

**WILLOUGHBY END HOMEOWNERS ASSOCIATION, INC.
RESOLUTION REGARDING MAINTENANCE RESPONSIBILITIES**

WHEREAS, Willoughby End Homeowners Association, Inc. (“Association”) is a planned community created by the filing of a Declaration of Covenant, Conditions and Restrictions on May 23, 2002;

WHEREAS, Association is subject to the NC Planned Community Act, which provides that except as provided in a declaration, an “association is responsible for causing the common elements to be maintained, repaired, and replaced when necessary and to assess the lot owners as necessary to recover the costs of such maintenance, repair, or replacement” and that “each lot owner is responsible for the maintenance and repair of his lot and any improvements thereon;”

WHEREAS, Article V § 2 of the Declaration provides that assessments may be spent, among other things, for the improvement and maintenance of the Properties, including the exterior maintenance of the Townhomes and for the maintenance of the Townhome Common Elements;

WHEREAS, Article IX § 1 of the Declaration provides that Association must paint, repair, replace and care of several items, including “exterior building surfaces;”

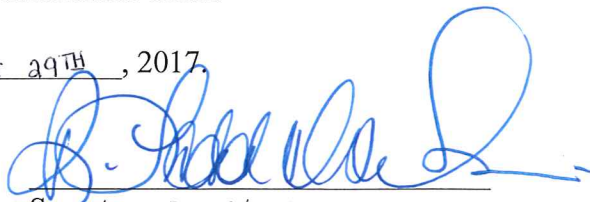
WHEREAS, The term “exterior building surfaces” is left undefined and subject to interpretation, and previous Boards have not adopted a formal policy regarding maintenance responsibilities; and

WHEREAS, Association has reviewed and determined it is in the best interests of Association to adopt a resolution defining maintenance responsibilities based on the governing documents, rules of reasonableness and past practice.

NOW THEREFORE, The Directors adopt the following resolution for purposes of defining maintenance responsibilities and treating owners fairly and similarly:

RESOLVED, That maintenance responsibilities within the Association are as defined on the attached Maintenance Responsibilities Chart.

Adopted by the Board, September 29th, 2017.


~~Secretary~~ President

MAINTENANCE RESPONSIBILITIES CHART¹²

Owner	Association	What	Declaration Ref.	Comments
X		All items on a Lot other than Listed	Art. IX	
X		Appliances on Lot (stove, refrigerator, fan, fixtures, or connections providing water, light, power, telephone, sewage)	Art. IX	
X		Basement or below grade water proofing	Art. IX	
	X	Common areas	Art. IX	
	X	Curbs	Art. IX	
X		Doorbells	Art. IX	
	X	Doors (exterior) – paint, clean or stain exterior	Art. IX	Part of Lot, but painting and staining is Association responsibility
X		Doors (exterior) - replacement	Art. IX	
X		Electrical problems on Lot	Art. IX	
X		Electrical outlets	Art. IX	
X		Exhaust and ventilations systems on Lot	Art. IX	
	X	Exterior building surfaces	Art. IX	
	X	Exterior house numbers	Art. IX	
	X	Exterior improvements	Art. IX	
X		Exterior lights (side, back, and front house lights and fixtures)	Art. IX	
		Exterior street/post lights	Art. IX	Utility Company
	X	Exterior siding and trim	Art. IX	
X		Fences located on any Lot or within Limited Common Elements	Art. IX	

¹ This Maintenance Responsibilities Chart provides general information and is not legal advice or a legal opinion. Specific questions should be directed to an attorney.

² The governing documents for this association contain the phrase “repair, replace, and care of...exterior improvements”. This is vague language, and any questions about what may or may not be considered an exterior improvement should be directed to the Association’s Attorney

X		Fire/smoke alarms and detectors	Art. IX	
	X	Downspouts	Art. IX	
	X	Driveways and parking pads located within the Limited Common Elements and within the Street Right of Way	Art. IX	
X		Foundation issues	Art. IX	
	X	Front stoop	Art. IX	
X		Garage Door	Art. IX	
X		Glass surfaces	Art. IX	
	X	Grass	Art. IX	Unless restricted by Owner installation of a Fence preventing maintenance access
	X	Gutters	Art. IX	
X		HVAC	Art. IX	
X		Interior surfaces (painting and repair of any and all walls, ceilings or floors)	Art. IX	
	X	Landscaping (trees, shrubs, grass)	Art. IX	Unless restricted by Owner installation of a Fence preventing maintenance access
	X	Mailbox Kiosk	Art. IX	
X		Mailbox locks and keys	Art. IX	Check with Post Office for Keys
	X	Paint/stain exterior.	Art. IX	
		Party wall		Check with Attorney
X		Patio or deck located on any Lot or within Limited Common Elements	Art. IX	
	X	Parking spaces/areas	Art. IX	
	X	Plumbing issues on common area	Art. IX	
X		Plumbing issues on Lot (vent pipes within building, or other plumbing problems within	Art. IX	

		building including service to the Unit)		
	X	Roof	Art. IX	
		Satellite dishes	Art. IX & VI	check with attorney
	X	Shrubs	Art. IX	Unless restricted by Owner installation of a Fence preventing maintenance access
X		Shutters	Art. IX	
	X	Sidewalks	Art. IX	
	X	Siding	Art. IX	
	X	Steps (Front)	Art. IX	
X		Steps off of Patio or Deck in Limited Common Element	Art. IX	
X		Storm Doors	Art. IX	
X		Structural issues	Art. IX	
	X	Trees	Art. IX	Unless restricted by Owner installation of a Fence preventing maintenance access
X		Vent Pipe (cleaning and repair of pipe)	Art. IX	
X		Vent pipe exterior covers	Art. IX	
X		Water and sewer (external to Unit/in common area)	Art. IX	
X		Water spigots	Art. IX	
	X	Walks/walkways	Art. IX	
	X	Windows - paint, clean or stain exterior	Art. IX	
X		Windows - replacement	Art. IX	Part of Lot, but painting and staining is Association responsibility.
		<i>Maintenance, Repair, or Replacement caused through the willful or negligent act of the Owner, his family, guests, or invitees</i>		Check with Attorney
		<i>Maintenance, Repair, or Replacement caused through</i>		Check with Attorney

		<i>the act or negligence of the Association or an agent</i>		
		<i>Maintenance, repair, or replacement caused by original builder construction defect</i>		Check with Attorney
		<i>Maintenance, repair, or replacement caused by fire, lightning, windstorm, hail, explosion, riot, strike, civil commotion, aircrafts, vehicles, and smoke</i>		Check with Attorney and Insurance Agent