

Windemere Homeowners Association
Frequently Asked Questions (FAQ)
As of January 20, 2020

The following answers are provided to the questions that are frequently asked by the Windemere development homeowners.

1. As a lot owner and/or homeowner in the Windemere development, am I bound by the Declaration of Subdivision Restrictive Covenants for Windemere?

Answer: Yes. All lot owners and homeowners in the Windemere subdivision are bound by the Covenants, whether they purchased their property directly from Brenner Holdings, LLC, or repurchased the property from a previous owner.

2. I purchased my home from a previous owner. Does the Declaration of Subdivision Restrictive Covenants for Windemere still apply to me?

Answer: Yes. All lot owners and homeowners in the Windemere subdivision are bound by the Covenants, whether they purchased their property directly from Brenner Holdings, LLC, or repurchased the property from a previous owner.

3. I did not receive a copy of the Declaration of Subdivision Restrictive Covenants for Windemere when I purchased my lot. Where can I obtain a copy of the Covenants?

Answer: You should have received a copy of the Declaration of Subdivision Restrictive Covenants for Windemere when your deed was filed with Greene County, Ohio Records. However, if you did not receive a copy of the Declaration of Subdivision Restrictive Covenants for Windemere or if you purchased your home from a previous owner who did not provide you a copy of the Declaration of Subdivision Restrictive Covenants for Windemere then you can obtain a copy from the Windemere Homeowners Association Trustees.

4. How long with the Declaration of Subdivision Restrictive Covenants for Windemere remain in force?

Answer: The Declaration of Subdivision Restrictive Covenants for Windemere will remain in force until January 1, 2030, on which date the Covenants shall automatically be renewed unless a majority of the owners of lots in the Subdivision elect to not have them renewed.

5. Can the Declaration of Subdivision Restrictive Covenants for Windemere be modified or amended?

Answer: Yes, the Declaration of Subdivision Restrictive Covenants for Windemere can be amended or modified by a majority vote of the lot owners in the subdivision. However, any amendment or modification of the Declaration of Subdivision Restrictive Covenants for Windemere would entail filing the revised Declaration of Subdivision Restrictive Covenants for Windemere with Greene County, Ohio Records, for which the Windemere Homeowners Association would have to pay.

6. Are there provisions in the Declaration of Subdivision Restrictive Covenants for Windemere for variances to the Covenants?

Answer: Yes. Under paragraph 6C of the Declaration of Subdivision Restrictive Covenants for Windemere a lot owner may submit a request for a variance to the Plan Review Committee for consideration. The request for a variance must be submitted in writing to the Plan Review Committee and any approval or disapproval of the variance will be provided in writing to the lot owner by the Plan Review Committee.

7. Are satellite dishes allowed in the Windemere subdivision?

Answer: Yes, as long as the satellite dish is 22 inches or smaller in size. The satellite dish must be sufficiently screened from public view or the dish must be located at the rear of the residence.

8. Has the Windemere Homeowners Association been granted any easements on any of the lots in the Windemere subdivision?

Answer: Yes. Paragraph 22 of the Declaration of Subdivision Restrictive Covenants for Windemere grants the Windemere Homeowners Association the right of easement for street monuments and any other monuments or markers that are installed, along with right of way to reach, repair, replace, and maintain those monuments and markers.

9. Is the Windemere Homeowners Association responsible for maintaining the property to the east of Sheppard Road between the Windemere lot owner's property boundaries and Sheppard Road?

Answer: No. That strip of property is owned and maintained by the Country Club of the North. Maintenance includes mowing the grass, generally weekly in the summer; fertilizing, mulching, trimming, and related care of the property.

10. Is the Windemere Homeowners Association responsible for maintaining the property to the south of Indian Ripple between the Windemere lot owner's property boundaries and Indian Ripple?

Answer: Technically no. That stretch of property is owned and maintained by Greene County as part of the right of way easement for Indian Ripple. However, Greene County will only cut the grass and maintain the right of way once or twice a year as they do on other right of ways in the county. Therefore, the Windemere Homeowners Association has historically taken care of that right of way along the edge of the Windemere subdivision to keep up the appearance of the subdivision and entrances. This maintenance includes mowing the strip of land between Indian Ripple and the Windemere lot owner's property lines, fertilizing, trimming, and otherwise taking care of the grass and plants.

11. What area is the Windemere Homeowners Association responsible for maintaining?

Answer: The Windemere Homeowners Association is responsible for maintaining the two entrances to the Windemere subdivision, one from Indian Ripple and one from Sheppard Road, the median strip in the entrance to the subdivision from Indian Ripple, the four Windemere subdivision signs and walls, and the associated lighting, flower beds, plants,

and sprinkler system. This maintenance responsibility includes the electric and water bills, any repair, replacement of failed components, mowing, fertilizing, mulching, planting, trimming, and otherwise maintaining the appearance of the entranceways into the subdivision.

