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# THE BOUNDARY ASSOCIATION

## MEMO

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**TO: THE BOUNDARY HOMEOWNERS**  
**FROM: BOARD OF DIRECTORS (BOD) / SILVER MOUNTAIN PROPERTIES**  
**SUBJECT: ASSOCIATION MEMO**  
**DATE: JUNE 24, 2021**

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Dear Boundary Homeowners,

**RE: ASSOCIATION MEMO**

Hi All,

We hope that this memo finds everyone doing well and enjoying the summer. Please read through the below memo and address the items that pertain to you.

**ANNUAL MEETING / CAPITAL RESERVE STUDY**

It was hoped to take the current reserve study and try to make it pertinent to today. This cannot be done, as all estimates are completely outdated which means that the monies being reserved are also skewed. The current study does not consider the newly completed builds as this study was completed in 2011. SMP has strongly advised the Board to have a new formal reserve study done as all builds have now been completed. This will ensure that all reserve monies collected are in line with current day costs to minimize the risk of special assessments. The study takes between 6 to 12 weeks to be completed; it will therefore be necessary to push out the annual meeting to the end of the year. SMP will notify the ownership of the new date and time for the annual meeting. We will also be offering a Zoom link for those that may be out of town.

**HOA SPRINKLER CHANGE REQUEST**

It was discovered that owners were calling the landscape contractor directly and requesting changes be made to the associations irrigation system to satisfy individual needs, this has compromised the original intent of the system and will need to be corrected. Owners are hereby notified that all requests to add or modify additional irrigation must be submitted to SMP and not to the contractor. The contractor has been advised not to perform any work based on an individual owner request. Please use the "Exterior Improvement Application" form to submit requests for the Boundary Boards consideration.

**NON-COMPLIANCE**

Since our appointment as your property managers, we had several discussions and a property walk through with your board. During the walk through we noticed numerous matters that raise concern for the association. As you are aware, the association is responsible for the repair and maintenance of the building exteriors as well the maintenance of the common areas which include landscaping. We questioned the board on whether individual owners had submitted requests for changes to the exterior and if such changes were approved. To

most situations, the board members had not received requests and were not aware of granting approvals to changes. In some cases, the board knew that the Master Association had granted approvals but not the Boundary Board.

In general terms this should not be a huge issue, however, when the exteriors are compromised, and the association is expected to maintain these areas then it does create a problem. Considering the above the board has opted to reach out to all owners and request they either return any non-approved work back to its original condition or submit a request for approval of any new or existing fixtures. All requests will be dealt with on a case-by-case basis and will be recorded in the association's documents once finalized. Depending on the circumstances and fixtures, the board may opt to "grandfather in" certain items until such time as the property is sold in which case it would need to be returned to its original state or the new owner would be required to submit a new request.

Owners are requested to complete the "Exterior Improvement Application" form and submit it to Silver Mountain Properties (SMP) at [admin@smprop.com](mailto:admin@smprop.com) as soon as possible. SMP will schedule a second walk through during the week July 12<sup>th</sup> to July 16<sup>th</sup>, any non-compliant items found during this walk through will be noted and individual owners will be sent a form depicting the non-compliance and a request to resolve such issue. Below is an extract from the declarations referencing exterior components.

**3.6 Additions, Alterations or Improvements. No additions, alterations, changes or improvements shall be constructed, made, done or permitted to any Lot or Townhome by any Owner, Occupant, or employee or agent thereof, without the prior written approval of the Board of Directors. Without limiting the generality of the foregoing, said restrictions shall apply to and include (i) alteration or change of any structural elements of a Townhome, including the roof, (ii) painting or other alteration or change of the exterior of a Townhome, including doors and windows, or (iii) addition, alteration, change or removal of any landscaping. The foregoing restrictions shall not apply to nonstructural additions, alterations, changes or improvements to the interior of a Townhome, that are not visible from outside the Townhome, and that are in compliance with all applicable laws, ordinances, regulations and codes. Except for alterations to Limited Common Areas which have received the prior written approval of the Board of Directors of the Association, no Owner or Occupant shall have any right to alter, change or improve in any way the Common Areas or any part thereof, said Common Areas being the exclusive responsibility and jurisdiction of the Association.**

**If an Owner applies for approval to modify the exterior of a Townhome, the Board of Directors shall exercise its best judgment to the end that all modifications conform to and harmonize with neighboring structures. The Board of Directors shall have the absolute right to deny any requested changes which the Board of Directors reasonably determines do not conform to and harmonize with neighboring structures. The provisions for architectural control contained in this Declaration shall be in addition to, and not in lieu of, the development review provisions contained in the Master Declaration. The Board of Directors' granting of approval for proposed modifications hereunder shall not dispense with the need also to comply with the review and approval procedures set forth in Article**

**4 of the Master Declaration. All proposed alterations shall first be approved pursuant to this Declaration before being submitted for approval pursuant to the Master Declaration.**

**If the Association desires to make any additions, alterations, changes or improvements to the exterior of any Townhome or Townhomes, or to the Common Areas, the Association shall first obtain the consent of the Development Review Committee of the Master Association pursuant to the requirements and procedures set forth in Article 4 of the Master Declaration.**

Please call SMP if you have any questions, your assistance in the matter will be greatly appreciated.

For and on behalf of your Boundary Board of Directors,

Silver Mountain Properties  
Courtney Nel  
Office: 970-963-4900