



**Porto Cima Townhouse POA, Inc.  
P.O. Box 482  
Lake Ozark, MO. 65049**

## **Summary of Policies and Practices**

**July 25, 2022**

### **Organization**

The Porto Cima Townhouse Property Owners Association, Inc. (Association) includes the Porto Cima Neighborhoods of Las Campanas, Via Bacino, Punto Piloto, Avilla Drive, Southshore Court, Villa La Cresta and Bello Point, is an incorporated homeowner's association created coincident with the Declaration of Covenants and Restrictions for Porto Cima Townhouse Properties (Declaration). Please note that the Association is subordinate to the Master Association, Four Seasons Lakesites Property Owners Association (FSLPOA) which is responsible for the maintenance and repair of major infrastructure items such as streets, sewers, street lighting etc. Members of the Association are also required to be members of the FSLPOA. Accordingly, Association owners are members of both the Association and the FSLPOA and receive assessments from both organizations.

The Association is a homeowner's association (as described by Missouri statute) of property owners **NOT** a Condominium homeowners association. Owners of properties in the Association own the entirety of their property including all exterior surfaces, contrary to what is generally a condominium ownership wherein the condominium owns the exterior of units and the condominium owner owns the interior of a unit, "from the studs in".

Membership in the Association is mandatory for all property owners within the Porto Cima Townhouse development, as documented by aforementioned Declaration which is recorded with both the Camden and Miller County Recorder of Deeds and is a condition of the transfer of title for every property within the Townhouse development.

The Association exists as an agent of owners and is responsible to provide certain services for and on behalf of the members of the Association.

These Policies and Practices are a summary explanation of the operation of the Association as is described in greater detail in the By-Laws of the Association which are a part of the Declaration noted above. As circumstances dictate, they may change from time-to-time.

### **Members Information**

The Association will not broadly circulate or otherwise provide owners information (such as name, address, contact information) to any other person or entity, generally. The Association will not provide information for the purpose of publishing a directory or other listing of owner's private information.

The Association will consider and release appropriate information in the case of an emergency, property damage, legal requirement or other specifically defined purpose, as appropriate.



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### **Legal Expenses**

From time to time the Association incurs expenses for legal services associated with a specific property. These expenses include but are not limited to; a) Fees and expenses associated with collection of periodic assessments levied against specific owners' units, b) other matters of litigation that arise for any purpose related to a specific owner property. Whenever possible any expenses incurred by the Association will be billed to the related property owner.

Legal expenses incurred that cannot be recovered will be reviewed on a case-by-case basis and charged to the neighborhood of the related property or the entire Association as circumstances dictate.

In the case of fees incurred by the Association to enforce compliance with requirements of the By-Laws and Covenants of the Association, those fees will also be assessed against the related owner property and added to the amounts due the Association, and subject to all rules of collection from that property owner.

Legal expenses that are incurred for the benefit of a single neighborhood will be charged to that neighborhood as required in the By-Laws and Covenants. Legal expenses incurred that benefit all member units of the Association equally will be charged to each neighborhood based on the number of property units in each neighborhood.

### **Insurance**

As required by the By-Laws and Covenants, each property unit must be insured, and the Association named as an additional insured if possible. Naming the Association provides assurance that the property will be restored to its original condition in the event of a catastrophic event. **The Covenants and By-laws require that a current certificate of appropriate insurance (policy declaration page) be provided by owners to the Association annually and/or as policy modifications are made.**

The form of the insurance policy must be **Homeowners Coverage**, (typically a form HO-3 or equivalent policy), **NOT** Condominium coverage. The Association assumes no responsibility for insurable damage to owner's property and does not carry any form of coverage for damage to the owner's property, in which the Association has no interest that is insurable. Each owner is the sole owner of ½ of the building they're unit is a part of. This ownership includes the land included within three feet of the exterior of their respective buildings. Land and improvements beyond that three-foot perimeter is Common Ground and the responsibility of the Association for insurance purposes.



