

# GARDENS OF EASTERN PARKWAY

## CONDOMINIUM ASSOCIATION

### RULES

#### OVERVIEW

**How does a condo association work?** Basically, we all own a percentage of the grounds, also known as the common area property. Everything exterior is a common element of this community. The grounds, landscaping, driveways, fences, chimneys, roofs, bricks, ponds, pool, patios, and in some buildings, foyers, halls, and stairways, are considered common property to all. We are all designated a little responsibility for the upkeep and cleanliness of our patios and decks.

Some residential owners (depending on location and exclusive accessibility) are responsible for mowing and landscaping the backyards of their individual units. Regarding the common area or an exclusive area, no one may alter these areas (i.e., patio enclosure; or additional landscaping) without first receiving full approval from the board directors. One of the main goals is uniformity as to the appearance of our community. This must satisfy the taste of 53 unit owners and positively affect the value of our properties.

**Association dues – where the money goes.** Because these grounds are owned by all of us, the association must maintain liability and casualty insurance. This covers against injuries and suits, and casualty loss of any common property. There are multiple owners in each building, so the bills for water and sewer, and lighted common areas (i.e., entrance, drives, halls) are considered common bills. Garbage and recycling pickup is provided weekly. There also is considerable routine maintenance, grass mowing, leaf removal, snow removal, blacktop repair, landscape, bulb replacement, exterior and hallway painting etc. You also own a beautiful pond and pool area requiring maintenance, repairs, and chemical treatments.

**Collection of dues.** Each year at our annual meeting, you, as co-owners, are presented with the Budget that has been developed and approved by the Board. The board employs the assistance of Cornerstone Property Management in implementing this budget and collecting your monthly maintenance dues. The amount needed to meet our budget covers monthly maintenance expenses, insurance, and utility bills. After the bills are paid, all remaining revenue will be deposited in our reserve fund to cover any expected major expense. The amount each owner pays is calculated as a specific dollar amount multiplied by the square footage of the unit. This calculation or percent of unit ownership within the association is based solely on residential square footage. Residential square footage does not include the square footage of your garage/ carport, balcony, or patio.

## RULES

The Bylaws give the Board of Directors the responsibility and authority to make rules for the benefit of the community. Various rules have been adopted over the years by the Board. The rules are as follows

1. **Garbage and Trash.** All garbage and trash must be placed in the dumpsters and recycling bins provided. The dumpsters are emptied every Monday and Thursday. The recycling bins are emptied every Wednesday. Only eligible items are to be placed in the recycle bins. Styrofoam and plastic bags are not recyclable. The dumpsters have signs on them which list prohibited materials. Dumpsters are not to be used by contractors for disposing of construction materials. The occupants of buildings 1267-1273 are to use dumpster #1 which is to the right when entering the complex. The occupants of buildings 1275-1291 are to use dumpster 2 which is to the left when entering the complex. Please place all trash in the dumpster, not around the bricked area. If the dumpster is full, hold your trash until the next pick up. All boxes must be broken down to keep a fair amount of disposal space for other residents. This rule pertains to all large, disposed items. Regarding old paint cans, liquid residual paint must be allowed to permanently dry inside can before disposing into the dumpster. If paint is

not allowed to permanently dry, paint will leak from the dump truck onto our roadway pavement. If a dumpster develops a leak or otherwise becomes unusable and cannot be repaired within 72 hours, a substitute dumpster will be placed in a parking space until the repaired or replacement dumpster is on site.

2. **Pets.** All pets must be leashed when outside of their unit. All pet droppings must be picked up IMMEDIATELY.
3. **Parking.** Unit owners and occupants must use their reserved parking area. There is normally ample parking space for guests. Overflow parking is in the Germantown Square parking lot. NO PARKING IS ALLOWED ON THE ROADWAY OR SHORT DRIVEWAY APRONS.
4. **General Hospitality.** The Association on behalf of all owners, at times may extend condolences, congratulations, etc. (i.e., death, birth, retirement) to owners. Please notify a board member with information regarding these instances.
5. **The Pool.** Essentially, the pool is for, and paid for, by the 53 owners of the community, Therefore, as in past years, the time between pool opening and 12 p.m. will be exclusively for the residents of the community (no guests until after 12 p.m.) Based on the need for security at the pool area thus reducing the community's liability exposure, the gate at the pool must be kept LOCKED AT ALL TIMES.

Residents of the community MUST be always with their guests when they are at the pool. Homeowners are responsible for any damages by their guests.

