

RLV HOMEOWNERS' ASSOCIATION, INC. POLICY STATEMENT

THE POLICY OF RLV HOMEOWNERS' ASSOCIATION, INC., (the "RLV HOA") CONCERNING "NO MAN'S LAND", BEING THAT AREA BETWEEN THE PERIMETER FENCE AND THE PROPERTY OF THE NEIGHBORS IN ADJACENT SUBDIVISIONS.

This Policy Statement is made by the Board of Directors (the "Board of Directors") of RLV HOA. The purpose is to establish and clarify, to the extent there are any, the duties and responsibilities of RLV HOA regarding:

1. The RLV HOA perimeter fence and wall and related maintenance easement;
2. The trees, whether damaged or dead, existing in the area beyond the RLV HOA perimeter fence, either on private property or on the City of Dallas' undeveloped, partial alley right-of-way; and
3. Property line encroachment on members' property located behind the fence by third parties.

Explanation for the Need to Create This Policy:

This Policy Statement is created to establish clear responsibility for the potential future problems and issues set forth above. The RLV HOA perimeter fence runs the length of the RLV properties, behind Breakers Point and Cherry Hill Drive. Beyond this fence, each RLV HOA member owns a strip of land the width of their lot and some three (3) to ten (10) feet deep, depending on the location of their home. Beyond this property line, behind Breakers Point and a portion of Cherry Hill Drive (approximately one-third of the length of Cherry Hill Drive), there is an additional ten (10) foot wide undeveloped, partial alley right-of-way (ROW). Beyond this undeveloped ROW, is the property line of the neighbors' lots in Northwood Estates and Northwood Park. This ten (10) to sixteen (16) foot wide strip bordering the RLV Community on two (2) sides is commonly referred to as "No Man's Land". (See drawing, page 6).

Over time, different approaches have been taken by the RLV Board regarding issues that have arisen in No Man's Land. Mostly, the issues focused on maintenance and/or removal of trees and/or large limbs from No Man's Land. In some cases, the RLV HOA has assumed responsibility and shouldered the expense of remedial action. As a consequence, some RLV HOA members may be of the erroneous opinion that RLV HOA has assumed and is taking responsibility for and guarding against threats and potential problems, arising in No Man's Land. This could lead to a serious misunderstanding and failure of perimeter RLV HOA members to exercise due diligence in the maintenance of their properties. RLV HOA is not assuming or accepting maintenance responsibilities for No Man's Land. It is important to understand that RLV HOA owns no land, anywhere, and owns no trees in the area referred to as No Man's Land. This Policy Statement delineates responsibility for issues in No Man's Land. For more information about No-Man's Land" see the "History" section at the end of this Policy Statement.

1. The Wall/Fence Maintenance Easement:

The developers of RLV, Republic Property Group, created a perimeter wall and fence around all the RLV Community. These structures are built on an easement, the Wall/Fence Maintenance Easement, granted by the perimeter homeowners and in favor of RLV HOA. This limited purpose easement is designed to be sufficiently deep to allow for maintenance of the wall/fence, from both sides of the wall/fence. In areas where the above-described undeveloped, partial alley right-of-way exists, the easement is three (3) to six (6) feet deep. In areas where there is no undeveloped, partial alley right-of-way, approximately behind 8535 Cherry Hill Drive up to 8639 Cherry Hill Drive, the easement is ten (10) feet deep.

The RLV HOA is responsible for the maintenance, repair and replacement of the perimeter fence and wall. The RLV HOA is also responsible for maintaining the Wall/Fence Maintenance Easement and ensuring access to it at any time required. In discharge its maintenance obligations under the Wall/Fence Maintenance Easement, RLV HOA may effectuate the removal of any vegetation, and if necessary, trees, that impedes maintenance or adversely affects the fence or wall or the easement itself. Any expense involved in this maintenance will be borne by RLV HOA. The decision as to how to discharge the maintenance obligations, what or when to remove vegetation or other action to be taken will be at the sole and exclusive discretion of the Board of Directors.

