

ATTACHMENT A

POLICY CONCERNING WATER HAZARDS AND DAMAGE

Within both common areas and "footprint" plats on which individual residences are situated, original grading, drainage systems and subsurface footings and foundations are creating two types of problems in the Falconbridge community:

- 1) Rainwater runoff collects in pools in parking areas, on entrance sidewalks and driveways, and in yard space.
- 2) Residence foundations, patios, patio-screening walls, sidewalks, streets and parking areas sink, shift and crack.

Consistent with relevant provisions of the Covenants governing the Falconbridge Homeowners Association, the board of directors provides the following guidelines:

1. Instances of both numbers 1) and 2), above, occurring within an individual homeowner's plat are the responsibility of the homeowner. (Such plats vary in shape and extent, from section to section within the community; in general, they tend to extend only a few feet beyond the residence foundations and patio walls.) For example, if a patio cracks and/or sinks or the foundations or footings of the residence or the screening wall sink causing shifting or cracking, the homeowner is responsible for making necessary repairs. Also, if excessive water collects on a patio, sidewalk or yard area within the plat, the homeowner is responsible for the expense of remedying the problem.
2. With respect to problems occurring in common areas (e.g., pooling of rainwater and cracking and sinking of paved areas and sidewalks), basic responsibility for remedying problems rests with the Association. Determinations will be made, on a case-by-case basis, whether the problem interferes with safety or substantially interferes with the reasonable use and enjoyment of the property. If a problem is found to originate, wholly or in substantial part, within a common area and is producing substantial interference with use and enjoyment of property within an individual plat, the Association board of directors will determine in each instance whether the Association should assume partial or full responsibility for remedying the problem.

With respect to all of the foregoing, it is understood that if an excess collection of water within a plat results from Association failure to maintain drainage systems or other improvements within the purview of Association responsibility (e.g., a clogged preexisting exterior drain line), the Association will remedy the problem.

Illustrative hypothetical situations:

1. If rainwater pools in the front yard of a residence, creating a "marshy" condition, (a) if within the plat, the homeowner may remedy, subject to specifications approved by the board of directors; (b) if within common area, the Association may or may not

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remedy, depending on severity of the problem.

2. If rainwater pools over an entrance sidewalk, so that homeowners and their visitors cannot enter the premises without getting wet, (a) if condition is within the plat, homeowner may remedy, subject to board specifications; (b) if condition is within common area, Association will remedy.
3. If rainwater collects in substantial amounts in parking spaces, within common area, so that spaces are not useable by homeowners and their visitors without getting wet, Association is responsible for remedy.
4. If subsurface below streets, parking areas or sidewalks within common areas sinks or shifts with resulting depression or cracking of paved areas, Association will remedy if condition is hazardous.