

ALMOND GLEN OWNERS ASSOCIATION, INC  
RULES AND REGULATIONS

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**These rules and regulations supersede any existing rules and regulations and general variances.**

**Objective**

The purpose of these rules and regulations is to promote and ensure the enjoyment and proper maintenance of the community and owner property for the exclusive benefit of all association members and their authorized guests; to foster, encourage, and promote an enjoyable stimulating and dynamic community environment, and to protect and enhance the value of each members property.

In addition to the ownership interest in the property, every homeowner/tenant should have a personal interest and investment in the environmental well being of his or her neighbors and the status of the property.

**A. Responsibilities of the Association**

1. Townhome and Common Area Infrastructure and Maintenance Includes:

a. Insurance – The association will obtain and maintain insurance coverage for the replacement of the townhome exteriors, townhome landscaping, community swimming pool, and community common areas.

1. Townhome exteriors include:

- a. Vinyl siding repairs and cleaning as needed
- b. Roof repairs as required including flashing

**B. Administration of the Association**

1. Assessments, Dues, and the Annual Budget

- a. Property owners are responsible for the payment of monthly (townhome) or quarterly (single family) assessments or charges and any special assessments for capital improvements.
- b. All dues and assessments are payable on the 1st of each month (townhome) or 1st of January, April, July, October (single family). Check or Money Orders should be made payable to “Almond Glen Owners Association, INC.”
- c. Any payment received by the Association's management company after the 15th of the month is subject to a late fee.

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- d. The property owner will be responsible for all charges and legal fees affiliated with delinquent account, NSF checks, etc.

**C. Maintenance Responsibilities of the Townhome Owner**

1. Townhomes (Interior)

- a. Plumbing problems within the townhome, including outside faucets.
- b. Electrical problems with all metered circuits within the townhome.
- c. Heating and Air Conditioning systems.
- d. Exhaust and Ventilation systems.
- e. All painting, caulking, etc. within the townhome.
- f. Costs to repair fire/smoke alarm or detectors.

2. Townhomes (Certain Exterior maintenance including but not limited to)

- a. All glass surfaces and seals.
- b. Exterior television, radio, cable, or satellite connections.
- c. Maintaining all owner installed items and options such as but not limited to rear patio additions, gas grills, storm doors, patio lights and fixtures, etc.
- d. Keeping the area surrounding the townhome free from trash, paper, and other debris.
- e. Exterior doors, frames, and seals.

3. Insurance on townhome upgrades and personal content

**D. Owner/Tenant Responsibilities**

1. General

- a. Toys, bicycles, and other recreational equipment may not be stored on the common areas, sidewalks, or front porches. All items should be stored out of view of the roadway.
- b. Basketball goals (rolling or otherwise movable) must be stored near the home when not in use.

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- c. Well maintained potted plants ,patio furniture, and home decorations in good repair are the only items permitted on the front porch/patio.
- d. Owners of single-family homes will ensure that all installed fences are maintained, siding and trim is kept in good repair (to include cleaning, pressure washing, and painting).

2. Garbage, Trash, and Recyclables

- a. The dumpsters located near the townhomes are for the use of current townhome residents only. Single-family homeowners, their guests, or townhome owners who rent, lease or otherwise do not actively reside in their townhome are barred from using the dumpsters. Reports of violations may result in a fine.
- b. Owners may choose to contract the services of any person or company they choose for trash removal. Dumpster services are contracted by the board of directors on behalf of the association. Owners may also choose to transport their trash directly to the local landfill.
- c. All garbage and recyclable containers must be stored in the rear of the home, in the garage, or behind an approved trash blind. Owners should seek approval from the board of directors via the architectural review process before erecting any kind of trash blinds on their property.
- d. Garbage and recyclable containers may be placed by the curb the evening before trash collection and must be removed the day of trash collection.

3. Pets

- a. Owners are required to abide by laws and local ordinances with respect to licensing, caring for and controlling pets.
- b. Owners are responsible for and must remove all pet litter, regardless of weather conditions, from the common areas or neighboring property of the neighborhood.
- c. Owners are responsible for the actions of their pet or the pet of anyone residing in or visiting their property.
- d. Owners should be considerate of their community and attempt to quiet nuisance pets which cause a continued disturbance within the community.

