

# RHA FREQUENTLY ASKED QUESTIONS

Questions

Answers

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| What are the Covenants?   | The Covenants are the rules governing certain aspects of living in the plat of Ridgecrest. When someone buys a home in Ridgecrest, a part of the purchase agreement is the signing a copy of the Covenants whereupon the buyer agrees to abide by them. It is a binding CONTRACT. You should receive a copy from the title company. If you did not, ask them for it.   |
| What are the By Laws?   | The by-laws are the rules that provide authority and guidance to the elected managers, board of directors of the association within the plat of Ridgecrest.  |
| Will the Board of Directors respond to a complaint I have that is a violation of the covenants?   | <p>YES. The board will respond IF; First, understand that violations of the covenants are violations against ALL members.</p> <p>Covenants allow any member of the association to take legal action against any other member for a covenant violation. However, the association forum allows us to take action within our organization before jumping into costly litigation.</p> <p>Like all business conducted by the ‘association’ the board does not operate on rumor, hearsay or a wink and a nod.</p> <p>Once a violation is discovered it needs to be reported properly to the board in writing. Sending specifics with photos, if possible, to the official address of the association. Within a few business days when the board finds the complaint a legitimate violation of the covenants a special board meeting will be convened. The reporting party will then be given an opportunity to address the board in his/her own words the particulars of the violation. The alleged violator will also be given an opportunity to address the board. If the board cannot resolve the issue the violation may then require litigation.</p> <p>This above procedure can be avoided if the reporting party discusses the issue with the alleged violator.</p> |
| Is the Homeowners Association primarily a social club?  | NO. The Association is a business. The three important jobs of the Association are: the protection of the greenbelt from encroachment, providing for greenbelt liability coverage, and assuring architectural harmony among the individual properties.   |
| Are the annual meetings for socializing?  | NO. Meetings are for business. The meetings are maintained to provide a forum for discussion relating to pertinent association topics. Socializing can be part of this process but is not its main purpose.  |
| Does the Board sponsor neighborhood functions?  | Not without sponsors and volunteers from within the neighborhood. The few volunteers who are on the Board of Directors have their hands full providing Administrative Services. Parties and social events can be part of the organization if enough people are willing to perform the work required. The "Block Garage Sale" is an example of how something can work correctly. It had a Sponsor who took the time and followed through. Not all volunteers have the capacity to do this. So, the Board takes a wait and sees approach before approving funds for “ideas” with no workers.   |
| Can I get all I need to know about what is happening in the Association by reading a newsletter, reading meeting minutes, or talking with friends?                                      | NO. Newsletters are not required. Minutes do not cover completely the dialogue and substance behind decisions. Friends may hear only their version, and you lose a chance to participate. You must be engaged to be informed. You should attend regular general meetings.  |
| Did the Board of Directors write the Covenants?   | NO. The Covenants were originated by the Developer and approved by the County.   |
| Are the Covenants ever changed?   | To date, the Covenants have never been changed. It can be done, but any change requires a 75% majority of lot owner’s votes to agree.  |
| Why not disband the association?<br>This has come up over the years by people who don’t look very far ahead, not fully understand or if they do understand have a maturity level issue. | Good question. All Ridgecrest lot owners are equal owners and equally liable for the land that surrounds our plat. If the association did not exist there would be no LIABILITY insurance on the greenbelt. No trespass enforcement, no contact with the Kitsap County Development office for protecting the foliage and trees. As an example if a greenbelt tree threatened a home the homeowner could pay a large fee to a timber company to remove it and send the bill to all 26 lots. If it were not paid in full the homeowner could very easily file suit against the other 25 lot owners and prevail even collecting attorney fees and court costs. It’s cheaper to pay assessments.   |

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| Didn't the vote on a roofing material variance change the Covenants?   | NO. There was nothing to change. What it did do was give the ACC a mandate indicating that the majority voting desired a relaxation of the <u>roofing material standards</u> originally established by the Developer. Under the Covenants, you still must submit plans to the ACC if you plan on changing your roof material or any other permanent exterior features of your house.   |
