

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Maintenance Item	Responsibility	Authority
Air Conditioning - Central, Equipment and Conduits (except those located within Units)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Appliances - Built In	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Appliances - Freestanding	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Attic (except for personal contents and wiring serving a single Unit)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Balcony Floor - Cleaning	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10
Balcony Floor - Repair and Replacement (except Owner modifications)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Carpeting - In Units	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Caulking - Exterior	A	CC&Rs, Article XI, Sect. 11.1
Caulking - Interior	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Ceilings - Unit - Interior Surfaces	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Common Area Improvements	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Clubhouse - Maintenance/Repair	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Crawl Space (except for personal contents, wiring serving Unit, and Owner alterations)	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article II, Sect. 2.3.3; <u>Civil Code</u> _1364(a)
Doors - Entry - Frame and Door	O	CC&Rs, Article III, Sect. 3.10; <u>Civil Code</u> _1351(i)(1)
Doors - Entry - Painting- Exterior Surface	O	CC&Rs, Article III, Sect. 3.10; <u>Civil Code</u> _1351(i)(1)

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Doors - Entry - Painting- Interior Surface	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Doors - Entry - Weatherstripping/Waterproofing	O	CC&Rs, Article III, Sect. 3.10; <u>Civil Code</u> _1351(i)(1)
Doors - Interior	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Doors - Patio/Deck Storage Closet	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs Article III, Sect. 3.10; <u>Civil Code</u> _1351(i)(1)
Drainage Systems (e.g., ditches, catch basins, reservoirs)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Drains - Bathtubs, Showers, Sinks	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Drains - Curb	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Drains - Patio/Balcony	O	CC&Rs, Article III, Sect. 3.10; Condominium Plain & 8
Drains - Keep Clean	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Driveway/Parking Space - concrete and asphalt surfaces	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Dryer Vents - Interior or servicing one Unit	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Drywall - Exterior/Bearing Unit Walls	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Drywall - Interior Unit Walls - Replace	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Electrical Panel/Circuit Breakers/Interior	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Electrical Switches, Sockets, Wall Plates - Interior	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Electrical Wiring - Interior or serving a Unit	O	CC&Rs, Article II, Sect. 2.3.1 & Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Elevators - Maintenance/Repair	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Exhaust Fans - Located within Unit	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Exterior Building Surface	A	CC&Rs, Article XI, Sect. 11.1
Faucets, Handles, Washers - Common Area	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Faucets, Handles, Washers - in Units	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Fences - Common Area	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article XI, Sect. 11.1; <u>Civil Code</u> _1364(a)
Floors - Structural	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Floor Covering/Surface (e.g. carpet, tile, vinyl, wood, etc.)	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Foundation	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Front Entry Landings	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Gates - Security	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Garbage Disposal	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Gas Lines (except those located within Unit)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Glass - Unit Windows/Doors, including exterior surfaces	O	CC&Rs, Article XI, Sect. 11.2
Gym - Maintenance and Repair	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Gutters and Downspouts	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article XI, Sect. 11.1; <u>Civil Code</u> _1364(a)

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Insulation	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Irrigation Equipment, including reservoirs,	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Landscaping - Common Area, Greenbelt	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Lighting Fixtures - Exterior/Common Areas	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Lighting Fixtures - Inside Units	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Lobbies - Common Area	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Painting - Interior	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Painting - Exterior	A	CC&Rs, Article X1, Sect. 11.1
Parking Space - Surfaces	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Patio/Balcony Deck Railings	A	Condominium Plan &8, <u>Civil Code</u> _1364(a)
Patio Cleaning	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10
Patio/Balcony - Painting	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Patio Improvements (owner installed)	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10
Patio Walls	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Pest Eradication - Common Area, Exclusive Use Common Area	A	<u>Civil Code</u> _1364(b)(1)
Pest Eradication - Inside Unit	O	<u>Civil Code</u> _1364(b)(2)
Pest Eradication - Common Area, Exclusive Use Common Area - Cost of Relocation	O	<u>Civil Code</u> _1364(c)

