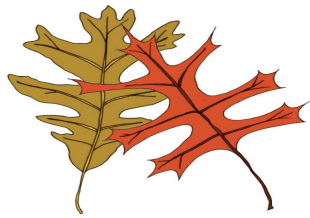


# The Enclave at Sable Oaks Association

## Handbook

### 2020



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**Section I. Current Board of Directors**

Jeanne Phillips - President (term ends 6/2022)

[phillipsjeanne74@gmail.com](mailto:phillipsjeanne74@gmail.com); 746-4913

Andrea Cellura - Treasurer (term ends 6/2023)

[Andrea.cellura@siriuscom.com](mailto:Andrea.cellura@siriuscom.com); 703-5935

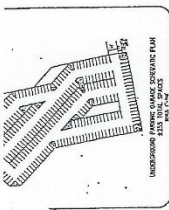
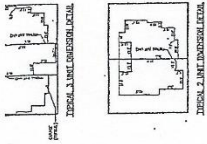
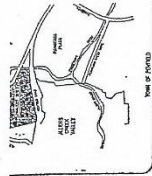
Hank Constantine - Secretary (term ends 6/2021)

[hankconstantine@icloud.com](mailto:hankconstantine@icloud.com); 781-266-7690

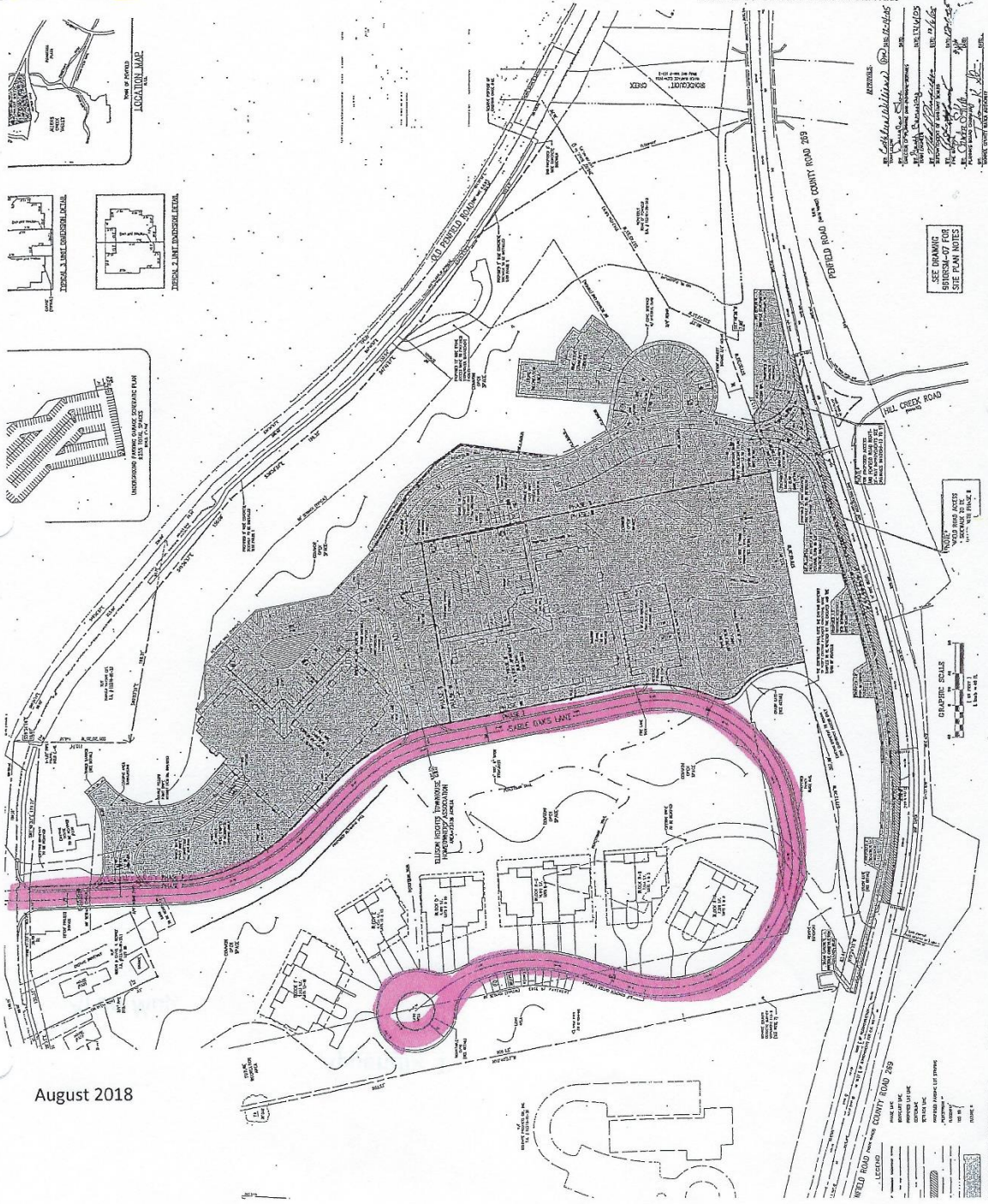
## **Section II. Sable Oaks Property Description with Map**

