

Old Mill Village Homeowners' Association

P.O. Box 171, Brunswick, Ohio 44212

ANNUAL MEETING FEBRUARY 2022 NEWSLETTER by Jim Nabors

Please be advised that the annual meeting will be held on Tuesday – March 15th, 2022, at 7:00 pm and, because of the continuing issues with Covid 19, will again be held by Zoom. The make-up date, should we not have a quorum, will be the following night (Wednesday – March 16th, 2022). Old Mill Village consists of 326 buildings, with 371 units which pay a total of 349 assessments. To meet the quorum requires 178 residents attending either by proxy or in person (Zoom). If that quorum is not met, the next meeting will only require 89 residents in attendance by proxy or in person (zoom). Included in this newsletter is a list of streets that breaks down the above information.

2021 ANNUAL MEETING MINUTES:

March 22, 2021 – 7:09 pm - The annual meeting of the Old Mill Village Homeowners Association was called to order. Per the State of Ohio Health Department and in consultation with our legal firm the meeting was held electronically (Zoom). A quorum was met between those attending and by proxy.

Introductions of those attending.

Attending: Alison Duiker, Alison Yovanno, Angela Edwards, Bob & Bev Nemeth, Carol Maline, Christine Crump, Erik Schneider, Joe Knight, Gail Bertock, Jan Santoli, Jean Feitl, Jeff & Robin Arona, Jim Nabors, Kalley McDonough, Katelyn Evans, Leonard Kaminski, Lynn & Gunther Koch, Mary Erbs, Mihaela Ghena, Ray & Lyn Luttner, Ray Hudy, Ryan & Amanda Schlitter, Wendy Kammer, Natalie & Mark Beatty, Kristy Piper, Scott Barnes, Jay Nabors, and Brett & Sharon Holderbaum

Attending but not voting: Bill Grospitch, Dave Dieterich, Erika Knowles, Justin Starcher, Rich & Debbie Dye, Tom O'Connell, and Cindy & Dan Brown

Motion to approve the agenda (with addition to discuss drain installation) was made by Ray and was seconded by Jan – motion carried.

Motion to approve the minutes of the 2020 OMV annual Zoom meeting minutes as submitted was made by Ray and seconded by Joseph –motion carried.

Motion to lower the cost of a tennis court key to \$10 was made by Angela and seconded by Lisa –motion carried.

Motion to accept land that was gifted by the Schneider family was made by Lynn and seconded by Jeff –motion carried. The Knight family offered to donate \$10,000 to build a basketball court on land they are looking to donate to Old Mill Village.

Nominations for the board whose term will expire in 2024 included Angela Yovanno, Alison Duiker, Jeff Knight, Bill Grospitch, Jim Nabors, and Christine Crump.

A motion was made to have the board establish a task force of residents and board members to review the community's response involving sheds, fences, and above ground pools. Motion was made by Angela and seconded by Lynn –motion carried.

Motion to adjourn the Old Mill Village Association annual meeting made by Lisa and was seconded by Lynn –motion carried. Meeting adjourned by 8:15 pm.

OLD MILL VILLAGE 2021 GARAGE SALE By Mary Erbs

Last year twenty-one homes signed up to participate in the OMV Garage Sales event with many residents combining into one location. We've received many positive comments and even some requests for a fall Garage Sale to be considered.

Mary Erbs has headed this project for the association for the last 10 years and is willing to stay involved. Her favorite line is "Where else can you get to make a ton of money and clean your houses out at the same time."

SPECIAL EVENTS By Alison Yovanno

Santa 2021

This year's Santa Polar Express on December 4, 2021, was a huge success. Due to the overwhelming response, we changed the event to an Open House. It worked out great! This allowed all to attend, kept the crowd down and most importantly the kids had more individual time with Santa.

Thanks to all that helped, especially Chris Crump; Deb Dye, Jan Santoli and most importantly Santa.

