

FINE AND ENFORCEMENT POLICY

WIMBERLY LANE SUBASSOCIATION, INC.
VIOLATIONS OF RESTRICTIONS, BYLAWS OR RULES

FINE AND ENFORCEMENT POLICY

AUTHORITY

Pursuant to that certain Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West, Phase 1, dated September 30, 1998, recorded in Volume 13281, Page 0035, Real Property Records of Travis County, Texas, as amended, the Board, by unanimous consent, has adopted this fine and enforcement policy as part of the rules and regulations of the Association. In the event of any conflict between the terms and provisions of the policies set forth herein and the provisions of Chapter 209 of the Texas Property Code, the provisions of Chapter 209 shall control. The policies and procedures set forth herein shall govern violations of the Governing Documents of the Association. The term "Governing Documents" means this Declaration, the By-Laws of the Association, the Architectural Guidelines, the rules and regulations, and resolutions of the Board (as defined in the Declaration). The policies and procedures set forth herein do not apply to violations for failure to pay assessments levied by the Association. The Board has adopted alternative policies and procedures for such violations.

A violation may be committed by an Owner, an occupant of a residence, or the Owner or occupant's family, guests, employees, contractors, agents or invitees. The Association will seek to provide notice to the violating party, but the Owner is responsible for violations which occur on an Owner's Lot without regard as to whether those violations were committed by an occupant other than the Owner, or the Owner's family, guests, employees, contractors, agents or invitees.

NOTICE OF VIOLATION

The manager of the Association has the authority to send violation notices utilizing the form attached hereto as Exhibit "A" (the "Notice"), unless otherwise directed by the Board. In certain circumstances, the Board may direct the manager to suspend an Owner or occupant's right to use recreational facilities within the Common Area, suspend an Owner's right to vote on any matter which may properly come before the membership of the Association, or levy a Specific Assessment against the Owner's Lot for charges incurred by the Association to bring the Lot into compliance or for damages incurred by the Association as a result of the violation. In addition to the foregoing actions, the Board may also elect to take any of the actions specified in Section 3.05(b) or 8.10 of the Declaration. In general, however, the penalty for violation of the Governing Documents will be the assessment of a fine against the Owner and/or violating party. The Notice attached hereto: (i) describes the violation or property damage that is the basis for the fine; (ii) informs the violating party that they are entitled to a reasonable period to cure the violation and avoid the fine; and (iii) informs the violating party that they may request a hearing before the Board on or before the 30th day after the date they receive the Notice. In the event the Board elects to enforce an alternative penalty, the Notice shall describe such penalty.

SCHEDULE OF FINES

For each violation of the Governing Documents the Board has adopted the following schedule of fines:

First Offense (defined below)	\$50 per day* per violation
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Repeat Violations (defined below)	\$50 per day* per violation
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* Fines commence upon expiration of the cure period provided in the Notice and are payable as provided below. The Board reserves the right to levy fines against any Owner or other party which differ from the schedule of fines set forth above. In addition, the Board may amend or modify the schedule of fines generally applicable to violations of the Governing Documents from time to time.

The First Offense: A first offense means that the Owner or other party has not violated a similar provision of the Governing Documents within six (6) months from the date of any prior notice describing such violation.

A. Hearing Not Requested. In the event a hearing before the Board is not requested within the thirty (30) day period specified in the Notice, the fine described in the Notice will be assessed for each day the violation continues after the expiration of the cure period provided in the Notice. The fine is due and payable after the expiration of the thirty (30) day period for requesting a hearing. If the violation is not cured or the fine paid within ten (10) days after the expiration of the thirty (30) day period for requesting a hearing, the matter will be referred to the Association's attorney for further action. In the event the matter is referred to the Association's attorney, attorneys fees and collection costs incurred by the Association will be collected from the Owner or other party as a precondition to settlement unless otherwise approved by the Board.

B. Hearing Requested. If a hearing is requested within the time period specified in the Notice, and the matter is not resolved as a result thereof, the fine specified in the Notice (or the fine determined by the Board as a result of the hearing) will be assessed for each day the violation continues after the expiration of the cure period provided in the Notice. The fine will be due immediately after the hearing. If the violation is not cured or the fine paid within ten (10) days after the hearing, the matter will be referred to the Association's attorney for further action. In the event the matter is referred to the Association's attorney, attorneys fees and collection costs incurred by the Association will be collected from the Owner or other party as a precondition to settlement unless otherwise approved by the Board.

C. Hearing. A hearing before the Board is held to discuss, verify facts and attempt to resolve the matter identified in the Notice. Unless otherwise agreed by the Board, each hearing shall be conducted in accordance with the agenda attached hereto as Exhibit "B".

