

Mr. Clements,

Cully and I reviewed the declaration for Waterwood Townhomes and believe that Section 7.3 requires each Unit Owner to maintain the limited Common Elements appurtenant to their Unit, which includes the rear yard space. Maintenance of the rear yard space, such as pest control and lawn care, is the responsibility of each Unit Owner, not the Association. Because the Association has provided continued lawn maintenance for the rear yard spaces in the past, it is possible that some owners may try to argue that the Association has assumed responsibility for such spaces and is therefore responsible for pest control. Even if the Association has assumed responsibility for lawn care in the rear yard spaces, we do not believe it is required to assume the responsibility for pest control.

The Unit Owners, according to Section 7.3, are not responsible for the repair or replacement of any limited Common Elements, however, as they are only required to repair and replace their Unit. Responsibility for repair and replacement of any limited Common Elements appurtenant to each Unit falls on the Association. Pest control is not repair or replacement, but is maintenance.

Let us know if this response leads to more questions.

Thanks.

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