Mark your calendars for December 3, 2022, for this year's scheduled "Santa Open House".

VIOLATIONS REPORT By Jan Santoli

1. In June of 2021 we started the process placing liens on 7 properties. One of those properties will be a Sheriff sale in February. We may not get monies owed to us since we are 11th on the list of creditors.
 2. Outside home improvements such as decks need to be approved by the board. Concrete patios, roof replacement and new siding do not require approval, but contact city for any necessary permits.
- If you have any questions, contact one of the board members for clarification.
3. Reminders: cars/trucks with ladders or signage are not allowed to be parked in driveway. Please park in your garage. Trailers of any size are not permitted.
 4. As we all want to keep our neighborhood looking good, if you see something that you think is a violation, please send me an email. I always go and look at the issue before I send a letter.
 5. If you see anything that is suspicious, please contact Brunswick Police.

ASSESSMENT INCREASE:

We all are experiencing inflation and that includes our association. Expenses are up and we are also dealing with continuing issues of maintaining our common property. Besides, the increased expense of operating the pool, we are looking at an increasing number of trees on common property that need to be dealt with. We are looking to increase the assessment \$50 a year to \$375.

Raising the assessment requires 2/3rds approval of those voting, provided a quorum has been met. Failure to pass will require residents to complete the Reserve Waiver Requirement Form that acknowledges we do not have enough reserves to address common property issues as required by law.

The Ohio Planned Community Act (5312 O.R.C.) which includes The Power of Association - 5312.06 of the Ohio Revised Code which directly addresses our reserve requirements.

Section 5312.06(A) (1) reads as follows concerning the issues of reserves:

(A) Unless otherwise provided in the Declarations or the Bylaws, the owners' association, through its board of directors, shall do both of the following:

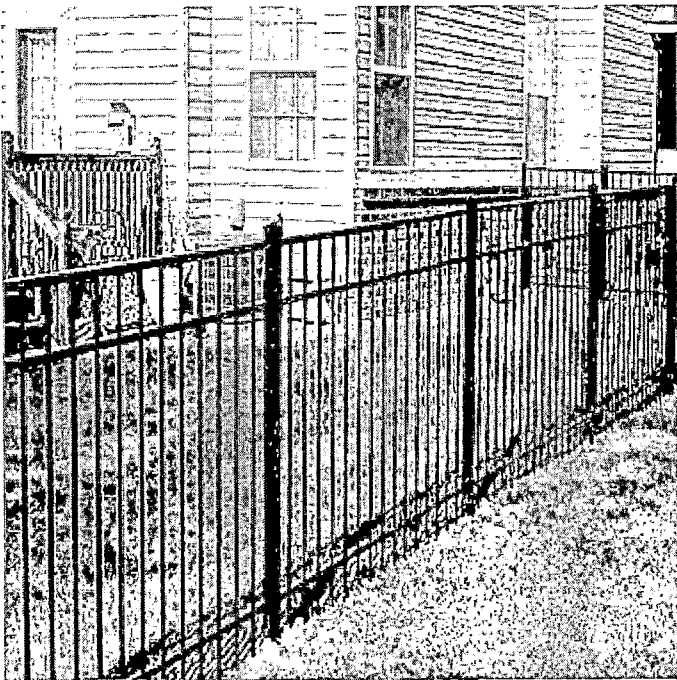
(1) Annually adopt and amend an estimated budget for revenues and expenditures. Any budget shall include reserves in an amount adequate to repair and replace major capitol items in the normal course of operations without the necessity of special assessments, unless the owners, exercising not less than a majority of the voting power of the owners' association, **waive the reserve requirement annually.**

(2) Collect assessments for common expenses from owners in accordance with Section 5312.10 of the O.R.C.

FENCES AND SHEDS

At the 2021 annual meeting a task force of volunteer residents and board members was put together to review the 2019 decision of the residents with regard to fences, sheds and above ground pools. Attached you will find their proposal on fences and sheds as they decided there was a lack of sufficient interest in above ground pools. You will find this an extensive report and I want to thank the task force for all their hard work over the last year. On the ballot you will be able to vote for or against each item and passage will require a simple majority of those making up a quorum.

