

Brookside II

Homeowners Association, Inc.



Owner Handbook

August 1, 2020

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Section 1 - Welcome

1.1 Welcome and Overview

This handbook has been prepared for you by members and management of the Brookside II community. Its purpose is to provide you with information and to help explain how the homeowners' Association works. It explains what it means to live within the Association, including the various rules and regulations established to create and maintain a harmonious environment.

1.2 Overview of a Homeowners' Association (HOA)

In the United States, a Homeowner Association (HOA) is a private Association formed by a real estate developer for the purpose of managing homes, lots, amenities, and common property in a residential subdivision. Typically, the developer will transfer control of the Association to the homeowners after selling a predetermined number of lots. The Association provides a basis for preserving and enhancing the common property and enhancing quality of life for homeowners. All community Associations have three defining characteristics:

1. Membership in the community Association is mandatory and automatic for all owners
2. Certain documents bind all owners to be governed by the community Association
3. Mandatory assessments are levied on each Owner to operate the Association

By purchasing into a planned community with a homeowners' Association, the Owner agrees to abide by the community's guidelines. Reasonable restrictions, consistently enforced over time, will preserve the net value of the community and maintain a high quality of life for residents.

All planned communities established in the State of Ohio are governed by Chapter 5312 of the Ohio Revised Code. This law requires a set of legal documents which describe the property, provide structure for the Association, and establish rules for order. These generally include Articles of Incorporation, Bylaws, and a Declaration of Covenants at a minimum. These documents are extremely important as they describe and define your complete legal interest in the Association and your responsibilities as an Owner. You can refer to Section 4 for more details on these documents as they will be referred to throughout this handbook.

1.3 List of Common Definitions and Abbreviations

Amendment – A legal change to a document that affects the rights or obligations of the Owners.

Annual Meeting – An Annual Meeting is a meeting of all owners that is called by the Board in accordance with the Governing Documents. Management and financial reports are presented to the owners. The owners also elect new Board members for the coming year.

Articles of Incorporation – The Articles of Incorporation are a legal document filed with the Secretary of State that establishes the Association as a not-for-profit corporation and describes its purpose, structure, and powers.

Assessment – Any money the Association requires an Owner to pay to the Association to fund the responsibilities set forth in the governing documents.

Board – The Board oversees all aspects of the Association on behalf of the other Owners. The specific roles, duties, and qualifications are typically listed in the Bylaws. The Board upholds order and manages the common property and finances of the Association.

Bylaws – The Bylaws contain provisions concerning Association operations such as meetings, procedures for electing the Board members and officers, and general duties of the Board.

Common Element – Portion of the physical property owned collectively by all the members of the Association.

Declarant – The person or entity that forms the community by recording a Declaration or Covenants, Conditions and Restrictions (CC&Rs). More commonly known as the Developer.

Declarations – The Declarations contain the Covenants, Conditions and Restrictions (CC&Rs) that bind all owners to the Association and describe both the Association and owners' rights and responsibilities.

Foreclosure – A foreclosure is a court order that allows an Association to sell a property to collect money that is owed to the Association.

Governing Documents – Collectively the documents that control the ownership and use of the property and the Association. Includes Declaration of Covenants, Bylaws, Rules and Regulations, and Articles of Incorporation.

Lien – A right to keep a legal interest in property belonging to another person until a debt owed by that person is paid.

Limited Common Element – Portion of the physical property owned collectively by all members of an Association, but the use of which is restricted to one or only some members. Examples could include decks, parking spaces, or garages.

Manager – The company / individual hired by the Board to oversee day-to-day operation of an Association.

Operating Fund – The checking account or general account of an Association that is used to pay bills for routine operating expenses.

Proxy – Written designation by an Association member giving their vote to another person.

Quorum – The minimum number of members required to meet together to take formal action.

Reserve Fund – The reserve fund is money saved to pay for long-term repair or replacement of the capital elements of an Associations' common property such as retention ponds, walking paths, etc. Money is collected for this fund as part of the Owner's normal assessment.

Rules and Regulations – Documents adopted by the Board that govern issues not addressed in law, Bylaws, or the Declaration of Covenants.

Special Assessment – A special assessment is a one-time charge declared by the Board in accordance with the Governing Documents to pay for unexpected expenses that cannot be covered by operating funds or the reserve fund.

Owner – The "person" that holds title to a property in the community. This may be a single person, a married couple, a corporation, trust, or some other legal entity.

