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M E M O R A N D U M

To: Marisa Highsmith, for the Board of Directors

From: Brian S. Edlin

Re: Westport at Twin Lakes Homeowners Association, Inc. Maintenance Responsibilities

Date: 18 July 2014

The Westport at Twin Lakes Homeowners Association, Inc. (“the Association”) is a planned community chartered under the Planned Community Act, N.C.G.S. §47F-1-101 et seq. In general, planned communities are governed by this simple concept – Owners maintain the Lots and the Association maintains the Common Area. This concept is set forth in N.C.G.S. §47F-3-107. However, this statutory provision can, and often times is, varied in declarations. In the case of the Association, the maintenance responsibilities for the Owners versus the Association are set out in Article V of the Declaration of Protective Covenants for Westport at Twin Lakes recorded at book 12207, page 928 of the Wake County Register of Deeds (“the Declaration”). There are a number of items on the Lots that the Association is obligated to maintain. In addition, the Association is obligated to maintain the “Common Property” which is defined a land owned by the Association.

In the case of the Association, I have highlighted the general area of the Common Property which is shown on the maps recorded at book of maps 2006, page 2036 (6.20 acres) and book of maps 2005, page 2536 (4.83 acres). The Association has to maintain all of this area inclusive of the parking areas, mailboxes, sidewalks, landscaping and light posts located on the Common Property. Under Article V of the Declaration, the Association also has to maintain the following located on the Lots: (1) shrubs, grass and landscaping; (2) irrigation systems (if not maintained by the Master Association; (3) some exterior portions of the townhomes (I have broken this down more specifically in the chart below); (4) private streets and alleys (5) sewer and water pipes serving more than one townhome if not maintained by the government; (6) walking trails in the community, if any. The Owner, in general, has to maintain the windows, doors, door knobs and hardware for doors and windows, decks, patios, HVAC and exterior lights on the Owner’s townhome. To the extent something is the Owner’s responsibility, the Owner must maintain to the level of the “Community Wide Standard” which is defined in Article 1.7 of the Declaration.

The chart below adds more specificity to the maintenance responsibilities of the Owner and the Association with respect to all of the land and buildings in the Westport at Twin Lakes subdivision. If the area is shaded, it is either an “O” Owner responsibility, or an “HOA” Association responsibility.

Westport at Twin Lakes Maintenance	Responsibility	
	O	HOA
Private streets ¹		X
Medians – See for 1, supra.		X
Irrigation System – See for 1, supra.		X
Alleys, if any – See for 1, supra.		X
Light posts (on Common Property)		X
Water and sewer lines serving more than one townhome		X
Exterior surfaces of garage doors of townhomes		X
Roofs of townhomes		X
Downspouts and gutters on townhomes		X
Gutters of townhomes		X
Siding of townhomes		X
Windows on townhomes	X	
Doorknobs of doors on townhomes	X	
Foundations of townhome structure	X	
Driveways serving a townhome		X
Front and rear steps of townhomes	X	
Decks of townhomes	X	
Patios of townhomes	X	
Planters	X	
Courtyards of townhomes		X
Concrete Patio Pads of townhomes	X	
HVAC of individual townhomes	X	
Storm Doors of townhomes	X	

¹ To the extent not maintained by the Master Association. See Article V, Section 1.

Exterior doors - Painting	X	
Exterior doors - Replace	X	
Door knobs	X	
Door Frame and Sill	X	
Glass Doors, if any	X	
Window screens and screen doors	X	
windows panes and window fixtures (trim)	X	
window - replace	X	
Shutters		X
glass surfaces	X	
Hose Bibs	X	
Exterior light posts & fixtures	X	
Crawl Space Doors	X	
Mailboxes on Common Property		X
Exterior light bulbs	X	
Exterior light fixtures	X	
Exterior Hose Bibs	X	
Door Bells, Buzzers, Knobs & Locks	X	
Pipes only serving one townhome	X	
Grass, shrubs and other landscaping on common property		X
Walking trails ²		X
Damage to Common Property – Owner or Occupant or Guest	X	
Removal of litter	X	
Electrical wiring serving only the townhome (regardless of where located)	X	
Landscaping of individual lots		X
Exterior steps of townhome	X	

² To the extent not maintained by Master Association or government.