The following is an example of what the proposed fence would look like:



BOARD:

This past year we had a few residents ask for advance notice of board elections so they could be on the ballot/proxy that is distributed for the annual meeting. We did that in our Fall-Winter 2021 newsletter as well on social media as well as our website. We originally had 5 people inquire about running for the board and three have submitted their names to be added to the ballot/proxy.

Unlike many homeowners' associations we are volunteer managed and do not employ an association management company. The board consists of a minimum of 5 and a maximum of 9 members. Each year up to three residents are

elected to three-year terms by the residents, which in this coming election would expire in 2025. The board meets a minimum of 8 times a year as well as hosting the annual meeting.

Any property owner in Old Mill Village who is current on their yearly assessment is eligible to serve on the board. That is the only requirement. The association elects the board, and the board then elects the officers and appoints the managers for the coming year. All board members pay their yearly assessments. The association deals with many issues, from completing paperwork for home purchases or refinances, legal issues, contracting for services (lawn care and snow removal, pool maintenance and tree services, accounting and legal services among others), and appointing the managers as well as dealing with violations when reported by residents.

The terms of Ray Hudy, Justin Starcher and Mary Erbs expire on February 28, 2022, and both Ray and Mary have chosen not to seek re-election.

RAY HUDY (SHARON HUDY)

This will complete Ray's second tour on the board for a total of 9 years. Ray currently is Treasurer. In cooperation with our accounting firm, Ray has spent hours working with residents on payment plans when they have been unable to pay. This was particularly a challenge the last two years when many residents either weren't working or were on reduced hours because of Covid and having a hard time making their assessment payment. Not only were we able to meet all our obligations, but he worked closely with both the contractors chosen by the association for work on the pool and tennis courts.

As I said in the last newsletter Ray's wife Sharon was Treasurer when the embezzlement of approximately \$27,000 from the association was discovered. It was at that time that the board made the decision to outsource all accounting to a licensed and insured service, Brunswick Tax Service. The association was able to receive complete restitution from the previous Treasurer and with those funds the residents voted to heat the pool. For the last three years Sharon has served as the community/common property manager and has also decided to retire. Ray and Sharon have held the two most difficult volunteer positions and have worked hard to make Old Mill Village a great place to live. Their time and effort on our behalf have been greatly appreciated and we all wish them nothing but the best.

MARY ERBS

Mary Erbs is in her first full term on the board, having been first appointed to complete the remaining time on her late husband Merle's term and has decided it's time to pass the torch to a new generation. Mary like Merle was very involved in cooking hot dogs at the pool on holidays, decorating the outside of the clubhouse and most importantly running the Old Mill Village garage sale for the last 10 years. Mary has also been key in getting all our newsletters together for disbursement to all residents. As a longtime resident of Old Mill Village Mary has been able to provide us with history of how the association operated and never has had a problem telling us when we were either wrong or right. We all wish Mary nothing but the best.

CANIDATES FOR BOARD POSITION:

JUSTIN STARCHER

Justin Starcher is in his second term on the board, having served as Secretary and is now our communications manager. Justin is the youngest member of the board, and has 3 young children, including 8-month-old twins and is a vice-president of IT for the Cleveland Clinic. Justin was Secretary until we needed someone with an IT background to handle the installation of cameras that overlook the pool, clubhouse and parking lot. Since doing this, the problems concerning people trying to use the pool illegally or vandalizing our clubhouse has ended. Justin also oversees our Facebook and website oldmillvillage.net. Justin has brought a fresh and younger opinion to the board and feels he can continue to help not only the existing board, but any new members who may be elected.