2. Dangerous, damaged or dead trees existing in the area beyond the RLV HOA perimeter fence, either on private property or on the City of Dallas' undeveloped, partial alley right-of-way

Since RLV HOA was established in 1992, there have been many large, potentially dangerous trees removed from No Man's Land by different parties. However, some large old trees still exist in No Man's Land, and could become a danger to people or threat to property were they to fall. The City of Dallas, on occasion, accepted responsibility of trees growing in the ROW and removed trees deemed to be a hazard. As of August 21, 2015, after considerable study, the City of Dallas concluded that this responsibility lies with the affected, adjacent lot owner and not the City of Dallas. (See City of Dallas Responsibility at the end of this Policy Statement.)

3. Property Encroachment by Third Party Neighbors, Behind the RLV Perimeter Fence:

Some adjacent landowners in Northwood Estates (behind Breakers Point) or Northwood Park (behind Cherry Hill Drive) may have appropriated portions of No Man's Land that borders their property, incorporated it into their yards, and are using this property as if it were their own. This action includes the ROW, but also includes the property of RLV HOA members, that property being the Wall/Fence Maintenance Easement behind the RLV perimeter fence. In some cases, the adjacent landowner installed a fence that attaches to the RLV Perimeter Fence. Again, some portions of the adjacent landowners' fenced-in area may belong to RLV HOA members. If you believe your property may have been encroached upon, please take the necessary steps to protect your property. The RLV HOA's interest, in this regard, is to ensure reasonable access to the

Wall/Fence Maintenance Easement so that the back side of the RLV fence can be stained, repaired or replaced, as determined by the Board of Directors. As long as those functions are unhindered, RLV HOA has no standing in taking action to prevent the adjacent landowner from encroaching on the RLV HOA members' lots.

The RLV HOA members of lots potentially affected should be aware of the possibility of such encroachment and take whatever steps they deem appropriate to address the situation. The RLV HOA does not and cannot offer any legal advice – you should seek independent legal advice.

THE RLV HOA's DUTIES, RESPONSIBILITIES AND OPTIONS REGARDING NO MAN'S LAND ARE:

- To be observant for concerns to individual RLV HOA members involving potentially dangerous trees, drainage problems or property encroachments and inform the affected RLV HOA members of these observations.
- To work with RLV HOA members in addressing these problems, but have the prerogative of deciding what, if any, contribution to make.
- To maintain the perimeter fence on the Cherry Hill Drive and Breakers Point sides of the RLV Community, the concrete block retaining wall under portions of this fence and the front brick privacy wall along Royal Lane. This maintenance includes, but is not limited to, appropriate repairs and/or replacement, periodic power washing and staining of the wooden fence, and maintenance and security of the gates through the fence.
- To maintain the three (3) to ten (10) foot deep, Wall and Fence Maintenance Easement, surrounding the RLV Community and on which the perimeter fence, retaining wall and front brick wall are located. This includes the periodic clearing of this strip of brush and large weeds, so that the fence can be accessed. This strip of maintenance easement, in most places, borders on the City of Dallas' undeveloped, partial alley right-of-way. This maintenance is to facilitate access to the back side of the RLV fence for periodic maintenance of the fence/wall, itself. The maintenance of this easement may be accomplished by hiring a contract service, to be paid from RLV HOA funds, or by volunteers from RLV.
- To maintain casualty insurance coverage for the RLV wall/fence that will provide for repair/replacement should a falling tree or limb do damage. The RLV HOA member whose tree causes the damage would not be liable unless the tree in question was known to be dangerous, the RLV HOA member had been apprised of this fact, and failed to act.
- In the event where the RLV HOA observes a situation that imminently threatens the RLV perimeter fence/wall, then the RLV HOA can, at its discretion, take appropriate action to relieve the imminent threat. Particularly, following a storm, or other emergency situation, the RLV HOA may, at its discretion, remove trees and/or limbs or abate drainage problems that are a threat to the RLV HOA fence or other private property.
- The RLV HOA may, at its discretion, remove or have removed, trash and other debris from both the Wall/Fence Maintenance Easement and the City of Dallas' undeveloped, partial alley ROW.

THE FOLLOWING ARE NOT THE RESPONSIBILITY OR DUTY OF RLV HOA, Inc.:

- To assess the danger or risk posed by trees standing on private land or in the City of Dallas' undeveloped, partial alley right-of-way, and the damage or injury their collapse might cause to private property (RLV homes, cars) or individuals.
- To inspect or have the above trees inspected as to the threat they might pose.
- To fell, trim or remove such trees or limbs.
- To be liable, in any way, should such trees or their limbs, fall and cause damage, property damage, injury or loss of life.
- To defend or take action to remedy, encroachment onto individual homeowners lots by neighbors beyond the RLV perimeter fence.

