

Fieldstone

Association Handbook

Revised: 2/2019

DISCLAIMER AND REFERRAL TO DOCUMENTS: This handbook is designed to familiarize owners briefly with the homeowners' association, management, policies and procedures. A more comprehensive reference to any item concerning the association can be found in the Declaration, Articles of Incorporation, and By-Laws issued to all owners at the time they take title to their home.

In the case of any conflict between this handbook and the documents, the Declaration, Articles of Incorporation and By-Laws shall control.

WHAT IS A HOMEOWNERS ASSOCIATION?

When developers first started building Homeowners Associations, everyone agreed that having property shared by all owners was a good idea. But one question remained, "who is going to take care of it?"

Local government was not responsible because the land was privately owned. The developer would eventually sell all the homes and go on to build another project so they would not want to be responsible. That left the residents. Since they owned shared property, they should have the responsibility for its maintenance. Thus, the concept of an association was created.

Homeowners associations are incorporated, non-profit organizations that operate under a recorded land agreement. Each buyer of a home within the development automatically becomes a member of the HOA which allows them to have a voice and vote in association affairs at annual or special meetings of the membership. Each land owner is subject to a proportionate share of expenses to maintain the common property and support other necessary activities of the organization.

The major responsibility of the association is to protect your investment and enhance the value of the property owned by the members. This is done by providing for the physical maintenance and operation of the shared property.

The association has other responsibilities too, such as, enforcing the regulations and architectural controls, financial reporting, and setting up an effective communications system among members.

To assure the homeowners have a well-run organization, a professional management firm has been retained as an integral part of the operation of the association. Professional management will ensure that the association functions as a viable business organization, protecting the homeowners' valuable investment. The management staff will coordinate and supervise the maintenance, financial, and architectural facets of the association.

THE HOMEOWNERS ASSOCIATION IS A BUSINESS

No matter what role you play in the association, one thing is certain: you will want it to operate as smoothly and efficiently as possible. The most important thing to remember about a community association is that it is a business. To be successful, it must operate like one.

ASSOCIATION LEGAL DOCUMENTS

When the developer plans his project, he develops a set of legal documents, which establishes the community association, governs its operation, and provides rules for use of all properties in the community. The legal documents consist of Articles of Incorporation, By-Laws/Code of Regulations, and Declaration of Covenants.

ARTICLES OF INCORPORATION

The Articles of Incorporation create the association as a legal entity under state corporate statute.

BY-LAWS/CODE OF REGULATIONS

The By-Laws/Code of Regulations implements, in specific detail, the provisions of the Articles of Incorporation regarding the association operations, which include delineation of the meetings process, elections procedures, powers and duties, Trustee's meetings, committees, insurance requirements, rulemaking, and enforcement process.

DECLARATION OF COVENANTS

The Declaration of Covenants provides:

- Automatic association membership of all owners and the basis for voting rights
- The obligation of each owner to share in funding the cost of association operations
- Certain restrictions (architectural control and other rules) on the use of the property and the association's enforcement power
- The power and authority of the association to own and maintain any common property and/or easements, and to make and enforce rules

PURPOSE OF THE BOARD OF TRUSTEES

The Board of Trustees is a body of elected or appointed members who jointly set forth to oversee the activities, administer policies and procedures, and make managerial decisions affecting the operation and maintenance of the association and all commonly-held property of the community. The members of the Board of Trustees are recognized by the State of Ohio as officers of the Corporation and have the authority to enter into contractual obligations, carry out and enforce all provisions of the Declaration, Articles of Incorporation, and By-Laws, and may assign such responsibilities as deemed appropriate to the Managing Agent.

Typical responsibilities of the Board of Trustees include:

- Establishing and enforcing the policies and regulations that govern the Association
- Approving the operating budget and all expenditures made by the Association
- Setting the amount of the lot assessments (Association dues)
- Enforcing architectural control
- Maintaining the common areas and structures located on common property
- Keeping a complete record of corporate affairs and report to homeowners
- Attending Board meetings and the Annual Meeting
- Supervising and prescribing the duties of the Managing Agent

The Board of Trustees will hire consultants and professionals to assist them in meeting the needs of the community in a professional and efficient manner in the following areas:

- Association Management
- Grounds/Landscaping/Snow Removal
- Trash Removal (if applicable)
- Finance
- Insurance
- Maintenance
- Legal

Homeowners will elect the Board of Trustees. Those Trustees will then elect officer positions (President, Vice President/Treasurer, and Secretary).

