

Woodbrook Townhouses Owners' Association

Board Resolution

RE: Defining Common Elements and Unit Boundaries for the Purpose of Purchasing Insurance Coverage pursuant to the Declaration of Covenants

1. Issue presented to the Board:

The Board submitted the current Declaration of Covenants to the Association's Insurer. According to the Insurer, the underwriter needed a more definite statement of the items that the Association wished to cover pursuant to the Covenants. The insurer requested that the Board define the common areas it was meant to insure pursuant to the Covenants, including but not limited to, a definition of the boundaries of the exteriors to be insured, a definition of the common areas/elements to be insured. Both are referred to in Article 1 of the Covenants, but are not specifically defined for insurance purposes. The insurer asked that those elements be defined in language commonly used to insure condominiums. For example, instead of exteriors, use language associated with "unit boundaries." Instead of common areas, use language associated with "common elements."

2. Authority to further define exteriors to be insured and common element.

The language in the covenants under insurance specifically states that the Common Elements shall be insured by the Association. Furthermore, Units shall also be insured. In order to do this, the insurance company has indicated that the Association's Board MUST define these terms. As the Board must obtain insurance for the Association pursuant to the covenants, and insurance requires these definitions, then the Board must adopt the language. Furthermore, pursuant to the Covenants, the Board may adopt this type of resolution. (Covenants, XIV, 1)

3. Resolution Presented to the Board:

We, the Board of Directors for Woodbrook Townhouses Owners' Association, do hereby resolve that the terms "Common Elements" and "Unit" as found in the insurance section of our current Covenants shall be defined as follows:

1. Common Elements: means both general common elements and limited common elements.

- a) General Common Elements: includes those elements which are for the use of all Owners and guests of Owners of the Woodbrook Townhomes. Specifically included are: all parts of the Townhome property not located within a specific Townhome Unit, including but not limited to the land, the framework, columns, trusses, supports, roof and other structural components of the Townhomes, exterior structural walls, gutters and vertical roof drains (all connections from those lines are the responsibility of the Owner), water and sewer lines and connections serving all the Units (this does not include individual plumbing within the Unit), beneficial easements, exterior lighting, landscaping, parking, and other materials and improvements separate from

the outside of the Townhomes containing the Units, and other elements necessary for the safety, maintenance and existence of the Townhomes. The above are all common elements maintained by the Association.

- b) **Limited Common Elements:** includes those common elements which are reserved for the use of the Owner and guests of the Owner of the Unit to which they are appurtenant. Specifically, as to any given Owners, limited common elements shall mean the following common elements which are located within or affixed to the Townhome containing his Unit: ducts, cables, conduits, public utility lines, meters, water, sewer, electrical, gas, cable television lines and hot and cold water pipes (all such utility pipes and lines are limited common elements where they service less than all the Units, where they service all Units they shall be general common elements), entrances including doors, stoops, garage doors, walkways, driveways or other portions of a building servicing only a particular Unit or less than all of the Units.
2. **Unit Boundaries.** Each Unit shall include the part of the Townhome containing the Unit, which boundaries are defined as follows: each of the Units consists of the space bounded by and contained within the interior unfinished surfaces of the perimeter walls, floors, ceilings, doors, door frames, and trim in each Unit. Bearing walls located within the interior of a Unit, except for their finished surfaces (i.e., sheetrock, paint and wall coverings) are part of the Common Elements and not part of the Unit. Exposed beams, if any, in ceilings shall not be part of the Unit unless they are an addition by the Owner for aesthetic purposes and are not structural. Each Unit includes the utility installations located within its boundaries of which the Owner has exclusive use, including without limitation: hot water heaters, space heaters, lighting fixtures, cabinetry, and air conditioning and heating equipment (even if such units are located outside of the Unit they shall be maintained by the Owner) that are located entirely within the Unit they serve. Each Unit includes both the portions of the Townhome so described and the airspace so encompassed. Those Units do not include those areas as described as Common Elements under this Resolution.
4. **MOTION and VOTE:** PHYLLIS BOCK moved to pass the Resolution as shown above. RACHAEL BRIGGS seconded the Motion. The Board voted and the Resolution passed by a majority of the Board members.

Dated this 8th day of November, 2018.


Woodbrook Secretary

An email vote was conducted to vote on the Resolution. Directors Donna Minton, Tom Johnson, Phyllis Bock, Rachael Briggs, and Eleanor Truitt voted in favor of the Resolution, Don Baide was out of town and unable to vote.