There are posted pool rules. As there is no attendant it is up to all of us to ensure that enjoying the pool is done in a safe manner.

Please be considerate of your neighbors when inviting guests as it is a small pool and we have 53 units in the community, please consider the number of guests you invite at one time. When inviting guests consider the number of cars between buildings 1278 and 1286. If possible, allow your guests to walk to the pool.

When having infants or toddlers at the pool please make sure they are wearing leakproof and waterproof diapers. All children and adolescents must be accompanied by a resident adult.

A telephone that dials 911, only, is provided for emergencies.

No animals are allowed in the pool area during the swimming season except for service dogs.

No glassware is allowed in the pool area.

There have been incidents in past years when adolescents not living in our community have been in the pool. You may ask them to leave.

Please, upon leaving the pool, discard trash and close umbrellas to avoid wind damage.

Use of the pool for private parties is not allowed.

The pool season is generally from Memorial Day until late September. The Board decides the specific dates each year. After the pool is closed for the season, residents may use the pool area as a dog park for resident dogs. Guest dogs are not allowed. Dogs must be always watched so that any droppings are immediately picked up.

**6. Fines.** An owner may be subject to a fine for violation of the Master Deed, The By-Laws, or Rules promulgated by the Board. The process is as follows:

1. A written notice shall be sent by regular mail to the owner by the Association Administrator. The notice shall specify the rule or provision of the By-Laws or Master Deed which the owner has violated. The notice shall specify the action to be taken by the owner to resolve the violation and the date by which the resolution must be accomplished. A copy of the notice shall also be sent to the owner by email at the address on file with the association.
2. Within 10 days after the postmark date on the notice, the owner may notify the Administrator by email or telephone that the owner wishes to appeal the fine notice to the Board at the next regular meeting of the

Board. The Board shall have the option to call a special meeting to address the appeal before the next regular meeting.

3. If the owner fails to take the action specified in the notice by the stated date and fails to request an appeal, the fine shall be assessed at \$25.00 per day from the stated date for resolution of violation. If the owner appeals and the Board denies the appeal after hearing the owner's argument at the Board meeting, the fine will commence on the date stated by the Board in its appeal decision.
4. The fine shall continue to accrue until the violation is satisfactorily resolved. The fine shall be invoiced to the owner when the violation is resolved. If it is not paid within 10 days of the invoice, it shall become a lien against the owner's property.

**7. Emergency water leaks.** In case of a leak the first alternative should be checking the shut- off valve for the unit located usually near the water heater. These valves should be checked periodically as they deteriorate and don't work when you most need them. If you are unable to turn the water off or stop the leak, the master valve should be used, and all the units affected should be notified. Notify the property manager and or the president of the board if the water heater would have to be turned off due to a plumbing project in one of the units. There would need to be a minimum of 1 weeks' notice to all the units affected. The property manager and or the president of the board are to have prior notice. The location of all water shut- off valves for each building are as follows: 1267, the valve is located in the maintenance storage area in the basement; 1269, 1271 and 1273, the valve is located in unit #106; Building 1271; 1275 and 1277, the valve is located in 1275, unit #110; in 1278 the valve is located in the closet under the stairs; In 1286 the valve is located in the closet under the stairs. ALL UNIT OWNERS AND OCCUPANTS MUST COOPERATE TO STOP LEAKS AND PRESERVE PROPERTY.

**8. Water heaters.** The unit hot water heater and plumbing should be inspected at least annually. An aging hot water heater, water pipes, and washing machine hoses may cause flooding to multiple units. All water leaks must be reported immediately to the president and to Cornerstone.

**9. Unit boundaries and responsibility.** Each unit owner is basically responsible and liable for that portion of the unit from the studs inward. The only outside responsibility of each owner is their air conditioning unit. We all own the common area landscaping, and each owner should pitch in with watering, general litter removal, etc. If you see a weed growing in your location, pull it. Remember, these simple acts reduce our overall operating expenses. A ground level unit owner living along the retention pond (buildings B, C, D, ) is responsible for shrub trimming and landscaping adjacent to the building and patio / deck structure. Noncompliance will result in immediate notification. If not corrected, the condo association will remedy the problem at the unit owner's expense.

**9. Fire safety.** Smoke detectors should be inspected annually. Batteries should be replaced every year unless they are modern lithium batteries with a substantially longer life. A fire extinguisher must be kept beneath the kitchen cabinet in each unit. Kentucky fire code regulations state that all gas and charcoal grills must be kept at ground level and at least 10 feet away from the building structure. Fires resulting from non-compliance will result in litigation against the non-compliant owner.

