

CLAREMONT GREENS TOWNHOME ASSOCIATION

Interpretive Resolution of the Board of Directors – Maintenance, Repair and Replacement

RECITALS

- A. “**Association**” is the Claremont Greens Townhome Association, an Oregon nonprofit corporation. The Association is governed by the following:
1. “**CCRs**” is Declaration of Additional Covenants, Conditions and Restrictions for Claremont Greens Townhomes (“**CCRs**”) recorded as document number 96114751 in the deed records for Washington County, State of Oregon as amended and supplemented from time to time;
 2. “**Bylaws**” is the First Amended Bylaws of Claremont Greens Townhome Association recorded as document number 2006-055768 in the deed records for Washington County, State of Oregon as amended and supplemented from time to time; and
 3. “**Act**” is the Oregon Planned Community Act, ORS Chapter 94.550-94.783.
- B. ORS 94.630 and Section 3.4 & 3.9 of the CCRs vest the Board of Directors with all of the powers and duties necessary for the administration of the affairs of the Association. ORS 94.630(1)(r) and Section 7.1 of the Bylaws further provides that the Board of Directors may exercise any powers necessary and proper for the administration and operation of the association.
- C. ORS 94.630(1)(a) and Section 3.9 of the Bylaws empower the Board of Directors to adopt Rules and Regulations for the planned community. This includes the authority to adopt rules and regulations interpreting conflicting provisions within the CCRs and resolving ambiguities;
- D. Section 3.10.1.1 of the CCRs provides that the Association shall be responsible for all maintenance and repair of the exteriors of Building Structures, the entirety of the Townhome Common Areas and the entirety of Landscaped Areas – as those terms are defined in Section 2 of the CCRs. Section 3.10.1.1 further provides that the costs associated with the repair and maintenance of certain Building Structure roofs shall be paid for by those owners who reside in the affected buildings, unless the repairs benefit all owners, in which case they will be paid for as a common expense. Section 3.10.1.2 provides a number of specific areas of maintenance responsibility which are solely attributable to owners.
- E. The Association Board of Directors has had significant difficulty reconciling the interpretation of Section 3.10.1.1 and 3.10.1.2 in the context of conducting regular maintenance, repair and replacement of the Building Structures and Townhome Common

Areas.


- F. ORS 94.704(8) and Section 4.4 of the CCRs provide that, notwithstanding the apportionment of repair and maintenance responsibility and payment responsibility in the CCRs, the Association may assess an individual owner or owners for any loss or cost incurred by the Association that is determined by the Board of Directors to be the fault of one or more owners.
- G. Section 3.10.1.2 of the CCRs further provides that the decision as to the nature and extent of maintenance that is required for a particular Building Structure and the timing of such maintenance shall be within the sole discretion of the Board of Directors;

NOW, THEREFORE, IT IS RESOLVED that:

- I. The Association hereby adopts this policy interpreting Section 3.10.1 and 3.10.2 of the CCRs to resolve confusion about various areas of repair and maintenance responsibility as between the individual owners and the Association. This resolution also seeks to interpret and clarify the apportionment of financial responsibility for such repair and maintenance as between the homeowners and the Association.
- II. Exhibit A, attached hereto, is a chart of Areas of Responsibility as between individual Owners and the Association. Exhibit A shall interpret and clarify the ambiguity in Sections 3.10.1 and 3.10.2 by establishing who has the authority to supervise various areas of responsibility for maintenance, repair and replacement as well as who has the responsibility to pay for particular work.
- III. As used in this resolution and Exhibit A, all defined terms shall have the same meaning as provided in Section 2 of the CCRs.
- IV. A copy of this resolution shall be circulated to every owner in the Association at their address in the records of the Association via email or regular mail (if the owner has specifically requested regular mail).
- V. This resolution shall amend and supersede all prior resolutions of the Association to the extent they conflict.

ATTEST:


President, Board of Directors
Claremont Greens
Townhome Association


Secretary, Board of Directors
Claremont Greens
Townhome Association

DATED this 6th of January, 2015.

PAGE 2 – CLAREMONT GREENS TOWNHOME ASSOCIATION INTERPRETIVE RESOLUTION

Exhibit A - Areas of Responsibility

Maintenance, Repair or Replacement Item	Authority to Oversee/Direct Work	Payment Obligation (Assuming no fault)	Payment Obligation (Assuming cost is attributable to fault of one or more owners)
Roof Work Benefitting all Owners	Association	Common Expense	Owner
Roof Work Benefitting fewer than all Owners	Association	Benefitted Owners	Owner
Roof Moss Treatment	Association	Common Expense	Owner
Siding	Association	Common Expense	Owner
Gutters and Downspouts	Association	Common Expense	Owner
Exterior Light Fixtures	Association	Common Expense	Owner
Exterior Painting	Association	Common Expense	Owner
Skylight Surface Glass Cleaning	Association	Common Expense	Owner
Grass, Sod, Trees, Bushes on Landscaped Areas	Association	Common Expense	Owner
Underground Sprinkler System	Association	Common Expense	Owner
Glazing (Glass) on Exterior Windows and Skylights	Owner	Common Expense	Owner
Window Casement, Frames, Trim and all other window-related components other than glazing	Owner	Owner	Owner
Skylight repair and maintenance to glazing	Owner	Owner	Owner
Landscaping located on Outdoor Living Areas	Owner	Owner	Owner
Decks and Patios	Owner	Owner	Owner
Exterior Doors	Owner	Owner	Owner
Walkways and Driveways	Owner	Owner	Owner
Doorbells and Knockers	Owner	Owner	Owner
HVAC lines and devices	Owner	Owner	Owner
Building Structure Electrical Wiring	Owner	Owner	Owner
Fixtures	Owner	Owner	Owner
Plumbing Pipes and Conduits	Owner	Owner	Owner
Removal of Snow and Ice from Lot	Owner	Owner	Owner