

CONCERNS WITH HOMEOWNER ASSOCIATIONS

Residential developers all over the United States, in order to sell their properties and houses, construct all sorts of amenities that the residents may enjoy. This feature attracts potential buyers and adds to the value of individual homes. These amenities range from clubhouses, to pools, recreation facilities, lakes, fountains, etc. These features undoubtedly add to the attractiveness of the development and develops pride of ownership to the residents.

Once the development nears completion, the developer will formulate a legal entity referred to as a homeowner association and turn over the responsibility of maintaining these amenities to the association. In turn the association must levy dues or assessments on the residents to obtain funds to operate. Along with this, the developer establishes covenants and restrictions to aid and control the development to prevent deterioration of the development.

In the case of Steeplechase Addition and Steeplechase Estates, these covenants were established by the developer as seven sets of covenants for 184 homes beginning in 1991 and completed in 1996. The covenants are remarkably the same except for a few exceptions mainly regarding street congestion. When a house was sold in these developments, it was the responsibility of the seller to inform the potential buyer of the existence of the covenants along with the annual dues. Some buyers insist that they were not informed of the covenants although they were made aware of the dues.

A real dilemma arises with those who were unfamiliar or knew not of the covenants. Long term planning sometimes poses a major problem particularly when children become teenagers and have their own vehicles. It matters little to the homeowner who now has a problem wherein the fault lies; the developer, the seller or the buyer who did not read the "fine print" or did not bother to find out about the covenants and restrictions.

Many say that HOA's take away their freedom to purchase a property and do with it as they please. They are correct; there are restrictions set up by those who want all residents to abide by reasonable rules. This is akin to driving on our highways or living in our cities; one has to follow the laws. Ignorance of the law is no excuse to break the law.

On the other hand, there is a larger group who were intimately aware of the covenants when their houses were purchased. Many not only were willing to abide by the covenants but were pleased that their investment would be protected by the HOA. It is a known fact from examination of HOA's across the country that communities that have functioning HOA's maintain their appeal and investment values for their community.

Another problem of HOA's is that the Officers are volunteer residents. This in itself poses a problem with enforcement because we all have to live with our neighbors regardless of the problems involved, and officers do not want to create ill will regarding collection of dues and enforcement of covenants.

There are some within our community who oppose the existence of the HOA and its covenants and restrictions. An effective HOA requires unity to make equitable and fair changes. It is hoped that this paper will shed sufficient light on our history and serve to unite our community for the common good.

Best Regards,

Your BOD