

Rosebrook Questions and Answers from 3/19 Meeting

Q. How many total lots are there and how many have sold?

A. There are 72 total lots, 48 have sold, leaving 24 (or 34%) available.

Q. At what point will the HOA become Homeowner controlled?

A. According to Article II, Section 2, on page 3 of the 2nd Amendment to the DCR's, at such time as the Developer no longer owns any residential lots or property intended to be subdivided; or January 25, 2018, whichever event occurs first.

Q. Can the HOA be dissolved and if so, how?

A. The short answer is no.

Per the original DCR's Article 6, Section 1, page 6, "The Covenants and Restrictions of the Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors, and assigns, for a term of thirty years from the date this Declaration is recorded, after which time said Covenants shall be automatically extended for successive periods of ten years unless and instrument terminating these Covenants and Restrictions signed by the then owners of 75% of the lots has been recorded prior to the commencement of any ten-year-period." *DCR's were recorded on May 28, 1990*

The Developer is the one with authority to dissolve the HOA while it is under the control period. Even if he chooses to do so, or if the homeowners choose to do so at such time as it becomes owner controlled, dissolution is a lengthy and expensive process. The common areas must first be deeded to an individual, or to the municipality, otherwise all homeowners will share equally in the maintenance expenses and the general liability (without insurance) of said areas. Further, all property deeds make reference to the property being in an HOA and will have to be redrafted and rerecorded. The first step to proceeding with any of this would be to retain an attorney, and then you have to decide who pays the legal fees.

Q. Does the Developer pay Assessments?

A. No. Assessments are only charged on Lots once they have been conveyed. This is illustrated in Article IV, Section 3, on page 4 of the Original DCR's, which states "For each lot on which a residence has been completed and is available for occupancy, the initial monthly assessment shall be \$35.00 beginning on the first day of the month following completion of such residence."

This information was updated in the 3rd DCR Amendment to reflect the annual payment schedule.

This information was again updated in the 4th DCR Amendment to reflect the increased amount.

Q. Where can a copy of the DCR's and all amendments be obtained?

A. Wright-Way will email them to you upon request, or they can be found on the Conaway website at the following link. If you require a printed copy a service fee of 10 cents per page, plus applicable postage, must be paid in advance.

<http://www.conawayhomes.com/community.php?id=13>

Q. What was the Special Assessment used for?

A. \$75 per homeowner, for a total of \$3,600 was charged. This amount was based on estimates received prior to commencement of work. After the Special Assessments were received we went with the lowest bid of \$3,201.77, which was used for the bridge and playground repairs. The remaining \$398.23 was put into the operating fund.

Q. What work was included in the repair bill totaling \$3,201.77?

A. This invoice included work to both bridges and the playground and is inclusive of all labor and materials required.

Bridge:

- Lift bridge girders and reposition on existing concrete supports
- Install anchors into concrete piers
- Install steel plate onto each repositioned girder

- Remove all nails and screws that are broken or loose
- Using existing lumber where possible, reinstall loose flooring boards using appropriate deck screws

Playground:

- Remove lumber damaged by fire
- Replaced burned joists, flooring, and any other damaged parts as need to make the structure sound
- Replace 2x4 slats missing from the outside of the structure
- Install 2x6 cross piece at each post under the structure, closest to the creek, to provide additional support. Bolt new piece to existing post. Install 2 angle brackets in corner where post meets cross girder.
- Remove framed ladder that leads to upper part of the structure
- Install new ladder and upper rail framing where ladder is removed

Q. Can the bridges and playground be removed?

A. Yes. If the HOA will vote to do so, however this will come at a cost to the HOA and funds will need to be collected.

Q. Was the landscape contract put to bid?

A. At the time that Envirocare was chosen, Wright-Way obtained 3 competitive estimates. These were presented to the HOA for approval. The homeowners chose Envirocare because they presented the lowest bid and they have a good reputation for service. By all accounts Envirocare has been doing an excellent job. As such when the rate increase notification was received we did not put the contract out to bid again. If the homeowners wish us to do so, we will.

*Side Note – If there is an issue with the landscape service, i.e. not mowing fully to the property lines, please notify Wright-Way immediately so that the problem can be addressed.

Q. What can be done to improve the landscape of the vacant lots?

A. Wright-Way drives the property bi-weekly. When we notice that the landscaping is getting unruly we contact the developer and notify them that it needs attention. We cannot force the developer to mow more frequently than he is willing to do, nor do we have any say in whom he chooses to complete this work, or the authority to control the quality of the work performed.

Q. Why are there still common area fence repairs that have not been completed?

A. There are no funds available to complete the repairs. Further, Wright-Way will not be able to initiate these repairs until such time as a budget can be approved and funds made available. This also applies to the bridge wash out concerns, standing water on the property, general clean up of the common areas, and any other maintenance or repair items.

Q. Why are only 35 pages of DCR updates included in the packet when there should be a total of 38 per the page count on the bottom of each page?

A. The remaining pages were signature and notary pages. As they did not affect the DCR's we chose not to include them so we didn't have to charge for them.

Q. Can the common area be deeded either to the City or to each home in which it falls behind?

A. Wright-Way has posed this question to the developer. The decision is solely theirs. We will provide the Association with a response as soon as one has been received. It is highly unlikely that the City of Whitehouse would be interested in purchasing this land, even at no cost to them, as it provides no benefit to them, only additional maintenance expenses.

Q. Can we have a second meeting in 45-days.

A. Yes, we will schedule a meeting at the property for Saturday, May 4th, at 10:30am. Proper notifications shall follow in due time. It has been urgently requested that a Developer representative be present at the meeting. Wright-Way will convey this message to the Developers.