

**Association, Maintenance Manager, and Owner Responsibilities**

**Purpose:**

To define, as clearly as possible, the normal routine repair and maintenance responsibilities of the Association and of all other parties as listed in the Whispering Meadows Covenants and By-laws. To establish clear communications between all parties concerning these responsibilities in order to protect the property value, integrity, peace of mind and harmony of the entire community.

**Explanation:**

Although most of these items of responsibility come from an interpretation of the Association's Covenants some are from observations, experience with past problems, and existing questions from Owners. This document is an attempt to clarify differences of opinion as to problems and responsibilities between the Board, its Committees and Owners. Although an attempt has been made to cover all items, additional questions will arise. As this occurs, the Board shall make the final determination. In addition this policy will be reviewed from time to time as experiences, questions and challenges arise.

**Improvements and Alterations:**

Owners must apply to and gain approval from the Board for desired alterations or improvements to the exterior of their home including the roof or lot before any such project is started as outlined in Policy 504-1115. This includes any appurtenances attached to the unit such as TV dishes, wall hangings to front EIFS/Stucco. All required City permits must be secured, with a copy given to the responsible Committee, before work is started. Any deviation from this policy, without proper approval of the Board or their designated Committee, may result in said Owner being required to take corrective action. If corrective action is not taken in a timely manner, as determined by the Committee or Board, remedial action as necessary will be executed by the appropriate Committee and all costs assessed to the responsible parties.

**Maintenance and Repairs:**

The prior approval of the appropriate community Committee is required before an Owner performs any maintenance or repairs to the exterior building surface including painting, repair of EIFS/Stucco surfaces and any repairs to roofs or attachments such as gutters. Routine maintenance (normal wear) and repair of the Townhomes, as outlined in this document, are the responsibility of the Association. Any such repairs or maintenance performed by an Owner or their agent without written approval is subject to possible corrective action or remedial action by the Committee or Board as provided in the preceding requirements for improvements and alterations.

The Association is not responsible for the repair of any deficiency, failure of the structure, materials, workmanship or any other unforeseen circumstances. The cost for repair of any damage that occurs as the result of a failure to timely prepare and deliver a written Request Form to the proper Committee concerning any Association maintenance responsibility may be charged back to the Owner.

**Special Needs of Owner:**

As the population of Whispering Meadows grows older and for other physical reasons, individuals could need special assistance. The Association is not equipped nor does it have the trained personnel to respond to any special need request. Therefore, it will be the sole responsibility of the Owner to provide for those special needs through other means. Examples might include, but not limited to, extra snow removal and ice treatment after or before the

Association has fulfilled its policy obligations, trash container maneuvering or monitoring any and all special needs of an Owner and/or resident.

### **Areas of Oversight and Responsibility:**

#### **Board of Directors:**

The Board is the duly elected governing authority responsible for fulfilling the obligations set forth in the Articles of Incorporation, the covenants, the By-laws, and the Board Policies.

#### **Association Responsibility:**

#### **General Maintenance of Common Area:**

- 1 Walking paths and street side sidewalks.
- 2 Utility lines as explained in Policy # 508-214.
- 3 Outdoor lighting equipment, such as pathway lights, street lights, pool lights and Clubhouse lights.
- 4 Oversight of the swimming pool and the fountains including monitoring and replacement of pool keys.
- 5 Clubhouse parking lot and lane to parking lot and the alley to the emergency gate on Davidson Drive.
- 6 Oversight of the storm sewer system and the security gate at the south end of Davidson Drive, for which the City is responsible.
- 7 Snow removal and ice treatments (initial only and in accordance with the current Snow Policy #503-1115) on all streets, entryways, driveways, mail box areas, fire water hydrants, storm sewer openings, and street side sidewalks.
- 8 Mail boxes, other than the items for which the postal service accepts responsibility.
- 9 Entrance signs and community bulletin board.
- 10 Concrete driveway repairs or replacement, if determined to be causing a hazardous condition or if deferred maintenance could cause a hazardous condition. Owners will be assessed 50% of the cost of these repairs or replacement, as explained in Policy 507-1115.
- 11 Erosion of common grounds.
- 12 Request Forms dealing with any and all of the above responsibilities.

