

Homeowner Liability regarding the HOA Perimeter Fence

The perimeter fence is installed within 6 inches of the HOA property line. Homeowners are allowed to landscape along the fence as long as the final grade is below the fence. If a retaining wall is required, a gap of 18 inches must be maintained between the retaining wall and the fence in order for the fence to be able to be assessed for maintenance and repair. Dirt or landscaping materials that are above the grade of the perimeter fence exerts pressure on the fence and can cause it to warp. This same dirt or landscaping also traps moisture which causes the pickets and the posts to rot, reducing the expected life of the fence/section.

The Homestead in the Willows Governing Legal Documents, Article V, Section 12 Assessments Related to the Perimeter Fence – states (in part):

The Board of Directors may, in its discretion... fix Special Assessments for payment of costs associated with the replacement of the Perimeter Fence... Such costs concerning the Perimeter Fence shall be borne:

1. Entirely by any Owner whose conduct or misconduct causes the need for maintenance, repair or replacement of all or a portion of the Perimeter Fence.

The intent of the HOA Board is to continue to perform the scheduled periodic maintenance and replacement of the fence from funds collected annually and placed into the reserve fund. Where it has been determined that repair or replacement of a section is due to homeowner negligence or misconduct, we are going to expect that homeowner to share in the costs associated with the repair/replacement. Such repairs can run as much as \$42 per linear foot or roughly \$2500-\$3000 (or more) for a section.

Please take the time to properly inspect your section of the perimeter fence and make any landscape changes that are necessary in order to follow the above guidelines.

Sincerely,

The Board of Directors
Homestead in the Willows, HOA