

Sanctuary Cove HOA

FY 2023 Annual Homeowners Association Meeting

Agenda

- ▶ Call to order
- ▶ Board of Directors Introduction
- ▶ HOA Status Update
- ▶ Reminders
- ▶ Financial Review
- ▶ Leadership Positions
- ▶ Old Business
- ▶ New Business
- ▶ Questions/Discussion
- ▶ Adjournment

Board of Directors Introductions

- ▶ President - James Nash
- ▶ Vice President - Mark Ratliff
- ▶ Secretary - Christa Rayford
- ▶ Treasurer - Shawn Little
- ▶ Member-at-large - David Burbank

Sanctuary Cove Neighborhood Map

- ▶ Sanctuary Cove is made up of 3 phases, totaling 160 lots
 - ▶ Phase 1 - Nature Walk Way, Flint Drive, Leather Leaf Circle
 - ▶ Phase 2 - Destiny Drive, Duskin Court, Fauna Circle, Danan Circle
 - ▶ Phase 3 - Lathan Drive, Vidette Lane, Epharaim Circle
- ▶ DR Horton turned over responsibility of the HOA effective 9/1/2019
- ▶ The last house was sold on 10/29/19



HOA Status Update

- ▶ Our last in-person homeowners meeting was held in January 2020
 - ▶ COVID restrictions prevented in-person meetings for 2021 and limited the venue options during 2022
 - ▶ The BoD is committed to resuming regular meetings now that those restrictions are being lifted
 - ▶ Notice for this meeting was mailed to all homeowners in early April 2023
- ▶ Elevate Management Solutions provides accounting, compliance, and management services on behalf of the BoD for the association
- ▶ New Landscaper as of 2021: Largen, Inc
 - ▶ Received competitive bids from 3 companies
 - ▶ Largen was lowest cost, flexible, and offered cost-saving a-la-carte options
 - ▶ Pricing hadn't changed for 2022 or 2023
- ▶ Website is the source for all info on the HOA
 - ▶ Request forms for ARC, Pool Parties, Work Orders, Complaints; historical data; community info and HOA news
- ▶ Compliance is generally really good!



Compliance

- ▶ Landscaping maintenance is our most frequent compliance issue
 - ▶ Weeds in flower beds
 - ▶ Weeds in lawn/turf area
 - ▶ Un-mowed/edged lawn/turf areas
 - ▶ Overgrown bushes/shrubs
- ▶ Easy to mitigate and prevent these issues
 - ▶ DIY fertilization programs
 - ▶ Professional fertilization services
 - ▶ Full service lawn care programs
- ▶ Ask questions!
 - ▶ Ask a neighbor, post a question on FB or submit a question through the HOA website
- ▶ Compliance inspections and notices are designed to help maintain the property value and aesthetic appearance of the entire community
- ▶ Reasonable accommodations are made, when in doubt - ask us!
- ▶ If you see a neighbor struggling to maintain their property, offer a helping hand
 - ▶ Share tips, suggestions, or demonstrate a helpful technique
 - ▶ Some homeowners are not used to this climate, possibly a 1st time homeowner, or relocating from areas where lawn care was not a priority
- ▶ Use our website to report compliance concerns - reports will always remain confidential

HOA Status Update

- ▶ 2 HOA Board vacant seats
 - ▶ 2 nominations received and accepted; no vote necessary since there are 2 vacancies and only 2 nominations were received
 - ▶ Shawn Little
 - ▶ Chad Towry
 - ▶ Welcome Chad, and farewell Mark! Thanks for your service to the community for the past 3 years!

