

## CLAREMONT GREENS TOWNHOME ASSOCIATION

### Interpretive Resolution of the Board of Directors — Maintenance, Repair and Replacement

#### RECITALS

1. "Association" is the Claremont Greens Townhome Association, an Oregon nonprofit corporation. The Association is governed by the following:
  - a. "CC&R" is the Declaration of Additional Covenants, Conditions and Restrictions for Claremont Greens Townhomes ("CC&R") recorded as document number 96114751 in the deed records for Washington County, State of Oregon as amended and supplemented from time to time;
  - b. "Bylaws" is the First Amended Bylaws of Claremont Greens Townhome Association recorded as document number 2006-055768 in the deed records for Washington County, State of Oregon as amended and supplemented from time to time; and
  - c. "Act" is the Oregon Planned Community Act, ORS Chapter 94.550-94.783.
2. ORS 94.630 and Section 3.4 & 3.9 of the CC&R vest the Association with all of the powers and duties necessary for the administration of the affairs of the Association. ORS 94.630(1) and Section 7.1 of the Bylaws further provides that the Board of Directors may exercise any powers necessary and proper for the administration and operation of the association on behalf of the Association.
3. ORS 94.630(1)(a) and Section 7.1(a) of the Bylaws empower the Board of Directors to adopt Rules and Regulations for the planned community. This includes the authority to adopt rules and regulations interpreting conflicting provisions within the CC&R and resolving ambiguities;
4. Section 3.10.1.1 of the CC&R provides that the Association shall be responsible for all maintenance of the exteriors of Building Structures, maintenance and repair of the entirety of the Townhome Common Areas and the entirety of Landscaped Areas — as specified in Section 2 of the CC&R. Building Structures are defined in CC&R Section 2.6 as one or more contiguous dwelling units on Building Lots, including garages whether attached or detached. Section 3.10.1.1 further provides that the costs associated with the repair and maintenance of certain Building Structure roofs shall be paid for by those owners who reside in the affected buildings, unless the repairs benefit all owners, in which case they will be paid for as a common expense. Section 3.10.1.2 provides a number of specific areas of maintenance responsibility which are solely attributable to owners.
5. Bylaws Section 11.1 provides that the necessary work to maintain, repair or replace any improvement on the grounds and building structures shall be the responsibility of the Association.
6. The Association Board of Directors has had significant difficulty reconciling the interpretation of Section 3.10.1.1 and 3.10.1.2 in the context of conducting regular maintenance, repair and replacement of the Building Structures and Townhome Common Areas.