The Sable Oaks property consists of 8.6 acres which includes common areas and 14 home sites. The common areas owned in fee and managed by "The Enclave at Sable Oaks Homeowners' Association", (the "Association") are 7.5 +/- acres and include: Sable Oaks Lane, a 20' wide private road approximately 1800' long ending in a cul-de-sac and accessed from Old Penfield Road; 14 driveways to individual homes; 12 common parking spaces; 2 retaining walls; an emergency road accessed from Penfield Road; a storm drainage system; and landscape features. The common road is shared in use and maintenance in part by The Association and Ellison Heights Apartments.

Appendix I



		<b>BME ASSOCIATES</b> 10000 W. 10th Avenue, Suite 100 Denver, CO 80202 Phone: (303) 750-1000 Fax: (303) 750-1001 www.bmeassociates.com	
PROJECT: <b>ELISON HEIGHTS</b> SHEET: <b>SITE PLAN</b> DATE: <b>08/15/18</b>		DRAWN BY: <b>[Name]</b> CHECKED BY: <b>[Name]</b> APPROVED BY: <b>[Name]</b>	



August 2018

### Section III. Board of Directors

#### a) Mission Statement

The Board of Directors (the "Board") will to the best of their ability PRESERVE, PROTECT, and PROMOTE the property values of Sable Oaks property.

b) Declaration & By-Laws can be found on our webpage at Crofton Perdue Associates: <https://www.croftoninc.com/the-enclaveatsableoaks>

c) Management Company: As of January, 2019 The Enclave at Sable Oaks HOA has Crofton Perdue Associates as a Property Management Company. Our website can be found at <https://www.croftoninc.com/the-enclaveatsableoaks>. All important documents and notices are available to all homeowners on a 24/7 basis. Current and past financial records can also be found on our website. Community written materials and archives (maps) are the property of the entire community and can be accessed through Crofton Perdue.

#### Crofton Perdue Responsibilities as it Relates to our HOA:

- Assume all financial accounting such as accounts payable, accounts receivable, deposits and payment of invoices
- Ensure an annual audit is completed and file our tax returns
- Provide the HOA with an annual budget to be approved by the BOD. Any expenditure not detailed in the annual budget which exceeds \$5000 must be approved by the majority of homeowners.
- Prepare and present the financial report at our annual meeting
- Accept all variance requests from homeowners

- Field calls from homeowners regarding questions or concerns of any nature relating to our HOA. All homeowner concerns should then be relayed to the president to be added to the next BOD agenda.
- Provide homeowners with notice when vendors are expected in our community
- Ensure all legal and financial data is provided to the selling homeowner and their realtor at the time of listing. This includes all deed encumbrances.

**d) Responsibilities of Board Members:**

- Your Board is made up of three members elected from the homeowners, each serving for a three-year term. No member may hold a board position for more than two consecutive terms. Members may be re-elected after a two-year hiatus. Each Board member should read and understand their association documents.
- There will be no compensation for their service, but they will be reimbursed for any Board approved association expense paid out of their personal funds.
- No Board member or member of their household may receive any financial benefit including, but not limited to, money, gifts, or other consideration from any person or firm doing business with the association or as a result of transactions involving the association.
- Any Board member may be removed by a majority community vote.
- In the event of death, resignation, moving from the neighborhood or Board removal, the successor shall be selected by remaining members of the Board and will serve for the remainder of the unexpired term.