DUTIES OF OFFICERS

PRESIDENT

The President shall be the Chief Executive Officer of the association. He/she shall preside at meetings of the members of the association and all meetings of the Board of Trustees. Subject to the direction of the Board of Trustees, the President shall have general executive supervision over the business and affairs of the association. He/she may execute all authorized deeds, contracts and other obligations of the association and shall have such other authority and shall perform such other duties as may be determined by the Board of Trustees or otherwise provided for in the Declaration or By-Laws.

VICE PRESIDENT/TREASURER

Many times these positions may be combined depending on the number of Board members. The Vice President shall perform the duties of the President in the President's absence. The Treasurer shall receive and have charge of all money, bills, notes, and similar property belonging to the association, and shall do with the same as may be directed by the Board of Trustees. He/she shall keep accurate financial accounts and hold the same open for the inspection and examination by the Trustee's and shall have the authority and shall perform such other duties as may be determined by the Board of Trustees.

SECRETARY

The Secretary shall keep the minutes of all meetings of the Board of Trustees. He/she shall keep such books and records as may be required by the Board of Trustees and shall give notices of meetings to members of the association and of the Board of Trustees as required by law, or by the By-Laws or otherwise, and shall perform such other duties as may be determined by the Board of Trustees.

MANAGING AGENT

The Managing Agent has the responsibility of the day-to-day management and operation of the community and its facilities including assisting homeowners with problems or questions and carrying out the policies and decisions of the Board of Trustees. They are hired by the Board of Trustees to advise, assist, and implement the decisions made by the Board. The following items are included in the contract for management:

- Collection and billing of homeowner assessments
- Payment of operating expenses and maintaining the official books and records of the association
- Accounting and financial reporting
- Handling homeowner requests
- Printing and distribution of any notices, announcements, and violations
- Management of common grounds throughout the community, including overseeing contractors hired to maintain those areas
- Assisting in compliance of the provisions of documents and regulations
- Assisting the Board with budget planning, meetings, minutes, and elections

Please distinguish between the Managing Agent and the members of the Board of Trustees. Your Trustees establish policies and make decisions. The Managing Agent then implements those decisions. Your Managing Agent meets with the Board of Trustees on a regular basis, at which time the affairs of the association are fully reviewed.

ANNUAL ASSESSMENT

Payment of dues is essential to the success of the association. Your association provides a payment coupon/statement which indicates the amount and due date. Reminders and late notices are sent to homeowners who do not pay in a timely manner. If, after all steps have been taken to collect delinquent dues, the account is still in arrears, liens will be filed and foreclosure actions will be taken.

SPECIAL ASSESSMENTS

Occasionally, a community may have special needs for maintenance, repairs, or projects which were unforeseeable during the budgeting process. If this occurs, and if there are insufficient contingency funds in the operating budget or reserve fund to cover the unexpected expenses, the Trustees have the authority to approve special assessments in addition to homeowners' yearly fees. Great care is given to avoid special assessments by carefully planning the community's budget and reserve funding requirements. In the unlikely event that a special assessment becomes necessary, homeowners will be fully informed.

RESERVES

The Reserve Account is the association's way of setting aside money for future repairs and replacements. Each year, a certain portion of your association fee is set aside in a special interest-bearing account to plan for the replacement and repair of items in the common areas. This helps to protect and preserve property values. This expense is included in the overall budget for the association.

Your ability to sell your home can be influenced by the adequacy or inadequacy of reserves set aside by the association. Primary lenders consider reserves for future needs a key part of a good financial policy and can consequently be more receptive to lending money in communities with an established reserve account policy. Reserves do, therefore, directly affect the resale value in associations.

INSURANCE COVERAGE

The homeowner should have an individual homeowner insurance policy. The association carries insurance coverage on the common areas.