| Where does the Architectural Control Committee (ACC) get its authority?  | The ACC gets its authority from Article V of the Covenants.  |
| Does the ACC have the final say on Architectural issues?   | YES. However, if there is a reasonable complaint by the homeowner, the Board of Directors can overrule the ACC in their interpretation of the Covenants. Of course, lot owners may pursue the option of legal action.  |
| Is it true that if an architectural issue is not specifically addressed within the Covenants then the covenants don't apply?           | NOT TRUE. All specifics for all details cannot be written down in the Covenants, or any document. That is why Article V specifically gives the <u>interpretive authority</u> for all exterior architectural requirements to an Architectural Control Committee. The committee takes an impartial view of requests and bases its decision on past construction and what is in keeping with the exterior harmonious look of the development.   |
| Getting a change approval seems like too much of a bother. If I don't submit one to the ACC, do I really have anything to worry about? | You should worry for two reasons. First, any unauthorized changes could impact your ability to sell the property. For instance, if a buyer asks for proof that any add-on construction meets restrictions or covenants. Without approval, your sale could be in jeopardy. Secondly, if a neighbor objects to your project saying it impacts the value of their home. Without ACC approval, you wouldn't have proof and in court that could be costly. Fortunately the ACC has had a consistent record of enforcement and objectiveness. Bottom line: It is too easy to get a request approved not to comply.   |
| The property owners "own" the greenbelt, so can any owner use the greenbelt as they see fit?   | NO. The greenbelt is a "no-clear", sight and sound barrier protected by the development covenants and county ordinances. Trees and/or undergrowth may not be removed, except under special circumstances, and then only upon approval by the board and the county. Lot owners can go into the greenbelt to inspect trees that may harm their property. Any tree threatening or otherwise endangering property or people because it may fall needs to be reported to the association representatives via a special form located on the website. This form can also be acquired by contacting the board or architectural committee member. The Board of Directors manages the greenbelt, and in order to keep the insurance premiums from escalating, the general membership agreed some years ago to prohibit all trespassing. Signs are posted indicating this position. |
| Can signs be erected at the corner of Deeridge at the Mullenix intersection?   | NO. This area is part of the greenbelt, and managed by the Board of Directors. The Board voted in 1993 to ban all signs with exception of the Ridgecrest sign. One-day signs pertaining to open house and garage sales within the development are permissible, but they must be removed by the end of the day.   |
| If I see anyone behind my house in the greenbelt, what should I do?  | Don't take chances. If you suspect it is a trespasser, call the Sheriff's office. In 1987, a van was parked in the greenbelt behind a residence for a few days. The owner politely ignored their presence and even picked up their refuse. They were thanked by having their house burglarized.  |
| Is it okay for kids to play and build forts in the greenbelt?  | NO. This is a very bad idea as they can be easily hurt. Additionally, fires have been started by unsupervised children in this area. Children utilizing the greenbelt as a play area may cause the greenbelt to be reclassified as a recreation area. The insurance cost for a recreation area will increase our premiums. Additionally, if a child is hurt while playing there, all homeowners are legally responsible since the greenbelt is non-divisible and owned equally by all Ridgecrest homeowners.   |
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| Can any resident okay brush pickers in the greenbelt? Even if it is just behind our property?                        | NO. There is NO TRESPASSING to anyone other than lot owners and the water company workers. Brush picking will also lead to higher insurance rates and higher assessments. Additionally, the Sheriff's Department (who has experience responding to burglaries) will tell you that allowing brush picking in greenbelts allows strangers access to the rear of everyone's property. Not a good idea. There is NO TRESPASSING.   |
| Is removal of Greenbelt foliage and trees okay so we can see the mountains?  | NO. Kitsap County Development Enforcement Division will require replanting of 2 like size trees if this is done. Don't do it. You can be forced to replant even if you are not first caught and subject to a \$500 a day fine until the problem is rectified.  |
| Can the Greenbelt be turned over to local government and do away with this responsibility for Ridgecrest homeowners? | NO. In 1990 the Secretary of State and County Commissioners were approached to alleviate the ownership and responsibility of the common area or greenbelt. The answer came back an emphatic NO, saying "... the common area is an integral part of the development providing the necessary watershed and maintaining the area as a rural setting. It is the responsibility of the lot owners in concert to manage this common area."   |