HOA Status Update

- ▶ Completed Projects since 2021:
 - ▶ Pool area security system
 - ▶ Cameras installed, identified multiple break-in suspects; held accountable and repairs made to damaged facility
 - ▶ New Pump system at pool - converted to a sand filter
 - ▶ Will keep up with the bather load much better than cartridge filters; lowers total cost of ownership and yearly maintenance costs
 - ▶ New pool chairs purchased
 - ▶ Old metal chairs were not holding up to weather and were rusting; new chairs are plastic and should last longer - reminder to please treat with care
 - ▶ Phase 3 Foot Bridge repair and repainting completed
 - ▶ Added internet/wifi service to Pool for security & card system
 - ▶ Public/Guest wifi available this summer season
 - ▶ Pool Gate Control system replacement
 - ▶ Replaced original damaged unit and wiring; new unit is internet accessible and easier to manage & troubleshoot
 - ▶ Landscaping replacement in common areas & irrigation repairs
 - ▶ Main entrance sign repair and repaint
 - ▶ Pool concrete & cabana pressure washing and cleaning
 - ▶ Pool Rules Signs, Skimmers, and Life Ring replaced

Future Projects

- ▶ Planned Projects
 - ▶ Phase 3 new signage
 - ▶ There was no viable path to install at entrance without homeowner buy-in
 - ▶ Exploring erecting sign in Common Area behind corner house on Lathan - location not ideal but would not need an easement or homeowner buy-in
- ▶ Recently learned in last two weeks the footbridge on Old Big Cove is the responsibility of HOA. Bridge repair is out for quote & estimate
- ▶ Pool Concrete Pressure Washing & Cleaning
- ▶ Adding pool chairs (as needed)
- ▶ Submit ideas/request for projects through our website, Facebook or email
- ▶ Community involvement and volunteers are welcome!

Reminders



Pool Rules & Code of Conduct

- ▶ Only members in good-standing will have access to the pool & facilities
- ▶ Members must accompany guests at the pool at all times
- ▶ No one under the age of 16 may enter the pool area without a parent or guardian who must be a member
- ▶ Do not open the gates for anyone - everyone must swipe their assigned keys in & out
- ▶ Clean up after yourself and your guests
- ▶ If you move, leave your pool key for the new owner!
- ▶ Pool keys are automatically enabled for all homeowners in good standing
- ▶ Failure to follow pool rules & code of conduct and/or repeated violations will result in a suspension of access and privileges to the pool facilities
- ▶ Attempt to address issues directly with the parent or guardian
- ▶ Notify the HOA via email, website or Facebook if issues persist
- ▶ **If life or limb is in danger, dial 911 immediately!**

Architectural Control

- ▶ Article Six of the CCR defines the scope of Architectural Control
- ▶ ARC approval is required for most alterations, additions, or modifications to the exterior of your home and structures
- ▶ Sheds, Pools, Patios, Driveways, Pergolas, Fire pits, Fences, permitted construction, etc.
- ▶ Submit requests via the ARC form on our website, attach photos & plans
- ▶ Requests are automatically approved if, no response within 30 days
- ▶ All structures/modifications in-place prior to 1 September 2019 are considered “grandfathered”
- ▶ The HOA will not direct structures/improvements to be removed or modified if they were approved by the previous board(s), even if they are outside the scope of the CCR’s.
- ▶ Sheds will generally be approved if they are of good quality, match the aesthetics of the home, and are placed adjacent to the home
 - ▶ No free-standing sheds
 - ▶ No vinyl/metal sheds

Financial Review

4 YEAR FINANCIAL OVERVIEW

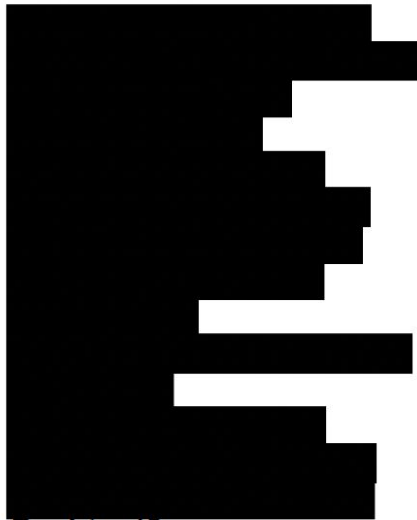
- ▶ FY 2020 Expenses
 - ▶ Budget:\$76,000
 - ▶ Actual: \$60,351
 - ▶ Year-Ending Cash-on-hand: \$31,545
- ▶ FY 2021 Expenses
 - ▶ Budget:\$76,000
 - ▶ Actual:\$67,903
 - ▶ Year-Ending Cash-on-hand: \$36,334 (*Recouped \$4,400 in unpaid dues/liens)
- ▶ FY 2022 Expenses
 - ▶ Budget: \$76,000
 - ▶ Actual: \$79,984 (Driven by projects and unplanned repairs)
 - ▶ Year-Ending Cash-on-hand: \$34,649
- ▶ FY 2023 Expenses
 - ▶ Budget: \$76,000
 - ▶ Actual YTD (as of March 31): \$10,530.92
 - ▶ YTD Cash-on-hand (as of March 31): \$54,725.26