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Plumbing Fixtures - Interior (toilets, tubs, sinks, faucets, etc.)	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Plumbing Lines - Inside Unit	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10;
Plumbing Lines - (except those located within the Units)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Pool, Pool Building, Spa, Equipment	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Reservoirs, Pumps, Irrigation Equipment	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Roof Shingles/Tiles	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article XI, Sect. 11.1; <u>Civil Code</u> 1364(a)
Roof Underlayment	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Roof Vents	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Sewer Backups (Exterior Only)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Sewer Lines - Inside Unit	A	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10; <u>Dover Village v. Jennison</u>
Sewer Lines - (except those located within the Units)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a); <u>Dover Village v. Jennison</u>
Sidewalks - Common Areas	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, Article V, Sect. 5.1.1; <u>Civil Code</u> _1364(a)
Slabs	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Sliding Patio/Balcony Door - Glass, Screens	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10; CC&Rs, Article XI, Sect. 11.2; <u>Civil Code</u> _1351(i)(1)
Sliding Patio/Balcony Door - Frames and Tracks, Hardware	O	CC&Rs, Article II, Sect. 2.3.1; <u>Civil Code</u> _1364(a); <u>Civil Code</u> _1351(i)(1)

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Sliding Patio/Balcony Door - Replacing	O	CC&Rs, Article II, Sect. 2.3.1; <u>Civil Code</u> _1364(a); <u>Civil Code</u> _1351(i)(1)
Spraying for Household Pests (ants, fleas, etc.) in the interior of the Unit	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Stairways - Maintenance/Repair	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Storage Area - Cleaning	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10
Storage Area - Repair and Replacement (O is responsible for repairs or replacements above the finished surface.)	A	CC&Rs, Article III, Sect. 3.10; <u>Civil Code</u> _1364(a); Condominium Plan &8
Stucco Painting/Coloring	A	CC&Rs, Article XI, Sect. 11.1
Stucco Repair and Replacement	A	CC&Rs, Article XI, Sect. 11.1
Termites - Structural, Exclusive Use	A	<u>Civil Code</u> _1364(b)(1); <u>Dover Village v. Jennison</u>
Termites - Structural, Common Area	A	<u>Civil Code</u> _1364(b)(2)
Termites - In Unit	O	<u>Civil Code</u> 1364(b)(1)
Termites - Cost of Relocation During Repair	O	<u>Civil Code</u> _1364(c)
Trim - Wood - Exterior - Maintenance and Replacement	A	CC&Rs, Article XI, Sect. 11.1
Trim - Wood - Exterior - Painting	A	CC&Rs, Article XI, Sect. 11.1
Utility Installations (except all installations and outlets located within the Units)	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Utility Installations/Outlets - Inside Unit	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Walls - Bearing, Studs, Frames, Tiedowns, Columns, Other Structural Items	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Walls - Non-bearing	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Walls - Party	O=s	CC&Rs, Article IX, Sect. 9.1.1
Wall separating Project from commercial	A	<u>Civil Code</u> _1351(f); CC&Rs, Article II, Sect. 2.3.2
Wallpaper/Paneling - Inside Unit	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Water Heater - Common Area	A	CC&Rs, Article II, Sect. 2.3.2; <u>Civil Code</u> _1364(a)
Water Heater- Located within Unit	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10
Windows -Unit - Glass Surfaces and Screens	O	CC&Rs, Article II, Sect. 2.3.1; CC&Rs, Article III, Sect. 3.10;
Windows - Unit - Frames and Hardware	O	CC&Rs, Article II, Sect. 2.3.1; <u>Civil Code</u> _1364(a); <u>Civil Code</u> _1351(i)(1)
Windows - Unit - Exterior Painting	O	CC&Rs, Article III, Sect. 2.3.3; <u>Dover Village v. Jennison</u>
Windows - Unit - Replacing	O	CC&Rs, Article II, Sect. 2.3.1; <u>Civil Code</u> _1364(a); <u>Civil Code</u> _1351(i)(1)
Wiring - Cable TV	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10
Wiring - Electrical - Inside Unit, and those that are solely used by that Unit, and located within or underneath the outside perimeter bearing walls of the Unit	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10
Wiring - Electrical - Common Area and Serving more than one Unit	A	CC&Rs, Article II, Sect. 2.3.2; CC&Rs, <u>Civil Code</u> _1364(a)
Wiring - Telephone	O	CC&Rs, Article II, Sect. 2.3.3; CC&Rs, Article III, Sect. 3.10