| Does the Board & ACC patrol the neighborhood looking for violations of the Covenants?                                | NO. The Board & ACC is comprised of neighbor volunteers. They neither have the time nor inclination to patrol the neighborhood. It is up to each lot owner to read and comply with the Covenants. If a violation becomes so obnoxious and obvious that it impacts on a neighbor, the Board and ACC will respond to a complaint. However, encroachment in the common area [greenbelt] from without or within will be responded to as soon as discovered.  |
| Is there a grace period, and reminders, for paying the association assessment?                                       | NO. The association counts on the assessments being paid on time in order to cover association costs, like insurance on the greenbelt. Additionally, there isn't funding to pay for additional mailings to those that don't pay on time. The assessments are mailed out thirty days in advance as required by the Covenants. Failure to pay by the due date automatically results in a lien being placed on the property, and delinquent charges being applied to the original assessment. All homeowners should pay the assessment immediately upon receipt of the billing in order to avoid liens and delinquency charges. |
| Does the Board of Directors settle neighbor complaints?  | NO. Complaints between neighbors are not board business, unless the complaint involves greenbelt or architectural violations as spelled out in the covenants and by-laws.  |
| Why are liens necessary?   | Liens would not be necessary if all property owners paid the association assessments on time.  |
| Why can't the board keep people from parking on their lawns?   | It is private property and the association has no jurisdiction. You could try filing a lawsuit if you can find a lawyer who would take it on.  |
| Do late assessment payers actually need to pay additional charges?   | YES. In accordance with the Covenants, any fees expended to recover the assessment, is the responsibility of the lot owner. It is unfair to the other lot owners who pay their bills on time to support the lot owners who neglect this responsibility.  |
| Why is assessment money necessary?   | Assessments are used to pay for accountant services, legal fees, and liability insurance premiums. Additionally the association needs to maintain a reserve fund to deal with the unexpected such as the potential of removing a threatening tree from the greenbelt. If a volunteer cannot accomplish the task it will be up to the association to do this.   |
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| The covenants are toothless and the association is a paper tiger and cannot enforce any covenants.          | These phrases have been used over the years and are simply not true. There are degrees of enforceability and tools available that are too numerous to mention here. Most homeowners in the plat see the association, the greenbelt, the architectural control and other covenants as protection of their investment. A few feel it necessary to challenge rather than take a positive approach. The association does not leap into litigation nor has it threatened to. It records infractions and places liens when assessments are delinquent. The board of directors is covered by liability insurance and the association has the option under the covenants of recouping legal fees. Since these challenges are infrequent and are usually over insignificant issues it is a waste of energy, time and money to address in court. As long as the association follows the covenants, which is a contract that all have signed, records the issue correctly the association will prevail at the end of the day. |
| Is the action taken by the board & ACC the same for all homeowners with respect to violations of Covenants? | Our legal counsel assures fair and consistent action, ensuring that the Association would prevail if litigation became necessary.  |
| With respect to carrying out board duties, are board members covered by liability insurance?                | YES. All duly elected officers of the board are protected with liability "wrongful acts" coverage. Any disagreements are passed on to the attorney for legal documentation.  |
| Does the board consider and approve any idea brought before it?   | The Board considers many ideas but only approves the ones that benefit all lot owners and can be funded/managed appropriately.   |
| Can a board or ACC member insert their personal agenda into covenant enforcement?                           | If their agenda matches the covenant that would be fine. We want volunteer members to read, understand the covenants and act accordingly. A good example of someone once told us they did not like fences so if they got on the ACC they would disapprove all fence requests. This would be wrong and could not be supported by the covenants.   |
