

Frequently Asked Questions

(Updated October 12, 2023)

What does the Homeowners Association (HOA) Dues Pay for?

- Insurance
- Landscaping
- Irrigation System
- Snow Removal
- Reserve Fund

Why is parking not allowed on streets?

Our Streets are unusually narrow, less than 23 feet. Emergency Vehicles need at least 20 feet to clear. An average car is about 8 feet wide. Also, parking on the sidewalks is a separate violation.

How much Landscaping can a homeowner do?

An owner may not make any changes to the front of their unit but may change the back and side yards at their discretion if the yard does not become overly cluttered. Planting trees require that an ARC (Architectural Request Committee, see home page) form be completed and approved by the HOA prior to planting.

Can trailers be parked on street during loading and unloading?

Yes, if the driver stays in the immediate area while the trailer is being loaded or unloaded, the tow vehicle stays attached to the trailer, and the trailer is not left overnight.

What is the Common Area (CA)?

The open grassy areas that are in the SE and SW corners of the development. Legally, the entire neighborhood is considered the CA. The grassy area NW of the development belongs to Lindon City.

What are the Covenants, conditions, and Restrictions (CC&Rs)?

The CC&Rs help maintain the condition and value of Homes within the Creekside Development.

What is a "HOA"?

An HOA is a legal entity, usually a not-for-profit corporation, managed by a Board of Directors. The Board may delegate some of its responsibility for day-to-day operation to a professional manager. When you buy property in a community that has an HOA, you are obligated to join that community's association, pay HOA assessments for the upkeep of common areas and shared buildings, and abide by the rules as specified in the CC&Rs. HOA living is usually much different from living in a community without an HOA.

Why do we need an HOA?

When multiple parties live in the same building, in our case twin homes, an HOA is needed. The HOA allows the community to contract for landscaping, snow removal, property insurance and the like. Plus, all residents of the community must be equally responsible for maintaining the common areas. HOA assessments are collected to help maintain the quality of life for the community's residents and protect property values for all owners.

What are the Governing Documents for an HOA?

Every HOA needs three legal documents as described below: The Articles of Incorporation is a document, filed with the Utah Secretary of State and maintained with the Utah Department of Commerce, that is the legal basis for creating a not-for-profit corporation. The document identifies the Board members of the corporation and the principal place of business. The document states that it can be amended, if necessary, by a vote of 51% of the membership of the association. The Lindon Creekside Homeowners Association, Inc. was created on March 5, 2013, with the filing of the Articles. The Bylaws of the Lindon Creekside Homeowners Association, Inc. were created to specify how the Board of Directors would manage the HOA and the Community. The Bylaws are filed with the Utah County Recorder's Office. The Bylaws can be amended by a vote of 51% of the membership of the association. Our Bylaws were originally filed on March 12, 2013. The current revised Bylaws were filed on February 8, 2018.

The CC&Rs contain the specific rules and requirements for homeowners and residents of the community. They can be enhanced, extended, or clarified by Resolutions passed by the Board of Directors, but they cannot be changed except by written consent of not less than sixty-seven percent (67%) of the owners of record of the association. The CC&Rs are filed with the Utah County Recorder's Office. They were originally filed on November 13, 2007. They

have been amended three times after which they have been revised and the new version filed on February 8, 2018.

What services are provided by the HOA and paid for with our Assessments? The largest part of our assessments is used to fund the Reserve Account for future maintenance. The next three largest items are landscaping (mowing, edging, cleanup), snow removal, and irrigation. The annual budget shows where the funds are allocated to be used. The assessments also cover property insurance for the community.

Why do CC&Rs need to be so complicated?