THE RESPONSIBILITIES OF EACH RLV PERIMETER HOMEOWNER (excluding Coral Drive):

- To be aware of potential dangers and threats existing to their property, including that portion beyond the RLV perimeter fence; on neighbor's property; or on the City of Dallas' undeveloped, partial alley right-of-way.
- To take appropriate action, to alleviate the threat by addressing their trees or other threatening trees in adjacent No Man's Land, working with their neighbors to fell, trim and remove dangerous trees and/or limbs, if warranted.
- To bear the expense of this work, or arrive at a mutually agreeable arrangement with the neighbor(s).
- To insure that their homeowner's insurance provides appropriate coverage for falling trees or falling limbs located on their property, a city right-of-way, or a third party's property.
- To ensure and maintain proper drainage from their property, so that water damage to adjacent homes does not occur and so that the ground near the perimeter fence/wall is not eroded and the wall/fence is not undermined.
- To know the location of the property lines of their lot, specifically how far (deep) their lot extends beyond the RLV perimeter fence.
- To be aware of encroachment issues onto their property, behind the RLV perimeter fence and take action, if warranted.

HISTORY:

Royal Lane Village benefits from a unique urban planning anomaly. There is a ten (10) foot wide strip of land immediately beyond the eastern, and one-third (1/3) of the western, edges of the subdivision that belongs to the City of Dallas, as it is a dedicated partial alley right-of-way that was never developed and never can be developed as an alley.

This strip exists adjacent to the rear property lines behind the homes from 8503 Cherry Hill Drive to 8531 Cherry Hill Drive and behind all the homes on Breakers Point, including 8647 and 8648 Cherry Hill Drive. Behind 8520 and 8524 Breakers Point, the strip widens to more than ten (10) feet to allow for turns in an alley way that was never developed. This strip came about when the developers of Northwood Estates and Northwood Park, some decades ago, platted their developments and dedicated all the streets and alleys to the City of Dallas. The plats were approved, the dedication of streets and alleys accepted, and the plats were filed. For unknown

reasons, the twenty (20) acres on which the RLV Community was developed many years later, was not included in the Northwood developments (Royal Lane did not exist east of Central Expressway at that time.) The Northwood developers did, however, dedicate two-thirds (ten (10) feet) of an alley right-of-way at the edge of their development, bordering what would eventually become RLV. Presumably, the Northwood developers believed the eventual developers of the RLV property would dedicate the remaining third (five (5) feet) of the right-of-way, and the alley would then be developed. For years the twenty (20) acre parcel that would become RLV sat undeveloped. Likewise, the adjacent, partial alley right-of-way was not developed and neighbors on Boundbrook, Woodshore and Pinewood had their trash collected on the street in front of their homes, and still do.

When Republic Properties developed RLV in the early 1990s, they elected to fence off the partial alley right-of-ways left by Northwood and not develop them as alleys for RLV. Instead, Republic Properties platted the perimeter alleys across the rear of the perimeter lots and created an easement for those homeowners, wherein each allows the fifteen (15) foot wide strip on their property to be used as an alley.

This left the undeveloped strip, occasionally referred to as No Man's Land between the RLV perimeter fence and the property line of the neighbors behind RLV. This is an undeveloped, partial alley right-of-way dedicated to the City of Dallas and would have the same legal status as any other street or alley right-of-way.

For the most part, this strip is now an area of wild, natural growth. There are a number of large, beautiful trees growing in this right-of-way that provide much desired shade and privacy screening. Generally, this strip is very desirable from a security standpoint as it is an almost impenetrable buffer into RLV and is ascetically beneficial in screening out unwanted sights and sounds. It can never be developed into an alley, since it is only ten (10) feet wide. There are some negatives. Some of the neighbors behind RLV have incorporated this strip into their yards and may have encroached onto the lots of RLV members. It has occasionally become a trash dump in a few places and there is the possibility of attracting unwanted wild life. The RLV HOA has improved this strip in years past by obtaining permission from the City of Dallas and closing off the end of the right-of-way at Royal with a chain-link fence. Volunteers have cleaned trash from major portions. The RLV HOA has periodically hired workers to clear vegetation in the Wall/Fence Maintenance Easement area.