4. Alteration, Additions, Landscape Modifications to Property

- a. Townhome residents who would like to make modifications to their units' landscaping

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must seek approval from the board of directors via the architectural control process. Forms are available via the community website and from the management company. Approval of a modification does not mean that the association or its contracted landscaping company will include those modifications, alterations, or additions in the general landscaping care. Owners who modify townhome landscaping assume responsibility for the altered, modified, or additional plants unless otherwise agreed to in writing by the board of directors.

- b. Single-family homeowners who wish to make modifications to their landscaping, to include planters, lighting, tree additions or removal, etc. must receive approval from the board of directors via the architectural control process. The association is not responsible for the care or maintenance of single family homes.

## 5. Landscaping

### a. Townhomes:

1. A landscaping company will be contracted by the board of directors to maintain the common areas of the community to include the townhome grass and hedges. Townhome owners who opt to enclose the rear gated area of their property do so with an understanding that landscaper cannot enter a closed in yard to conduct maintenance and therefore, the owner/tenant accepts responsibility for the rear yard once it is enclosed.
2. Garden hoses should be removed from the front of the home and stored out of sight when not in use. Garden hoses in the rear of the home should be disconnected, rolled, and stored neatly when not in use.
3. Flowers may be planted in existing beds only, provided that such maintenance by the owner/tenant does not hinder the association or landscapers in performing its maintenance of the exterior of the townhome and remaining yard spaces. The townhome owner is responsible for the upkeep of these additional plantings.

### b. Single Family Homes

1. All yards (front and rear) must be mowed regularly, watered properly, neatly trimmed, and kept free of weeds.
2. Trees, plants, bushes, and flowers will be maintained. Flower beds and planters must be properly mulched and kept free of debris.
3. Driveways and sidewalks must be edged.
4. Owners will maintain the grass strip within the county easement (between the

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sidewalk and roadway) if one exists directly in front of their home.

5. Garden hoses must be stored or rolled neatly when not in use.

6. Holiday Decorations

a. Holiday decorations may be placed on and around the home no sooner than 30 days before the holiday and must be removed no later than 14 days after the holiday.

7. Fences, Satellite Dishes, Ham Radio antennas

a. No homeowner/tenant may install a fence or patio divider without prior written approval from the board of directors via the architectural control process. All fences are restricted to the rear yard only.

1. Approved fence styles:

a. Townhomes: white vinyl privacy style 6 feet high

b. Single-Family: Shadow Box with a height not to exceed six (6) feet, or Split Rail with a height not to exceed four (4) feet, and of natural color wood. No metal fences, except for a 2 x 4 wire mesh inside of an approved wooden split rail fence to contain pets, are allowed on a Lot. All perimeter fences on a Lot must have at least 30% open. These fences will not be permitted to be erected beyond the rear corner of the house pad.

2. Homeowners who install any fence must ensure they maintain their fence

b. Satellite dishes – The association may not, according to federal law, restrict or prohibit the installation of a satellite dish by any homeowner/tenant. However the association makes the following recommendations in order to maintain the uniform look of the neighborhood and as a courtesy to all residents.

1. If possible, install satellite dishes in the rear of the home out of sight from the sidewalk. This promotes a uniform look to all homes.
2. When possible it is suggested the satellite be mounted close to the ground on a pole and shielded from public view by a “blind”, shrub, etc.
3. If an owner/tenant discontinues satellite service, consider removing the unused dish and related hardware from the home.
4. If possible, avoid having multiple satellite dishes installed at one time.

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- c. No homeowner/tenant may install, erect, or otherwise maintain a Ham radio or other radio antenna or antenna tower on either private or common areas within Almond Glen.

8. Recommendations regarding resale of your home

- a. If the owner will no longer be residing in the home, an alternate address, phone number, and email address should be provided to the management company for emergency purposes.
- b. When a unit is sold, copies of the Almond Glen Owners Association's Declaration of CCRs, Bylaws, and Rules and Regulations must be transferred to the buyer.
- c. After a unit is sold, a copy of the closing statement must be sent to the management company for name transfer on the account.
- d. If the home is sold, it is requested that the owner remove any satellite dishes prior to closing.

9. Recommendations regarding leasing or renting your home

- a. If the owner will no longer be residing in the home, an alternate address, phone number, and email address should be provided to the management company for emergency purposes.
- b. Owners should provide the management company with the name(s), phone number(s), and email addresses of the tenants residing in the home.
- c. Owners are responsible for their tenants adhering to all Almond Glen Owners Association's Declaration of CCRs, Bylaws, and Rules and Regulations, and are subject to fines and fees for violations committed by tenants. Owners who fail to provide alternate contact information are not excluded from fines and fees and are responsible for receiving notification at the property.

