



Homeowner Handbook



(This Homeowner Handbook is to remain with the home in the event of sale or rental.)

Approved and Adopted by the Board of Trustees effective September 20, 2019

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Table of Contents

Introduction	1
History of Somerset.....	1
Amenities and Social Events	2
General Contact Information	3
Homeowners Association	4
Board of Trustees	6
Managing Agent	8
HOA Financial	9
Homeowner/HOA Responsibilities	10
Safety & Security	11
Insurance Coverage.....	12
Pets.....	12
Sale or Rental of your Home	12
Action/Request Procedures	12
Architectural Control Guidelines.....	13
Violation Fine and Enforcement Policy	14
Improvement Application Form	
Complaint Form	
APPENDIX	
Directory	
Resident Published Directory	
Documents	
Articles of Incorporation, By-Laws/Code of Regulations and Declaration of Covenants	
Recorded Amendments Three through Five	

DISCLAIMER AND REFERRAL TO DOCUMENTS: This handbook is designed to familiarize owners briefly with the homeowners' association management, policies, and procedures. A more comprehensive reference to any item concerning the association can be found in the Declaration, Articles of Incorporation, and By-Laws issued to all owners at the time they take title to their home.

In the case of any conflict between this handbook and the documents, the Declaration, Articles of Incorporation and By-Laws shall control.

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Welcome to Somerset

Washington Township, OH 45458

Welcome to our community. Somerset, located in Southern Montgomery County, is well positioned for recreation, shopping and restaurants. Positioned within 5 minutes of Austin Landing, The Dayton Mall and Downtown Centerville, restaurants and shopping abound.

The area has an abundance of walking and bike trails within less than one mile. Stubbs Park and John F. Mays Park offer playground areas and picnic shelters. Stubbs Park features Sunday night concerts during the summer. Nearby Cox Arboretum and Gardens is a delight to visit. The nearest public golf course is Yankee Trace less than 3 miles away.

Washington Township has its own government and Fire Department. The government center is located on McEwen Road. The Montgomery County Sheriff's Department provides police protection.

Washington Township utilizes the Centerville School System. Centerville Schools have been consistently rated in the top schools of the State and are listed as Schools of Excellence.

Washington Township does not have an income tax; however, if you work in a nearby city that does have a city tax you may be required to pay that city. Consult with your tax preparer.

A Short History of Somerset

Somerset was formed with the purchase of 41 acres along Sheehan Road between Route 48 and Social Row Road in March 2002 by Somerset Developers, Ltd., one of the Oberer Companies. The original plan included four sections of approximately 10 acres each with each section containing homes and HOA owned open space. This later became 5 sections when Section 4 was split to reduce land development costs during the downturn.

Construction by Oberer Development was in full force by the building boom of 2005 and continued at a high pace through 2008 when the market crashed. Once the financial health of the country returned, so did construction at Somerset. When complete, Somerset will have 124 single-family homes.

Somerset was conceived to be a community of single-family Patio Homes. A variety of models with variable elevations have been offered to keep the community consistent yet vary the designs to some extent. A combination of brick and siding along with HOA offered services keep the maintenance on the residences low for the homeowners.

Somerset Amenities

Our self-contained community includes:

- Two ponds with fountains and decorative borders complete with a resident Blue Heron.
- A gazebo surrounded by shrubs and trees. A great place to relax or read a book.
- A professional putting green. Unwind after a long day and sink a few balls.
- Wood swings in an open green space just to kick back and enjoy the day.
- A private walking trail around our pond. Add in our city sidewalks and you can go 1-mile round trip.
- Don't like to shovel snow? Your HOA fees cover snow removal from your driveway and entrance walkway.
- If you don't like grass cutting you came to the right place. Your fees cover mowing and trimming.
- Annual mulching and pruning of front landscapes to reduce the amount of maintenance by each homeowner.

Somerset Social Events

We are an energized community. Social events may vary; however, here are some of the fun activities that are currently ongoing and have occurred in the past:

- Facebook Private Group
- Late summer picnic
- Book Club
- Ladies Luncheon – Meets every other month on the third Thursday.
- Men's Luncheon- Meets first Thursday of each month.
- Derby Party
- Somerset Dine-out.

