

**SUNSET GREENS HOMEOWNERS ASSOCIATION #14**

**Board of Directors Resolution Number 2004.**

**Subject: Walls and Fences – Maintenance Responsibilities**

**BACKGROUND:** The CC&R's provide numerous references to walls and fences and delineate the responsibilities of the HOA, the owners of single family detached homes (houses) and the owners of single family attached residences (villas). Despite these statements in the CC&R's, adequate clarity of responsibilities is needed to address maintenance to ensure a well-kept community and to protect the assets of all homeowners and the assets of the HOA.

The original plans for Sunset Greens versus its final configuration of homes fosters some confusion relative to determining ownership responsibilities for maintenance. Originally, nearly all perimeter units were planned as detached homes, resulting in approximately 40% of all units, but due to market dictates, single family attached residences (villas) proved to be in greater demand. Therefore, the final phases were predominately villas. The final configuration is 65 single family detached units and 634 villas.

A careful analysis has been made of the CC&R's and an opinion from legal counsel assisted in the development of this resolution. Actions regarding equity between owners of villas and houses in the future are a separate issue and may result in required changes to this resolution.

During and since the complete build-out of the development fence maintenance needs have become acute, requiring immediate remedy. Walls, on the other hand, require little or no maintenance, but nevertheless, maintenance responsibilities need to be identified to ensure long-term care. The original reserve study did not include fence and gate maintenance, but was included in the most recent 2004 reserve study, placing most of this cost on the shoulders of the HOA.

This policy is also needed to help ensure quality and proper color when maintenance is performed. Prompt and proactive maintenance assures that appearances are attractive and that physical assets are proactively cared for.

**RECOMMENDATION:** The 2004 Sunset Greens Homeowners Association Board of Directors (SSG HOA BOD) now adopt a policy regarding the responsible parties for the care and maintenance of all fences, gates and walls, consistent with the CC&R's and the opinion of legal counsel. This resolution has been developed to better serve the needs of the community and to help preserve the physical assets of each homeowner, and the assets of the HOA.

**THEREFORE:** It is the policy of the Sunset Greens Homeowners Association that the following list of fences, gates, walls and any combination thereof, and the accompanying party responsible for its upkeep be implemented.

- a. All fences on perimeter lots facing the golf course shall be maintained by the HOA. The cost for this fence maintenance (painting and/or repair) may be charged to the owners of perimeter lots and each owner may be assessed the actual cost for that individual property's fence maintenance costs if the Board so decides (CC&R's 6.3).

- b. All gates (paint only), fences, and short fences atop walls, on villas shall be maintained by the HOA. The "anything paintable" concept for the HOA is consistent with the CC&R's regarding paint and stucco for villas.
- c. Side yard walls and fences atop the walls located at the end of a row of houses, facing a street, shall be maintained by the HOA, whether the property is a villa or house. The only exception to this is the interior side of the wall if facing a house, then this maintenance becomes the responsibility of the owner.
- d. All fences, walls, walls with fences atop, adjacent to any street or surrounding any common area shall be the responsibility of the HOA, whether the property is a villa or house. The only exception to this is the interior side of the wall only if facing a house, then this maintenance becomes the responsibility of the owner.
- e. All side or rear yard gate maintenance (hinges, bolts, and latches) is the responsibility of the owner, whether the property is a villa or a house.
- f. Each wall which is built as a part of the original construction and placed on the property line between lots of villas shall constitute a party wall and the cost of reasonable repair and maintenance shall be shared by the owners.
- g. The rear property divider wall dividing the rear yard of houses, is the responsibility of the owner. If the property wall divides a house and a villa, then the HOA is responsible for the side of the wall facing the villa.
- h. If the rear property wall divides a villa and a villa, the HOA is responsible for both sides of the wall.
- i. Walls and fences may not be altered or removed without ARC and Board approval (CC&R's 3.13 and 3.20.2).
- j. Shrubs or trees added by the owner along the perimeter of their properties must not interfere with the maintenance of a fence. Costs to trim or remove overgrowth to perform maintenance may be charged to the owner.
- k. All property owners should assume responsibility to report wall/fence maintenance needs to the HOA management company where appropriate, and to monitor and report sprinkler system malfunctions related to potential wall or fence damage.
- l. The HOA will make available the proper quality and paint color necessary for any homeowner to assist in the maintenance of fence painting.

This policy shall go into effect October 25, 2004.

Accepted by the Sunset Greens Board of Directors this 25<sup>th</sup> day of August 2004.

MOTION BY: BILL O'CONNELL      SECONDED BY: ANNA SCHAFER

ATTESTED: 

Duly adopted by the Board of Directors on 10/27/04, 2004.