10. Parking/Vehicles

a. Townhomes

- 1. All townhome owners/tenants are granted two (2) marked parking spaces. Parking spaces marked as "VISITOR" are for temporary use only. Owners/tenants may not park in "VISITOR" spaces.
- 2. Additional visitor parking is available at the pool parking lot. All parking at the swimming pool is considered "visitor" parking. Owners and guests may use these spaces as temporary "overflow". No vehicles may remain parked for

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extended periods of time in any visitor parking space.

3. Inoperable vehicles are not permitted in the parking lots of the townhomes or swimming pool. This includes any vehicle that cannot be legally driven on a public road (i.e vehicles with flat tires and expired registration, etc).
  4. Trailers, storage containers, "U-Haul" type trucks, "Box Trucks", or similar items are NOT permitted to be parked in the neighborhood for more than 12 hours without the express consent of the board of directors.
- 
5. No recreational vehicles, boats, boat trailers, trailered motorcycles, or four wheelers are permitted to be parked within the neighborhood at anytime.
  6. No commercial vehicles in excess of 1 ½ tons are allowed to be parked overnight without the express consent of the board of directors.

b. Single Family homes

1. Additional visitor parking is available at the pool parking lot. All parking at the pool is considered "visitor" parking. Owners and guests may use these spaces as temporary "overflow". No vehicles may remain parked for extended periods of time in any visitor parking space.
2. Inoperable vehicles are not permitted in public view (outside of a garage) or in the swimming pool parking lot. This includes any vehicle that is not able to be legally driven on a public road (i.e vehicles with flat tires and expired registration, etc.) Vehicles with obvious accident damage and "project vehicles" are also prohibited. Vehicles deemed to be in violation may result in a fine being issued to the homeowner.
3. No trailers, storage containers, or similar items are permitted to be parked overnight without the express consent of the board of directors.
4. No recreational vehicles, boats, boat trailers, trailered motorcycles, or four wheelers are permitted to be parked within the neighborhood at anytime.
5. No commercial vehicles in excess of 1 ½ tons are allowed to be parked overnight without the express consent of the board of directors.

c. Swimming Pool Parking Lot

1. All parking at the swimming pool is considered "visitor" parking. Owners and guests may use these spaces as temporary "overflow" parking. No vehicles may remain parked for extended periods of time in any visitor parking space.



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2. Inoperable vehicles are not permitted in public view (outside of a garage) or in the swimming pool parking lot. This includes any vehicle that is not able to be legally driven on a public road (i.e vehicles with flat tires and expired registration, etc.) Vehicles with obvious accident damage and “project vehicles” are also prohibited. Vehicles deemed to be in violation may result in a fine being issued to the homeowner.

d. Roadways

1. All on street parking is regulated by South Carolina and Lancaster County Laws. Vehicles must be parked on the right hand side of the roadway, facing the proper direction of travel. Vehicles must be parked parallel to the curb and within 18 inches of the curb. Vehicles may not be parked across from an adjacent driveway as to cause a hazard for vehicles attempting to exit an adjacent driveway. Violations may be reported to the Lancaster County Sheriff's Office and owners may be subjected to a fine at the discretion of a responding deputy.

11. Swimming Pool Rules

- a. The association **may** employ a pool management company to oversee the maintenance of the pool. Unless otherwise stated by the board of directors, the pool management company will provide at least one lifeguard for the pool during all hours of operation.
- b. Unless otherwise stated by the board of directors, the pool hours are restricted to daylight only. The pool hours are set by the board of directors, not the management company or pool management company.
- c. No one is permitted to use the pool when no lifeguard is present (unless approved by the board of directors). If the pool is found unlocked and no lifeguard is present, please contact the management company or a member of the board of directors immediately. Use of the pool without permission outside of normal hours is considered trespassing.
- d. Lifeguards or attendants are, by contract, in charge of the swimming pool at all times. Owners and their guests are asked to follow the requests of the lifeguards at all times. Failure to obey the lifeguards may result in a suspension of pool use. This is for the safety and enjoyment of all residents and their guests.
- e. Non-swimmers must be accompanied by capable swimmers at all times. All swimming is “at your own risk” regardless of whether a lifeguard is on duty or not.
- f. No glass is allowed inside the gated pool area.