General Contact Information

Website:

<https://www.oberermanagementservices.com/property/somerset/>

Facebook Private Group:

<https://www.facebook.com/groups/421410918435967/?ref=bookmarks>

Government

Washington Township Government Center
8200 McEwen Road
Dayton, OH 45458
(937) 433-0152

Homeowners Association

What is a Homeowners Association?

When developers first started building Homeowners Associations, everyone agreed that having property shared by all owners was a good idea. But one question remained, "who is going to take care of it?"

Local government was not responsible because the land was privately owned. The developer would eventually sell all the homes and go on to build another project so they would not want to be responsible. That left the residents. Since they owned shared property, they should have the responsibility for its maintenance. Thus, the concept of an association was created.

Homeowners associations are incorporated, non-profit organizations that operate under a recorded land agreement. Each buyer of a home within the development automatically becomes a member of the HOA which allows them to have a voice and vote in association affairs at annual or special meetings of the membership. Each landowner is subject to a proportionate share of expenses to maintain the common property and support other necessary activities of the organization.

The major responsibility of the association is to protect your investment and enhance the value of the property owned by the members. This is done by providing for the physical maintenance and operation of the shared property.

The association has other responsibilities too, such as, enforcing the regulations and architectural controls, financial reporting, and setting up an effective communications system among members.

To assure the homeowners have a well-run organization, a professional management firm has been retained as an integral part of the operation of the association. Professional management will ensure that the association functions as a viable business organization, protecting the homeowners' valuable investment. The management staff will coordinate and supervise the maintenance, financial, and architectural facets of the association.

The Homeowners Association is a Business

No matter what role you play in the association, one thing is certain: you will want it to operate as smoothly and efficiently as possible. The most important thing to remember about a community association is that it is a business. To be successful, it must operate like one.

Association Legal Documents.

When the developer plans his project, he develops a set of legal documents, which establishes the community association, governs its operation, and provides rules for use of all properties in the community. The legal documents consist of Articles of Incorporation, By-Laws/Code of Regulations, and Declaration of Covenants. These documents are available as detailed in the Appendix.

Articles of Incorporation

The Articles of Incorporation create the association as a legal entity under state corporate statute.

By-laws/Code of Regulations

The By-Laws/Code of Regulations implements, in specific detail, the provisions of the Articles of Incorporation regarding the association operations, which include delineation of the meetings process, elections procedures, powers and duties, Trustee's meetings, committees, insurance requirements, rulemaking, and enforcement process.

Declaration of Covenants

The Declaration of Covenants provides:

- Automatic association membership of all owners and the basis for voting rights
- The obligation of each owner to share in funding the cost of association operations
- Certain restrictions (architectural control and other rules) on the use of the property and the association's enforcement power
- The power and authority of the association to own and maintain any common property and/or easements, and to make and enforce rules.

THE BOARD OF TRUSTEES

The Board of Trustees is a body of elected or appointed members who jointly set forth to oversee the activities, administer policies and procedures, and make managerial decisions affecting the operation and maintenance of the association and all commonly held property of the community. The members of the Board of Trustees are recognized by the State of Ohio as officers of the Corporation and have the authority to enter into contractual obligations, carry out and enforce all provisions of the Declaration, Articles of Incorporation, and By-Laws, and may assign such responsibilities as deemed appropriate to the Managing Agent.

Typical responsibilities of the Board of Trustees include:

- Establishing and enforcing the policies and regulations that govern the Association
- Approving the operating budget and all expenditures made by the Association
- Setting the amount of the lot assessments (Association dues)
- Enforcing architectural control
- Maintaining the common areas and structures located on common property
- Keeping a complete record of corporate affairs and report to homeowners
- Attending Board meetings and the Annual Meeting
- Supervising and prescribing the duties of the Managing Agent

The Board of Trustees will hire consultants and professionals to assist them in meeting the needs of the community in a professional and efficient manner in the following areas:

- Association Management
- Grounds/Landscaping/Snow Removal
- Trash Removal
- Finance
- Insurance
- Maintenance
- Legal

Homeowners will elect the Board of Trustees. Those Trustees will then elect officer positions (President, Vice President/Treasurer, and Secretary).

