

FIVE OAKS LAKESIDE
HOMEOWNERS' REFERENCE GUIDE

UPDATED: March, 2012

ASSOCIATION POLICIES AND GUIDELINES

I. Purpose of the Association

The Five Oaks Lakeside Homeowners Association (FOLHA) is the legally empowered governing body for the Five Oaks Lakeside community. The annual meeting is held every spring and notice is sent to every homeowner. At the general meeting, the Association elects members to the Board of Directors. The elected Directors in turn elect the Officers of the Association. All homeowners must comply with the Association's Covenants and By-Laws as well as the Architectural and Aesthetic Guidelines. Copies of these documents are posted on the management company website or given to the homeowner upon request.

Five Oaks Lakeside was built by the original developer as a private development outside the Durham City limits but has since been annexed into the City. With the exception of Pine Cone Drive, the streets within the development do not comply with the engineering standards established by the City of Durham, and are therefore not maintained by the City. Maintenance of the development's streets, the storm water drainage system under the streets, and water and sewer lines from the property meters to the streets are the responsibility of all homeowners through the Association.

The Homeowners Association is the legal entity empowered to collect dues on a monthly basis from each homeowner. Payment books are mailed to each homeowner and payment options, including automatic bank drafts, can be arranged through the Property Manager. The dues pay for the routine maintenance and repair work in the community, as well as infrastructure maintenance such as painting, residing, and street repair. The Homeowners Association may propose assessments to the community, but assessments are a rare occurrence in Five Oaks Lakeside; in fact, Lakeside homeowners have approved an assessment only once in the last 20 years.

Each homeowner or tenant living in the Five Oaks community is required to maintain a desirable residential area. The homeowner's responsibilities are detailed in the Bylaws of Five Oaks Lakeside Homeowners Association, and in the Declaration of Covenants and Restrictions. Based upon these legal documents, the following policies and guidelines were developed to ensure that the residents and guests have a safe, clean, harmonious and aesthetically pleasing environment.

II. General Policies and Guidelines

Each person is expected to refrain from actions that will deface or otherwise damage the property of FOLHA or its residents, create nuisances or litter the area. Each owner or renter is individually responsible for any damage, destruction or disturbance caused by you, your children, your guests, or your pets. The following sections review the policies and guidelines in detail.

A. Insurance Coverage

FOLHA maintains an insurance policy which covers only the common areas and liability for the Association. Unlike a condominium development, FOLHA does not own any buildings, and the Association's policy does not cover any buildings. Each individual homeowner is required to provide insurance coverage on the own dwelling and its contents. Each owner is responsible for making their own claims regarding their property and negotiating with their insurance companies independent of the Association.

B. Payment of Monthly Dues and Special Assessments

1. Each homeowner is responsible for paying monthly Homeowner Association dues. The Board of Directors establishes the rate annually. Payments are due the first of the month. Checks are to be made

payable to Five Oaks Lakeside Homeowners Association and sent to the Property Management company. Draft arrangements can be made through the Property Manager.

2. Dues are considered delinquent after thirty days. The Board, depending upon the circumstances, pursues a variety of options to collect delinquent dues including demand letters, liens, small claims court actions and foreclosure.

3. There are times when the Board of Directors may ask the FOLHA community as a whole to vote for a Special Assessment, although this option has rarely been used. Special assessments are only to be used for purposes set out in accordance with the Covenants and Bylaws of the Association. Additional information concerning the uses and procedures for assessments are described in these documents, which are available from the Property Manager.

C. Additions or Changes to Building or Building Footprint

Article VIII, Section 1, of the Covenants states that “no building, fence, wall or other structure nor any planting or landscaping change (other than the inside of a fenced area) shall be commenced, erected, or maintained upon the Properties by other than the Developer nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an Aesthetics Committee comprised of three (3) or more representatives appointed by the Board.”

To simplify, any changes or additions to the building, building footprint, or changes to the landscape other than minor plantings must have Board approval. The [Architectural and Aesthetic Guidelines](#) are available online at the Property Manager’s website.

D. Trash Disposal and Container Storage

The City of Durham Solid Waste Management Department can be referenced online at <http://durhamnc.gov/ich/op/swmd/Pages/Home.aspx>.

1. All trash and recycle bins must be placed on the curb for collection no earlier than the afternoon prior to trash collection. Containers provided by the City of Durham must be used.
2. All containers must be removed from the street/curb no later than the morning following trash/recycle pick up. People who live in end units should store containers on the sides or in back of their units. People in middle units should move their containers away from the street and conceal them as best as possible. The intent is to create as neat an appearance as possible for our community.
3. When disposing of oversized items, call the appropriate City of Durham office to arrange for a ‘bulky item pickup’. You will be instructed when to put the item out for pickup.
4. Homeowners are responsible for properly disposing of trash left by tenants.
5. Yard waste should be placed in the appropriate containers for pick up. Please contact the City with any questions regarding yard waste pickup. Yard waste containers should be removed from the street/curb no later than the morning after pick up.

E. Parking and Operating Vehicles

1. All motorized vehicles shall be operated with the 15 mph speed limit throughout all of the Five Oaks developments. Please keep our neighborhood safe for residents, joggers, children, and pets.

2. Automotive maintenance or repair work that produces a greasy or oily residue or waste materials is prohibited in all common areas.

3. Parking boats, trailers, campers, certain commercial equipment and other non-self-propelled vehicles is not permitted in parking spaces, driveways, or on the private streets.

F. Cats and Dogs

1. Chaining or restricting pets on leashes or leads outside without the owner's presence is not permitted. The owner must be outdoors with the pet, and not inside the home with the pet outside on a chain.

2. Pet cages or pet runs are not permitted.

3. Any damage to property caused by pets is the financial responsibility of the pet owner and not the responsibility of the Homeowners Association.

4. For your own protection and the safety of neighbors and your pet, the Association requires that the City/County leash ordinance be followed when pets are outside. The Durham County Animal Control Ordinance requires pets to be on a leash at all times when not on the owner's property.

5. Animal waste deposited by your pet must be picked up and disposed of in a trash container.

G. General Maintenance

1. Landscaping Maintenance:

a. Hoses, sprinklers, lawn furniture and other items should not be left on the lawn where these items might be damaged by or delay the work of the landscaping contractor.

b. Walkways and sidewalks must be kept clear of toys, bicycles, debris, etc. at all times.

c. Patios and decks must be kept neat at all times. Items should not be stored on the front porch or sidewalk.

d. Additional maintenance beyond that provided for in the landscaping contract is the homeowner's responsibility.

e. Watering lawns and shrubbery during dry spells is encouraged and appreciated unless the City/County is on water restriction.

2. Home Maintenance

Homeowner responsibilities include:

a. All interior components of the unit. This includes all interior walls, ceilings, floors, plumbing, electrical, cable, doorbell and other wiring. It includes any component in or under the living unit, including the foundation.

b. All heating, ventilation, air-conditioning equipment wherever located on the property and any damage resulting from leaks or other failures of this equipment.

c. Pest control, other than termite, and any resultant interior damage.

d. Sewer overflows inside the living unit.

e. Window glass and the window unit, sliding glass doors, and screens.

f. Upkeep of all storm doors.

g. Upkeep of all approved additions to the original structure.

h. Any changes or additions made to the living unit in the past by the owner or previous owner without the permission of the Association, and any component of the living unit damaged by the neglect or willful misconduct of the owner or the family, guests, agents, invitees or assigns of the owner.