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- g. No smoking is permitted on association common areas, to include the swimming pool deck, surrounding yard, or parking lot. This is in keeping with current social trends and an effort to promote a healthy environment for all members, their families and guests.
- h. No breath holding games are permitted in the swimming pool.
- i. No more than four (4) guests per household are permitted at the pool at one time unless approved by the board of directors in advance. Extra lifeguards may be required at the expense of the requesting homeowner in order to ensure the enjoyment and safety of all residents and their guests.
- j. A homeowner or tenant **must** accompany all guests while at the swimming pool. Violations may result in guests being asked to leave and suspension of pool use.
- k. No “adult only” swims will be established. This is in keeping with court decisions which have ruled these practices are “age discrimination” and an “anti-family” policies. This policy does not apply to breaks taken by the lifeguards, which require swimmers to exit the pool for brief periods of time.
- j. Lifeguards should be considered a second layer of safety. All homeowners, tenants and their guests are responsible for their own safety and acknowledge the accompanied risks of using the pool
- k. Homeowners/Tenants wishing to utilize the pool for birthday parties or similar events must first obtain approval from the board of directors. Extra lifeguards may be required at the expense of the requesting homeowner in order to ensure the enjoyment and safety of all residents and their guests.
- j. In addition to these general rules, homeowners/tenants and their guests will observe all rules and regulations as posted around the pool.

12. Signs, Advertising Signs, Political Signs, For Sale Signs, Flags, etc.

- a. No signboard, billboard, or advertising sign of any description shall be displayed upon or above any Lot with the exception of:
  - 1. Signs stating "For Sale" which signs shall not exceed two feet by three feet in dimension, shall refer to only the Lot on which displayed and shall be limited to one sign per yard
  - 2. No more than two flags shall be allowed; attached to a short pole, which is then attached to the home. Flagpoles shall not exceed 5 feet in length or be directly connected to the ground.

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**E. Homeowner/Tenant feedback**

1. Your board of directors always appreciates and encourages homeowner comments and suggestions. Please submit your comments, thoughts, concerns and suggestions in writing to either the board of directors or the management company (who will then pass the information on to the board of directors).
2. To report damage or repairs needed to common areas, the swimming pool, or your townhome, please submit a detailed letter or email to the management company via email or US mail. Please include photographs or supporting documentation when appropriate.

**F. Reporting Violations and Resolving neighborhood disputes**

1. Please notify the board of directors, Architectural Control Committee member, Block Captain or the management company of any perceived violations. Notification of a violation does not immediately result in a fine and you may remain anonymous to the neighbor in violation (though anonymous reports may be more difficult to enforce).
  - a. The board of directors prefers to maintain open communication and a friendly community. It is always recommended that you first speak with a neighbor in an effort to resolve any issues which may arise.
  - b. In some cases a hearing may be convened as a way of arbitrating disputes or discussing violations with a homeowner. Hearings must be requested in writing by the homeowner and those requests submitted to the board of directors or the management company.

**G. Neighborhood Inspections**

Members of the Board of Directors, the Architectural Control Committee, or the Management Company may from time to time conduct inspections of the neighborhood. There is no set time or date for these inspections nor will notice be given of a pending inspection.

**H. Enforcement Measures**

1. Initially, a homeowner/tenant who is thought to be in violation of any one or more of the Declarations of CCR's, Bylaws, and General Homeowner Information (Rules and Regulations) will receive a warning notice placed on the door of the home requesting corrective action.
2. If corrective action is not taken, a letter will be mailed to the homeowner requesting corrective action. (Owners who rent or lease their property and fail to give an additional

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address are deemed notified when notice is mailed to their Almond Glen property)

3. If compliance is not met, the board of directors may issue fines or in some cases hire contractors to correct the violation at the homeowners expense. Unpaid fines or fees will be forwarded to the associations attorney for collection.

## I. Meetings

### 1. Board of Directors meeting

- a. Meetings of the Board of Directors are held on an “as needed” basis (typically monthly). It is not the policy of the association to hold meetings merely for the purpose of meeting. Meetings will have an approved agenda drafted by the association Secretary and approved and presented to the Board of Directors at least five (5) in advance of the meeting by either the Association President or other chairman of that meeting.
- b. Meetings of the Board of Directors are for board members. All members are welcome to attend meetings of the board of directors but are only permitted to speak if they are listed on the approved agenda in advance of the meeting. Members who wish to attend meetings of the board of directors are asked to contact the management company or board of directors. Those members who have shown an interest in attending the meeting will be notified when the next meeting is scheduled. Those members who wish to be added to the agenda are asked to notify the management company or board of directors of their request. The member will be notified when their request can be granted based on association business and the meeting schedule of the board of directors.