Unpaid Dues - aka "The Naughty List" aka "NO POOL FOR YOU!"

7:37 AM

03/15/23

Sanctuary Cove A/R Aging Summary As of March 15, 2023



Current	1 - 30	31 - 60	61 - 90	> 90	TOTAL
0.00	0.00	0.00	118.75	2,883.29	3,002.04
0.00	0.00	0.00	118.75	237.50	356.25
0.00	0.00	0.00	118.75	237.50	356.25
0.00	0.00	0.00	118.75	237.50	356.25
0.00	0.00	0.00	118.75	0.75	119.50
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75
0.00	0.00	0.00	118.75	0.00	118.75



- ▶ Outstanding Accounts Receivable: ~\$5,400
- ▶ This is a list of uncollected/late dues and reduces our operating revenue throughout the year
- ▶ One active lien and lawsuit against the top delinquent account (multi-year issue)

FY 2022 Financial Overview

▶ Budget Expenses - \$76,000

- ▶ Lawn Care: \$38,178
- ▶ Property Taxes: \$2,259
- ▶ Postage: \$250
- ▶ Printing/Supplies: \$150
- ▶ Management Fees: \$7,550
- ▶ Legal Fees: \$1,000
- ▶ Repairs: \$3,500
- ▶ Utilities: \$7,500
- ▶ Insurance: \$4,000
- ▶ Clubhouse Cleaning: \$2,500
- ▶ Pool Maintenance: \$5,500
- ▶ Bank Fees: \$24
- ▶ Computer Expenses: \$750
- ▶ Capital Repair Fund: \$2,239
- ▶ Rent Expenses: \$100

▶ Actual Expenses - \$79,984.19

- ▶ Lawn Care: \$36,075
- ▶ Property Taxes: \$2,064.80
- ▶ Postage: \$288.38
- ▶ Printing/Supplies: \$554.72
- ▶ Management Fees: \$7,200
- ▶ Professional Fees: \$395
- ▶ Legal Fees: \$225
- ▶ Repairs: \$13,231.71
- ▶ Utilities: \$7,763.20
- ▶ Insurance: \$3,962.94
- ▶ Clubhouse Cleaning: \$1,730
- ▶ Pool Maintenance: \$6,115.75
- ▶ Bank Fees: -\$4.95
- ▶ Computer Expenses: -\$0.14
- ▶ Dues Overpayment: \$237.50
- ▶ Web-Domain: \$264
- ▶ Returned Check: -\$118.75

FY 2023 Budget

Expense Type	Cost	% of Revenue
Lawn Care Contract	38,178.00	50.23%
Property Taxes	2,259.00	2.97%
Postage and Delivery	250.00	0.33%
Printing & Office supplies	200.00	0.26%
Management and Accounting	7,575.00	9.97%
Legal Fees	1,000.00	1.32%
Repairs & Supplies	5,000.00	6.58%
Utilities	6,000.00	7.89%
Insurance	3,600.00	4.74%
Clubhouse Cleaning	2,500.00	3.29%
Pool Maintenance	5,800.00	7.63%
Rent Expense	100.00	0.13%
Bank Service Charges	24.00	0.03%
Computer Expenses	1,950.00	2.57%
Beautification Committee	500.00	0.66%
Capital Repair Fund (Plug)	1,064.00	1.40%
Total Expenses	76,000.00	