**10. Emergency contact.** Each unit owner is required to establish an emergency contact person residing within your multi-unit building. A key should be placed with the emergency contact. Cornerstone or a board member should be notified regarding the identity and phone number of your emergency contact. The emergency contact is listed on the Gardens of Eastern Parkway directory. In the event of an emergency, access to your unit is necessary. Cooperation and coordination are crucial to minimizing damage to your property and the property of your neighbors.

**11. Extended absence.** In the event of travel or extended absence from your unit, it is necessary to shut off internal water supply valves to your unit (e.g., wash machine valve, commode valve, sink valve, etc.).

**12. Curtains and shades.** Exterior curtains and shades must be white. All drapes and shades should be properly maintained and visibly appealing from the exterior. All broken blinds should be replaced.

**13. Exterior modification.** A unit owner desiring to make an exterior modification must obtain from Cornerstone an Application for Exterior Modification Form. The

form must be filled out and submitted according to the instructions on the form. All applications must be approved by the board.

**14. Patio enclosures.** All patio enclosure proposals must be submitted in writing for approval from the currently seated board. The proposed enclosure must conform with other existing enclosures in type of material used, color, and workmanship. All work must be performed by a licensed contractor carrying liability and workers compensation insurance. Once the enclosure is completed, the patio structure is no longer considered a limited common area element as it was previously according to the Master Deed. All renovations and the corresponding costs associated with the enclosed structure (e.g., access to flooring, ceiling, side walls, and painting of the iron railing) is the sole responsibility of the unit owner. Exterior upkeep and cleanliness of windows and walls will be the responsibility of the homeowner and the homeowner agrees to keep the exterior in good condition in conformance with all other exteriors of the buildings. The board of directors reserves the right to approve of said upkeep, and in the instance of neglect may order and implement upkeep at the homeowner's expense.

**15. Storm Windows.** All proposals for the installation of storm windows must be submitted in writing for approval from the currently seated condo board. The installation of storm windows has been thoroughly researched by previous boards. To preserve conformity and integrity of our buildings only the previously approved storm window may be installed. Maintenance and upkeep of storm windows are the sole responsibility of the homeowner and must be kept up in appearance in conformance with all other exteriors of buildings. The board of directors reserves the right to approve of said upkeep and appearance, and in the instance of neglect, may order and implement upkeep at the homeowner's expense. In the past, the storm windows that have been approved were from the Allied Window Company. Their model was the "Historic One Lite HOL; design C top and bottom removable with color to match the current window casing. In approving a storm window application, the board will use this standard appearance to ascertain conformance with the general appearance of the other buildings.

**16. Replacement windows.** All proposals for replacement window installation must be submitted in writing for approval from the currently seated board of directors. All work is to be done by a licensed contractor carrying liability and workers compensation insurance. Replacement windows are to match all current windows in the building in color, encasement, and grids. Maintenance and upkeep of windows are the sole responsibility of the homeowner as stated in the Master Deed and bylaws. As an example of an approved replacement window, there is the following: Allied Aluminum Products bronze #261 aluminum double hung with grid in glass.

**17. Deck Extensions.** All proposals for deck extensions must be submitted in writing for approval from the currently seated board of directors. Deck extensions may only be done on decks that are free standing, with no deck or patio associated with a separate unit, immediately above or below the proposed deck. All deck extensions must conform with current decks in appearance, material used, and quality of workmanship. All work must be performed by a licensed contractor, carrying liability insurance and workers compensation insurance. Maintenance and upkeep for all deck extensions shall stay the same as listed in current Master Deed and bylaws and still be considered as “limited common property.”

**18. Satellite Dish Installation.** All requests for satellite dish installation and connection must be submitted in writing for approval from the currently seated board of directors. Currently available commercial satellite companies may be selected by the individual homeowner. Connecting multiple lines to a single satellite dish is cost prohibitive. Additionally, multiple lines tied into a single satellite dish will reduce the signal and quality of digital reception. Thus, the board suggests a single satellite dish for each unit owner. In 2008, the board reversed its decision and no longer limits one satellite dish per building. Each unit owner may purchase his or her own satellite dish. Note: although this rule has been amended, the location and installation of all individual satellite dishes after October 2008 must be submitted in writing and approved by the board of directors.