ALISON DUIKER

My name is Alison Duiker and I have been a proud resident of Old Mill Village for two years now. I am married to my best friend, Hans, and together we have three little blessings: Aiden(11), Morea(10) and Emelia(7). I have been a Special Education teacher for the last 21 years. I also offer my time as an indoor/outdoor soccer coach, PTA Room mom, and official Mom taxi for all the events my children partake in. We could not be happier to live in this amazing community. I am an active member of the shed/ fences/ pools task force for our HOA and I have decided. should you elect me, to offer my time and service to our HOA Board. My main desire is to spread community involvement (Ex: Neighbor Nights, Clam Bake, Summer movie night at the Pool, Cook Out... etc.). I hope you will consider voting for me to serve you on the Board. Regardless, please wave or say hello when you are passing by 1037 Fireside Dr.

JEFF KNIGHT

My Name is Jeff Knight. Linda and I have been married for 24 years. We have a 15-year-old daughter and a 13-year-old son that we chose to come back to raise them in Brunswick. I was raised in Brunswick, but because of my job, I had to move to the east coast for 27 years.

I am a manufactures representative, working for the same company for 31 years as an independent contractor. Linda and I have also run our own food business for several years while living in PA.

When the opportunity came up to move back to Ohio, we felt Brunswick, because of my roots were from the area, was a great choice for our family. We found the last lot in Old Mill to build our home. We have always loved this community, and now feel I can help work for us all to continue to keep Old Mill the amazing community it is. I would be honored to be on the board.

We have found a resident who is very interested in being the common property manager and hope to introduce him at the annual meeting.

we did have a resident express interest in the pool managers job, but that has not come through as of this printing. If you're interested, please contact me at omvjim@yahoo.com or call at 440-829-8626 to discuss the position.

PLEASE NOTE THAT THE FINANCIALS WERE NOT AVAILABLE AT THE TIME OF PRINTING. IF THEY ARE RECEIVED BEFORE THE 12TH, THEY WILL BE INSERTED. OTHERWISE, WHEN THEY BECOME AVAILABLE, THEY WILL BE AVAILABLE AT OLDMILLVILLAGE.NET AND WE WILL POST THE NOTICE OF AVAILABILITY ON SOCIAL MEDIA.

SORRY FOR THIS INCONVIENCE.

January 2022

Dear OMV Neighbors,

As part of the 2021 OMV annual meeting, a task force was formed in Spring 2021 to recommended guidelines for fences, sheds and above ground pools that would be reviewed by the HOA Board and presented to OMV residents. The task force was not charged with recommending or not recommending allowing these structures in OMV. Rather, based on the interests expressed by some residents, it was charged with developing design, material and location requirements that would ultimately be presented to OMV residents. In developing our recommendation, the task force considered the impacts on the shared enjoyment and benefit of OMV open common spaces.

The task force consisted of eleven volunteers; some long-time residents and some newer residents. At our first meeting, we all made our opinions known. Some of us were against allowing these and some of us were in favor of allowing these. We agreed to put our own opinions aside and be as open minded as possible in moving forward. In order to have an understanding of the extent of our common property and the impact any of these would have on our open space, we agreed we needed to walk the community property first, all 40 acres! It rained on many of the days we scheduled to take our walks, so it took several weeks, but we finally got them all in.

The next step was to create a survey for residents to give their opinions and suggestions on these changes. We had 106 residents respond to the survey, out of a total possible 326. As you can read below, the responses were very close for fences and sheds, but overwhelmingly against Above Ground Pools.

Fences: 49 Yes / 57 No

Sheds: 54 Yes / 52 No

Above Ground Pools: 34 Yes / 72 No

We would like to thank those of you who took the time to return the surveys. Given the strong negative response to Above Ground Pools, we made the decision to continue the current policy of NOT allowing them. We used the survey comments made for and against fences and sheds to help us with the requirements. We made sure we knew what our current documents say about aesthetics and location. In addition, we researched the requirements of other HOA's. We drove through similar neighborhoods to see for ourselves what the addition of sheds and fences would look like. We spent a lot of time working on the wording to ensure the requirements would be fair to all.

