

SUNRISE PRESIDIO EAST HOMEOWNERS ASSOCIATION
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March 20, 2015

To: Members of the Sunrise Presidio East Homeowners Association
From: Board of Directors
Subject: Common Areas

Due to questions about certain responsibilities of the Association and rights and responsibilities of individual homeowners, the Board of Directors asked the Association's attorneys to review its governing documents (the Conditions, Covenants, Restrictions; the Bylaws; and policies/procedures) for a legal interpretation.

This communication is to explain briefly and in plain English certain requirements in the governing documents, as well as to provide some of the underlying reasoning and implications. It is not itself a legal opinion; homeowners must rely on the governing documents for making any decision.

- The Association is a collection of homeowners who have common properties and common rights. Any change to the condition of any common property or common right affects each individual homeowner. For example, every homeowner has an interest in any change to a common area or in any visible area of a home because of the potential effect on the value of every individual property. This fundamental principle of our community is in the Bylaws as well as in the covenants and deed restrictions.
- The Bylaws establish that the Association has a responsibility to maintain the common areas "to a reasonably high standard" and so that there is no encroachment on or damage to any individual property. In effect, the Association must set homeowner dues and/or assessments to pay for this level of care.

To address this responsibility in regard to landscaping and common areas such as the tennis courts and the pool, the Association is set up with a Landscape Committee and an Architectural Committee to judge what must be done, when it is to be done, and how it is to be done. Committee members must weigh necessity, timing, and expense, always in the context of meeting the standard.

- The Board and the Committees have a fiscal responsibility, including to be prudent with funds and to protect the Association from liability. This includes following all relevant federal, state, and local laws and licensing rules, as well as certifying for quality and liability purposes all contractors who work in common areas, whether payment is by the Association or by individual homeowners for work they request.

The Association's outside counsel recommends that all work be contracted and paid for directly by the Association--even work requested by an individual homeowner who is to bear the expense, in which case the homeowner would reimburse the Association. This is to ensure that every homeowner knows that all common areas are maintained at the same level of quality and that homeowners are protected from liability on work that is done.

The principles outlined above are established in our governing documents, attached to our deeds of ownership, and legally binding for all of us.