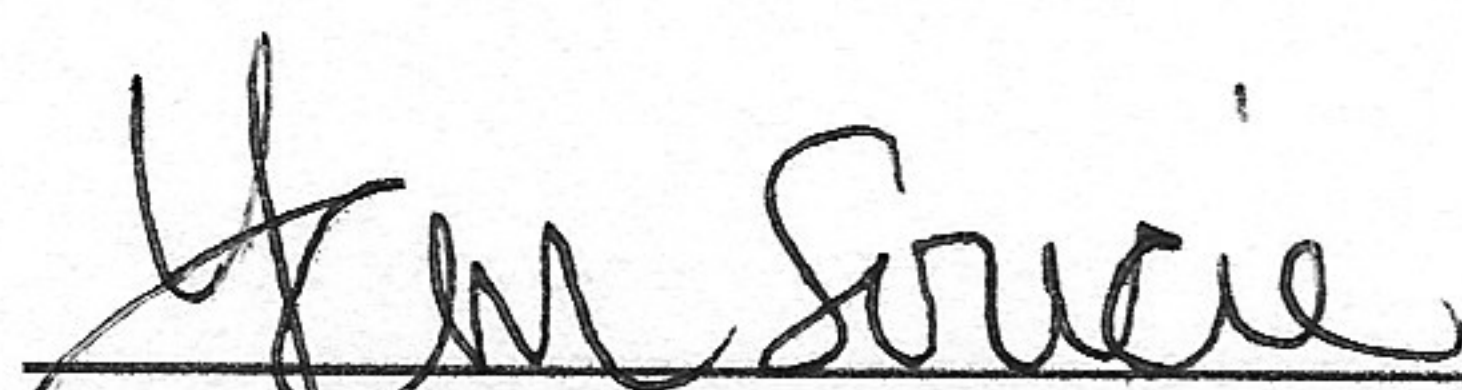


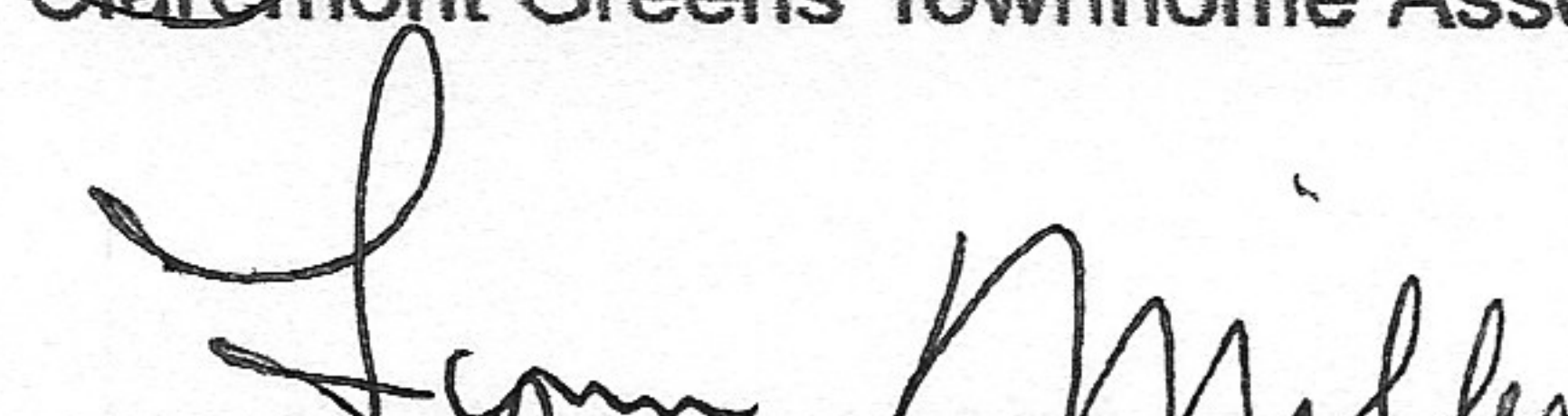
7. ORS 94.704(6) and Section 4.4 of the CC&R provide that notwithstanding the apportionment of repair and maintenance responsibility and payment responsibility in the CC&R, the Association may assess an individual owner or owners for any loss or cost incurred by the Association that is determined by the Board of Directors to be the result of the willful or negligent acts or omissions of the owner or their guests, tenants, contractors, or invitees or that benefits fewer than all of the owners.
8. Section 3.10.1.1 of the CC&R further provides that the decision as to the nature and extent of maintenance that is required for a particular Building Structure and the timing of such maintenance shall be within the sole discretion of the Board of Directors;

NOW, THEREFORE, IT IS RESOLVED that:

- I. The Association hereby adopts this policy interpreting the CC&R and Bylaws to resolve confusion about various areas of repair and maintenance responsibility as between the individual owners and the Association. This resolution also seeks to interpret and clarify the apportionment of financial responsibility for such repair and maintenance as between the homeowners and the Association.
- II. Exhibit A, attached hereto, is a chart of Areas of Responsibility as between individual Owners and the Association. Exhibit A shall interpret and clarify the ambiguity in the CC&R and Bylaws by establishing who has the authority to supervise various areas of responsibility for maintenance, repair and replacement as well as who has the responsibility to pay for particular work.
- III. As used in this resolution and Exhibit A, all defined terms shall have the same meaning as provided in Section 2 of the CC&R.
- IV. A copy of this resolution shall be circulated to every owner in the Association at their address in the records of the Association via email or regular mail (if the owner has specifically requested regular mail).
- V. This resolution shall amend and supersede all prior resolutions of the Association to the extent they conflict.