### 2. Special Member Meetings

- a. Members of the association may cause the board of directors to call a special meeting of the membership if they collect 20% of the membership’s signatures on a letter calling for a special meeting. The letter should state the reason for the meeting, the and the printed names, addresses, and signature of all members who sign. The board of directors will then call a special meeting of the membership as soon as possible. Notice of a special meeting of the membership will be delivered by mail to all members at least thirty (30) days in advance but no more than sixty (60) days in advance.
- b. Special Member Meetings are for the membership. The board of directors will be present and the president of the association will chair the meeting.

### 3. Annual Meeting

- a. The Annual Meeting of the association will be called in the month of July unless there

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is good reason to call the meeting early or later.

- b. Members of the board of directors will be voted into office during the annual meeting.
- c. A copy of the annual budget (set in late December or early January) will be provided to the membership along with notice of the annual meeting. (This budget is available anytime throughout the year by contacting the management company or the association secretary.
- d. Notice of the annual meeting will be delivered by mail to all members at least thirty (30) days in advance but no more than sixty (60) days in advance.
- e. The current president of the association or approved officer in the absence of the current president will chair the entire meeting regardless of whether that officer is re-elected to the board of directors. Upon adjournment of the annual meeting the incoming board will appoint a chairman for the first meeting of the new board of directors.



July 14, 2014

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VIA EMAIL

Board of Directors  
Almond Glen Owners Association, Inc.  
([drudisill@amgworld.com](mailto:drudisill@amgworld.com))

Re: Opinion Letter Regarding Board's Authority to Enact Rules and Regulations  
My File No.: 20366.2

Dear Board:

You have requested an opinion letter regarding the authority granted by the governing documents for Almond Glen to adopt and enforce rules and regulations. In formulating this opinion, I have reviewed the Declaration of Covenants, Conditions and Restrictions for Almond Glen ("Declaration"), its Bylaws, the Rules and Regulations, and applicable South Carolina Law. It is my legal opinion that the Board of Directors is within its authority to implement and enforce reasonable rules and regulation governing both the use of lots and the common area.

As a preliminary matter, our courts have frequently held that "Restrictive covenants are contractual in nature and are to be construed like contracts." *Seabrook Island Prop. Owners' Ass'n v. Berger*, 365 S.C. 234, 238, 616 S.E.2d 431, 434 (Ct. App. 2005). Further, Courts are instructed to interpret the language of a restrictive covenant according to its plain and ordinary meaning at the time of execution. *Seabrook Island Prop. Owners Ass'n v. Marshland Trust, Inc.*, 358 S.C. 655, 661, 596 S.E.2d 380, 383 (Ct. App. 2004). The plain and unambiguous terms of the Declaration provide the Association, through its Board of Directors, with the express authority to "promulgate and enforce reasonable rules and regulations governing the use of Common Areas to insure the safety and rights of all Owners," and "to adopt, publish and enforce additional rules and regulations governing the use of and activities on the lots." Article III, Section 2(a) and Article VI, Section 3(e). In addition to the express authority to adopt reasonable rules and regulations, the Board also has the implied right to interpret the existing use restrictions of the Declaration in determining how they will be enforced. This implied power does not give the Board the unbridled right to impose additional burdens or restrictions on the land, but does grant some leeway to interpret or clarify ambiguities or gray areas.

Articles VI, Section 3(e) of the Declaration goes on to state that the "rules and regulations shall be fair, reasonable and uniformly applied in regard to the Lots and shall carry forward the spirit and intention of these covenants, conditions and restrictions." This requirement comports with the general sentiment across the country with regard to rules and regulations. In determining whether rules and regulations are proper, courts first look to whether the Association enacted the rule within the scope of its authority, then they will decide if the rule is reasonable, not arbitrary or capricious. *Beachwood Villas Condo Ass'n v. Poor*, 448 So. 2d 1143 (Fla. 4<sup>th</sup> DCA 1984).