Section 2 - Important Contacts

2.1 Managing Partner

The Board has partnered with Eclipse Community Management for management of the day-to-day operations of the Association. This includes collecting assessments, paying vendors, coordinating maintenance, etc. Eclipse is the first point of contact for questions or concerns relating to the community or Association:

Eclipse Community Management, LLC
PO Box 750631
Dayton, OH 45475-0631
Phone: 513-494-4049
Email: BSII@eclipsecommunities.com

Eclipse also provides an online Owner Portal where you can log in 24/7 to view your account details, submit requests, and make secure payments. All owners are encouraged to register an account so that you can stay in touch with Association matters. The Owner Portal can be found at <https://owner.eclipsecommunities.com/>

The association maintains a website to aid in communication of important information to homeowners. The address is <http://www.brookside2.org/>.

In between the regular Board meetings, the Association relies on the Managing Partner to carry out the Board's decisions and handle all communications by and between the Association's homeowners, contractors, and vendors. If you have questions or concerns about the maintenance of community property please direct the matter to the Managing Partner.

2.2 City Services

The City of Springboro provides a number of services to residents of the community. For more information, visit their website at <https://www.cityofspringboro.com/> or contact the city offices at (937) 748-4343.

2.3 Police / Fire / EMS

For emergencies, always dial 9-1-1!

The Springboro Police Department provides police protection to the community. Their non-emergency phone number is (937) 748-0611.

The Clearcreek Fire District provides fire protection and EMS services to the community. Their non-emergency phone number is (937) 748-2766.

2.4 Electric Service

Dayton Power and Light (DP&L) provides electric service to the community. For customer service issues contact DP&L at (800) 544-6900. The electricity for the street lighting in the common elements is paid for by the Association.

2.5 Water and Sewer Service

The City of Springboro provides water and sewer service to the community. For customer service issues, contact the city at (937) 748-9721. The water for irrigation of the common area is paid for by the Association.

2.6 Trash Collection and Recycling Service

The City of Springboro has contracted with Rumpke for trash and recycling services within the community. Trash is collected every Friday morning and recycling is collected every other Friday morning. For customer service issues, contact Rumpke at (800) 828-8171. Invoicing for trash and recycling service is included in your water and sewer invoice from the City of Springboro. The city provides information and printable calendars related to trash collection on their website - <https://www.cityofspringboro.com/166/Trash-Pick-Up-Information>.

2.7 Postal Service

The Springboro Post Office provides mail service to the community. The post office is located at 55 S Pioneer Blvd, Springboro, OH 45066 and you can reach them at (937) 746-0340.

Section 3 - Property Maps

3.1 Property Diagram



Section 4 - Governing Documents

4.1 Articles of Incorporation

The Articles of Incorporation are a legal document filed with the Secretary of State that establishes the Association as a not-for-profit corporation and describes its purpose, structure, and powers. This document was filed with the Ohio Secretary of State on September 7, 2004 and can be accessed at the following link:

<https://bizimage.ohiosos.gov/api/image/pdf/200425300314>

4.2 Bylaws

The Bylaws of Regulations contain the provisions concerning association operations such as meetings, procedures for electing the Board members and officers, and general duties of the Board. This document was filed with the Warren County Recorder's Office on April 9, 2020 and can be accessed as follows:

<https://oh3laredo.fidlar.com/OHWarren/AvaWeb/#!/search>

Search for Document Number 842904

4.3 Declarations

The Declarations contain the covenants, conditions, and restrictions that bind all owners to the Association and describe both the Association and owners' rights and responsibilities. This document was filed with the Warren County Recorder's Office on June 2, 1995 and can be accessed as follows:

<https://oh3laredo.fidlar.com/OHWarren/AvaWeb/#!/search>

Search for Document Number 1106-521

On February 1, 1996; the Declaration was amended by the filing of the first amendment to incorporate the Brookside, Section Eight plat. A copy of this can be accessed as follows:

<https://oh3laredo.fidlar.com/OHWarren/AvaWeb/#!/search>

Search for Document Number 1185-898

On February 2, 1998; the Declaration was amended by the filing of the second amendment to incorporate the Brookside, Section Nine plat. A copy of this can be accessed as follows:

<https://oh3laredo.fidlar.com/OHWarren/AvaWeb/#!/search>

Search for Document Number 1479-101

On September 14, 2000; the Declaration was amended by the filing of the third amendment to incorporate the Brookside, Section Ten plat. A copy of this can be accessed as follows:

<https://oh3laredo.fidlar.com/OHWarren/AvaWeb/#!/search>

Search for Document Number 207842

4.4 Rules and Regulations

Community Association Boards have a right and duty to establish and enforce rules based on common law, state statutes, and the Association's governing documents, which confer on the Board the obligation to preserve and protect the assets of the community. Rules are important in community Associations for the same reasons that laws are important in society in general. Rules provide certainty and order, protect the freedom and safety of residents, interpret provisions found in governing documents, and protect commonly owned resources.

The Rules and Regulations of the Association are found in the following section.