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

Key

O	Owner
A	Association

CC&Rs, Article II, Sect. 2.3.1	Each Condominium shall be a separate freehold estate, as defined in Section 1351 of the California Civil Code, consisting of the dwelling space bounded by and contained within the interior unfinished surfaces of the perimeter walls, floors, ceilings, windows and doors of said spaces, each such space being defined and referred to herein as a Unit. Each Unit includes both the portion of the building so described and the airspace so encompassed, and all windows and doors in said Unit, but the following are not part of the Unit: bearing walls, columns, floors, roofs, foundations, balcony railings, pipes, ducts, flues, chutes, conduits, wires, exterior lighting, and other utility installations, wherever located (except all utility installations and/or outlets thereof when located within the Units).
CC&Rs, Article II, Sect. 2.3.2	The Common Area shall include, without limitation, the real property within the Project as defined hereinabove, each multi-family structure (excepting therefrom the Units), together with all bearing walls, columns, floors, roofs, slabs, foundations, and related facilities, security gates, lobbies, stairways, elevators, landings, storage areas, reservoirs, pumps, irrigation equipment, and other central services, pipes, ducts, flues, chutes, conduits, wires, exterior lighting and other utility installations, wherever located (except all utility installations and/or outlets thereof when located within the Units), lawns, pavements, trees, and all other landscaping.
CC&Rs, Article II, Sect. 2.3.3 (as amended)	Exclusive Use Common Area shall mean and refer to those portions of the Common Area over which exclusive easements are reserved for the benefit of certain Owners and to which an exclusive right of use is granted to an Owner which shall be appurtenant to his Unit as shown and described on the Condominium Plan and shall consist of balconies and storage spaces. The internal and external wiring designed to serve a Condominium shall be deemed a part of the Exclusive Use Common Area appurtenant to such Condominium.
CC&Rs, Article III, Sect. 3.10	<u>Owner's Duty to Maintain.</u> Each Owner is responsible for maintaining his or her separate Unit and any Exclusive Use Common Area appurtenant to the Unit.
CC&Rs, Article V, Sect. 5.1.1	The Association shall have the sole and exclusive right and duty to manage, operate, control, repair, replace, or restore, all the improvements, trees, shrubbery, plants and grass of the Project.

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

CC&Rs, Article V, Sect. 5.1.4	The Association shall have the sole and exclusive right and duty to maintain the easement area granted to it by the owner of the adjoining commercial project over that portion of the real property up to and including the wall separating the two projects.
CC&Rs, Article XI, Sect. 11.1	<u>Association Maintenance.</u> The Association shall be responsible for the maintenance and preservation of the exterior appearance of the project.
CC&Rs, Article XI, Sect. 11.2	<u>Owner Maintenance.</u> Notwithstanding anything to the contrary, the Association shall not be responsible for the exterior maintenance of preservation of the following items: glass surfaces, repairs or replacements arising out of or caused by the willful or negligent act of an owner, his family, guests, or invitees, damage caused by flood,
<u>Civil Code</u> _1351(i)(1)	Unless the declaration otherwise provides, any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors, doorframes, and hardware incident thereto, screens and windows or other fixtures designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.
<u>Civil Code</u> _1364(a)	Unless otherwise provided in the declaration of a common interest development, the association is responsible for repairing, replacing, or maintaining the common areas, other than exclusive use common areas, and the owner of each separate interest is responsible for maintaining that separate interest and any exclusive use common area appurtenant to the separate interest.
<u>Civil Code</u> _1364(b)(1)	In a community apartment project, condominium project, or stock cooperative, as defined in Section 1351, unless otherwise provided in the declaration, the association is responsible for the repair and maintenance of the common area occasioned by the presence of wood-destroying pests or organisms.
<u>Civil Code</u> _1364(b)(2)	In a planned development as defined in Section 1351, unless a different maintenance scheme is provided in the declaration, each owner of a separate interest is responsible for the repair and maintenance of that separate interest as may be occasioned by the presence of wood-destroying pests or organisms. Upon approval of the majority of all members of the association, the responsibility for such repair and maintenance may be delegated to the association, which shall be entitled to recover the cost thereof as a special assessment.
<u>Civil Code</u> _1364(c)	The cost of temporary relocation during the repair and maintenance of the areas within the responsibility of the

HUNTINGTON PIER COLONY CONDOMINIUM HOMEOWNERS ASSOCIATION

Maintenance Matrix

	association shall be borne by the owner of the separate interest affected.
<u>Dover Village Association v. Jennison</u> (2010) 191 Cal.App.4th 123, 119 Cal.Rptr.3d 175.	The <u>Dover</u> Court reasoned as follows: AUnder the rule of >expressio unius est exclusio alterius= _ say one thing and impliedly exclude the other_ the most natural reading of the CC & R's is that sewer lines are not >exclusive use common areas appurtenant.= By expressly saying patio and garage areas come within the category, the CC & R's impliedly say that sewer lines do not.@

Updated 03/05/2012