Duties of Officers

President

The President shall be the Chief Executive Officer of the association. He/she shall preside at meetings of the members of the association and all meetings of the Board of Trustees. Subject to the direction of the Board of Trustees, the President shall have general executive supervision over the business and affairs of the association. He/she may execute all authorized deeds, contracts and other obligations of the association and shall have such other authority and shall perform such other duties as may be determined by the Board of Trustees or otherwise provided for in the Declaration or By-Laws.

Vice President/Treasurer

Often these positions may be combined depending on the number of Board members. The Vice President shall perform the duties of the President in the President's absence. The Treasurer shall receive and have charge of all money, bills, notes, and similar property belonging to the association, and shall do with the same as may be directed by the Board of Trustees. He/she shall keep accurate financial accounts and hold the same open for the inspection and examination by the Trustee's and shall have the authority and shall perform such other duties as may be determined by the Board of Trustees.

Secretary

The Secretary shall keep the minutes of all meetings of the Board of Trustees. He/she shall keep such books and records as may be required by the Board of Trustees and shall give notices of meetings to members of the association and of the Board of Trustees as required by law, or by the By-Laws or otherwise, and shall perform such other duties as may be determined by the Board of Trustees.

Managing Agent

The Managing Agent has the responsibility of the day-to-day management and operation of the community and its facilities including assisting homeowners with problems or questions and carrying out the policies and decisions of the Board of Trustees. They are hired by the Board of Trustees to advise, assist, and implement the decisions made by the Board. The following items are included in the contract for management:

- Collection and billing of homeowner assessments
- Payment of operating expenses and maintaining the official books and records of the association
- Accounting and financial reporting
- Handling homeowner requests
- Printing and distribution of any notices, announcements, and violations
- Management of common grounds throughout the community, including overseeing contractors hired to maintain those areas
- Assisting in compliance of the provisions of documents and regulations
- Assisting the Board with budget planning, meetings, minutes, and elections

Please distinguish between the Managing Agent and the members of the Board of Trustees. Your Trustees establish policies and make decisions. The Managing Agent then implements those decisions. Your Managing Agent meets with the Board of Trustees on a regular basis, at which time the affairs of the association are fully reviewed.

Financial

Annual Assessments

Payment of dues is essential to the success of the association. Your association provides a payment coupon/statement which indicates the amount and due date. Reminders and late notices are sent to homeowners who do not pay in a timely manner. If, after all steps have been taken to collect delinquent dues, the account is still in arrears, liens will be filed, and foreclosure actions will be taken.

Special Assessments

Occasionally, a community may have special needs for maintenance, repairs, or projects which were unforeseeable during the budgeting process. If this occurs, and if there are insufficient contingency funds in the operating budget or reserve fund to cover the unexpected expenses, the Trustees have the authority to approve special assessments in addition to homeowners' yearly fees. Great care is given to avoid special assessments by carefully planning the community's budget and reserve funding requirements. In the unlikely event that a special assessment becomes necessary, homeowners will be fully informed.

Reserves

The Reserve Account is the association's way of setting aside money for future repairs and replacements. Each year, a certain portion of your association fee is set aside in a special interest-bearing account to plan for the replacement and repair of items in the common areas. This helps to protect and preserve property values. This expense is included in the overall budget for the association.

Since Reserve Accounts are longer term expenses your Board of Trustees may elect to invest some portion of these funds. The investments will be low risk and insured in such things as Certificates of Deposit and Money Market Funds.

Your ability to sell your home can be influenced by the adequacy or inadequacy of reserves set aside by the association. Primary lenders consider reserves for future needs a key part of a good financial policy and can consequently be more receptive to lending money in communities with an established reserve account policy. Reserves do, therefore, directly affect the resale value in associations.