Repeat Violations: A repeat violation means that the Owner or other party has violated a similar provision of the Governing Documents within six (6) months from the date of any prior notice describing such violation. In the case of repeat violations, an Owner or other party is not entitled to a hearing before the Board. The fine will be due in the event the violation is not cured within ten (10) days after a notice of the violation and fine has been sent to the Owner or other party. A repeat violation notice will: (i) describe the violation; (ii) provide the owner or other party ten (10) days to cure the violation, unless otherwise directed by the Board; and (iii) assess the fine. If the violation is not cured or the fine paid within ten (10) days after the hearing, the matter will be referred to the Association's attorney for further action. In the event the matter is referred to the Association's attorney, attorneys fees and collection costs incurred by the Association will be collected from the Owner or other party as a precondition to settlement unless otherwise approved by the Board.

EXHIBIT "A"

NOTICE (FIRST OFFENSE ONLY)

NOTICE OF VIOLATION

CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND FIRST CLASS MAIL

[NAME]

[ADDRESS]

Austin, Texas 787__

RE: Wimberly Lane Subassociation, Inc. - Violation of Governing Documents

Governing Document: [IDENTIFY GOVERNING DOCUMENT AND REFERENCE
APPLICABLE PROVISION]

Dear [NAME]:

As a courteous reminder from your homeowners association, please be advised that you are in violation of the covenants, guidelines or rules applicable to our community. The covenants, guidelines, and rules are intended to preserve the value of property within the Barton Creek ABC West/Wimberly Lane community, and to protect you as well as your neighbors.

We realize that many infractions are unintentional and this was probably a simple oversight. Promptly and positively correcting the situation will prevent the need for further action. We ask your cooperation in taking the following action **within ten (10) days** from the date of this notice:

[DESCRIBE ACTION]

If this situation has been resolved, please confirm your resolution of the violation in writing to the Wimberly Lane Subassociation, Inc., c/o Certified Management of Austin, 3007 Longhorn Blvd., Austin, Texas 78758, or fax to (512) 339-1317, Attention: Resa Watson, Community Manager.

Please be advised that the Board of Directors of the Association has adopted a schedule of fines for violations of the covenants, guidelines or rules of the community. In the event this matter is not resolved within ten (10) days from the date of this letter, a fine will be assessed against you in the amount of \$50.00 for each day in which the violation remains uncorrected after expiration of the ten (10) day cure period.

Please be advised that you have a right to submit a written request for a hearing of this matter before the Board of Directors of the Association to discuss, verify and attempt to resolve the matters set forth herein. You may request a hearing on or before the 30th day after the date you receive this notice. If you desire to have a hearing before the Board, please forward a written request for such hearing to the Wimberly Lane Subassociation, Inc., c/o Certified Management of Austin, 3007 Longhorn Blvd., Austin, Texas 78758, or fax to (512) 339-1317, Attention: Resa Watson, Community Manager.

If you request a hearing, the Board is required to hold the hearing not later than thirty (30) days after the date the Board receives your request, and must notify you of the date, time and place of the hearing not later than the 10th day prior to the hearing.

If you do not request a hearing within the time permitted and the violation continues, or if it is determined at a hearing that you are in violation and the violation is not immediately corrected, you may be responsible for all reasonable attorneys' fees and costs incurred in our attempts to gain your compliance. In addition, you may be liable for civil damages in an amount up to \$200.00 per day that the violation continues.

We sincerely solicit your cooperation and thank you for your compliance.

On behalf of the Board of Directors,

Resa Watson, Community Manager

EXHIBIT "B"

HEARING BEFORE THE BOARD

Note: An individual will act as the presiding hearing officer. The hearing officer will provide introductory remarks and administer the hearing agenda.

I. Introduction:

Hearing Officer. The Board has convened for the purpose of hearing an appeal by _____ from the penalties imposed by the Association for violation of the Governing Documents of the Association.

The hearing is being conducted as required by Section 209.007(a) of the Texas Property Code, and is an opportunity for the appealing party to discuss, verify facts, and resolve the matter at issue. The Board would like to resolve the dispute at this hearing. However, the Board may elect to take the appeal under advisement and conclude the hearing. If the matter is taken under advisement, a final decision will be communicated in writing within fifteen (15) days.

II. Presentation of Facts:

Hearing Officer. This portion of the hearing is to permit a representative of the Association the opportunity to describe the violation and to present photographs or other material relevant to the violation, fines or penalties. After the Association's representative has finished his presentation, the owner or its representative will be given the opportunity to present photographs or other material relevant to the violation, fines or penalties. The Board may ask questions during either party's presentation. It is requested that questions by the appealing party be held until completion of the presentation by the Association's representative.

[Presentations]

III. Discussion:

Hearing Officer. This portion of the hearing is to permit the Board and the owner to discuss factual disputes relevant to the violation. Discussion regarding any fine or penalty is also appropriate. Discussion should be productive and designed to seek, if possible, an acceptable resolution of the dispute. The Hearing Officer retains the right to conclude this portion of the hearing at any time.

IV. Resolution:

Hearing Officer.

This portion of the hearing is the permit discussion between the Board and the appealing party regarding the final terms of the settlement if a resolution was agreed upon during the discussion phase of the hearing.

If no settlement was agreed upon, the Hearing Officer may: (i) request that the Board enter into executive session to discuss the matter; (ii) request that the Board take the matter under advisement and adjourn the hearing; or (iii) adjourn the hearing.