Section 5 - Rules and Regulations

5.1 Violations and Enforcement Assessment Policy

The Brookside II Homeowners' Association has adopted the following steps for violations of the governing documents:

Courtesy Notice

If an Owner is found to be in violation of one of the HOA policies or covenants and restrictions, including improvements that have been installed without approval, the Association Manager will send a courtesy notice to the Owner via regular USPS mail. The courtesy notice will include the number of days to comply (depending on the nature and type of violation) and specify further action that the Board will take if the violation is not corrected.

Violation Enforcement Notice

If an Owner is found to remain out of compliance, the Board can levy an enforcement assessment for rules violations. A Violation Enforcement Notice is sent that includes the following:

- A description of the property damage or violation;
- The amount of the proposed charge or assessment;
- A statement that the owner has a right to a hearing before the board to contest the proposed charge or assessment;
- A statement setting forth the procedures to request a hearing;
- A reasonable date by which the owner must cure a continuing violation to avoid the proposed charge or assessment, if such an opportunity to cure is applicable.

Violation Enforcement Assessment

If an Owner is found to remain out of compliance and no request for hearing is made, the enforcement assessment is applied to the Owner's ledger. Enforcement assessments begin at \$25.00 per violation.

Violation Legal Transfer

If an Owner is found to remain out of compliance and no request for hearing is made, the Association may engage their attorney to seek relief including the collection of enforcement assessments in accordance with the Association's collection policy.

5.2 Maintenance of Lots

No weeds, underbrush or unsightly growths or objects of any kind shall be permitted to remain on any Building Lot within the Subdivision. All lawn areas shall be maintained in a neat and orderly manner and shall be mowed on a regular basis. A front walk pole light operated by a photooptic cell (or other darkness sensing technology) that illuminates automatically at darkness was installed in the front yard of each lot at the time of construction. The owner shall maintain the light in operating condition at all times.

5.3 Trash, Refuse & Recycle Containers

No exterior portion of any Building Lot shall be used as a dumping ground or storage area for rubbish, machinery, scrap, paper, glass or other such materials. Garbage or other waste shall be kept in trash containers. All containers used for the storage or disposal of trash or recyclable materials shall be kept in a clean and sanitary condition and screened from public view. Building materials to be used in the construction of approved structures may be stored on a Building Lot, provided such building materials are incorporated into the approved improvement within ninety (90) days after their delivery to such Building Lot.

5.4 Recreational Equipment and Facilities

Swing sets, jungle gyms, playhouses, or similar yard equipment, tennis courts, basketball courts, or any other recreational facilities may not be placed, installed or maintained on any lot without prior approval.

The use of association recreational equipment and facilities is at the user's own risk. Children must be accompanied and supervised by an adult at all times.

5.5 Vehicles

No buses, campers, motor homes, trailers, boats, or other similar recreational vehicles shall be stored on any Building Lot. All automobiles, trucks, motorcycles, vans, jet skis, snowmobiles or other such vehicles shall be housed within a garage building. Boats, campers, and RV's may be kept temporarily on a lot for no more than 72 hours for the purposes of loading, unloading, repair, or maintenance. No inoperable vehicles shall be stored on any Building Lot.

5.6 Pets

No animals, livestock or poultry of any kind shall be raised, bred or kept on any Building Lot, except that dogs, cats or other usual household pets may be kept on a Building Lot, so long as such pets are not kept, bred or maintained for any commercial purpose. No animal shall be permitted to run loose or become a nuisance to any owner of any Building Lot in the Subdivision.

5.7 Signage

No sign or billboard shall be erected or displayed on any Building Lot except one (1) sign of no more than five (5) square feet advertising the property for sale and (c) signs approved by the Architectural Control Committee. Political signs are not permitted in the common grounds.

Section 6 - Assessment Information

6.1 Regular Assessments

Each year the Board determines the amount necessary to pay the common expenses estimated for the coming year. An annual budget is then formally adopted by the Board. From that annual budget, individual Owner assessments are determined by dividing the annual budget figure by the number of homes within the community. A portion of the total assessment is designated to the reserve fund to pay for long-term repair or replacement of the capital elements.

6.2 Special Assessments

A special assessment is a one-time charge declared by the Board in accordance with the Governing Documents to pay for unexpected expenses that cannot be covered by operating funds or the reserve fund.

6.3 Enforcement Assessments

The Board has the authority to impose interest and administrative late fees for the late payment of Assessments, impose returned check charges, and in accordance with Chapter 5312, impose reasonable enforcement assessments for violations of the Declaration, the Bylaws, and the rules of the Association, as well as reasonable charges for damage to the Common Elements.

6.4 Collection Policy

The collection of assessments due to the Association will be conducted pursuant to the Declaration of Covenants as well as the following general provisions:

Assessments are due annually by March 30th. Notice of the annual assessment is mailed to all owners of record during the month of February.

Should the payment not be received by April 15th, the owner will be assessed a \$25.00 late fee for each month there remains an outstanding balance.