ATTEST:

  
\_\_\_\_\_  
President, Board of Directors  
Claremont Greens Townhome Association

  
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Secretary, Board of Directors  
Claremont Greens Townhome Association

DATED this 25th day of January, 2022



### Exhibit A – Areas of Responsibility

Responsibility of CGTA or the Homeowner for the cost of losses, maintenance, upkeep and repair not resulting from a loss covered by the terms of the CGTA property insurance is as follows	Authority to Oversee/Direct Work	Payment Obligation (Assuming no fault)
<b>1 Exterior Siding and Trim of Building Structure</b>		
Repair, replace, paint, caulk	Association	Association
Between first floor and foundation of dwelling units with deck - Repair, replace, paint, caulk	Association	Association
<b>2 Roof</b>		
	<b>Owner is owner of the affected dwelling.</b>	
Control of Moss on all roofs	Association	Association
Periodic Inspection and Maintenance performed on all roofs	Association	Association
Repair work due to a visual problem such as a broken or misplaced tile not done as part of an inspection performed on all roofs	Association	<b>Owner</b>
Exterior repair work due to a leak	Association	<b>Owner</b>
Interior repair work due to a leak	<b>Owner</b>	<b>Owner</b>
Replacement of roof on all buildings	Association	Special Assessment
<b>3 Dwelling Unit</b>		
Perimeter Wall Studs, Sheathing, Vapor Barrier and Insulation	Owners	Owners
Perimeter Wall Studs, Sheathing, Vapor Barrier and Insulation between first floor and foundation of dwelling units with decks	Owners	Owners
Attic Roof Rafters - Repair, replace, paint, clean	Owners	Owners
<b>4 Gutters, Downspouts and Drain Lines between downspout and street</b>		
Repair, replace, paint, clean	Association	Association
<b>5 Fireplaces and Chimney</b>		
Replace chimney cap, replace cap on hot air exhaust opening	Association	Association
Repair exterior chimney flashing and other exterior chimney repairs	Association	Association
Clean, maintain and replace chimney, firebox, burner, and controls	Owners	Owners
<b>6 Doors and Locks</b>		
Exterior doors, door casing, door trim, locks, latches, doorbells & knocker - Paint, repair, replace	Owners	Owners
Garage doors, garage door hardware and garage door opening system - Paint, repair, replace	Owners	Owners
<b>7 Windows and Screens</b>		
Paint exterior trim and caulk the exterior	Association	Association
Clean exterior of skylights	Association	Association
Repair and replace windows, skylights and screens and clean exterior and interior surfaces of windows and interior surfaces of skylights	Owners	Owners
Repair, replace exterior window casements, sashes and frames	Owners	Owners
Glazing on windows and skylights	Owners	Owners
<b>8 Foundations - Repair</b>		
	Owners	Owners



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<b>9 Foundation screens</b> for ventilation openings – Repair, replace	Owners	Owners
<b>10 Fences, Gates and Handrails</b> - Repair, replace and paint	Owners	Owners
<b>11 Patios</b> - Repair, replace and maintain	Owners	Owners
<b>12 Patio benches</b> - Repair, replace and paint	Owners	Owners
<b>13 Decks</b>		
Entirety of the deck and supporting structure from ground up to top rail - Repair, replace, maintain and paint	Owners	Owners
Deck floor - Repair, replace, maintain and paint	Owners	Owners
Railing - Repair, replace, maintain and paint	Owners	Owners
<b>14 House Numbers</b> - Repair, replace, maintain	Owners	Owners
<b>15 Insect and Pest Control</b>		
Insects and animals in landscaped areas the Association maintains	Association	Association
Wood boring insects in exterior siding and/or trim	Association	Association
Attic Ventilation Holes - Maintain, replace, repair	Association	Association
Nests of stinging insects on exterior of dwelling unit	Owners	Owners
Insects and animals in dwelling unit interior, attic, crawl space and garage	Owners	Owners
Insects and animals in dwelling unit perimeter wall studs, sheathing, vapor barrier and insulation	Owners	Owners
Insects and animals in dwelling unit perimeter wall studs, sheathing, vapor barrier and insulation when between first floor and foundation of dwelling units with deck	Owners	Owners
<b>16 Landscaping</b> - Maintain, remove and replace: trees, plants, shrubs, grass		
Outdoor Living Area (Area that is screened, enclosed or set off to create a private outdoor area)	Owners	Owners
Area for which a townhome owner has a landscape plan approved by the Architectural Review Committee	Owners	Owners
Landscaped Areas (other than the above)	Association	Association
<b>17 Underground Sprinkler Systems</b> - Maintain, repair		
Outdoor Living Area	Association	Association
Area for which a townhome owner has a landscape plan approved by the Architectural Review Committee	Association	Association
Landscaped Area (other than the above)	Association	Association
<b>18 Dwelling Unit</b> - Maintain, repair, replace		
Party wall studs, insulation, sheet rock	Owners	Owners
Ceiling joists and floor joists	Owners	Owners
Sheetrock, studs and finish of interior walls	Owners	Owners
Insulation in attic, in crawl space, in walls	Owners	Owners