- A position will be considered vacant if member misses three consecutive meetings without a valid reason.
- Board members must be at least 21 years old and an owner, not renter.
- Thirty days prior to our annual meeting the Board will ask for volunteers for the Board. All those stepping forward will supply the Board with a short bio and it will be provided to the Homeowners five days before the annual meeting. Selection will be by simple majority, hidden ballot.
- Attorneys who are Board members are not to represent other members of the association.
- Members of the Board shall always act in a professional manner in dealings on behalf of the association.

#### **HOA Board President:**

- The president sets up association meetings and presides over them so as not to exceed the allotted time.
- He/she meets with the Board to establish important issues to include on the meeting's agenda. The BOD reviews and approves all meeting minutes.
- He/she is responsible for knowing about proper association procedures and voting methods. He/she shall ensure the proposed budget is distributed to the homeowners five (5) days prior to the annual meeting.

#### **HOA Board Secretary**

- The secretary writes all meeting minutes and ensures they are posted on our website.

- He/she will maintain a current directory of all homeowners and ensures the current directory is posted on our website.
- In the event the president is absent the secretary shall exercise the powers and duties of the president.

**HOA Board Treasurer:**

- The treasurer will be responsible for contacting the bank when a CD is matured. He/she will ensure that our Reserve Fund CDs are receiving the best possible rate of return and never just rolled over at the new rate. The funds must always be federally insured. CDs may be cashed out and deposited into our Reserve Fund if cash is needed for capital improvements.

## **Section IV. Rules and Regulations**

(In Addition to those found in our By-Laws)

- All vehicles in the common area must be licensed and operable.
- The landscaping of the common area is for the enjoyment of the owners. Trees, shrubs, bushes and all landscaping shall not be cut, tampered with, or harmed in any way.
- Garbage, trash and cuttings shall not accumulate on lots and/or common areas.
- A maximum of three (3) pets may be kept in any dwelling or on any lot. A maximum of one (1) pet of a guest may be allowed for short term visits, no more than 60 days. Pets on the common areas shall be leashed. Pets must be housed and dwell within the residence; no extended outdoor dwelling containment (such as a chain or dog house) shall be permitted. Owners shall not encroach on the property of other homeowners to relieve their pet. All dogs age six months or older must have certification of rabies vaccination and must be licensed by the Town of Penfield. Pet owners must clean up after their pets. Do not deposit pet waste in our storm drains.
- Boats, trailers, recreational vehicles, and other large vehicles shall be stored inside garages. Temporary driveway parking of such vehicles is permitted for a maximum of 72 hours.
- No political endorsement signs are to be placed in the front, back or side yards, or windows.
- "For Sale" signs are only permitted on the front, side or backyard on the day of an open house. Once the open house has ended for that day, the

sign must be removed. A "for sale" sign may be displayed in the front window of the unit visible to the street. A larger "for sale" sign may only be displayed at the foot of Sable Oaks Lane at Old Penfield Road, and on our HOA property along Penfield Road. no other location allowed. All "for sale" signs must be professionally created.

- A 20-mph speed limit is set throughout the neighborhood. Please also observe proper right lane traffic flow for safety in blind spots and for pedestrians.
- Glass entrance doors may be installed at the front door with a Variance Request Form and Board Approval. The color options are: white, beige, or black/burgundy/green in accordance with the door and shutter color of the residence.
- Garage sales are not allowed. Estate sales will be allowed with Board approval only.
- No part of the property shall be used for other than the purpose for which designed. No industry, business, trade, commercial, religious, child care, etc.
- Each unit shall be used as a single-family residence only.
- Modest "portable" plants within ten (10) feet of the home/garage are allowed without permission if the plants are no higher than three feet, maintained in good health, pruned, and not to obstruct or intrude on a neighbor's view.
- The displaying of the United States flag is allowed, no larger than the standard home flag (3' x 5').

- Homeowners shall not affix or place a radio antenna or television satellite dish to exterior walls or decks.
- Seasonal items that are displayed must be taken down within a reasonable period after the holiday or season is over. Christmas decorations must be removed by March 1<sup>st</sup>. Seasonal yard inflatables are not permitted.

### **RULES & BY-LAWS VIOLATIONS**

Violation of these Rules and Regulations or By-Laws may result in a fine. Fines will be determined at the Board's discretion. An unpaid fine may result in the matter being turned over to the association's attorney for resolution. Before turning a matter over to the association's attorney, a homeowner shall be given at least fifteen (15) days written notice of the Board's intention, along with a statement of the reasons thereof.