| Does the board listen to speeding, parking complaints, or neighborhood disturbances?                        | NO. The board has no authority in these areas. Complaints of this nature must be directed <u>by the homeowner</u> to the Kitsap County Sheriff's office.   |
| So, the board doesn't listen to grievances?   | Within their very limited jurisdiction, the Board acts on legitimate disputes that fall within administration of the Covenants. Written complaints, based on fact and reason, are considered in these instances.   |
| Can members present an idea to the Board and expect some action?  | Depends. Ideas need a Sponsor. The Sponsor must do the research, present the Board with a recommendation, and be willing to participate in its implementation.   |
| What prevents the Board from just pursuing the personal agenda of its members?                              | Several reasons. By edict, the board must adhere to the By-laws & Covenants and carefully document all its actions. All proposed actions are vetted during open meetings. Additionally, the board attorney oversees all legal actions. Everyone has a personal agenda, but the democratic nature of board activity prevents any one member from high-jacking the process. Active involvement, by all residents, in attending board meeting, ensures process control.   |
| Can the board arbitrarily make up new rules and do anything they want?                                      | NO. Adherence to the Covenants and By-Laws is ensured through an active and informed association membership. Again, this is why everyone's participation is encouraged.  |
| Once the Board approves funding, are projects always carried through?                                       | Usually. However, if the sponsor and any volunteers decide not to follow through on their commitments to a project, then the board must find other willing people, or forego the project. The board does not exist to do projects for everyone else.   |
| Is it true that the board is the only entity that can enforce the Covenants?                                | NO. Any lot owner can proceed with enforcement under the Covenants. The Covenants are merely an agreement between lot owners. The Board was established as a vehicle to manage the common area, provide a focal point for financial management of assets and as an aside function, provide a forum in the form of meetings for relevant matters pertaining to the common area and Covenants.   |
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| Are Covenants the final authority?  | NO. When Covenants are in conflict with County or State regulations the latter take precedence.  |
| Is law enforcement automatically called to enforce covenant violations?   | NO. The enforcement of the Covenants can take several forms, depending on the type and severity of a violation, law enforcement could be called in.  |
| If the Association has to go to court, to enforce the Covenants, will our assessments increase?   | NOT Necessarily. The association has a legal fund and is prepared to enforce the Covenants as needed. Difficulty and length of any legal action would dictate the need for a special assessment.   |
| If my house burns down, will I still have to pay an assessment?   | YES. What binds the association together is the lot, not the buildings on it. When lots stood empty, during the development period, their owners were still required to pay the annual assessment.   |
| As Members of the Association, do my spouse and I each have a vote?   | NO. One lot, one vote.   |
| “I can never read anything on the Ridgecrest website.”  | The website works fine. You either need a new computer or an updated browser. Download a copy of the FREE Acrobat software available at the site as all files are in .pdf format.  |
| Are fireworks illegal?  | DEPENDS, some are, some are not. Legal fireworks are only allowed from 11am to 11pm on Independence Day, July 4 <sup>th</sup> . Caution should be used when lighting them off since we live in a wooded area. Certain types are illegal. Check COUNTY LINKS at the RHA website for more information.   |
| Is it true that as long as I send in my change of address, or name change, to the Assessor’s office this will change my RHA assessment billing information? | NO. The county does not have the labor available and may not make these changes public immediately. The RHA and its support services are required to invoice to the person(s) having the property deed registered with the Kitsap County Tax Assessors office. You must keep the association notified of any legal changes to your name and or address (this particularly applies to anyone owning Ridgecrest property, but living somewhere else).  |
| Can members of the association vote even if their lot assessment is delinquent?   | NO. The board, by unanimous vote, has decreed that only paid up members can participate in the General Membership voting process. Delinquents cannot hold office or be a board or ACC member.  |
| If a lot owner resigns his membership in the association, does he also have the option of not participating in the association and not paying assessments?  | Participation in association meetings and functions is not mandatory; however, payment of assessments is an ongoing requirement whether a member participates in meetings or not.  |