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Floor covering, floor underlayment	Owners	Owners
Ceiling sheetrock and finish	Owners	Owners
Vapor barrier, humidity control and water drainage system for crawl space	Owners	Owners
Appliances and garbage disposal	Owners	Owners
Cabinets, interior doors, amenities, hardware	Owners	Owners
Windows	Owners	Owners
Exhaust lines and associated exhaust fans for clothes dryers, bathrooms, utility rooms, ranges, furnace, hot water heater	Owners	Owners
Heating system and air conditioner and air handling ducts	Owners	Owners
Hot water heater	Owners	Owners
Security system	Owners	Owners
<b>19 Electrical</b>		
Service line to meter and meter are owned by the power company	Utility	Utility
Front Exterior Light (above house number): Fixture, bulb, sensor - Maintain, repair, replace	Association	Association
Back Exterior Light: Fixture - Maintain, repair, replace	Association	Association
All light fixtures except the above - Maintain, repair, replace	Owners	Owners
Electrical wiring from meter to panel to exterior and interior outlets, switches, fixtures and other electrical features - Maintain, repair, replace	Owners	Owners
Electrical panel and breakers - Maintain, repair, replace	Owners	Owners
Fire protection systems - Maintain, repair, replace	Owners	Owners
Doorbells and knockers - Maintain, repair, replace	Owners	Owners
<b>20 Plumbing</b>		
Supply line to meter is owned by water district	Utility	Utility
Meter is owned by building lot owner	Owners	Owners
Water supply line from meter to dwelling unit, water lines within dwelling unit including lines in attic, crawl space and perimeter walls - Maintain, repair, replace	Owners	Owners
Plumbing fixtures, faucets, exterior hose bibs, dwelling unit shut-off valves - Maintain, repair, replace	Owners	Owners
<b>21 Waste Water</b>		
Main sewage line in street owned by the Clean Water Services agency	Utility	Utility
Building sewer line, that is, waste water lines in dwelling unit and waste waterline from dwelling unit to lateral line - Maintain, repair, replace.	Owners	Owners
Lateral line, that is, line from building sewer line to main sewage line in street - Maintain, repair, replace.	Owners	Owners
<b>22 Natural Gas Service</b>		
Gas supply line to gas meter and gas meter owned by gas supply company	Utility	Utility
Gas lines from meter to furnace and other gas burning features – Repair, replace	Owners	Owners
<b>23 Telephone Service</b>		



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	Telephone service line to junction box at dwelling unit owned by telephone company	Utility	Utility
	Telephone lines from junction box to phone outlets – Repair, replace	Owners	Owners
	Telephone – Maintain, repair, replace	Owners	Owners
<b>24 Cable Service</b>			
	Cable service line to junction block at dwelling unit owned by cable company	Utility	Utility
	Cable line from junction block to cable outlets – Maintain, repair, replace	Owners	Owners
<b>25 Retaining Walls</b>			
	Retaining walls constructed by declarant (Rock wall below decks, concrete walls between units) – Repair, maintain	Association	Association
	Retaining walls constructed by townhome owner – Repair, maintain	Owners	Owners
<b>26 Landscape Drainage</b>			
	Landscape drains constructed by declarant or built by Association - Repair, maintain	Association	Association
	Landscape drains constructed by townhome owner - Repair, maintain	Owners	Owners
<b>27 Snow and Ice - Removal of snow and ice from sidewalk and driveway</b>			
		Owners	Owners
<b>28 Walkways and Driveways - Repair, replace, maintain</b>			
		Owners	Owners