

## GETTING ACQUAINTED With Your New Documents

This communication is a second in a planned series highlighting specific changes in the Association documents and the new Declaration from the original old declaration that was replaced. (Capitalized terms are the same as in the new Declaration and the Section references are to specific provisions of the new Declaration.)

Today we are focusing on the provisions of Article 12 involving Limitations and Rights to Modify or Alter Units, Common Elements, and the Limited Common Elements. Additionally, we will address some provisions of Article 13 regarding Owner Upkeep of the Units and Upkeep and Repair of the Limited Common Elements.

### Alteration of Common Elements (Section 12.5)

As referenced in the first communication, the Common Elements are owned together with all of the other Unit Owners. Therefore, no Owner has any right to affix or plant anything within the Common Elements, including flowers, trees, shrubs or other vegetation or other objects without the prior written consent of the Board. The same applies, generally, to the Limited Common Elements. Therefore, except as specifically discussed below, an Owner may not put decorations, wind chimes, or any other improvements, objects, or plantings within any portion of the Common Elements, including the dunes in front of the Units or the areas to the rear or beside the Units.

### Alteration of Units (Section 12.3)

Modification or alteration of any Unit is not permitted without prior written consent from the Board. As the Unit is what you actually own, this restriction does not apply to painting, wall coverings, and any other interior improvements which do not involve structural modifications or alterations. Note, in this Section the specific provision prohibiting the installation of television, radio, satellite, antenna or receivers or any other objects or equipment which might protrude through the walls or the roof of any building.

In the event that a modification or alteration of a Unit is allowed by the Board, the Owner may be required to indemnify the other Owners and the Association against any cost or expenses that may be occasioned by such changes, alterations or improvements (Section 12.4).

### Limited Common Elements/Existing Improvements (Section 12.6)

The Board has taken the position that any betterments and improvements previously installed and existing as of the date of the adoption of new Declaration

within the Limited Common Elements located immediately below the Units (sheds, showers, landscaping, etc.) will be permitted to remain subject to the provision of Section 13.3 regarding the cost of the continued maintenance and Upkeep of those improvements.

To the extent that an Owner desires to add additional improvements, structures, or permanent fixtures within the Limited Common Elements, then the appropriate form should be submitted to the Board in order that prior approval be granted before commencing any work.

Recognizing that a number of you have placed flowers and other plantings within the Limited Common Elements appurtenant to your Unit (more particularly along the wooden walkways and steps), the Board has taken the position that potted plants may be maintained within these areas so long as they are portable and do not present an obstruction to the Upkeep and maintenance of either the Common Elements or the Limited Common Elements.

As a condition of granting consent to an Owner for the construction of any new improvements within the Limited Common Elements, the Board may require that the Owner, at the sole cost and expense of the Owner, provide for the Upkeep and cost of repairing and restoring such betterments or improvements (Section 12.3).

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Several Owners have installed propane tanks within the Common Elements or the Limited Common Elements adjacent to their Units to power internal appliances or gas logs. Again, the Board takes the position that the existing propane tanks, location and installation have all been approved. However, before any new tanks are placed within the Common Element or Limited Common Elements prior written consent from the Board would be necessary before the installation of the tanks and the appropriate lines to the Unit.

Included with this communication is a revised Modification Request Form to be completed by Owners requesting any modifications to their Units or within the Limited Common Elements appurtenant to that Unit.