Homeowner / HOA Responsibility

Item	Responsibility
City street maintenance & snow removal	Township
Homeowner driveway and home entrance sidewalk snow removal 2" +	Somerset HOA
City sidewalk and walking path snow removal, optional at Board discretion	Somerset HOA
Ice melt if desired	Homeowner
Common property mowing, trimming and 5 chemical treatments	Somerset HOA
Homeowner property mowing, trimming and 5 chemical treatments	Somerset HOA
Pruning and tree trimming of common property	Somerset HOA
Light pruning spring/fall of homeowner decorative shrubs and Fall cut back of Perennials forward of front edge of home only.	Somerset HOA
Tree trimming homeowner property	Homeowner
Replacement or heavy trimming of trees and shrubs on homeowner property. Removal or replacement requires an Improvement Application.	Homeowner
Maintenance and mulching of all decorative plantings behind front edge of home.	Homeowner
Re-seeding, aeration or grub control of homeowner lawns.	Homeowner
Spring mulching of common property & homeowner front beds. Brown mulch with weed control applied	Somerset HOA
Fall leaf removal	Somerset HOA
Trash (weekly) and Recycles (bi-weekly) pick-up at curb plus 1 large item pick-up per month – call to schedule.	Somerset HOA
Homeowner lamp posts	Homeowner
Mailboxes	Homeowner
Exterior maintenance and painting. Check to see if Improvement Application is required before proceeding.	Homeowner
Utility lines from easement to home.	Homeowner
Maintain patios, driveways, porches and steps.	Homeowner
Fences on homeowner property. New installations require an Improvement Application.	Homeowner
Spouting, downspouts, splash blocks and control of water exiting to lawns.	Homeowner
Swales and French drains (if homeowner installed on homeowner property) except drains in easements.	Homeowner
Common area drains and developer installed drains to storm sewer located in easements.	Somerset HOA
Ponds	Somerset HOA

A message about Safety and Security from your HOA Board.

We try to maintain a very safe and secure community. The following are areas where you can help keep our community safe.

Vigilance:

Today, it is best to err on the side of caution. If you see something say something. Good neighbors are the best deterrent to crime.

Lighting:

The best deterrent for thieves is a well-lighted community. We recommend you check the condition of your post lamps. This includes bulbs and photocell sensors. Also check the post in the ground. If it is very loose or leaning at an angle it may have rusted off in the ground. These are steel posts and are just beginning to fail in the older parts of Somerset.

You can also add photocell sensors to your front and back exterior lights. This in combination with LED bulbs will keep energy costs to a minimum and provide a lot of additional light in the community.

Garage Doors:

Don't invite thieves. An open garage door is an invitation to steal your belongings. A community with a lot of open garage doors is an easy target. If you are not entering and exiting your garage, we suggest keeping the door closed.

Speed Limit:

We have young children in the community and a whole bunch of us old folks as well. The posted speed limit in Somerset is 25 MPH. Please be cognizant of your speed in our community.

Stop Signs:

We have stop signs at both exits from Somerset as well as stop signs within the community. To avoid possible injury to yourself or others please make a complete stop just behind the signs and look both ways before proceeding.

Insurance Coverage

The homeowner should have an individual homeowner insurance policy. The association carries insurance coverage on the common areas. Contact your Insurance Agent for advice.

Pets

Please be courteous to your neighbors when considering pets. Pets are permitted, provided they are not kept for commercial purposes. Please keep in mind:

- All owners are responsible for cleaning up after their pets.
- No animal may be a nuisance by barking, howling, or making loud noises to disturb your neighbors' peaceful enjoyment of their home.
- Pets must always be under leash control when not on the homeowner's property.
- No device or apparatus to which a line, wire or rope is connected for the restraint of animals or pets shall be constructed or permitted on any part of a Lot or the Common Property.
- Not more than two (2) dogs and/or cats will be permitted to be kept on any lot.

Additional information regarding pets and animals can be found in Section 4.1.7 of the Declaration of Covenants.

Sale or Rental of your Home

When you decide to sell or rent your home either by owner or through a Realtor, you need to transfer not only your property, but also the responsibilities of membership in the association. You can handle this within the purchase agreement of your home.

If you sell, your buyer will become a member of the association and be subject to the Covenants and By-Laws as you were when you purchased your home.

