

Walls & Covenants – Questions & Answers

1. Q. What brought this wall thing on?

A. This all started with a few failing wall joints in a Common Area wall along Rt. 1. The back walls of several homes were then inspected – some found with significant cracks.

2. Q. Is the problem with just the back walls or all the walls?

A. The walls and fences in general are under-explained in the Covenants, making it hard to pinpoint responsibility and proper fixes. Although the most troubling wall joint failures are mostly in the back walls of our yards, our primary focus has been to make the maintenance obligations to all walls and the fences consistent for all homeowners. It's also important to know that many of the wall failures are likely caused by plants and trees that are in our backyards. So properly defining all the walls and improving the maintenance responsibility of each makes great sense.

3. Q. Why change the Covenants? That's a big deal.

A. The simplest answer includes 1) It gives significant and appropriate backyard decisions to the homeowners – not to the Association, and 2) it saves a lot of money.

4. Q. How bad are the walls?

The initial review by a hired contractor was that some were worse than others. An engineer was hired, and they targeted 24 walls – many of those were to be rebuilt, while others had less severe fixes.

5. Q. 24 walls – what's the big deal?

A. We needed more details so we took the time to inspect **all** back walls that we could access from Association property. In total, there are 328 back wall joints to address. We have a house-by-house report on our website – go to the Information Library tab in the Homeowner's Portal. Then click Homeowners Documents /Information Library/Walls

6. Q. 328 walls? But we have 618 homes!

A. Right. 328 back wall joints are on shared property with the Association. 100+ back wall joints are on private property shared between neighbors – meaning the Association isn't involved in any repairs. The remaining 170+ homes have back fences – not back walls.

7. Q. Who's responsible for the fences?

A. Hmm. Some people will explain that they are. Others say the Association is – or should be – especially if the walls are the Association's to repair. The Covenants never mention them, so it's a mess. The amended Covenants will treat the back fences like we'll treat the back walls, basically Homeowner maintained.

8. Q. How did this grow into such a disruptive issue?

A. There are several reasons. Our own survey report shows 45 high concern walls joints, that would cost over \$450k to rebuild using the Association's original plan. Add to that the Attorney's review and finding that the Association is responsible; the funding method for the first phase (Hotwire savings); the significant pushback from people that the Association should stay out of their back yard; and then the fact that most of the backwalls were built partially on the Association property – well, it all created a fury and is difficult to address. And don't forget about all the other walls and fences to repair.

9. Q. So if we don't go with the original plan (Association is responsible) - what is the plan?

A. In short, a Vote in favor of Amendment 5 is needed to change things for the better – call it "The Homeowner Plan." This plan will update the Covenants to have the homeowners manage the back yard walls and fences – and handle the upkeep work as well. This Amendment clears up definitions, maintenance responsibility, and proper yard access for all walls and fences. It is also much cheaper than the original plan. Without this change, repair responsibilities will remain confusing and inconsistent.

10. Q. How is the “Homeowner Plan” better?

A. Start with the idea that many homeowners call the back walls “their walls.” Their abutter is sometimes another homeowner; sometimes the Association (Common Areas); or some are another Association’s homeowner (the River). The existing Covenants are not always clear or consistent about how to handle these complex issues. By clearly assigning the responsibility to the homeowners, we gain consistency throughout – including the fences.

11. Q. Why do we have to change the side yard easement?

A. The 2’ of land that extends off the neighbor’s house along their left side wall forbids that owner from any access – even though that land is theirs. Article V.3. states “The easement area shall not be used in any manner by the owner...” So that owner has no access to that land to paint the wall, repair the overhang, or access their roof. Clearly, that owner needs access for reasonable maintenance of their home. Amendment 5 provides proper access for both owners.

12. Q. Why would we want to change the responsibility of repairs and give it to the homeowners?

A. First, there’s a huge push-back to do so from homeowners. Call it the “If I can see it from my back patio, it’s mine to fix” plan. It turns out that the Developer originally planned it that way and gave out pre-sale documents showing that. The buyers thought that’s what they were getting. But the **official** documents registered with the County in 1985 weakened that plan. Hence the “ambiguous” documents and all the confusion. And second, there’s a lot of money to be saved with homeowner’s repair options rather than the Association’s plan to rebuild the problem walls.

13. Q. Amending the Covenants will save a lot of money? How much?

A. The short answer is more than \$500,000! Really. See the chart at the bottom of the page.

14. Q. Why do we have to change the Covenants?

A. The Covenants are one of our governing documents for the Association. Well written “rules” in this document can solve major problems. For example, a large number of our back walls are built on the property line between a homeowner and the Association’s property (Common Area). We can offer consistency to the maintenance and repairs through proper easement and some clarity on responsibility – regardless of the property line boundary. Amendment 5 does exactly that.

15 Q. What can I do to help?

A. Please vote for the Amendment 5 changes to the Covenants. Talk to your neighbors and friends. Spread the word about these changes. Try to get others up to speed and involved. Also, please consider the big picture. We all have some compromise with changes. Please don’t let one or two minor issues wreck the overall good for the community.

Snapshot: Order of Magnitude Co\$t\$

Total Back Wall Repairs

Priority	Count	“As is” Plan		Amend Covenants Plan	
		Per wall	Total	Per wall	Total
Level 1 - High+	6	\$15k	\$ 90k	\$ 2k	\$12k
Level 2 - High	39	\$ 9k	\$ 351k	\$900	\$35k
Level 3 - Med	138	\$1.2k	\$ 166k	\$300	\$42k
Level 4 - Low	112	\$800	\$ 92k	\$250	\$28K
Level 5 - None	33	\$ 0	\$ 0	\$ 0	\$ 0
	328		\$699k		\$117k
		Association funded		Individual Homeowner funded	