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The Association By-Laws require replacement cost coverage but do not require any specific level of deductible amount. Each owner must decide on the amount of deductible based on their own specific risk tolerance. **However, the Association assumes no responsibility for any deductible amount that arises from any claim against the policy under an individual owner's insurance policy.**

If an owner prefers to self-insure their Homeowners risk, please contact the Association to discuss securing the Associations interests.

### **Maintenance, Damage and Repair costs**

Damage to a property occurs as a result of an "Act of God", storm, accidental collision with a stray vehicle or meteor etc. The association will not reimburse an owner for any "Damage" as each owners Insurance Policy must cover those items and the owner makes an individual decision regarding the amount of deductible they are at risk for.

Maintenance to the exterior of each property unit, resulting from normal wear and tear, the passage of time etc., is the responsibility of the Association. All Interior Repairs and Maintenance are the responsibility of the owner.

For purposes of this policy, exterior is defined as the structure surface that is exposed to the environment, not including the underlying structure covered by the siding material including studs, or interior material such as wallboard, carpet etc. Roofs, gutters, downspouts, exterior surfaces, windows and doors (except for repairs requested that are solely the result of failure of window seals in multiple pane window or door systems),\_decks, and other exterior improvements are the responsibility of the Association to maintain for the benefit of the owner.

All maintenance and repair of common areas including landscaping is the responsibility of the Association. Regular maintenance items are budgeted and scheduled to be performed throughout the year. Damage to common areas caused by owner's improvements, modifications, or other attachments to Association common ground (such as docks, walkways, railings, etc.) are the sole responsibility of the owner.

Damage caused by trees falling, completely or partially, on a property unit, from Association Common Ground, are insurable risks covered under each individual owners individual Insurance Policy.

For example, if a tree on Association Common Ground is dead or otherwise damaged and falls, creating damage to an owner's structure such liability is the responsibility of the Association if the Association was previously aware of the condition of the tree and did not take steps to remedy the situation by



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removal of the tree. Otherwise there is no liability on the part of the Association. It is the responsibility of the owner to notify the Association of damaged trees at the first indication of a damaged tree. The Association will survey Common Ground annually to attempt to identify problem trees and mediate potential risks of damage.

It is the policy of the Association that qualified repairs of any sort (Maintenance or Damage) will be funded with Association Funds up to \$1,000. The Association will fund 25% of any cost or expense of qualified repairs in excess of \$ 1,000 per incident or occurrence.

It is extremely important for the homeowner to frequently (several times annually) inspect the property interior. Most problems including those related to external issues are much less damaging if discovered and reported promptly. Internal problems are not visible to external views and inspection

Any maintenance or repair items that arise should be referred to the Association manager

### **Exterior extensions of interior systems**

Owners are responsible for maintenance and repair of all components of their individual homes, and the Association is responsible for common area maintenance and repair as well as arranging for the repair and maintenance of the exterior of buildings within the Association.

The exterior to include surfaces facing the environment including exterior walls and; windows; originally attached doors (not to include storm doors added post original construction); originally attached decks, railings and stairs, roofs.

Components of HVAC, sewage (including Grinder Pumps), propane, electrical or other systems that happen to exist on the outside of a building (grinder pumps, water spigots, electrical fixtures and outlets, exhaust fans etc.) are not components of the exterior building envelope and as such the repair and maintenance of those items are the responsibility of the unit owners.

Any additions to the original structure of a unit, or modification thereof must be approved by the Association, or through its designee, and subject to an executed alteration agreement which will be filed with appropriate governmental agency, for the Title Record (see Building Additions and Modifications following).

### **Extraordinary Maintenance**

As required by the By-Laws and Covenants, the Board is responsible for maintaining on behalf of the owners the functional and aesthetic condition of Association common grounds as well as the exteriors of Townhouses and Patio Homes (Buildings).



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## **Summary of Policies and Practices**

**July 25, 2022**

From time to time situations arise wherein owners' actions result in damage to Common Grounds and Buildings, diminish the aesthetic appeal of our neighborhoods and create ongoing nuisances and other dangerous conditions.

It is the policy of the Association that these situations that may arise remain the responsibility of the Owner causing any damage. The Board will notify the Responsibility party that within a specific time period (Generally 10 days) must rectify the situation. If the Responsible party does not rectify the situation within the prescribed time period, at the discretion of the Board, the Association will cause the situation to be rectified and the cost of corrective actions will be billed to the responsible property owner, together with an appropriate administrative fee.