- ▶ Budgeted income of \$76,000
- ▶ Dues remain at \$475 per year
- ▶ Legal fees due to dealing with multiple severely delinquent accounts
- ▶ Capital Repair Fund or Reserve Fund is the surplus in our budget applied to our capital fund
 - ▶ The Capital/Reserve fund is the accumulation of money to be used for capital improvements
 - ▶ It is a reserve fund to be used for improvements, major repairs, upgrades and other projects that would benefit the entire association

Leadership Positions- FY 2023

- ▶ Board of Directors
 - ▶ Each director shall be elected to serve a term of two (2) years or until his successor shall be elected and shall qualify. Board seats are up for election in groups of 2 and 3 in alternating years to provide continuity to the board.
- ▶ Call for nominations sent out in early 2023
 - ▶ 2 nominations received for 2 vacant slots so no vote is necessary.
 - ▶ Chad Towry and Shawn Little accepted to fill vacant slots.

Old Business

Traffic Calming

- ▶ Initial study conducted in 2018
 - ▶ Data showed that 85% of traffic on Flint Dr. to be under 27 mph
 - ▶ Flint Drive is designated as a “Primary Response Route” by the HSV Fire Chief
 - ▶ Engineers analyzed the Flint & Leather Leaf intersection to determine if an all-way stop is necessary - it was determined to be unnecessary and ineligible
- ▶ Updated study completed in January 2020 after all homes were built & sold
 - ▶ Data showed that 85% of traffic on Flint Dr. to be under 30 mph
 - ▶ Because the street does not qualify for traffic calming, a solar-powered, radar feedback sign was installed on Flint in March 2020
 - ▶ The sign is not permanent to the street or subdivision but will be left in place until it is moved by the City to another street on their list

Common Areas

- ▶ The HOA owns or maintains the following areas as “common areas” or “Screen Buffers*” based on official, legal plats and drawings
 - ▶ Pool Lot at 7421 Nature Walk Way
 - ▶ Common Area 1 - footbridge from Phase 3 to GSE
 - ▶ Common Area 2 - Strip of land behind lots on Lathan Drive
 - ▶ Screen buffers along Taylor Road
 - ▶ Screen buffers along Terry Drake
 - ▶ Screen buffers along Old Big Cove Rd
- ▶ The HOA does not own, nor will it maintain the following areas:
 - ▶ Drainage ditch behind homes on Duskin Court & Flint Drive
 - ▶ Drainage ditch between 7314 & 7316 Destiny Drive
 - ▶ Drainage ditch behind homes on Vidette Drive & Epharaim Circle adjacent to GSES property
- ▶ Weed, Shrub, & Turf maintenance of these areas is the responsibility of the individual homeowner

*Screen buffers are designated as part of “common areas” in Section 2.05 of the CCRs

New Business

Questions and concerns posed to the Board prior to today's meeting

GSES Carpool Line Boundary

- ▶ 12 lots share a boundary with GSES/HSV BOE property
- ▶ Vidette/carline boundary is not designated as a “screen buffer” on official neighborhood plat
 - ▶ Carline is a driveway per HSV Zone Office, not an official public-facing thoroughfare, so it did not require a “screen buffer” designation on the official neighborhood plat filed with City planning and zoning offices
- ▶ Each lot line extends beyond the fence along the ditch area
- ▶ Property owners are responsible for maintaining all areas within their lot boundary not designated as “screen buffers”
- ▶ Prior to the 2019 HOA Board of Directors, the ditch area behind the fence was included in landscaping costs
 - ▶ This increased the total cost of landscaping services beyond what could be covered by association dues; similar areas in PH 1&2 were not included; once the HOA was turned over to homeowners, it was decided continuing to pay for this area was not financially responsible and was unfair to the majority of the association



Concerns addressed to HOA

1. Current maintenance costs suggest a majority of landscaping fees are currently covering costs of private plats in phase 1 and 2 (~ 0.7 miles vs 0.1 miles for phase 3).

The builder, not the HOA, was responsible for filing and approval by the City of the neighborhood plat. It can't be helped that there are more public facing roadways in one phase vs another.

Screen Buffers are required by zoning ordinance and designated as part of "common areas" per CCR Section 2.05. Therefore the plantings within them are maintained by the HOA as common areas, similar to the pool area. U&D Easements are held by the utility company and do not fall under Section 2.05.