#### **Residence Maintenance:**

- 1 Painting of exterior dwelling surfaces, including EIFS/Stucco for other than aesthetic reasons and excluding any damage caused by the Owner, their agents, family, guests, invitees, or contractors. The Association is responsible for the cost of exterior painting maintenance for the standard sized unit established by the Board, with exception of the exclusions listed above. Cost beyond that of a standard size unit and for custom items shall be assessed to the Owner as explained in Policy # 502-1115.
- 2 EIFS/Stucco patching not caused by the Owner or a defect as defined in this document.
- 3 Damage to siding due to the irrigation system.
- 4 Normal weathering including plumbing and vent boot replacement. The exception to this is leaks caused by the Owner mounting anything through the shingles or gutter guards.
- 5 Gutter inspection and cleaning twice a year. Additional cleaning will be at the Owner's expense.
- 6 Clubhouse maintenance in cooperation with the Maintenance Review Committee
- 7 Repair or replacement of outside trim molding as deemed to be the responsibility of the Association.
- 8 Request Forms dealing with any and all of the above responsibilities.

**Landscaping:**

- 1 All grass cutting and edging.
- 2 Lawn over seeding.
- 3 Lawn chemical treatment program.
- 4 Lawn irrigation system.
- 5 Erosion caused by the irrigation system.
- 6 Front foundation plantings of all unit.
- 7 Tree and other plant trimming, excluding any plantings placed by the Owner, as explained in Policy #801-1115.
- 8 Dead, dying, diseased, or dangerous tree removal, as explained in Policy #801-1115.
- 9 Request Forms dealing with any and all of the above responsibilities.

**Safety and Security:**

- 1 Traffic control enforcement and all signage.
- 2 Security of all common areas and appurtenances.
- 3 Vandalism control, investigation and law enforcement reporting as necessary.
- 4 Community safety and health.
- 5 Neighborhood watch program.
- 6 Inspection of all Association property-risk management.
- 7 Resident map maintenance.
- 8 Community safety education.
- 9 Provide WMHOA car stickers and emergency notification cards and replacements.
- 10 Request Forms dealing with any and all of the above responsibilities.

**Insurance Review:**

- 1 Listing of all policies.
- 2 Association insurance needs.
- 3 Risk management in cooperation with the Safety and Security Committee.
- 4 Request Forms dealing with any and all of the above responsibilities.

**Clubhouse:**

- 1 Schedule Clubhouse usage.
- 2 Rental fee collection.
- 3 Inspection and security, prior to and after rentals.
- 4 Oversight of the repair and or replacement of Clubhouse furniture, wall hangings and inventory.
- 5 Monitoring and control of keys to the Clubhouse issued to Board members and other designated parties.

**Activities and Events:**

- 1 Planning of special community events for the betterment of the entire Association.
- 2 Inspection and security, prior to and after scheduled events.
- 3 Request Forms dealing with any and all of the above responsibilities.

**Communications:**

- 1 Posting approved information on the community bulletin board.
- 2 Collecting and editing material for the *Whisperer*.
- 3 Printing and distribution of the *Whisperer*.
- 4 Distribution of special notices.
- 5 Oversight of the WMHOA website.
- 6 New Owner contact providing all governance documents.
- 7 Update and distribute annually the WMHOA directory.

- 8 Request Forms dealing with any and all of the above responsibilities.

### **Maintenance Manager:**

To assist the Board and the Committees in their responsibilities the Manager will

- 1 Handle resident requests as stated in Policy No. 101-1115.
- 2 Follow the maintenance calendar as published annually.
- 3 Obtain bids requested by the Board or Committee Chairs using the Board policy forms.
- 4 Working as directed by the Board or designated Committee Chairperson, inspect all contract work to insure completion and quality before payment is made.

### **Areas and Items that are the Responsibility of the Owner:**

- 1 Obtain a Request Form from the website or the Association mailbox when making a request for alterations including any attachments to the exterior of their unit. Fill it out and present it to the Maintenance Review Committee Chairperson, Maintenance Manager or put it in the maintenance garage mail slot.
- 2 Maintenance and repairs of an aesthetic nature only, including driveways.
- 3 Concrete driveway, entranceway or patio sealing with water repellent or other approved coating.
- 4 Driveway replacement if Owner decides to replace of their own volition using a Board approved contractor.
- 5 Repair or replacement of entryway, porch or patio using a Board approved contractor.
- 6 Alterations to the outside of the home or common area with or without written approval from the Association. Maintenance of said items shall be at the expense of the Owner, in perpetuity.
- 7 Termite and other pest control.
- 8 Total cost of repair caused by termites or other pests.
- 9 Owner's modification to lot or structure.
- 10 Additional improvements by Owner including builder/developer installations, i.e. screened-in porches and other additions.
- 11 Any willful negligent or unintentional act of the Owner, their agents, family, guests, invitees, or contractors or any extraordinary damages excluded from the Association's insurance policy or the failure of the Owner to obtain the additional insurance coverage necessary.
- 12 To make repairs to the structure or areas surrounding their dwelling deemed the responsibility of the Owner, such as decks and deck stairs, concrete and or tile entries, that endangers the well being or health and safety of the community or other persons on said property.
- 13 Report all unit maintenance problems or concerns, in a timely manner, and deliver the Association Request Form to the Maintenance Review Committee Chairperson, Maintenance Manager or maintenance garage mail slot for approval of repairs.
- 14 Replacement of siding or attached trim molding during the painting of a unit.
- 15 Damage to siding caused by faulty workmanship of the builder or materials.
- 16 Damage to EFIS/Stucco due to faulty workmanship of the builder including foundation or building settlement.
- 17 Roof shingle defects.
- 18 Undetermined roof leaks.

