

**THE CAPES HOMEOWNERS' ASSOCIATION, INC.  
BOARD OF DIRECTORS RESOLUTION**

**REGARDING TRIM REPAIR FOR TOWNHOMES AND  
OTHER EXTERIOR REPAIR OF HOMES**

**WHEREAS**, Section 9.3 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for the Capes Homeowners Association (Capes HOA) makes the Association responsible to paint exterior painted surfaces of each Attached Unit at The Capes (*i.e.*, townhomes), but makes individual Owners responsible for all other exterior maintenance of such Attached Units; and

**WHEREAS**, substantially all of the painted surfaces on the exteriors of townhomes at The Capes consist of trim boards, some of which suffer from fungus rot or other damage that requires repair or replacement to be performed by the individual Owner(s) of each Living Unit before the Association can effectively paint such surfaces; and

**WHEREAS**, Section 9.4 requires Owners of all Living Units (including Detached Living Units) to maintain and repair their Living Units in a manner consistent with the general standard of exterior maintenance at The Capes; and

**WHEREAS**, the provisions of Section 9.4 apply to all aspects of maintaining the exterior of Capes Owners' Living Units, including but not limited to trim boards, garage doors, driveways, roofs and cedar shingles, etc.; and

**WHEREAS**, Sections 9.4 and 11.2 of the Declaration authorize the Association to levy reasonable fines against an Owner if the Owner fails to perform maintenance and repair that an Owner is required to perform, if, after sixty (60) days' notice and an opportunity to be heard the Owner and the Association have not agreed to a mutually acceptable solution;

**NOW, THEREFORE, IT IS HEREBY**

**RESOLVED**, that the Board of Directors will use the procedures set forth in Section 11.2 of the Declaration as supplemented by this Resolution to require Owners to perform exterior maintenance, repair, and replacement of their Living Units, including, but not limited to, damaged trim portions of the exteriors of the Owners' Attached Units, and if an Owner fails to do so within the time and in the manner provided below, the Association shall impose a fine of Twenty-Five and No/100 Dollars (\$25.00) per day for each day thereafter that such Owner has not entered into an irrevocable written commitment to the Board to complete such work in a manner and by a date reasonably acceptable to the Board; and it is hereby further

**RESOLVED**, that the Association shall conduct an inspection of the exterior of all Living Units, including, without limitation, an inspection of the trim boards on all Attached Units, and shall document the condition of the same with digital photos; and it is hereby further

**RESOLVED**, that the Association shall notify individual Owners of any repair work that needs to be done to the exterior of an Owner's Living Unit, including, but not limited to, trim boards, and shall notify the Owners that, within sixty (60) days after such notice, the Owner must have irrevocably committed in writing to complete such work in a manner and within a time reasonably acceptable to the Board, and if such commitment is not then made, or if, the Owner having made such commitment, work is not completed by the designated date, the Association will assess the Owner a fine of Twenty-Five and No/100 Dollars (\$25.00) per day until the failure is cured, commencing upon the sixty-first (61<sup>st</sup>) day after notice if the Owner and Board have not then agreed upon a solution as described, and beginning upon the date designated for completion of the work, in the event an agreement was reached within sixty (60) days, but the Owner failed to complete the work in the manner or within the time agreed; and it is hereby further

**RESOLVED**, that the Board of Directors shall retain its right to exercise its discretion to reduce, delay or suspend fines in whole or in part upon an Owner's demonstration of just cause for such action; and it is hereby further

**RESOLVED**, that a copy of this Resolution shall be sent to all Owners at their last known addresses.

**IN WITNESS WHEREOF**, the President and Secretary hereby certify that the foregoing Resolution was adopted by the Board of Directors at a duly called meeting on July 16, 2011.

Robert W. Lyall  
President

T. James Bethel  
Secretary *Dee President*