Liability for not maintaining Screen Buffers would fall on both the HOA and the individual homeowners per 4/20/23 email from Huntsville City Planning Manager.

2. Landscape Buffers on Big Cove and Taylor appear similar in concept to common fence erected behind Vidette plats, but there is a disparity in how those are managed.

Fence was erected by the builder, not the HOA. Concept/intent of the builder is unknowable and irrelevant since Vidette/carline is not designated on the official plat as a Screen Buffer.

Carline is an 'internal driveway' per City of Huntsville, not a public facing roadway, and therefore not subject to the same zoning regulations.

Fences on any private plot are private property and are the responsibility of the individual homeowners to maintain, in ALL phases, regardless of who erected the fence. Alternatively, there is no requirement for a homeowner to have a fence on any part of their property. No privacy fences are maintained by the HOA.

3. Board sent warning letters threatening fees for Vidette homeowners after someone spoke to city planners office per discussion with Elevate Management, but does not maintain their own drainage easement behind Lathan creating an unfair burden.

Per Elevate Management, letters were sent by the City, not the board/Elevate. HOA did not receive one as it would not be held liable for failure to maintain those areas.

Lathan area is a common area owned by HOA, not an easement. Liability would be solely on HOA, not both HOA and Lathan homeowners.

Issue of irregular maintenance has been addressed with Largen. Cutting of that area is an “ala carte” item so we have not been charged for maintenance that has not occurred. There will be an effort to have it maintained regularly but if homeowners feel it is being neglected, please send an email or use Compliance form to bring it to our attention.

4. Historically members have come to rely on this maintenance since the inception of the subdivision and there is disparity between the styles of drainage easements between phases.

The style of drainage ditches falls on the builder, not the HOA.

The majority of homes on Vidette closed in 2016/2017. HOA paying for maintenance ceased in Fall of 2019. It has been the responsibility of homeowners as long or longer than it wasn't.

5. No regular annual meetings prevents members who pay their fees and remain in good-standing from having a forum to voice concerns.

Government COVID restrictions prevented in person meetings after March 2020.

Annual meeting documents for 2021 were mailed to homeowners in early 2021.

Board apologizes for oversight of not mailing documents for 2022. Members have always been free to request an appointment with Elevate to review financial statements and contracts.

Board is committed to holding regular meetings as long as government restrictions allow and to keeping up to date documents accessible on the website going forward.

Members have always been free to email, post on FB, etc. to voice any concerns.

Bylaws section 3.4.1 allow for a Special Meeting to be called for any purpose at any time, in writing, by twenty percent (20%) of the Members. No such request has ever been received.

Demands made to HOA

1. Resume maintenance of the drainage easement on Vidette

Declined

2. Hold regular annual meetings

Accepted

3. Maintain the entirety of the Lathan common area

Accepted

Questions and Discussion

- ▶ We will attempt to hear and answer as many questions as possible
- ▶ For any homeowners who did not get a chance to speak or ask questions, please submit your questions/comments to us via email, Facebook or our website
- ▶ We will post a copy of the minutes from this meeting to our website
- ▶ We will gladly provide detailed accounting information upon request, and by appointment
- ▶ We will gladly share details on the cost & scope of our vendor's contracts upon request and by appointment
- ▶ You may submit any questions to the Board via email, Facebook or our Website if you prefer a private or confidential discussion

Communication

- ▶ HOA Website
 - ▶ www.sanctuarycovehoa.net
 - ▶ Facebook
 - ▶ www.facebook.com/HOASanctuaryCove
 - ▶ Email
 - ▶ hoa.sanctuarycove@gmail.com
 - ▶ Mail
 - ▶ P.O. Box 14188 Huntsville, AL 35815
- ▶ Help us reduce costs, conserve resources and operate more efficiently!
 - ▶ Update your contact info and include an email address for digital correspondence
 - ▶ Emailed statements/invoices
 - ▶ Emailed meeting notices, ballot forms, etc.
 - ▶ Community news, not spam!
 - ▶ Quarterly newsletter

