

FALCONBRIDGE HOMEOWNERS ASSOCIATION
GUIDELINES TO THE DECLARATIONS OF COVENANTS

The guidelines are provided by the Falconbridge Homeowners Association (FHA) Board of Directors to explain how the Declarations of Covenants are to be interpreted with regard to the responsibilities, respectively, of FHA and individual homeowners for maintenance and repair of facilities and grounds within the community.

The resources of FHA, derived from monthly assessments of all homeowners, are to be used to maintain the common areas and to maintain and repair the “exterior” of individual townhouses, as required by “normal usage and weathering”. For example, external maintenance and repair includes roofs, skylights, gutters, downspouts, exterior building surfaces, decks, patio screening walls, etc. Most such repair and maintenance functions are undertaken on a periodic basis. Currently, townhouses are re-roofed every 20 years, repainted every six years, and gutters are cleaned annually. Note: Homeowners are responsible for promptly reporting to FHA any urgent need for maintenance or repair outside the established schedule.

FHA is also responsible for maintenance of the pond and dam.

The individual homeowner is responsible for all “interior” maintenance and repair, as distinguished from FHA “exterior” responsibility. The FHA is not responsible for interior damage resulting from exterior causes unless FHA fails to perform regularly scheduled maintenance or respond promptly to a request for unscheduled repair or maintenance.

Here are specific examples of distinctions between FHA responsibility and homeowner responsibility for repair and maintenance.

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FHA IS RESPONSIBLE FOR THE FOLLOWING:

1. Repair or replacement of deteriorated or damaged siding and trim (see No.4 under homeowner responsibilities, below, concerning windows and doors); repair of holes in siding, including those caused by animals.
2. Repair and replacement of roofs, including skylights. Replacement may include, as necessary, sheathing and attic ventilation devices (other than attic/roof fans, which are the property and responsibility of the homeowner).
3. Repair and maintenance of all wooden deck floors/surfaces, steps and railings, wrought iron gates, and private street lighting as originally installed by the developer or as approved by the FHA Board of Directors.
4. Maintenance and repair of patio screening walls, except where deterioration or damage is caused by settling of footings or foundations or by overgrowth of plants, trees or shrubs within the patio.
5. Painting of exterior siding and trim, including outside and inside of patio walls, except in cases where Board of Directors approves a homeowner's request that interior of wall not be painted.
6. Maintenance of trees, shrubs, grass in common areas. Plantings within patio areas and within the footprint plat of a residence are not maintained by FHA. FHA will, however, restore or replace plantings within patios or yellow-staked areas which are disturbed by work commissioned by FHA (except removal of foliage or growth necessary for painting or repairing siding or patio walls.)
7. Maintenance of all water lines from meters to the City of Durham's main water lines within the boundaries of common land and/or easements.
8. Maintenance of all common sewer lines.
9. Scheduled cleaning of gutters and downspouts, and repair or replacement of same as necessary.
10. Repair and/or replacement of subsurface drain lines from patios and downspouts, unless obstructed by homeowner plantings within residential patio or footprint.
11. Maintenance, repair and replacement of parking areas, common walkways and private streets.
12. Removal of snow from private streets when snowfall exceeds three inches.
13. In residential units with screened porches, FHA will paint the wall of siding inside the porch as well as the trim around the screens, unless homeowner specifically requests that this not be done. (See No.16 of Homeowner Responsibilities).

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FHA responsibility for exterior maintenance and repair attributable to normal usage and weathering does not include the following:

1. Repairs or replacements necessitated by “casualty” damage or loss (e.g. fire). FHA is responsible, however, for maintaining a blanket insurance policy providing coverage of all residential units for fire and other enumerated casualties, with insurance proceeds available to address such casualty losses subject to any prescribed limitations or deductibles.
2. Modification of or repair of damage attributable to original construction defects. FHA is responsible for maintaining and repairing the exterior of residences only in the condition in which they were originally designed, sited and constructed. Original construction defects, the modification or repair of which is a homeowner’s responsibility, include inadequate or improper flashing, inadequate or misdirected drainage devices, insufficient waterproofing of masonry construction, improper grading of ground within the footprint of a residence, and inadequate or defective foundation or footing preparation that results in sinking, shifting or cracking of masonry construction and appurtenant structures, such as walls, floors, roofs, patio screening walls, support columns, and patios. The problem of rainwater runoff and pooling is addressed by a detailed policy, a copy of which is attached (“A”) and incorporated herein by reference.
3. Structural damage caused by termite or other insect infestation. FHA is responsible for contracting with a termite inspection company to conduct annual inspections and to treat active infestations, but not provide advance preventive treatment. It is the responsibility of homeowners to address repairs or changes identified by the inspection company, and to undertake any preventive measures that are indicated.
4. Maintenance or repair needs caused by homeowner negligence, abuse or misuse of the property. All proposals by a homeowner for exterior changes in or additions to a residence (including, but not limited to, such things as awnings, storm doors, fences, television dishes or antennas, decks, patios or enclosures) must be approved in advance by the FHA Board of Directors. **Any approved modification shall resolve questions about responsibility for maintenance and repair of the addition and any consequent increased maintenance needs in the original structure.**

In the event a homeowner does not undertake needed repairs or maintenance for which the owner is responsible, FHA may notify the owner of the need and specify a reasonable amount of time for the owner to accomplish the maintenance or repair. If the homeowner does not complete the specified maintenance or repair as directed, FHA may enter a contract for the work to be accomplished at the owner’s expense; the FHA may employ contractors or agents of its choice to effect the repair or maintenance, and the homeowner shall allow access to the property at

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reasonable times to permit FHA, its contractors or agents to complete the needed repair or maintenance.

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THE HOMEOWNER IS RESPONSIBLE FOR THE FOLLOWING:

1. Purchasing H06 insurance, following consultation with homeowner's insurance agent, for personal property and other potential losses not covered by FHA's master policy.
2. Repairing damage to residence or its improvements, including patios and patio screening walls, caused by original construction defects, including foundation or structural problems causing shifting or cracking.
3. Maintaining, repairing and replacing any heating and air conditioning units and any feeder and drain lines to and from such units, and any and all ventilation systems and their piping and attachments, including attic/roof fans.
4. Maintenance, repair and replacement of all windows and doors (including both glass surfaces and contiguous integral framing provided by the manufacturer), storm doors, locks, door knobs, ornamental metal attachments, window screens and screen doors. Approval of the Board must be obtained before any replacements are purchased or installed.
5. Repair of damage to the residence, deck, courtyard, patio, patio wall or common area caused by homeowner's negligence, abuse or misuse of the property.
6. Contacting FHA immediately regarding exterior damage due to animals or insects. Note: FHA does not remove animals or insects that enter chimneys, attics, crawl space, living space, heating/ventilation/air conditioning systems (including attic/roof fans).
7. Maintenance of any private plantings, such as gardens, trees, shrubs or flowers installed by current or past homeowner, and ensuring that such plantings do not interfere with or cause damage to siding, roofs or other exterior surfaces or facilities, including patio walls, foundations, or drain lines.
8. Maintenance and repair of all water lines from the city meter to the unit and all plumbing within the unit.
9. Service for all blockages of waste lines within the unit and from the unit to a common sewer line.

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10. Removing debris and any form of blockage from the external cap of drains from patios.
11. Maintenance of and repairs to the interior of a residence, unless damage is caused by FHA negligence.
12. Maintenance and repair of area under a townhouse, including water intrusion or drainage problems in crawl space, unless damage is caused by FHA negligence.
13. Removal of ice and snow from decks, patios, steps and walkways within the privacy area.
14. Maintenance, repair and replacement of any overhead garage doors; FHA will paint exterior surfaces of such doors.
15. Maintenance of all electrical fixtures, including attic/roof fans, and lines from the meter into each unit.
16. On units with screened porches, the homeowner is responsible for the screens and the floors of the porch. (See No.13 of FHA responsibility)