| Can we save money on stamps by stuffing neighborhood mailboxes with flyers?   | NO. It is against federal law to stuff mailboxes with anything except the U.S. Mail by the postal deliverer. In the mid 1980’s a board officer stuffed mailboxes with meeting announcements, others began using this method to announce garage sales and kids used the mailboxes to announce school projects. A neighbor filed a complaint with the Postal Inspector that their mail was being tampered with and stolen suggesting that the association was at fault. This got us a warning letter from the PI citing personal names & the association provided by the complainant directing our attention to the large fine and jail time. Not a good idea to establish a path to going into peoples mailboxes.   |
| Can we remove trees on our own property?  | Trees on the homeowner’s property may be removed at the homeowner’s discretion. If you decide to remove any trees from your property you need to be very careful. Loggers want the best, so they will invariably try to talk you into removing trees you had not originally intended. Removal of trees weakens the root systems of adjoining trees, so when the wind comes in the winter, the neighbors or greenbelt trees may come down on your property. The association strongly recommends that you leave the trees alone for your own benefit and to maintain the “look” of the development. Obviously, trees and brush in the greenbelt are protected by the Covenants and cannot be removed without special permission by the association and the county. |
| When a tree falls down in greenbelt and breaks my fence, or other construction, should I contact the board or the RHA president?                            | NO. Call your own homeowners insurance company. In most cases, your policy should cover it. The association policy is primarily liability so if you follow procedures and report threatening trees you may have recourse if the RHA Board or RHA ACC has not addressed the issue. Filing a claim against the greenbelt insurance will require some documented evidence that you took pictures and informed the association.  |

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| My neighbors yard is a mess. Why don't the board do something about it?  | This complaint has been brought up over the years with no one following through. There is no covenant covering messy yards. You need to write a covenant, get at least 20 out of 26 households to vote yes on it. Also, make sure you lay out the exact rules on what an un-messy yard looks like and then designate a specific volunteer who is willing to go around and tell their neighbors to clean up. This is probably why it has never been done before. In the meantime the association relies on mature homeowners who have pride of ownership. |
| Why can't the board give me a call if I miss my assessment payment?  | Who should remind the members of the board, you? The responsibility to remember paying on time falls to everyone. Tardy residents have become annoyed, threatening and abusive to the kindly messenger. Attorney advises to treat everyone equally and follow routines. The accountant service sends out a billing 30-days in advance as required by the covenants and 10 business days past due date you are eligible for a lien.   |
| Why can't the ACC ask what I am building?  | It is the homeowners responsibility to inform the ACC, not the other way around. No wink and a nod communications. All ACC functions are documented.   |
| Shouldn't increases in administrative costs, caused by homeowners not paying assessments on time, be charge to those individuals instead of increasing everyone's rates? | Our Covenants and Bylaws only address legal fees. They allow us to tack a 12% interest on unpaid balances to help cover those costs, but that's it. In general, administrative fees are borne by everyone, just like our taxes to the government pay for jails and law enforcement. It would be nice if we could just charge the violators, but we can't.  |
| When I put a request into the architectural control committee and it was approved there were only two ACC members!   | Approval only requires two signatures. There should be three ACC members however the board does not control volunteers. As long as your project was approved the board would not see it necessary to take any action at the time.  |
| Why should I take a photograph or draw a sketch of some tree behind my property in the greenbelt that I want to remove?  | The ACC has a form and follows an association/county procedure for culling any sort of foliage within the greenbelt. Taking a photograph is an excellent way of documenting a specific threat to your property.  |
| The board or ACC sent me a letter accusing me of a construction project not being in compliance!   | The board or ACC has NEVER sent letters accusing anyone of anything. These types of letters are left to the RHA attorney. What the board or ACC does is send a "Request to Comply" letter. We rely on the mature homeowner to read the covenants and observe the covenants. If you got a letter from the board or ACC that you think accuses you of something you need to read it again and bring it to the next general meeting where you file a formal complaint.  |