

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 Association's 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 to help clarify 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.

Improvements and Alterations:

Owners must apply to the Board, and gain approval 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 the latest approved Policy No. 504. This includes any appurtenances attached to the unit, such as TV dishes or solar panels, or wall hangings to the front EIFS/Stucco. All required City permits must be secured, with a copy given to the responsible Committee or a Board member, 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 will be assessed to the owner.

Maintenance and Repairs:

The prior approval of the appropriate 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. 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 section: 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 needs 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 before or after 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 sidewalks.
- 2 Utility lines as explained in the latest approved Policy No. 508.
- 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 latest approved Policy No. 503) on all entryways, driveways, mailbox areas, fire hydrants, storm sewer openings, and street sidewalks.
- 8 Mailbox areas, other than the items for which the postal service accepts responsibility.
- 9 All signs located on common ground.
- 10 Concrete driveway repairs or replacement, if causing a hazardous condition. Owners will be assessed 50% of the cost of these repairs or replacement, as explained in the latest approved Policy No. 507.
- 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, 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 cost established by the Board, with exception of the exclusions listed above. Cost beyond the budgeted reserve amount for painting shall be assessed to the Owner as explained in the latest approved Policy No. 502.
- 2 Damage to siding or trim due to the irrigation system.
- 3 Gutter cleaning twice a year. The Association currently provides this care, but is not obligated to do so. Additional cleaning will be at the Owner's expense.
- 4 Clubhouse maintenance in cooperation with the Maintenance Committee
- 5 Request Forms dealing with any and all of the above responsibilities.

Landscaping:

- 1 All grass cutting and edging.
- 2 Lawn overseeding.
- 3 Lawn chemical treatment program.
- 4 Lawn irrigation system.
- 5 Erosion caused by the irrigation system.
- 6 Tree and other plant trimming, excluding any plantings placed by the Owner, as explained in the latest approved Policy No. 801.
- 7 Dead, dying, diseased, or dangerous tree removal, as explained in the latest approved Policy No. 801.
- 6 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 Parking Enforcement
- 11 Request Forms dealing with any and all of the above responsibilities.

Insurance Review:

- 1 Monitoring of all homeowner policies to ensure proper coverage.
- 2 Association insurance needs, as well as that of its Directors and Officers.
- 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.

Communications:

- 1 Collecting and editing articles for *The Whisperer*.
- 2 Printing and distribution of *The Whisperer*.
- 3 Distribution of special notices.
- 4 Oversight of the WMHOA website.

- 6 New Owner contact, providing all governance documents.
- 7 Update and distribute the WMHOA directory, annually.
- 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 requested by a Committee or the Board.
- 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 Chair, to inspect all contract work to ensure completion and quality before payment is made.

Areas and Items that are the Responsibility of the Owner:

- 1 Report all unit maintenance problems or concerns in a timely manner, and complete a Request Form online or place the printed form in the Association mailbox. When making a request for alterations, including any attachments to the exterior of the unit, submit a completed form as previously mentioned.
- 2 Maintenance and repairs of an aesthetic nature only, including driveways.
- 3 Concrete driveway, entryway, 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, only after submitting a Request Form.
- 6 Alterations or modifications to the exterior of the unit 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 Additional improvements by Owner, including builder/developer installations, i.e., screened-in porches and other additions, only after submitting a Request Form.
- 8 Any willful, negligent, or unintentional act of the Owner, their agents, family, guests, invitees, or contractors, causing damage to common areas or extraordinary damages excluded from the Association's insurance policy, or the failure of the Owner to obtain the proper insurance coverage necessary.
- 9 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 are in violation of Article X, Sections 4 and 9, or that endanger the well-being or health and safety of the community, or other persons on said property, and only after submitting a Request Form.
- 10 Replacement of siding or attached trim molding, only after submitting a Request Form.
- 11 Damage to siding caused by faulty workmanship or materials, only after submitting a Request Form.
- 12 Damage to EFIS/Stucco, due to faulty workmanship, including foundation or building settlement, only after submitting a Request Form.
- 13 Roof shingle defects.

- 14 Roof damage: If a leak is discovered, the Owner will be responsible for both the repair to the roof (per Policy 506) and any internal damages to the dwelling. All roof repairs and/or replacements will follow the procedures outlined in the latest Board Policy 506.
- 15 Cleaning and maintenance of gutters with full or partial gutter guards.
- 16 Any damage to exterior or interior of unit due to gutter guards.
- 17 Gutter cleaning at times other than the semi-annual inspection and cleaning. A Request Form may be submitted to the Maintenance Chair for additional cleaning, at the Owner's expense.
- 18 Any damage to the unit surface due to the Owner, their agents, family, guests, invitees, or contractors.
- 19 Leaks through the siding where it is not sealed properly.
- 20 Water courses placed on common area by those other than the developer or the Association.
- 21 Winter de-icing after the initial treatment is completed, per Policy 503.
NOTE: Only MAGNESIUM CHLORIDE, or other product subsequently expressly approved by the Association, shall be applied to concrete areas.
- 22 Snow removal and ice treatment, other than plowing or shoveling, when a request is made not to place chemicals on concrete surfaces.
- 23 All exterior door and frame maintenance, including the garage door, except for painting of side and back doors which is done during the painting cycle, according to the latest approved Policy No. 502.
- 24 All windows, window openings, and frame maintenance.
- 25 All appliances.
- 26 All heating and air conditioning maintenance.
- 27 All security systems, smoke and other safety alarms.
- 28 The electrical system of the home, including all exterior electrical fixtures (installation and maintenance).
- 29 All plumbing within the lot boundaries. (The graphics are included on the Website, with the latest approved Policy No. 508.)
- 30 Any alteration or damage caused by the Owner.
- 31 Any and all foundation problems.
- 32 Maintenance of decks and arbors. (See the latest approved Policy No. 501.)
- 33 Additional painting cost. (See the latest approved Policy No. 502.)
- 34 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/Stucco.
- 35 Removal of unsightly or unkempt conditions within the lot, including around the air conditioner and under the deck.
- 36 EIFS or stucco damage caused by the Owner, such as driving nails or putting screws through the surface. All such damage shall be repaired only after submitting a Request Form.
- 37 Sewer backflow 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 backup.
- 38 Adequate Homeowner's insurance on the entire unit per the latest Board Policy 104.
- 39 Any and all changes to the interior finish.

- 40 Reporting all suspected exterior maintenance problems in a timely manner.
- 41 Foundation plantings and landscaping placed by the Owner, with or without filing a request form for approval.
- 42 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. Such repairs and replacement will be made by the Association, and the cost assessed to the Owner.
- 43 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, only after obtaining approval per the latest Board Policy 504.
- 44 Reporting all insurance claims that might affect the Association.
- 45 Any and all violations by all previous Owners of said unit.
- 46 Maintenance of rock walls as described in the latest Board Policy No. 802.
- 47 Termite and other pest control, and total cost of repair due to termites or other pests.

Approved by the Board of Directors January 17, 2005

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