- First and Second incident: letter
- Third and subsequent incidents: matter is turned over to the association's attorney for resolution, with all costs borne by the homeowner.
- Any homeowner objecting to either the violation or fine is entitled to file a written appeal to the Board within eight (8) days of the notice. Upon filing the appeal, the homeowner shall be entitled to be heard before the Board, either orally or in writing, not less than eight (8) days prior to the effective date of turning the matter over to the association's attorney.
- Following this hearing, the Board shall determine, at its discretion, whether to proceed with imposed fine. Written notice of the Board's

decision shall be given to the homeowner not more than 48 hours following the hearing.

- All notices under this section, given either to the homeowner or the Board shall be in writing and delivered personally or sent by first class mail, postage prepaid. Notices to a homeowner shall be sent to the homeowner's last address of record as shown in the association's files. Notices to the Board shall be sent to Crofton Perdue Associates with duplicate copy of the notice to the current President, at his/her home address. All notices shall be deemed effective upon receipt if delivered by hand or of confirmed proof of delivery or within three days of mailing.

## **Section V. Rental Properties**

Based on the small size of community, the number of units that may be rented at any time is limited to two (2). Any request to rent your unit must be submitted to Crofton Perdue prior to renting. To minimize disruption to neighbors and the community, rentals must be long term (minimum 12 months) in duration and may only be made to a single resident or family; multi-family use is strictly prohibited. Investment property leasing is prohibited; only units that were previously owner-occupied may be rented. A standard rental agreement is required. Refer to our website.

### **a) Landlord Responsibilities**

Owners are responsible for ensuring that their tenants follow all association rules and regulations. Owners must instruct tenants to read all pertinent documents on our website. If a tenant violates a policy or rule, the owner will need to remedy the situation using resources available to you in your lease agreement. If the violation results in fines, it is up to the owner to pay the association and then be reimbursed by your tenant. If the owner is unable to correct the issue, the association may pursue appropriate legal action against the owner. Renters' rights are protected under the Fair Housing Act as well as state landlord-tenant laws. Rules or policies that violate any rights protected by state or federal laws are not legal and cannot be enforced.

### **b) Association Responsibilities**

The association has no direct authority over renters. It does, however, have authority over the owner and will exercise its rights to enforce

policies. Landlords shall provide the Board with tenant contact information and a copy of the lease agreement. The owner/landlord is responsible for all association dues and assessments.

### **Section VI. Association Monthly Dues**

The association collects fees for maintenance and beautification. The 2020 monthly fee is \$380 (\*), paid monthly, quarterly or annually. The fee may be adjusted periodically by the Board based on changes in reserves requirements and other approved expenditures. The fee covers the following:

- Property Management Company
- Exterior Maintenance and Repair, Excluding Windows
- Snow Removal
- Landscaping
- Refuse Removal
- Pest Control
- Maintenance of Common area trees
- Insurance (does not cover interiors/personal property)
- Taxes (common ground, not personal property)
- Legal
- CPA Audit & Tax Filing
- Electric and Water for Enclave Sign and Planting on bank



- Roadway Repair and Sealing
- Minor Roof Repairs
- Exterior Painting
- Reserve Account

The Board may impose a lien on all unpaid dues and associated legal fees.

### **Section VII. Management of Common Grounds**

(Common ground is all property not deeded to any specific homeowner)

a) **Snow and Ice Management:**

- Homeowner agrees to make reasonable effort to keep service area clear and free of vehicles. NOTE: Plowing may not clear to bare pavement and slippery conditions may prevail.

b) **Landscaping Management:** (as specified in the vendor contract)

- The Board shall ensure maintenance of all gardens and landscape features to the same level of quality. If individual homeowners, by way of Board approval, have chosen to take over the garden and landscape responsibility in the area near their homes, the Board shall ensure that those areas are maintained at a consistent level of quality. The Board shall direct and manage the landscape vendor.
- Homeowners who have an approved architectural request to improve the common area around their home assume all landscaping management themselves.

