

Aspen Condominium MAINTENANCE RESPONSIBILITY CHART

The following chart summarizes the division of responsibility for maintenance, repair, and replacement between the Association and Owners. In the event of a conflict with this chart, the Declaration controls.

| | EXTERIOR | HOA | OWNER |
|---|--|----------------|--------------|
| 1 | <u>Common Area</u> : “all land and all portions of the property not located within any unit”. ¹ | X | |
| 2 | <u>Common Area</u> : “roofs, foundations, pipes, ducts, flues, chutes, conduits, wires and other utility installed to the outlets, bearing walls, perimeter walls, columns and girders, to the interior surfaces thereof, regardless of location”. ² | X | |
| 3 | <u>Common Area</u> : “grenns [<i>sic</i>], garden, patios, walkways, service streets and parking areas, and any recreational areas and facilities, all installation of power[,] lights, gas, hot and cold water and heating existing for common use and all other parts of the property necessary or convenient to its existence[,] maintenance and safety, or normally in common use”. ³ | X | |
| 4 | <u>Limited Common Area</u> : “areas designated herein or by the management committee which are reserved for the use of a particular unit owner.” ⁴ | X | |
| 5 | Back Patios. ⁵ | | X |
| 6 | Front walkways and porches/patios. ⁶ | X ⁷ | |

¹ Declaration for Aspen Condominium, recorded Feb. 9, 1973, Art. 1(D); such Declaration amended Jun. 3, 1974, (to substitute a new EXHIBIT “A” and add second building (phase 2) to the HOA) and again amended Sep. 19, 2003 (to become 55+ HOA).

² Decl., Art 1(D) & Art. 7(H)

³ Decl., Art 1(D) & Art. 7(H); **NOTE:** The term “grenns” in Art. 1(D) is likely a misspelling of the word “greens” which likely refers to “green spaces” such as lawns.

⁴ Decl., Art 1(D) & Art. 7(H).

⁵ Decl. Am. 1974-06-03, SUBSTITUTE EXHIBIT “A”, 1(C): “Each unit includes fee ownership of one double car garage and limited common area for a patio allocated as follows: Unit 1, garage 1-A, patio 1-B ...”. For example, the back patio of unit 1 is labeled “1-B” on the plat; all other back patios are similarly labeled on the plats (but not front patios/porches). Thus, each back patio (the concrete slab only) is considered a part of its unit and is therefore the responsibility of the unit owner to maintain and repair, but the HOA has a right to maintain or repair for the owner and to specially assess the HOA’s costs to the owner if he fails to timely maintain or repair any part of his unit (see Art. 7(J)).

⁶ The walkways, garden spaces, and front patios/porches are described in EXHIBIT “A” and SUBSTITUTED EXHIBIT “A” and marked on the plats as limited common area, which is defined to be areas “reserved for the use of a particular[] unit owner” (Art. 1(E)). Limited common area is also a form of common area (Art. 1(E)) which common area is defined as “all land and all portions of the property not located within any unit” (Art. 1(D)), which includes the walkways, garden spaces, and front patios/porches. Note also that common area is explicitly defined to include “garden[s], patios, [and] walkways” (Art. 1(D)). Thus, the limited common area walkways, garden spaces, and front patios/porches, which are forms of common area, are the responsibility of the HOA to maintain and repair, but the costs of such maintenance and repair must be specially assessed to the owner(s) to whom their use is reserved (see Art. 7(I)).

⁷ Decl. Am. 1974-06-03, SUBSTITUTE EXHIBIT “A”, 1(D). Note that the walkways, garden areas, and front patios/porches are not specifically labeled on the plats and are thus not privately owned as parts of the units (as are the back patios) but are designated as limited common areas that are only “allocated to the adjoining unit owner and are reserved for the exclusive use of such unit” or, if shared, then jointly to the adjoining unit owners

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|---|--|--|---|
| | | | |
| | INTERIOR | | |
| 4 | <u>Private Unit Interior Surfaces and Spaces</u> : “The boundary lines of each unit are the interior surfaces of its perimeter walls, bearing walls, floors, ceilings, windows and window frames, doors and door frames, and trim and includes both the portions of the building so described and, the space so encompassed.” ⁸ | | X |

(see 1(D) of SUBSTITUTE EXHIBIT “A”). Thus, the walkways, garden areas, and front patios/porches are the responsibility of the HOA to maintain and repair, but the costs of such maintenance and repair must be specially assessed to the owner(s) to whom their use is reserved (see Art. 7(I)).

⁸ Decl., Art. 1(C) and Art. 7(H), an apparent portion of which is found at the top of page 7 of the Declaration. **NOTE:** All exterior building surfaces and the space and contents within the units’ perimeter walls up to but not including each unit’s interior wall surfaces are the responsibility of the HOA to maintain and repair, but the costs of such maintenance and repair typically must be allocated to the unit owners (see Art. 7(H) & (I)).