Should the payment not be received within 30 days, a collection warning will be issued.

Should the payment not be received within 45 days, the matter will be turned over to the association's legal counsel for formal collections activity. A notice of such will be issued.

Should the association's legal counsel fail to collect the balance due the Board will convene regularly for the purposes of considering the placement of a lien and/or foreclosure of such lien. Additional costs, including but not limited to attorneys' fees, recording costs, title reports and/or court costs, incurred by the association in the collection of delinquent assessments shall be added to the amount owed and payable in full by the delinquent Owner.

The Association will credit payments made by an Owner in the following order of priority:

1. First, to interest owed to the Association;
2. Second, to administrative late fees owed to the Association;
3. Third, to collection costs, attorney's fees, and paralegal fees incurred by the Association;
4. Fourth, to the principal amounts the Owner owes to the Association for the common expenses or enforcement Assessments chargeable to the Owner.

Section 7 - Architectural Guidelines

7.1 Architectural Improvements

An application form must be submitted for any construction or addition to the exterior of your home or grounds. If in doubt about your proposed improvement please contact the managing partner for guidance. A copy of the application form can also be obtained from the managing partner.

Review and approval of any application pursuant to this Article is made on the basis of aesthetic considerations only. The Association, nor their officers or agents, provide warranty or bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. The Board reserves the right to approve or disapprove a requested project based solely on that project's aesthetic impact on the community.

7.2 Design Guidelines

The guidelines and restrictions hereafter mentioned are in addition to any City, State, County, Township or Local requirements or permits. Any approval by the Architectural Control Committee (ACC) does not release anyone from the local codes or restrictions set forth by the City, State, County, Township or Local governing bodies. All fences, significant landscaping or exterior modification to the original construction or lot grade in Brookside II must receive approval from the ACC prior to construction. All modifications and yards must be properly maintained at all times.

- A) All approved submissions shall be started and completed within 6 months of the approval date per the Covenants. All requests for improvement shall be made in writing and shall include:
 - 1. Plot plan of lot showing location of improvement
 - 2. Elevation - side view or picture of proposed improvement
 - 3. Materials to be used – specify whether a building permit is required
 - 4. Finished color plan of improvement

- B) Fences are to extend from the back corners of the home, unless specifically accepted by the ACC.
 - 1. Stockade, shadow box and solid fences will not be approved
 - 2. Chain link fences are prohibited by the Covenants
 - 3. Fences are not to exceed 48" in height. Spacing between pickets are not to be less than one-half the width of the face of the picket.
 - 4. Up to a 5' shadow box or privacy fence may be approved if installed immediately around an in-ground pool. Privacy fences may not be used for perimeter fencing.
 - 5. Fences must be built of decay resistant wood materials, high quality white PVC or other material approved by the ACC
 - 6. Fences must be maintained at all times

7. A scale drawing, picture or copy of the sales brochure must be provided with the application
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- C) No outside antennas will be approved. Satellite dishes with a diameter of no more than 20" may be subject to the approval by the ACC for location to minimize the view from the street.
 - D) No metal or fiberglass awnings or patio covers will be permitted
 - E) No above ground swimming pools will be permitted
 - F) No solar heating panels will be permitted on roofs or homes
 - G) Boats, trailers, campers and RV's may not be stored or parked outside for more than 72 hours
 - H) Mailboxes are to be approved by the ACC
 1. Brick mailboxes will be approved if they do not exceed a 2' x 2' square and meet the Postal guidelines for height
 2. The brick must match the brick of your house. The brick may be painted to match your house if you do not have brick on your house
 3. Wood mailboxes must be treated or painted the color of your house
 - I) Signs must be kept in your yard only and cannot exceed 5 square feet
 1. Political signs are not permitted in the common grounds
 - J) Lawn art is not permitted. Seasonal decorations are permitted.
 - K) Flag poles must be approved by the ACC for placement
 - L) No Tennis Courts will be approved
 - M) All in-ground swimming pools must be approved
 - N) All driveways will consist of concrete only
 - O) Landscaping ground cover for the front and sides of the home shall be comprised of wood mulch. Alternate mulch materials must be approved by the ACC. No gravel, lava rock, or chipped brick are permitted in the front and sides of the home.
 - P) Decks, which are adjacent to the rear of the house and do not extend beyond the corners of the house and have an accumulated square footage of no more than 1,000 square feet, do not need ACC approval.
 - Q) Outside storage buildings (i.e. – sheds) must be approved by the ACC. The sheds must abide by the following minimum requirements:
 1. Total square footage cannot exceed 100 sq. ft.
 2. Constructed material must be wood
 3. The building must be painted to match the home
 4. The roof must be shingled and match the home
 5. Homeowners must propose a location with their submittal. Final placement of the shed must be approved by the ACC.

Section 8 – Summary of Changes

8/1/20

- Document revised in entirety.