

Tanglewood Homeowners Association  
Board of Directors Meeting Minutes  
September 18th, 2014  
Held at Mt. Park Rec Center

**Call to Order**

Chair Collinge called the meeting to order at 7:00 p.m.

**Roll Call**

Board Members Present: Lee Collinge (Chair), Debby Dearden, Susan Crowden, Peter Miller and Travis Walker(Secretary).

**Approval of Minutes for August**

MOTION: By Director Crowden to approve August minutes as presented.

Seconded by: Director Miller.

VOTE: Motion passed

**Approval of Financials for July**

MOTION: By Chair Crowden to approve July financials as presented.

Seconded by: Director Miller.

VOTE: Motion passed

**Approval of Financials for August**

The Board of Directors would like further definition for line item 6361, Landscape Extras for \$2,606.00

No Vote for approval was taken at this time.

**Repair estimates**

MOTION: By Chair Collinge to get an estimate from our preferred contractor (Sean Groves Construction) on repairs needed to the exterior walls joining units #69 and #66. Also requesting to have Nick on site for all work done, ensuring proper materials and techniques are used.

Seconded: By Director Dearden

VOTE: motion passed.

**Repair estimate approval**

MOTION: By Chair Collinge to accept a bid from S.G.C to make needed repairs to a window on unit #48. \*The board wants to ensure this is the original window, and has not been replaced by the owner at any point.

Seconded: By Director Dearden

VOTE: motion passed.

**Repair request**

MOTION: By Chair Collinge to have S.G.C determine if slider repairs are needed on unit #91, if determined necessary, perform the repairs while deck repairs are taking place.

Seconded: By Director Dearden .

VOTE: motion passed.

## **Approval of Resolution**

MOTION: By Chair Collinge to accept and sign the following resolution, further defining the meaning of the word “maintenance” when referring to the HOA responsibility’s pertaining to that of each units individual deck or patio.

### **RESOLUTION OF THE TANGLEWOOD HILLS CONDOMINIUM ASSOCIATION REGARDING MAINTENANCE OF DECKS 2014 - 001**

The following Resolution is adopted by the Board of Directors of Tanglewood Hills Condominium Association (the “Association”) to interpret the provisions of the declarations relating to the cleaning and maintenance of decks.

#### **RECITALS**

A. The Association is governed by the Condominium Declaration for Tanglewood Hills Condominium, recorded on December 7, 2000, as Fee No. 2000-078878 Records of Clackamas County, Oregon; the Supplemental Declaration Submitting Stage 2 of the Tanglewood Hills Condominium to Condominium Ownership, recorded on June 1, 2001 as Fee No. 2001-041144 Records of Clackamas County, Oregon; and the Supplemental Declaration Submitting Stage 3 of the Tanglewood Hills Condominium to Condominium Ownership, recorded on December 26, 2002 as Fee No. 2002-127552 Records of Clackamas County, Oregon (referred to collectively as “Declaration”) and all amendments thereto; the Oregon Condominium Act, ORS Chapter 100 and the Bylaws of Tanglewood Hills Condominium (“Bylaws”) and all amendments thereto.

B. The declarations classify all decks therein as limited common elements, meaning that they are reserved for the exclusive use of the owners and occupants of the units to which they are appurtenant. Being constructed of wood, these decks require periodic maintenance and repair or replacement.

C. Section 5.2 of the original Declaration provides that “except as otherwise specifically provided in this Declaration, the cost of maintenance, repair and replacement of the limited common elements shall be a common expense, which shall be assessed and apportioned pursuant to Section 10.6 of this Declaration, and the performance of such work shall be the responsibility of the Association.”

D. The obligation of the Association to maintain the decks is somewhat broad and ambiguous; leading one or more unit owners to contend that the Association is responsible for all routine cleaning of the decks, including the removal of fallen leaves and routine power-washing.

E. The Board considers that contention unreasonable because it is inconsistent with Section 6.8.1 of the Bylaws which provides that every owner shall “prevent any negative effect on the common elements of the Condominium.” In addition, some of the decks are not readily accessible to the Association’s contractors for such routine cleaning because they are elevated or in fenced areas.

F. Likewise, it is also inconsistent with Section 3.1 of the Bylaws which provides that “the owners of the Units constitute the members [of the] Association, which has the responsibility of...management and maintenance of the Condominium...” Requiring the Association to conduct routine cleaning of the decks would be time consuming and costly.

G. The Board deems it to be in the Association’s best interest to adopt a reasonable interpretation of the terms maintenance in said provision, in order to facilitate consistent budgeting and expenditure of Association funds.

**NOW, THEREFORE, IT IS HEREBY RESOLVED:**

1. As used in the declarations, the maintenance and repair of the limited common element decks by the Association is interpreted to include only:

- a. The re-staining or repainting of decks on a schedule or at times determined by the Board of Directors, including power-washing in conjunction with such work; and
- b. The replacement of deteriorated, rotted, or damaged boards, joists, beams, posts, or other component parts of the decks.

2. Interim cleaning of decks that may be necessary or appropriate, including the removal of leaves, other debris and power-washing on a regular basis, are the responsibility of the owners of the unit to which the deck is appurtenant.

3. In the event premature deterioration or rotting of deck materials is caused by the failure of a unit owner to perform interim cleaning of the owner's deck, the cost of replacing and staining or painting such materials shall be assessed against said unit owner pursuant to Section 5.2 of the Declaration, which provides, in part, "any damage caused by the negligence or intentional act of an owner or his invitee, guest or servant shall be repaired by the Association at such owner's sole cost and expense." This remedy is in addition to any other remedy of the Association or the Board of Directors to enforce the provisions of the declarations, bylaws, or rules of the Association.

4. It is further RESOLVED that a copy of this resolution shall be mailed to all unit owners at their last known addresses.

IN WITNESS WHEREOF, the Chairperson and Secretary hereby certify that the foregoing resolution was adopted by the Board of Directors at a duly called and noticed meeting on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Chairperson  
Tanglewood Hills Condominium Association

\_\_\_\_\_  
Secretary  
Tanglewood Hills Condominium Association

Seconded: By Director Dearden  
VOTE: motion passed.

Meeting adjourned at 8:57pm  
Respectfully Submitted,

Director Walker  
10/14/14