Governing Documents are required to comply with Federal and State Laws to protect the rights of community residents. These include:

- The Fair Housing Act of 1968 – the Fair Housing Act protects homebuyers and renters from discrimination based on seven different areas: race, color, sex, national origin, religion, familial status, and disability. Age is not a protected class under the federal Fair Housing Act.
- The Housing for Older Persons Act of 1995 (HOPA) – HOPA provides protections for senior communities if at least 80 percent of the occupied units include at least one resident who is verified to be over the age of 55, and the community follows a policy that demonstrates an intent to provide housing for those aged 55 or older. This is the law that requires that we perform age audits for all our residents as they move in.
- Utah State Law Section 57 Chapter 8a entitled Community Association Act (ACT) – There are many conditions in this law that affect amending documents, collecting assessments, assessing, and collecting fines, rental restrictions, maintaining a reserve fund, maintaining insurance, and a host of other items. This is why the CC&Rs may appear to be complicated.

How does our Property Insurance work?

The HOA carries Property Insurance on the buildings in our community. The deductible on this policy was changed from \$2,500 to \$10,000 in September 2017. All homeowners must maintain an HO-6 policy to cover the first \$10,000 of repair costs to their units.

Why do we need a Reserve Fund?

When our community was first proposed over ten years ago, it was part of the larger "Fieldstone Project". Lindon City recognized that the tract of land was small, and the streets were too narrow to meet City requirements. Lindon City approved the plan for a 55+ community with the understanding that there would be fewer residents and fewer cars. The Creekside Project was approved with private streets, curbs, and sidewalks. The cost of maintenance of these items became the responsibility of the residents of the community.

Everything you see in the community must be maintained by the members of the community including the grassy spaces in the SE and SW corners. This is a significant responsibility and financial commitment. Utah State Law mandates that an HOA conduct a Reserve Study no less frequently than every six years and that an HOA review and update the Study no less frequently than every three years. A Reserve Fund is designed to allow the HOA to meet its future maintenance obligations on common areas and facilities without having to resort to special assessments to the homeowners to get the job done. The size of a Reserve Fund is an important metric for the health of a Homeowners Association.

How is Maintenance managed?

It is important that we realize the HOA is us. The homeowners and residents of our community must pay for all maintenance, either individually or as an association through assessments. The maintenance philosophy of the Board is to take responsibility for items that homeowners cannot do for themselves, i.e., the streets, driveways, sidewalks, roofs, and community fences. The Reserve Fund has been established to cover these expenses. The Board has also budgeted funds for items like repairing sidewalks that have settled and sprinkler heads. The Board has created a Maintenance Committee of members to survey the community, make lists of maintenance items, and set priorities for items that need to be addressed. Items not covered by the HOA must be covered by individual homeowners. These maintenance items are detailed in the CC&Rs. Please keep in mind that, if we ask the HOA to do things for us that we can do for ourselves, it will ultimately result in higher monthly assessments.

What changes need to be approved in advance?

Most HOAs have an ARC that oversees requests for changes by a homeowner to make sure they are following the CC&Rs. Decisions by the ARC also need approval from the Board to be effective. Homeowners are not allowed to

change the color scheme of their unit or make changes to the landscaping in the front of their unit without prior approval from the ARC committee and the Board. Changes to the back yards are entirely up to the homeowner. The Board requests that you file an ARC form before making changes to avoid any problems. If a homeowner wants to expand a concrete patio, sprinkler heads would have to be moved. If a homeowner wants to plant a tree, the ARC will make sure it is not too close to the building or a fence where roots may cause a problem. Homeowners are asked to file an ARC request before digging or installing concrete edging around their unit. The HOA has had situations where the irrigation system was damaged, and wires cut when homeowners started digging. In some cases, sprinkler heads were covered up by the concrete edging. The purpose of the ARC forms is to avoid expensive repairs that might result from poor planning or execution of a project.

How much Management is enough?

Some people may think our community is over-managed. However, we would ask you to consider the alternative. The opposite problem may be an HOA where no one really cares and where no one is interested in maintaining the streets, making repairs, hearing resident grievances or being on the Board. Homeowners' associations can be your best friend when they prevent your neighbor from painting her front door neon pink, but your worst enemy when they impose rules that you find too restrictive. It is important for all residents to become knowledgeable about your HOA, ask questions when you don't understand something, stay informed on current issues, and participate in the governing process for your community. The Board's objective is to have neighbor helping neighbor both literally and figuratively. The Board can always use more help to make this happen.