With this newsletter, you will find the requirements drafted by the Task Force. The final decision is up to all our residents. **YOU** get to decide by either attending the annual meeting to vote in person, or by sending in your proxy to be sure your vote counts.

Sincerely,

The Task Force

PERIMETER FENCES in Old Mill Village

Old Mill Village is a Planned Unit Development with over 40 acres of Community Property. Since fences can affect the relationships between neighbors and views of community property, a Task Force was created to establish requirements for allowing fences in Old Mill. Established requirements will help preserve the aesthetics and integrity of our community. The Task Force sought neighborhood input to create a set of requirements to ensure a fair and consistent approval process for perimeter fences. Anything done in Old Mill Village must meet the requirements of our Covenants and Restrictions, as well as the City of Brunswick Codes.

Brunswick City Code 1464.01-09, 1464.99

- Permit required.
- Setbacks must be observed.

BEFORE ANY PLANS are submitted to the Board of the Homeowners' Association and/or Architectural Review Committee for approval, the property owner shall have a survey of their property done by a professional surveying company so they know exactly where their property lines are located. A copy of the survey shall be included with the plans submitted to the Old Mill Board of Directors and/or the Architectural Review Board for Approval. If a violation is found as a result of the survey, the violation shall be corrected prior to continuing with the submission process.

BEFORE INSTALLATION OF A FENCE, plans shall be submitted to the Board of the Homeowner's Association and/or Architectural Review Committee for approval. Plans shall include a copy of the property survey, detailed plans, and specifications (design, size, height, materials, color, and finish), and a plot plan showing the proposed location of the fence on the homeowner's property. The applicant shall be notified in writing if the plans are approved within 30 days, and the plans shall be kept on file with Old Mill Village records.

PRIOR to submitting a fence proposal to the HOA Board and/or the Architectural Review Committee, the resident (applicant) shall review and understand ALL fence requirements and the process for submitting a fence request. The resident (applicant) SHALL be current with HOA dues and shall not have any outstanding unresolved OMV HOA violations prior to submitting a fence request.

During the review and approval process, the HOA Board and/or the Architectural Review Committee will notify adjacent neighbors of the fence proposal in writing by certified mail. Adjacent is defined as any neighbors' whose lots touch the property where the fence is proposed. Neighbors do not vote on approval.

If the HOA Board and/or the Architectural Review Committee does not approve the fence proposal, it may be modified and re-presented to the HOA Board and/or Architectural Review Committee. Under no circumstance may a resident proceed without HOA Board approval.

With HOA Board and/or Architectural Review Committee approval of the submitted plans, the resident (applicant) shall obtain a permit from the City of Brunswick and provide a copy of the permit to the HOA Board. The HOA Board and/or Architectural Committee shall acknowledge receipt of the permit within 7 days and keep the permit as a file record along with the plans and other documents submitted by the resident (applicant). Under no circumstance may a resident proceed without providing the permit to the HOA Board and/or the Architectural Review Committee AND receiving acknowledgement of receipt of the permit by the HOA Board and/or Architectural Review Committee.

Requirements for PERIMETER FENCES

SIZE:

- Fence shall be no more than 4 feet (48 inches) in height.
- Fence shall follow the terrain of the property.

LOCATION:

- Fence shall be located in the rear of the property. No front yard or side yard fences will be allowed.
- Fence shall be a perimeter fence.
- Fence shall begin at the rear corner of the house.
- Fence shall be located no more than 6 inches from the side or rear property lines to the interior of the yard.
- The Old Mill Village HOA Board of Directors and/or an Architectural Review Board may grant a variance in instances where lot size and/or lot dimensions (e.g., corner lots) make compliance difficult or where other factors including aesthetics and open space views favor alternative locations.
- The fence shall be located so that water flow and drainage is not hindered or redirected.
- Under no circumstances shall fences be permitted to encroach upon, cross or otherwise obstruct and restrict access to common property.