PETS

Please be courteous to your neighbors when considering pets. Pets are permitted, provided they are not kept for commercial purposes. Please keep in mind:

- All owners are responsible for cleaning up after their pets
- No animal may be a nuisance by barking, howling, or making loud noises so as to disturb your neighbors' peaceful enjoyment of their home
- Pets must be under leash control at all times when not on the homeowner's property

ACTION/REQUEST PROCEDURES

Occasions may arise when homeowners have a specific concern they wish to bring to the Board of Trustees' attention. If the issue is a violation of association rules and regulations, written documentation addressed to the Trustees regarding the nature of the violation is necessary to ensure proper action is taken.

Homeowners are encouraged to resolve issues with their neighbors; however, if no resolution can be reached between the parties involved, submit your complaint in writing, the steps you have taken, and your suggested solution for the problem. You may mail, e-mail, or fax your request to your managing agent. Upon Board approval, the managing agent will contact the homeowner involved and follow up based on the association's fine and enforcement policy.

SALE OR RENTAL OF YOUR HOME

When you decide to sell or rent your home either by owner or through a Realtor, you need to transfer not only your property, but also the responsibilities of membership in the association. You can handle this within the purchase agreement of your home.

If you sell, your buyer will become a member of the association and be subject to the Covenants and By-Laws as you were when you purchased your home.

If you lease or rent your home, your tenant must be familiar with the Covenants and By-Laws of the association. It is extremely important that your tenant has a copy of the Declaration and knows the expectations of the community standards. In the event of a violation, the owner, not the tenant, is held responsible for the tenant's behavior.

ARCHITECTURAL CONTROL GUIDELINES (IMPROVEMENT APPLICATIONS)

The association has been charged with the responsibility of maintaining the aesthetic and architectural character of your community.

Owners desiring to make any exterior change, improvement, or addition (including change of color) must obtain approval for the change or improvement from the association through its Board of Trustees. All applications will be considered on an individual basis and all reasons presented for the improvements will be weighed and evaluated based on the following considerations:

- The harmony of external design and location in relating to surrounding buildings in the community
- Adherence to Guidelines and Use Restrictions established in the Declaration of Covenants, By-laws, etc.

The procedures for this are as follows:

- Submit to the managing agent, a completed Improvement Application (included in this packet) with a description of the improvement and include drawings, photographs or catalog picture specifications as necessary. Attach a plot plan indicating where the improvement or modification will be located on the lot.
- The Board of Trustees and/or designated committee will review the application and approve, disapprove, or recommend additional or alternative improvement modifications. The owner will receive notice of the decision within the time period allowed in the Declaration.

Any change, modification or improvement made by an owner is the responsibility of the owner for maintenance, repair and/or replacement.

Unauthorized changes, modifications, or improvements must be removed or restored to original condition at the discretion of the association and will be at the expense of the owner.

The purpose of Architectural Control approval is not to discourage improvement, but to control the nature of improvements to enhance the value and conform to the overall aesthetic appearance of the association. This control should be looked upon as a protection of your investment. The Board of Trustees and the association members are in favor of improvements and encourage owners to personalize their homes within the limitations of the Declaration of Covenants, Conditions and Deed Restrictions, and By-laws.

Fieldstone Homeowners Association

POOL RULES

It is the responsibility of each **Resident** to see that these **Rules** are enforced, in order to maintain a safe pool area for the use and recreation of all concerned. The Board of Managers has the right and obligation to suspend the pool privileges of a resident who abuses the privileges or creates a safety hazard for others.

POOL HOURS: 10:00 AM TO 10:00 PM

ANYONE IN THE POOL AREA BEFORE OR AFTER THE HOURS LISTED ABOVE WILL BE CONSIDERED TRESSPASSING AND THE POLICE WILL BE NOTIFIED.

