

Motion Regarding Homeowner Installed Vinyl Fences

Date: July 26, 2021

WHEREAS the responsibility for maintenance and replacement of fences located along the boundaries of individual lots (the FENCES) has from time to time changed between that of the HOA and that of the individual homeowner due to vague or missing language in the Declaration of Covenants, Conditions, Easements and Restrictions, and

WHEREAS prior to October 3, 2017, the responsibility for maintenance and replacement of the FENCES resided solely with the Homeowner, and

WHEREAS the Board of Directors did, on October 3, 2017, pass a resolution titled RESOLUTION OF THE BOARD OF DIRECTORS, LAKE COUNTRY VILLAGE HOMEOWNERS ASSOCIATION, INC, FENCE MAINTENANCE AND REPLACEMENT, and

WHEREAS said Resolution states in part that

- "... future maintenance and/or replacement (at the sole discretion of the HOA) of wooden FENCES with fences of a similar style and material (or with such other material at the sole discretion of the HOA) shall be the responsibility of the HOA and shall be budgeted and paid for through an allocation of Homeowner assessment ...", and
- "The Board further asserts that it shall fulfill its obligation in this regard by budgeting and prioritizing the work in consideration of the other financial obligations it is charged with, giving due consideration to the amount of dues it asks homeowners to pay, and

WHEREAS to clarify policies and practices related to reimbursements owed to Homeowners who undertake maintenance or replacement of elements which are identified as the responsibility of the HOA, the Board of Directors did pass a resolution on 12/14/2020 adopting the document titled CLARIFICATION OF HOA VS HOMEOWNER RESPONSIBILITIES IN THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS (the CLARIFICATION DOCUMENT) and,

WHEREAS Paragraph 10 of said CLARIFICATION DOCUMENT states, in part

- "Homeowners may make changes, additions, installations, repairs or perform maintenance on any building item maintained by the HOA provided a Work Request is submitted and approved...", and
- "If such work is performed by the homeowner, the HOA is not required to contribute to any cost incurred by the Homeowner, for such work, whether done before or after the adoption of this policy.", and

WHEREAS it has been the practice of the HOA to adhere to this policy even before the adoption of same,

THEREFORE, the Board of Directors hereby

- confirms the terms of the above referenced resolutions and documents and states the said terms apply to any and all replacements, changes, additions, installations, repairs or maintenance on any item required to be maintained by the HOA, including FENCES,
- confirms therefore that Homeowners who have, by their own decision, replaced their FENCE with any material are subject to the provisions of paragraph 10 of the CLARIFICATION DOCUMENT and
- reaffirms its decisions previously adopted and states therefore that no reimbursement is due to Homeowners who have replaced or maintained their FENCE regardless of any future disposition of said FENCES.

Motion by: Randy LaMora

Seconded: Linda Turner

Vote: 5 in favor, 1 abstention. Motion carried.