

IGNACIO CREEK HOMEOWNERS ASSOCIATION
STATEMENT OF MAINTENANCE OBLIGATIONS
Adopted – June 19, 2003

Ignacio Creek is a "planned development," a type of common interest development in which owners own their own Lots and the structures on them. The Association owns the "common areas" of the development. The respective rights and obligations of the owners and the Association are defined by the recorded Declaration of Covenants, Conditions and Restrictions ("CC&Rs").

Under the CC&Rs (Article VII, Section 1), the Association has certain, limited, obligations to paint, repair, replace and care for certain exterior elements of each owner's separate Lot, as follows:

- roofs
- gutters, downspouts
- exterior building surfaces
- trees, shrubs, grass walks, and other exterior improvements (excluding landscaping on private decks and glass surfaces)

Each Lot owner has the obligation to maintain, repair and replace *all other* elements and structures on his or her Lot.

The Association has historically interpreted "exterior building surfaces" to include the siding on residences. It has, however, excluded from that definition, among other things, doors, including garage doors, and door and window frames. While the Association is required to exercise reasonable care in the performance of its maintenance obligations, it is not the guarantor of water-tightness of siding or roofs.

Under the CC&Rs, the Association's responsibility extends to the repair or, if necessary, replacement of siding which is necessitated by wood-destroying pests or organisms. However, if an owner has neglected to prevent or to remedy the presence of such organisms in the structure, and that neglect has resulted in their presence in the siding, the Association has the right under the CC&Rs (Article VII, Section 2) to recover the cost of the work and to levy an assessment for that cost against the Lot involved.