- 1. NO LIFE GUARD IS ON DUTY. RESIDENTS AND GUESTS SWIM AT THEIR OWN RISK.** The Association and the Management Company are not responsible for any swimmers or their personal property. **SWIMMING ALONE IS NOT RECOMMENDED.**
- The pool is for the use of Fieldstone Residents and their guests **ONLY**.
- All guests must be accompanied by a **Resident**. **Minors** (under 18) shall be limited to a maximum of one (1) guest, unless accompanied by their resident parent. Please be respectful of your neighbor's rights to use the pool. Exercise good judgment regarding the frequency and number of guests. At any one time there is a maximum of four (4) guests per household. **Children** under the age of twelve (12) must be accompanied by a responsible adult (18 years or older), and are the sole responsibility of their parents, guardian, or babysitter. **A parent, guardian, or babysitter must be present with the children in the pool at all times.**
- Non toilet-trained children must be in specially designed swimwear for infant toddlers while in the pool. Children under the age of five (5) are to be accompanied by a parent to the bathroom.
- Proper swim attire must be worn at all times. **NO CUTOFF SHORTS.**
- POSITIVELY NO GLASS CONTAINERS ARE ALLOWED IN THE POOL AREA.** All beverages must be in cans, paper, or plastic containers. Food and/or drinks are restricted to the deck, not the pool. **TRASH** is to be disposed of in the appropriate receptacles to keep our pool area clean and attractive for everyone. **CIGARETTE BUTTS ARE TO BE DISPOSED OF PROPERLY AND NOT ON THE POOL DECK.**
- NO PETS** are permitted in the swimming pool area by Order of Warren County Board of Health.
- Absolutely **NO** diving, running, pushing, horseplay, or unsafe activity will be permitted in the pool area.
- Radios, stereos, or televisions must be kept at a volume so as not to interfere or disturb other bathers.
- NO POOL PARTIES** – The pool may not be reserved for private parties unless it is a Fieldstone sponsored function.
- Balls, plastic toys, rafts etc., will be permitted, as long as they do not interfere with others.
- For the safety of children, gates must be closed after entering or exiting the pool area.
- Pool FOBs will be activated the day the pool opens for members whose fees have been paid in full. Owners who pay their fees after the pool opens will have their FOBs activated at the next scheduled day the Board activates FOBs. Activations will take place once per week.

NEITHER THE ASSOCIATION NOR THE MANAGEMENT COMPANY IS RESPONSIBLE FOR THE LOSS OF PERSONAL PROPERTY OR PERSONAL INJURY TO RESIDENTS OR THEIR GUESTS WHILE USING ANY RECREATIONAL FACILITY. THE UNIT OWNER IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY RESIDENT(S) OF THEIR UNIT OR THEIR GUESTS. CALL 911 FOR EMERGENCIES.

CONTACT OBERER MANAGEMENT SERVICES (937) 531-5544 FOR MAINTENANCE

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Violation Fine and Enforcement Schedule

1. Management sends out a “friendly reminder” notice regarding the nature of the infraction and asking that it be removed within 14 days. This notice will DEMAND remedy within 14 days and will advise that the next step for the HOA will be a fine.
2. Initial fine of \$25.00 is levied against the owner’s account.
3. The fine will escalate to \$50, then \$100.
4. If the infraction remains and/or the fine remains unpaid, the Trustees will fine a lien against the property.

The Trustees also reserve the right to seek a court injunction for removal of the violation and/or to foreclose on the lien upon age of 30 days or more.

IMPROVEMENT APPLICATION

Community: Fieldstone

Section: _____

For any construction, modification or addition to the exterior of your home, an improvement application must be submitted to the Board of Trustees for approval. The object of requiring these applications is to ensure your improvement conforms to the Association's Declaration, enhances the beauty of your community, maintains the architectural harmony of your community and, in no way, inconveniences other owners.

Date: _____

Name: _____

Lot # _____

Address: _____

Phone Number: _____

Email: _____

Nature of Requested Improvement: _____

Location of Improvement: _____

Color: _____

Dimensions: _____

Construction Material: _____

Contractor: _____

Supplies: _____

Approximate Cost: _____

The following **MUST** be submitted along with this application:

- **Plot Plan of the lot (showing the location of the home and proposed placement of improvement)**
- **Scale drawing of ALL improvements showing the EXACT location and dimension of improvement**
- **Photograph or detailed sketch of improvement**

I understand the rules concerning the proposed improvement and that the Design Review Committee has 30 days to respond to this application. This improvement in no way encroaches on a neighbors' limited common area or common ground. I agree to abide by the rules established by the Association and will be solely liable for any upkeep required by the construction of this improvement. I further agree to obtain all licenses and/or building permits and meet all legal requirements for building codes.

Signature: _____

Date: _____

FOR ASSOCIATION USE ONLY:

Date application received: _____

Received by: _____

Approved: _____ No: _____

Date of owner notification: _____

Signature of committee/Board member: _____

Special details or provisions for approval: _____