FY 2023 Annual Meeting is Adjourned

- ▶ Replacement/additional pool keys are available for \$25 each
 - ▶ Cash or Check or online via DuesPayment.com
- ▶ You may pay dues/fees by check tonight
 - ▶ Receipts/invoices will be sent out within one week

▶ Please make checks payable to:
**Sanctuary Cove
HOA**

Backup

Committees

- ▶ Starting in 2020, we created the following volunteer committees
 - ▶ Beautification Committee
 - ▶ Responsible for designing, installing, removing, and maintaining seasonal decorations, special landscaping displays or other aesthetic improvements for the neighborhood
 - ▶ Events Committee
 - ▶ Responsible for organizing, planning, and facilitating neighborhood-wide events such as Holiday parties, Independence Day celebrations, block parties, etc.
 - ▶ Resources Committee
 - ▶ Members will serve as resources for neighbors and provide assistance, guidance, direction, etc. to other neighbors in-need. E.g. landscaping, woodworking, home repairs, automation, decorating,
- ▶ Architectural Review Committee
 - ▶ 3 elected members
 - ▶ Suggested to have 1 member per phase of the neighborhood to ensure equal representation
 - ▶ Must be willing & able to respond to emails promptly and engage in professional verbal and written correspondence
 - ▶ Review requests for changes and determine if the request is in accordance with the published CCR's
 - ▶ Work with homeowners to find agreeable solutions when requests are not in accordance with published CCR's

5.01 Maintenance.

The Association shall provide maintenance of the Common Property. In addition, the Association shall have the right, but not the obligation¹, to maintain other property not owned by the Association², whether within or without the Subdivision and to enter into easement and covenant to share costs agreements regarding such property where the Board has determined that such action would benefit the Owners. The Association shall not be liable for injury or damage to person or property: (x) caused by the elements or by an Owner or any other person³; (y) resulting from rain or other surface water which may leak or flow from any portion of the Common Property; or (z) caused by any street, pipe, plumbing, drain, conduit, appliance, equipment, security system, or utility line or facility, the responsibility for the maintenance of which is that of the Association, becoming out of repair. Each Lot Owner shall maintain his or her respective Lot and shall also maintain and repair, at such Owner's sole cost and expense, said Owner's House, patio and yard area keeping the same in good condition and making all structural repairs and maintenance, external and internal, as may be required from time to time, including, but not limited to maintenance and repairs of any enclosed patio area, screens and screen doors, exterior door and window fixtures, glass, and other hardware. Each Owner shall also be responsible for the maintenance and repair of any fence or fences erected on such Owner's Lot and gates appurtenant thereto⁴.

- (1) Builder-led HOA board opted to include Vidette ditch in landscaping costs. Homeowner-led HOA board discontinued that practice for reasons laid out in "landscape explanation" document in addition to bringing the HOA budget out of operating in a deficit that the builder was plugging before turnover (see Landscape Explanation and 2019 budget vs 2020 budget).
- (2) Board maintains plantings in Screen Buffers required by City ordinance along Terry Drake, Old Big Cove and Taylor Road public facing thoroughfares as Common Areas. The fences along those sections are not maintained or repaired by the HOA. The owners of those plots cannot enclose the landscape buffer within their fences nor can they alter the plantings in those buffers. Per Manager of City Planning, Huntsville as of 4/20/23 – the HOA can be fined by the City for not maintaining the plantings in Screen Buffers. (See CCR Section 2.05 - Common Areas.)
- (3) HOA is not liable for damage to the property caused by the elements, i.e. erosion. Settlement of previous issue was with the builder, not the HOA (see 2018 meeting minutes).
- (4) Each owner is responsible for any fence on their property regardless of original builder of such fence (see recent example of 7308 Leather Leaf Circle). 2018 Code of Alabama Title 35, Chapter 7 (Partition Fences) does not apply to fences wholly contained within a property line. There is no Alabama law, outside of local zoning and HOA regulations, related to fences wholly contained with a property line.



Landscape Explanation

Sanctuary Cove Homeowners,

The board of directors conducted the annual meeting of the homeowners association on January 31, 2020. At that meeting, we presented some information relating to landscaping responsibilities for your homes in phase 3 of our subdivision, along the "carpool ditch". We recognize that there was low attendance at the meeting and would like to present you with some data to explain the decisions made and clarify any misunderstandings about who is responsible for maintaining various properties.