STRUCTURE:

- Fence shall be no more than 4 feet (48 inches) in height.
- Fence shall be a simple flat top three rail design black metal architectural fence. (See picture attached).
- Structural posts/supports of the fence (both horizontal and vertical) shall be erected on the side of the property being fenced.
- Structural posts of the fence shall be buried at a 36-inch minimum, surrounded by concrete at a thickness of 2 inches minimum.
- Homeowner shall provide a minimum of two gates. Gates shall open to the inside of the enclosure and be no less than 40 inches in width. One gate shall provide access to the rear of the owner's property as required by Brunswick City Code. One gate shall provide access to adjacent Old Mill Village common property.

MATERIALS:

- Fence shall be made of BLACK metal material, with a flat top and matte finish.
- Gates shall be same height, design, and material as the fence itself, and must be latching.
- NO wood, board on board, electric, barbed wire, chain link, split rail or vinyl fence shall be permitted as a perimeter fence.
- Invisible fences for pets are allowed.

MAINTENANCE:

- Property owner shall be responsible for the continual maintenance of both sides of the fence, and it shall be kept in a condition that continues to meet the specifications initially submitted and originally approved.
- Resident shall be responsible for maintenance of both sides of the fence and the ground on both sides including but not limited to mowing, edging, trimming and weed whacking.
- If the fence needs to be repainted, it shall be repainted BLACK to match the original fence.
- If the fence needs to be repaired, it shall be repaired to match the original fence.
- NO items shall be stored next to or leaning up against the fence.

ENFORCEMENT:

- Only homeowners in good standing (all HOA fees paid and not currently in violation of any OMVHOA Covenants and Restrictions or Bylaws) shall submit plans for approval.
- Failure to comply with these requirements may result in a special assessment.
- The homeowner shall be liable for any costs incurred by the Association due to the homeowner's failure to properly maintain the fence on the property.
- Any legal fees incurred with the enforcement of compliance with these established requirements shall be the sole responsibility of the homeowner.

SHEDS in Old Mill Village

Sheds are visible to residents and the public and can affect the relationships between neighbors. A failure to develop requirements can create problems within our development in the form of misunderstandings among neighbors, inconsistencies and unfairness in treatment, and an excessive number of violations. The Task Force was charged with developing requirements for allowing sheds in Old Mill Village and sought neighborhood input to create a set of requirements that would ensure a fair and consistent approval process for all sheds. Anything done in Old Mill Village shall meet the requirements of our Covenants and Restrictions, as well as the City of Brunswick Codes.

Brunswick City CODE: Section 1280.06 Accessory buildings and Structures

- Accessory buildings must be located 15 feet from the rear of the home
- Accessory buildings must be located 10 feet from rear and side property lines.
- Building permits are required, prior to beginning construction.
- Poured cement footers are recommended.

BEFORE ANY PLANS ARE SUBMITTED to the Homeowners' Association Board and/or the Architectural Review Committee for approval, the property owner shall have a survey of their property done by a professional surveying company so that they know exactly where their property lines are located. A copy of the survey shall be included with plans submitted to the Old Mill Village Board of Directors and/or the Architectural Review Board for approval. If a violation is found as a result of the survey, the violation shall be corrected prior to continuing with the submission process.

BEFORE BEGINNING CONSTRUCTION of the shed, the plans shall be submitted to the Old Mill Village Board of Directors and/or the Architectural Review Board for approval. The plans shall include the property survey, detailed plans, and specifications (showing design, size, materials, color, and finish) and a plot plan showing proposed location of the shed on homeowner's property. The Applicant will be notified in writing within 30 days if the plans are approved, and the plans will be kept on file with Old Mill Village records. Approval must be received before beginning construction.