- If an association plant/tree is damaged due to a homeowner's negligence or accident, replacement costs will be the homeowner's responsibility. Any tree that must be replaced will be replaced with a tree of similar value.
  - It should also be noted that the lifespan of our landscaping is noted to be 15 - 20 years. All foundation plants were upgraded in 2017, with the exception of 632 SOL, and those homes which had previously improved their foundation plants at the homeowners' expense: 602, 614, 620, 644, 650.
- c) Common Area Trees - A regular pruning program has been instituted to reduce the risk of tree failure. The association conducts a bi-annual review of common ground trees. Diseased limbs and trees will be removed as soon as possible. Exception: Trees in the treeline along the back of our homes is considered forever wild. As such, downed limbs are left to decay. If a tree is deemed to be a threat to any home by an arborist, the association will have the tree removed.
- d) Roadway & Driveway Maintenance - To include annual inspection by an approved contractor to determine the need for crack filling and sealing. Contractor has recommended sealing every 3 to 4 years, and crack filling every year as needed.
- e) Refuse - Appliances and oversized items must be disposed of by the homeowner and may not be left at curbside. Our pick-up is each Thursday. Please put your trash out Wednesday evening or early Thursday AM. Homeowners are responsible to contact our vendor (Waste Management) to arrange for bulk pick-up.

- f) Pest Control - Current vendor covers exterior treatment for flying insects, ants, millipedes, potato bugs, and spiders. Homeowners can call the vendor should there be an infestation inside or outside their house.
- g) Storm & Sanitary Sewer System - Homeowners are responsible for the maintenance and repair of the storm lateral from the private storm sewer line main to their home, and of the sanitary lateral from the easement to their home. Any damage to common area vegetation or storm systems by underground watering systems are the responsibility of the homeowner.

### **Section VIII. Homeowner Responsibilities**

As part of a Home Owner Association you are asked to:

- Participate in the activities of your Association
- Run for a position on the Board.
- Attend the annual meeting, typically scheduled for June
- Pay your monthly association fees on time.
- Participate in the neighborhood watch program. If you see something suspicious, call 911.
- Follow all rules and regulations.
- Submit a Variance Request to the Property Management Company if you wish to change landscaping within your footprint. The written request must include a detailed proposed plan and it must be approved by the Board before any changes can be made.

- Immediately report, in writing, any damage to association common grounds (including exteriors) to the Property Management Company.
- Have appropriate insurance; liability, fire and personal property.
- Attend the quarterly Board of Directors meeting if you have any concerns you would like to raise. Please remember that the only time you may address the Board is during the Open Forum, first 15 minutes of the meeting.
- Communicate with the Board if you believe changes should be made to this document.
- Concerns which relate to possible association rule infractions should be reported to the Property Management Company. Matters that fall out of the rules and regulations of the association, such as noise problems, or harassment, should be reported to the police.

## Section IX. HOA Calendar

### JANUARY:

- Snow plowing season

### FEBRUARY:

- Snow plowing season
- Mgmt Company to contact CPA to complete HOA tax return

### MARCH:

- Snow plowing season

### APRIL:

- Snow plowing season ends!
- Mgmt Company to contact plow contractor with list of repairs
- Mgmt Company to bid work for road repairs &/or sealing
- Distribute Call for Board Member candidates
- Spring landscape clean-up by RM
- Mgmt Company to conduct a walk-around to assess need for road sealing or repair, siding repair, landscape upgrades, sidewalk repair, etc.

### MAY:

- Distribute Notice of Annual Meeting with ballot & proxy to homeowners.
- Reserve Space for Annual Meeting at Penfield Library
- Request homeowners submit to the BOD their suggested changes to our Handbook.
- Mgmt Company to set up biennial review of common area trees to identify unsafe or unsightly trees for removal or pruning.
- Annual mulching by RM
- Pest control services
- One Step fertilizer, crabgrass & weed, and continues throughout the season
- One Step Tree & Shrub insect control, and continues throughout the season

### JUNE:

- Submit budget to homeowners 5 days prior to Annual Meeting.
- Annual Meeting
- Selection of new Board Member
- Vote on any suggested changes to our Handbook.
- Vote on any proposed upgrades to our neighborhood requiring additional money be spent.
- Pruning of shrubs by RM

### JULY:

- Continuation of landscape maintenance

### AUGUST:

- Driveway / road repair or sealing as needed

SEPTEMBER:

- Pruning of shrubs by RM
- Mgmt Company to obtain separate Snow Plow contracts for lower third and upper 2/3
- Mgmt Company to submit Plow contract for lower third to Morgan Communities for approval. They have 15 days to approve or reject.

OCTOBER:

NOVEMBER:

- Distribute budget for upcoming year to homeowners
- Mgmt Company to bid out gutter cleaning
- Fall clean-up by RM
- Any annual assessment must be announced prior to December 1<sup>st</sup>.

DECEMBER:

- Snow plowing season