The previous HOA board, operated by DR Horton, made a decision to use HOA funds to pay for a landscaping company to mow behind the fence line of properties along Vidette Lane, along the "carpool ditch" that borders GSES. We have heard from multiple homeowners who were told by their builder (Breland and/or DR Horton) that the HOA owned that fence line and the HOA was responsible for maintaining the area behind the fence, along the ditch. As the members of the homeowner-elected board prepared to assume responsibility of the HOA from DR Horton, we conducted a great deal of research. That research revealed that the HOA owns 3 areas of common property. Common area #1 is the footbridge connecting phase 3 with GSES. Common area #2 is a dog-leg shaped strip of land behind homes on Lathan Drive. This strip of land is fully behind all of the boundaries of the properties on Lathan, and encompasses a portion of a large ditch/drainage system between Sanctuary Cove & The Willows neighborhoods. Common area #3 is the pool facility and lot in phase 1.

The area behind the fence line along the "carpool ditch" does not belong to the HOA. 12 properties share a portion of that fence line and ditch. Various properties extend to the middle of, and in some cases, beyond the center of the ditch. The fence, while it may seem contiguous, belongs to each individual homeowner (for the length of fence that traverses your property).

The HOA is also responsible for some areas, which are not owned by the HOA and designated as "common area". Those additional areas are designated as "landscape buffers" or "planting buffers". These areas create a border around the exterior of all 3 phases of the subdivision, where there is frontage along a public road (Taylor Rd., Old Big Cove Rd., and Terry Drake Rd.) These planting buffer areas have irrigation systems that are maintained by the HOA. The HOA also pays for the water usage for those irrigation systems as a part of our utility bill.

Huntsville City has several ordinances which provide definitions for terminology associated with property, easements, buffers, etc. Those definitions are copied here:

Easement – Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Buffer planting - A strip of land not less than 15 feet wide containing plant materials planted and maintained as follows:

One tree per 15 linear feet of length of said strip spaced a minimum of 15 feet on center but no more than 35 feet on center, a minimum of 50 percent of which shall be evergreen with the remainder being deciduous shade trees; one large shrub per 7½ linear feet of length of said strip spaced no less than five feet on center and no greater than ten feet on center, located a minimum of three feet from the boundary of the strip; grass, permanent mulch beds, or other permanent vegetative ground cover on all parts of each such buffer planting strip. All required plants shall be arranged in such a manner as to provide a variety of plant materials and spacing so that straight single-species rows are

minimized. Additional plants are encouraged and may be planted provided the minimum requirements for said buffer plantings as listed above are met.

Lot - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

Note: We will use the term 'property line' to define the boundary that encompasses your homeowner lot.

Easements

When examining the recorded plat for any of the phases you will note that some lots have a U & D easement defined on them, an example of one is shown in Figure 1. This Utility and Drainage easement is established by Huntsville Utilities. The homeowner is responsible for the upkeep of the area as well as ensuring that the easement is accessible, essentially free and clear of any temporary or permanent structures. This means that Huntsville Utilities has the right to that section of property and can access any wires, plumbing, lines, etc. that may be located in that area. The area between the GSES property boundary and the fence line is a U&D easement.



Figure 1: Easement

Landscaping Maintenance

We discussed the HOA's responsibility related to mowing and maintenance at the annual meeting. Per Article Five of the CCR the HOA is only required to maintain the common property/area. However, this article also allows the HOA to maintain property that would benefit the owners. The buffer planting falls under this category as these areas contain all of the landscaping for the entrances to the neighborhoods as well as the perimeters facing the public streets. The HOA also maintains and pays for the water associated with the irrigation systems installed into the planting buffer areas. The buffer

Landscape Explanation con't

planting is defined in the recorded plats as "15' Wide Buffer of Screen Planting," see Figure 2 for an example. In some cases, the planting buffer is contained within a U&D easement.



