

## **ASHLEY OAKS HOMEOWNERS ASSOCIATION FREQUENTLY ASKED QUESTIONS**

Ashley Oaks Trustees are often asked why the Association exists, what does it do for the residents, and what value does it bring?

This memo is intended to address these questions.

### **Why does the Association even exist?**

The simplest answer is because it must. Ashley Oaks is a deed restricted community, meaning that besides the normal government imposed zoning laws, all Ashley Oaks properties are subject to additional rules and regulations (called Covenants and Restrictions). The government enforces zoning laws, but, since the deed restrictions relate specifically to the properties in Ashley Oaks, it is up to the owners of those properties to enforce those restrictions. The owners do so via establishing a Homeowners Association and granting it enforcement powers to be exercised by and elected board of trustees. Deed restrictions provide that by virtue of owning an Ashley Oaks property the owner becomes a member of the Association, retains that membership throughout his term of ownership, and is responsible for his pro-rata share of Association expenses.

### **So, why have deed restrictions?**

The most direct answer is, if you look at the neighborhood now you will see that it looks very much the same as or better than it did when you purchased your property whether that was one year ago or 20 years ago, and you can be sure that, if the Trustees do their jobs effectively, it will retain its character, ambiance and level of repair 20 years from now.

Specifically, when you look out your back door, you will not see sheds, above ground pools, dog kennels, wood cribs, and other such structures. In the front you will not see ramshackle houses, broken down cars, motor homes, trailers, or commercial vehicles with ladders and advertising parked in driveways, or trash bins and old refrigerators stored in front of garages. You will not experience a flow of traffic to in home businesses, your neighbor will own his property, not be a renter or transient resident, and will not be able to set up an air B&B in his home. These examples are not hypothetical, they represent actual circumstances addressed or anticipated by and resolved or prevented by the Association over the years. Your neighborhood looks and feels the way it does because of the Association and its Trustees.

### **What about all these “common properties?”**

The developer designates certain areas to house facilities whose use is restricted to Ashley Oaks residents, and to create buffers from the “outside world” and among residents. Those properties are owned and maintained by the Association. Besides maintaining and replacing landscaping as it ages, certain structures such as a gazebo, playground swings and equipment, parking areas, fences and entrance signs must be maintained and replaced as necessary by the Association.

Occasionally unknown or unrecognized by residents, there are two detention basins that collect rainwater from homes, streets and common areas in the development and meter it into the public sewer system in a manner to prevent flooding during heavy storms. The Association is responsible for maintain these basins subject to county, city and EPA requirements. If you don't see water in your basement during rainstorms, the Association has played a part.

**So, what about those “enforcement powers”?**

The Association, via its trustees, has broad powers to enforce the provisions of the “Documents,” which are the Declarations and Covenants, the By-laws and the Rules and Regulations. Trustees and their agents may enter onto any property within the Association's boundaries (not including dwellings) to inspect for violations of the Documents and can compel remediation for any violations detected. The remediation process consists of progressive notifications, fines, self-remediation, and court actions.

In practice, to maintain neighborhood comity, while trustees routinely inspect common properties, unless there is a violation plainly visible from the street, they do not routinely enter onto a resident's property for inspections. However, if the Association receives a complaint from a member about the condition or operation of any property, common or resident, the trustees are required to inspect and effect remediation as necessary.

**What value does the Association bring?**

The answers above should indirectly address the value proposition.

Ashley Oaks has been recognized as one of the best maintained developments in Strongsville. When put on the market, homes often sell within days at excellent prices. Residents may expect their neighborhood to maintain those distinctions in the future.

That's the value.