE ME, by Inez Hawkins, this the 17th day of August, 2004.



Leta Whisenhunt
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

592-48-1188

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS VOID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

SEP 16 2004



Coody L. Kayman

COUNTY CLERK
HARRIS COUNTY, TEXAS