Figure 2: Buffer Planting

The important distinction is that the area that is parallel to the school behind phase 3 referred to as the "carpool ditch" is part of each individual homeowner's property and is largely within a U&D easement. It is not a designated planting buffer on any of the recorded plats.

The HOA board of directors evaluated multiple factors and conditions as we made this decision. The properties along the phase 3 carpool ditch are not the only homeowners in Sanctuary Cove who have property along a drainage ditch with a U&D easement and limited access from within their fenced in property. Some of these homeowners were also told incorrect information at the time of purchase. These areas include the drainage ditch between phase 1, phase 2 and GSES (highlighted in Figure 3); the drainage ditch between phase 1 and phase 2 that runs along Flint (highlighted in Figure 4) and can be seen from Old Big Cove Road; and an area behind the houses along Duskin Ct in Phase 2 that can be seen from Old Big Cove Road as well. These properties have never been maintained by the HOA, despite the common characteristics they share with the phase 3 carpool line.



Figure 3: Phase 1 and Phase 2 with GSES.



Figure 4: Phase 1 and Phase 2 Drainage

The HOA board solicited bids for new landscapers in September-October 2019. As a part of that process, we asked potential vendors to submit bids to maintain only the HOA owned common areas & landscape buffers. We also asked for bids to maintain the phase 3 carpool ditch, as well as the phase 1&2 ditches in addition to the common areas and landscape buffers. As suspected, there was a substantially higher cost to maintain all ditches, buffers and common areas when compared to just the HOA owned/responsible areas. The HOA board could not justify the increased cost of landscaping homeowner's properties that were not designated as landscape buffers or common areas on the recorded plats. The additional landscaping scope would have required an increase in HOA dues for all homeowners. The HOA board decided that it was not in the best interest of the association as a whole to increase dues to add this additional scope.

We also received questions related to the perimeter fence around the neighborhood; this fence runs along Old Big Cove Rd, Taylor Rd, Terry Drake Rd, and along the carpool line. These fences belong to the individual homeowners and are the homeowners responsibility for maintenance and upkeep. The positioning of the fence on any of the lots was at the discretion of the builder and/or the homeowner dependent upon time of purchase. If the fence was installed prior to the signing of the deed, this indicates the homeowner purchased the fence positioned as is or negotiated with the builder to move the fence to its current position. If the fence was not installed at the time of purchase, the installation and placement may have been negotiated as part of the contract or built post-purchase by the owner. Figures 5-6 shows lots with differing fence placement, notice the position of the fence relative to the lot line. Keep in mind that the ditch and erosion concerns for individual lots play into the placement of the fence; these owners may not have been able to run the fence all the way to the lot line. The placement of a fence inside the lot line is generally consistent for all homeowners along a drainage ditch.



Figure 5: Fence Placement Inside Lot Line, Phase 3

Landscape Explanation con't

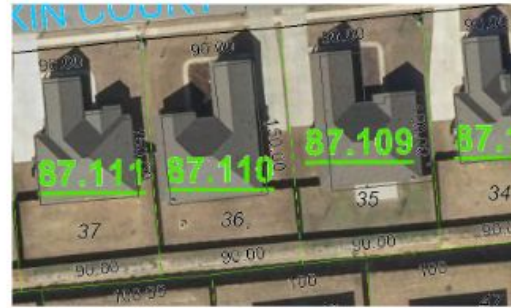


Figure 6: Fence Placement Inside Lot Line, Phase 2



Figure 7: Fence Placement at Lot Line, Phase 1

We hope this helps alleviate any confusion related to the decisions the HOA board made on behalf of the community. Our primary focus is the community as a whole. We do understand that there were discussions with the builders and the previous HOA representatives that resulted in a considerable amount of misinformation about lines of responsibility between homeowners and the HOA. When making a decision, we reference the CCRs, deeds, titles and recorded plat information related to the neighborhood. Please reach out to us via our website, email or Facebook page with any questions, comments, and concerns related to this information or anything else related to our HOA and neighborhood.

Respectfully,

Sanctuary HOA Board of Directors:

James Nash – President, Mark Ratliff- Vice President, Jane Jones – Secretary, Shawn Little - Treasurer