If you request roof inspection due to a suspected leak in the roof, please note the following

- 1 The Maintenance Manager on direction from the Association will inspect the designated roof for leaks.
- 2 If a leak is discovered, the Owner will be responsible for both the repair to the

roof and any internal damages to the dwelling.

3 Two exceptions are normal weathering and/or leaking plumbing vent boots.

Recommendations to the Owner are:

1 Contact your insurance company.

2 Contract directly with the Maintenance Manager, or with any other contractor of choice for the repairs.

3 All external repairs must have the Association's approval.

19 Cleaning and maintenance of gutters with full or partial gutter guards.

20 Any damage to exterior or interior of unit due to gutter guards.

21 Gutter cleaning at times other than the semi-annual inspection and cleaning by the Maintenance Manager. A Request Form may be submitted to the Maintenance Manager for additional cleaning at the Owner's expense.

22 Any damage to the unit surface due to the Owner, their agents, family, guests, invitees or contractors.

23 Leaks through the siding where the builder failed to seal properly.

24 Water courses placed on common area by those other than the developer or the Association.

25 Winter de-icing after the initial treatment is completed.

NOTE: Only MAGNESIUM CHLORIDE or other product subsequently expressly approved by the Association shall be applied to concrete areas.

26 Responsible for snow removal and ice treatment, other than plowing or shoveling, when a request is made not to place chemicals on concrete surfaces.

27 All exterior door and frame maintenance, including the garage door.

28 All windows, window openings and frame maintenance.

29 All appliances.

30 All heating and air conditioning maintenance.

31 All security systems, smoke and other safety alarms.

32 The electrical system of the home including all exterior electrical fixtures (installation and maintenance).

33 All plumbing within the lot boundaries. See Policy # 508-214.

34 Any alteration or damage caused by the Owner.

35 Any and all foundation problems.

36 Maintenance of decks and arbors. See Policy No. 501-1115

37 Additional painting cost. See Policy No. 502-1115

38 Damage caused by any item installed by the Owner or their contractor that cause damage to any portion of the structure such as the roof or EIFS.

39 Unsightly or unkempt conditions within the lot. This would include around the air conditioner and under the deck.

40 EIFS or stucco damage caused by the Owner such as driving nails or putting screws through the surface.

NOTE: All such damage shall be repaired by the Association and the cost billed to the Owner.

41 Sewer back flow check valve inspection and maintenance (recommended every 6 months), if unit is so equipped. It is further recommended that all Owners check with a licensed plumber as to the need of such a device to reduce the possibility of a sewer back up.

42 Homeowners insurance on the entire unit.

43 Any and all changes to the interior finish.

44 Reporting all suspected exterior maintenance problems in a timely manner.

45 Foundation plantings and landscaping placed by the Owner, with or without filing a request form for approval.

- 46 Repair of the irrigation system or utility lines and replacement of Association plantings damaged by the Owner or their contractor by parking on or driving over them.
- 47 No TV dishes shall be post mounted, or attached to the roof shingles, the front, or the EIFS/Stucco on any unit. TV dishes may be attached to other areas of the outside of the unit, such as using an eave mount, with first obtaining approval.
- 48 Reporting all insurance claims that might affect the Association.
- 49 Any and all violations by all previous Owners of said unit.
- 50 Maintenance of rock walls as described in Policy No. 802-1115.

Approved by the Board of Directors January 17, 2002

Revised and Approved by the Board of Directors January 16, 2006

Revised and Approved by the Board of Directors February 18, 2008

Revised and Approved by the Board of Directors June 16, 2008

Revised and Approved by the Board of Directors January 18, 2010

Revised and Approved by the Board of Directors February 15, 2010

Revised and Approved by the Board of Directors February 17, 2014

Revised and Approved by the Board of Directors November 16, 2015