PRIOR to submitting a shed proposal to the HOA Board or the Architectural Review Committee, the resident (applicant) shall review and understand ALL shed requirements and the process for submitting a shed request. The resident (applicant) SHALL be current with HOA dues and shall not have any outstanding unresolved OMV violations prior to submitting a shed request.

During the review and approval process, the HOA Board and/or Architectural Review Committee will notify adjacent neighbors of the shed proposal in writing by certified mail. Neighbors do not vote on approval.

If the HOA Board does not approve the shed proposal, it may be modified and re-presented to the HOA Board. Under no circumstance may a resident proceed without HOA Board or Architectural Review Committee approval.

With HOA Board approval of the submitted plans, the resident (applicant) shall obtain a permit from the City of Brunswick and provide a copy of the permit to the HOA Board. The HOA Board shall acknowledge receipt of the permit within 7 days and keep the permit as a file record along with the plans and other documents submitted by the resident (applicant). Under no circumstance may a resident proceed without providing the permit to the HOA Board AND receiving acknowledgement of receipt of the permit by the HOA Board.

REQUIREMENTS for SHEDS

SIZE:

- Maximum footprint allowed shall be 80 square feet or 8' X 10'.
- Maximum allowable height shall be 9 feet.

QUANTITY:

- Only one shed per lot shall be approved.

USE:

- The shed shall not, under any circumstances, be used as a living space or as a business.
- The shed shall be used for storage only.

LOCATION:

- Sheds shall not be permitted in side or front yards.
- The Shed shall be located in the rear yard at least 15 feet from the principal structure (unless structurally attached to the principal structure) and at least 10 feet from side and rear lot lines.
- The shed shall be located in the rear yard between parallel lines created by the left and right-side walls of the primary structure. This requirement is intended to minimize the view of sheds from the front yard. The Old Mill Village HOA Board of Directors and/or an Architectural Review Board may grant a variance in instances where lot size and/or lot dimensions make compliance difficult or where other factors including aesthetics and open space views favor alternative locations.
- The shed shall be located so that water flow and drainage is not hindered or redirected.
- The shed shall be located in a manner that considers the preservation of open space views from the applicant's and adjacent neighbors' lots.

STRUCTURE:

- Shed shall be placed on a poured concrete slab floor that is at least four inches thick, and the shed shall not be elevated.
- Exterior walls shall be of wooden frame construction (e.g., 2"X4" boards).
- Roof shall be sloped to compliment the primary residence. No gambrel or flat roofs will be approved.
- Windows are allowed, but they shall be proportional to the shed.
- All sheds shall have hinged doors that latch and lock. No shed shall have more than one double door for access. Doors shall face the house or the interior of the yard.

MATERIALS:

- Exterior cladding shall match that on the primary residence in both style and color. Exterior cladding shall be wood, vinyl, or aluminum. NO plastic, rubber, fiberglass, or all metal sheds shall be permitted.
- Roof shingles shall match as closely as possible those on the primary residence in both style and color.
- Windows, if present, shall match as closely as possible those on the primary structure in both style and color.

UTILITIES:

- Any electrical servicing the shed shall be underground. No above ground electrical of any type shall be permitted.
- NO water source shall be permitted.
- NO exterior lighting shall be permitted.

MAINTENANCE:

- Property owners shall be responsible for the continual maintenance of the shed and any landscaping added.
- No items shall be stored outside of or attached to the outside of the shed, nor shall any other type of storage containers be added to the outside of the shed.
- Shed doors shall be kept closed, latched, and locked when not in use.

ENFORCEMENT:

- Only homeowners in good standing (all HOA fees paid and not currently in violation of any OMVHOA Covenants and Restriction or Bylaws) may submit plans for approval.
- Failure to comply with these requirements/restrictions may result in a special assessment.
- The homeowner shall be liable for any costs incurred by the Association due to the homeowner's failure to properly maintain the shed on the property.
- Any legal fees incurred with the enforcement of compliance with these established restrictions shall be the sole responsibility of the homeowner.