CITY OF DALLAS RESPONSIBILITY

Representatives of the Dallas Forestry Department and the Street Services Department made several trips to RLV concerning the issue of potentially dangerous trees growing in the City of Dallas alley ROW. The representatives were attentive, helpful and interested in assisting the RLV HOA with the problem. The Street Services Department was the controlling entity and in the end, determined that the Dallas City Policies and Procedures, Alley Maintenance section proscribed that an undeveloped alley ROW was to be treated the same as an active alley. The responsibility for vegetation maintenance in an active alley falls to the individual homeowner, not the City of Dallas.

RLV No Man's Land Diagram

Yellow = 10 ft
Deep Along
Upper Cherry
Hill

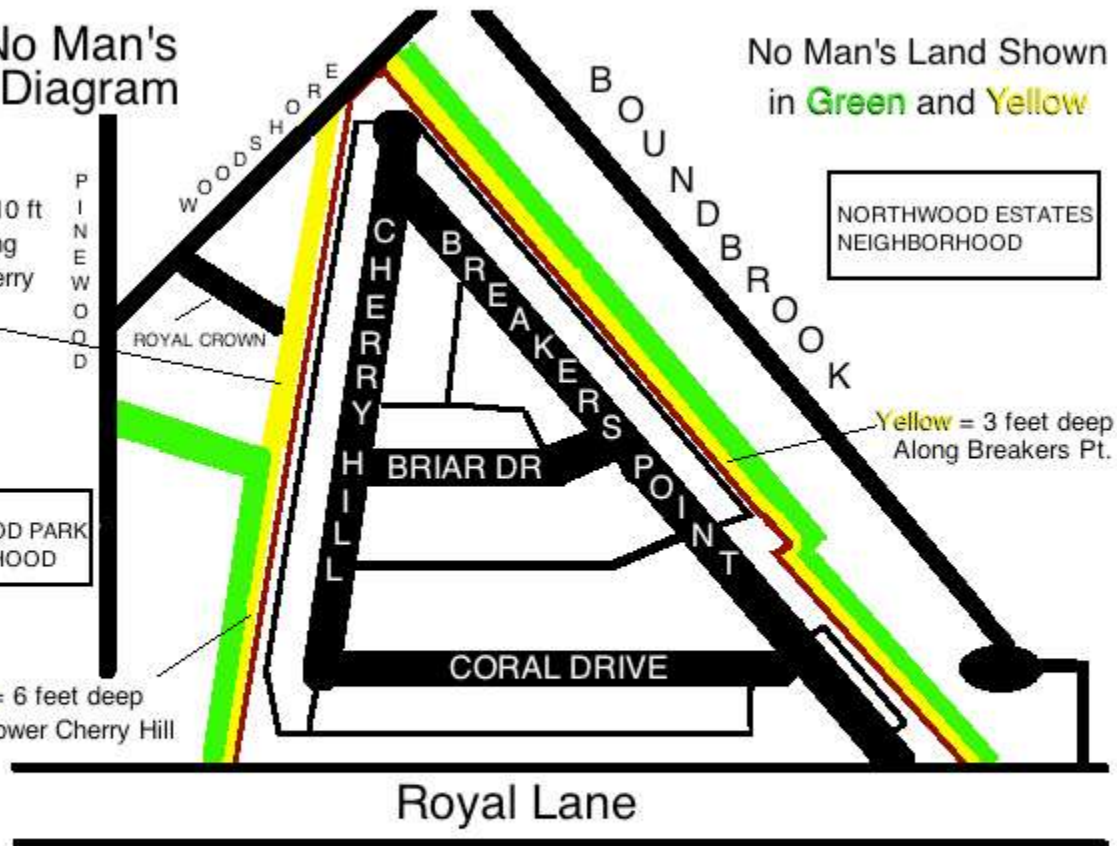
NORTHWOOD PARK
NEIGHBORHOOD

Yellow = 6 feet deep
Along Lower Cherry Hill

No Man's Land Shown
in Green and Yellow

NORTHWOOD ESTATES
NEIGHBORHOOD

Yellow = 3 feet deep
Along Breakers Pt.



Yellow RLV homeowner property outside fence

Red RLV Perimeter Fence

Green Partial Undeveloped City Alley Right of Ways (10 feet deep)

Black Streets and Alleys