12. What is the purpose of the Windemere Homeowners Association?

Answer: The Windemere Homeowners Association was established by Brenner Holdings, LLC, to promote the health, safety, and welfare of all owners and residents of the Windemere subdivision; to preserve, beautify, and maintain the subdivision and associated structures; to oversee development of the properties relating to land use, architecture features, and site planning; to preserve and promotion of environmental qualities; and to comply with zoning and similar government regulations. The Windemere Homeowners Association fulfills these obligations by exercising the powers and authorities set forth in the Declaration of Subdivision Restrictive Covenants for Windemere.

13. What is the Windemere Homeowners Association?

Answer: The Windemere Homeowners Association is a Not-for-Profit corporation under Sections 1702.01 et seq. of the Ohio Revised Code established by the Articles of Incorporation of the Windemere Homeowners Association. The Articles of Incorporation of the Windemere Homeowners Association and associated By-Laws, define the Statutory Agent, the creation and election of the Board of Trustees, the powers of the Board of Trustees, the duties of the Board of Trustees, the annual meeting of the Windemere Homeowners Association, special meetings of the Windemere Homeowners Association, the Board of Trustee meetings, the officers of the Association, the business management of the Association, the indemnification of the Trustees, officers, or employees, or former Trustees, and conflicts or amendments of the Declarations/By-Laws.

14. I do not have a copy of the Windemere Homeowners Association Articles of Incorporation. Where can I obtain a copy?

Answer: All lot owners should have received a copy of the Windemere Homeowners Association Articles of Incorporation and associated By-Laws when they purchased their lot in the Windemere subdivision. However, for those lot owners who did not receive a copy, a copy of the Windemere Homeowners Association Articles of Incorporation and associated By-Laws can be obtained from any of the Trustees of the Windemere Homeowners Association.

15. How does the Windemere Homeowners Association Trustees determine the amount for annual fees?

Answer: The Treasurer of the Windemere Homeowners Association provides the Trustees an annual estimated operating budget for the year. The Trustees determine if the estimated budget includes all the expected expenses for the year, including repairs, sprinkler maintenance, mowing, insurance, electric and water bills, mulching, trimming, and etc. The trustees include some amount of reserve in the budget to cover unexpected expenses, like repair of the sprinkler system if it should break. Once the Trustees are satisfied with the estimated yearly budget they divide the total budget amount by the

number of lots in the Windemere subdivision, 76, to determine the annual fee for each lot owner. The Secretary for the Windemere Homeowners Association then prepares the annual fee notification letters and sends the letters to each lot owner.

16. How does the Windemere Homeowners Association Trustees determine the cost for each required service, such as mowing the grass?

Answer: The Windemere Homeowner Association Trustees solicit a minimum of three quotes for each needed service and then select the bidder with the best value to perform that service.

17. How do homeowners and lot owners participate in or support the Windemere Homeowners Association?

Answer: First, attend and participate in the annual Windemere Homeowners meeting and any special meeting called by the Trustees. Second, volunteer to participate in, or lead one of the standing or ad hoc committees established by the Trustees. Third, provide feedback to the Trustees with constructive suggestions for improving the Windemere neighborhood and operation of the Association. Finally, run for one of the Trustee positions in the Windemere Homeowners Association when the term of service for the current Trustees ends. These terms are staggered with the term served by each officer being three years.

18. What actions will the Windemere Homeowners Association take if a lot owner does not pay the annual fee?

Answer: The Secretary of the Windemere Homeowners Association will send reminder letters to those homeowners and/or lot owners who have not paid their annual dues by the payment due date established in the Annual Fee Notification Letter. If a homeowner and/or lot owner does not pay the annual fee and associated late payment fee after the reminder letter is received then the President of the Trustees will contact the homeowner and/or lot owner to discuss the annual fee and late fee payment and request that the homeowner and/or lot owner immediately pay the fees. The Windemere Homeowners Association, by virtue of the Windemere Homeowners Association Articles of Incorporation and Declaration of Subdivision Restrictive Covenants for Windemere, may retain and hire a collection agency to collect the delinquent fees. If all attempts to collect the annual fee and late fee fail, the Association may file and place a lien on the property of the homeowner and/or lot owner for non-payment of the fees. The Windemere Homeowners Association would prefer not to take this action due to the expense of formally filing a lien and the ill will that would be generated by such action.

19. How is information about the Windemere subdivision distributed?

Answer: The Windemere Homeowners Association will distribute announcements for the annual and any special meeting in writing by mail to the homeowners and/or lot owners not less than (5) days and not more than (30) thirty days prior to the meeting. Additionally, the Windemere Homeowners Association will distribute information about the Windemere subdivisions, notifications of annual and ad hoc meetings, and other information of use to the homeowners and/or lot owners using the email distribution list maintained by the Secretary of the Windemere Homeowners Association. For those homeowners and/or lot owners who have not provided an email address to the

Association, the Secretary will distribute hard copies of the information to each of these individual homeowners, either by mail or by personal distribution. To reduce the expense of reproducing material and to speed the distribution of information to the homeowner and/or lot owners, the Windemere Homeowners Association would prefer for all homeowners and/or lot owners to provide a valid email address to the Association for inclusion in the distribution list.