

**THE FOWLER LAW FIRM**

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August 19, 2014

April Sound Property Owners Association  
100 April Park Drive  
Montgomery, Texas 77356

April Sound Country Club  
1000 April Sound Blvd.  
Montgomery, Texas 77356

***Certified Mail***  
*RETURN RECEIPT REQUESTED*  
***and First Class Mail***

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RE: ***April Point South Property Owners Association, Inc.***  
***Inquiry Concerning Social Club Membership***

Gentlemen:

Our law firm represents April Point South Owners Association, Inc. (the "Association"), which is the unit owners association for April Point Section 1A, Section 2A, Section 3A and Section 4A, all condominium projects within the April Sound community. As you may be aware, the respective condominium projects/regimes have competing requirements with respect to required membership in the April Sound Country Club social club. Specifically, while Sections 2A through 4A are silent and do not contain a requirement that membership in the April Sound Country Club social club is mandatory, it is my understanding that the prior position of April Sound Country Club has been that the owners in April Point South Section 1A are required, by virtue of their condominium declaration, to be members of the social club and to pay the monthly assessments for same. This apparent requirement is set out in an amended declaration applicable to Section 1A, which is recorded under clerk's file number 765156 of the Official Public Records of Real Property of Montgomery County, Texas, dated March 3, 1976.

The Board of Directors of the Association believes that, even with the express provision requiring owners within Section 1A of April Point South be members of the social club, Texas state law likely preempts said provision, and relieves the owners in Section 1A from this obligation. Chapter 81.112, entitled "Restriction Relating to Club Membership," clearly and unambiguously provides that a provision in the declaration that requires owners of condominium units to maintain membership in a specified private club is not valid after the tenth anniversary date the provision is recorded, unless such a provision is renewed after the ninth anniversary of that date at a meeting of the unit owners at which the renewal is approved by holders of at least 67% of the ownership interest

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in the condominium. According to my client, the members have never taken a vote to renew the requirement that membership be mandatory in the social club; therefore, it is the opinion of the Board of Directors that membership is not indeed required and that this state law provision nullifies, eliminates and removes any requirement that members in Section 1A of April Point South in fact be mandatory members and pay mandatory dues to the April Sound Country Club.

It is the intent of the Association to advise members, when an inquiry is made, that they are not required to pay social club dues and/or be members of the April Sound Country Club, even if they are owners within Section 1A of April Point South. Members who choose to continue their membership with the social club and/or April Sound Country Club obviously may continue to do so.

If you believe that some other dedicatory instrument or valid restrictive covenant running with the land is contrary to the opinion rendered herein, please advise us in writing within thirty (30) days from the date of this letter. If we do not hear from you regarding this matter, we will presume that the April Sound Country Club agrees with the assertions made herein and, again, the Board of Directors will advise unit owners in Section 1A of this fact whenever the inquiry is made to the Board of Directors.

I look forward to hearing from you regarding this matter. Hoping this meets with your attention and consideration, I am

Sincerely yours,

THE FOWLER LAW FIRM

Bryan P. Fowler

BPF:ea

cc: Board of Directors  
April Point South Property Owners Assoc., Inc.  
c/o Investment Management Company  
3500 West Davis, Suite 190  
Conroe, Texas 77304