If you lease or rent your home, your tenant must be familiar with the Covenants and By-Laws of the association. It is extremely important that your tenant has a copy of the Declaration and knows the expectations of the community standards; however, in the event of a violation, the owner, not the tenant, is held responsible for the tenant's behavior.

Action Request/Procedures

Occasions may arise when homeowners have a specific concern they wish to bring to the Board of Trustees' attention. If the issue is a violation of association rules and regulations, written documentation addressed to the Trustees regarding the nature of the violation is necessary to ensure proper action is taken.

Homeowners are encouraged to resolve issues with their neighbors; however, if no resolution can be reached between the parties involved, submit a completed Complaint Form (Located in the Appendix), the steps you have taken, and your suggested solution for the problem. You may mail, e-mail, or fax your request to your Managing Agent. Upon Board approval, the managing agent will contact the homeowner involved and follow up based on the association's fine and enforcement policy.

Architectural Control Guidelines

The association has been charged with the responsibility of maintaining the aesthetic and architectural character of your community.

Owners desiring to make any exterior change, improvement, or addition must obtain approval for the change or improvement from the association through its Board of Trustees. All applications will be considered on an individual basis and all reasons presented for the improvements will be weighed and evaluated based on the following considerations:

- The harmony of external design and location in relating to surrounding buildings in the community
- Adherence to Guidelines and Use Restrictions established in the Declaration of Covenants, By-laws, Design Standards as adopted by the Architectural Design Review Committee, etc.

Improvement Applications

- Submit to the Managing Agent, a completed Improvement Application (located in the appendix) with a description of the improvement and include drawings, photographs or catalog picture specifications as necessary. Attach a plot plan indicating where the improvement or modification will be located on the lot.
- The Board of Trustees and/or designated committee will review the application and approve, disapprove, or recommend additional or alternative improvement modifications. The owner will receive notice of the decision within the time period allowed in the Declaration.

Below are some of the most common projects where an Improvement Application may be required. This is not a complete list so if you are in doubt about the need for an Improvement Application for your project please contact the Managing Agent.

- Alterations and additions to landscaping.
- Addition of an irrigation system for lawn and/or landscaping.
- Addition of fences around patios and rear of home.
- Addition of fixed and retractable awnings over patios.
- Any change of paint color scheme from original as provided by the developer.
- Any deviation of roofing style and color from original as provided by the developer.
- Modifications to property water flow that may impact common areas or neighboring properties.
- Alterations or additions to original structure.
- Addition of any landscaping walls.
- Addition of storage sheds.

Any change, modification or improvement made by an owner is the responsibility of the owner for maintenance, repair and/or replacement.

Unauthorized changes, modifications, or improvements must be removed or restored to original condition at the discretion of the association and will be at the expense of the owner.

The purpose of Architectural Control approval is not to discourage improvement, but to control the nature of improvements to enhance the value and conform to the overall aesthetic appearance of the association. This control should be looked upon as a protection of your investment. The Board of Trustees and the association members are in favor of improvements and encourage owners to personalize their homes within the limitations of the Declaration of Covenants, Conditions and Deed Restrictions, Design Standards as adopted by the Architectural Design Review Committee and By-laws.

Violation Fine and Enforcement Schedule

(As adopted by the Board of Trustees September 20, 2019)

Management sends a violation notice regarding the nature of the infraction of the Association's rules and regulations and requests that it be resolved within 14 days. If the homeowner needs additional time, a request to the management company should be sent in writing for Board consideration.

If the infraction has not been corrected after the initial 14 days, management sends a second violation notice. This notice will demand remedy within 7 days and will advise the next step for the HOA will be a fine.

An initial fine of \$50.00 is levied against the owner's account. The fine will escalate to an additional \$100.00 each 7-day period until resolved.

Fines not paid within 30 days of initial assessment may be subject to late fees as well as charges to collect legal, filing, or administrative fees related to the infraction. If the infraction remains and/or the fine(s) remain unpaid after thirty days, the Board may file a lien against the property. The Board also reserves the right to seek a court injunction for removal of the violation and/or to proceed with foreclosure.

Appendix

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