Should any matter require the involvement of legal counsel, any fees or costs that result will also be billed to the responsible property owner. Repairs and rehabilitation required by the acts of an owner are not subject to the cost sharing arrangements outlined above.

The Board will take other actions as necessary to eliminate recurring nuisances that diminish the value of the Association and the property of Association Members.

### **Building Additions and Modifications, Gas and Other Fuel Sources**

Any additions or modifications to buildings, including utility changes must be submitted to the Architectural Review Committee prior to commencing any project for its approval. In the case of utility changes and executed work order from the utility proposed to make any alterations must be included, such work order acknowledging the Utility's responsibility for any personal injury or property damage resulting from the project. In no event will above ground propane storage tanks be permitted.

### **Billing and Collections**

The Association from time to time issues invoices and statements to property owners. These invoices are distributed via e-mail and are generally due within 30 days. If the invoices are not paid generally within 60 days, the Association will assess and add to the balance due an administrative charge to cover additional administrative effort to collect an individual account.

If an amount remains unpaid after generally 90 days a finance charge of 1.5% per month will be added to the balance due (in addition to any administrative fee charged) and collection procedures will be initiated.



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**July 25, 2022**

Collection procedures may include but not be limited to:

1. Referral to legal counsel for prosecution
2. Consultation with credit reporting agencies
3. Filing of lien against the property unit
4. A declaration that all future Quarterly assessments for the year are immediately due and payable.
5. Suspension of Association membership prerogatives
6. Other measures necessary to collect amounts due

The Association may waive the imposition of the administrative fees or finance charges one time based on unusual or unanticipated circumstances, based on a review of those circumstances.

### **Board Meeting Agendas**

Agendas will be prepared and circulated for regular Board Meetings and the Annual Meeting. When possible, any Agenda will be circulated to the membership prior to the actual meeting.

A member may request that matters not included in the draft Agenda be added to the final Agenda as "New Business".

Requests for additions to the Final Agenda must be submitted for consideration at least ten days prior to any meeting. Any material pertinent to the requested addition must be submitted with any request.

The meeting Chairperson may waive prior approval at his or her discretion, however it is expected any such waiver to be rare.

### **Pets**

In addition to the Four Seasons Lakesites Property owners Association policy the following additional policies apply.

1. Enclosed pens are not permitted.
2. Only buried electronic fences are permitted. Application for approval of an electronic fence is made through the Townhouse POA manager.
3. For the benefit of the entire association, to facilitate grounds maintenance, and to keep the grounds looking nice, it is required that owners pick up after their pets.
4. Under no circumstances are pets to be permitted to run loose, unsupervised by the owner, or wander about the common ground unsupervised.



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**July 25, 2022**

5. Repair or replacement of lawn areas and/or plants damaged by pets will be done by the Townhouse POA at the owner's expense, after appropriate notification.
6. Violations of this policy will result in escalating fines for repeated offenses.

### **Closing Fees**

The Association will charge a Fee to recoup Administrative costs involved in providing information and other services to owners in order to facilitate the sale or transfer of a unit. The amount of this fee will be determined from time to time by the Association.

### **Unpaid fees and other amounts due at the time of closing**

Any amounts due the Association at the time of sale or transfer of a unit are immediately due and payable, coincident with closing of any such transaction. Any amounts assessed against a unit are the responsibility of the owner of that unit at the time of assessment and do not attach to the property unless a lien has been filed. If amounts due upon sale or transfer of a unit are not paid concurrent with the closing of any such transaction, they remain the responsibility of the owner when assessed and the Association will pursue collection of those fees through all means available, including civil proceedings. The cost of all collection efforts including any legal fees incurred or other costs, will be the responsibility of the owner when the subject amounts became due.

Questions related to unpaid PCTPOA fees, closing fees or other billing matters should be directed to the Association Bookkeeper, Mary Kay Longman at (573)-552-7221 or [portocimapoa@gmail.com](mailto:portocimapoa@gmail.com) .