Article VI, Section 4 authorizes the Board to enforce the Declaration and the Rules and Regulations "by a proceeding at law or in equity against the person or persons violating or attempting to violate any such provisions contained herein." Reasonable Rules and Regulations adopted pursuant to a Board's grant of authority in good faith should be enforced by courts to the same extent as

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restrictive covenants. However, as stated above, an association cannot create new restrictions by way of adopting rules and regulations. These would be subject to challenge as adding additional burdens on the property. The same rule applies to Declaration amendments, as our court has previously held: “the residents may not impose additional restrictions on the undeveloped land, but may only amend those restrictions contained in the restrictive covenants. The residents' purported amendments do not amend the restrictive covenants, but improperly add to them.” *Erkes v. Kasparek*, 303 S.C. 70, 73, 399 S.E.2d 6, 8 (S.C. Ct. App. 1990).

In summary, it is my legal opinion that the Board of Directors for Almond Glen has the authority to promulgate and enforce Rules and Regulations for the Association and can enforce violations of the same.

Please contact my office with any questions or concerns you may have regarding this opinion.

With kind regards, I remain,

Very truly yours,  
Ansley H. Willis

**VIA EMAIL**

Board of Directors  
Almond Glen Owners Association, Inc.  
([drudisill@amgworld.com](mailto:drudisill@amgworld.com))



Re: Almond Glen Owners Association, Inc. – Opinion Letter

Dear Danielle:

You have asked me to provide an opinion on two matters regarding maintenance responsibilities of the Almond Glen Owners Association, Inc. (“Association”).

**Is the Association responsible for maintaining the Townhome Lot fences?**

The Association is not responsible for maintaining the fences that divide the lots behind the townhomes.

Article IV Section 5(b) of the Declaration enumerates the portions of the Townhome Lots that are to be maintained in addition to the Common Areas. Restrictive covenants are essentially contracts that run with the land and are interpreted similarly to contracts. *Queen's Grant II Horizontal Property Regime v. Greenwood Development Corp.*, 368 S.C. 34 2, 628 S.E.2d 902 (Ct.App.2006), the Declaration delineates the Association to be responsible for maintaining these specific items: “roofs, gutters, downspouts, building exteriors, trees, shrubs, grass, and walks...” The areas delineated do not include fences. The Association is only responsible for maintaining the portions of the Townhome Lots specified under the Declaration. Were a Townhome Lot owner to bring suit to compel the Association

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to maintain the fences, a court will be obligated to strictly construe ambiguities against the party seeking to enforce them. *Id.* Because the Declaration expressly lists the specific improvements of the Townhome Lots to be maintained and does not include fences, it is my opinion that the Association should not maintain the fences.

**What is the scope of the Association’s maintenance obligations with respect to the term “building exterior” under Article IV of the Declaration?**

The Association is responsible for maintaining the outside *surface* of the Townhomes subject to certain limitations.

Article IV Section 5(b) of the Declaration requires the Association to “provide exterior maintenance upon each Townhome Lot which is subject to assessment hereunder as follows: paint, repair, replace and care for ... building exteriors... provided such exterior maintenance shall not include the replacement or repair of window glass, hardware, exterior lighting ....” *Merriam-Webster Dictionary*, 11<sup>th</sup> Edition, defines “exterior” in the noun form as, “an outer part or surface.” *Oxford Dictionary* defines it in the noun form as, “[t]he outer surface or structure of something.”

I take note that the Almond Glen subdivision is a townhome PUD and not a condominium. I conclude that “building exterior” refers to the surface portion of the Townhomes with the limitations included in the Declaration under Article IV Section 5(b), mainly that window glass, hardware, patios, walkways, and stoops are expressly excluded from the maintenance obligation of the building exterior. Further supporting this understanding, I also note that the Association has only maintained the surface of the Townhomes up to this point.

Additionally, I believe that it is important to note that Article IV Section 5(b) states that “The determination of the need, quality, **extent** and cost of such maintenance and repair shall be made by the Board of Directors of the Association [emphasis added].” This provision vests the Board of Directors with some authority to determine the extent of repairs. I recommend that the Board of Directors promulgate rules and regulations clarifying that the Association’s maintenance will be limited to the surface portion so as to clarify the maintenance obligations of the Townhome Lot owners and the position of the Association. The policy should clearly state that each Townhome Lot owner is responsible for providing full hazard insurance coverage for their property, including the exterior. The policy should also clarify that the Association is not responsible for any damages purportedly caused by lack of maintenance as the Declaration clearly provides the Association has discretion on implementing maintenance.

Thank you for giving me the opportunity to provide these opinions.

Yours truly,  
D. Ryan McCabe

DRM/mrs