

Covington Club Condominiums

Welcome Home, Neighbor!

Together, we will protect our mutual investments
and strive to make this a prime community and
wonderful neighborhood

Updated November 2020

Welcome Home!

As an owner of a condominium unit, you have purchased a piece of real estate that is complicated to fully understand. The legal documents that attempt to fully explain what you own are lengthy and are rarely ever read by the owners who own condominiums. Furthermore, the Indiana legislature annually adds to the legal requirements which govern every Homeowners Association in the state.

It is essential that you understand your rights and responsibilities as an owner.

Owner's Responsibilities

Condominium ownership offers benefits but requires responsibilities. There is a mistaken belief that living in a condominium means you have no responsibility for the common areas, or anything outside your unit. Every Homeowners Association ("HOA") requires a Board of Directors to lead it. The Board is elected by the owners. Most HOAs struggle to find new Board members to replace those who move away decide to step down because of other life commitments. The great thing about owning a condo is that you can share the load of property ownership. That load is essentially caring for the value of your asset, which includes the common areas—the grounds and everything outside the living units.

As an owner who is not on the Board, you can support them in several ways. You can offer your help on special projects that interest you, serve on a committee, and, in general, treating the Board members respectfully as volunteers who work to do the right thing for the HOA.

As an HOA member, it's important that you attend and vote at the annual meeting, typically taking place in the fall. In order to protect your interests as an owner, it is important to elect Board members who understand and will represent the interests of the HOA.

You've made an investment into Covington Club; the future value of your investment can rise or fall based on the health of the HOA.

Sustaining a Healthy HOA Includes:

- Holding an annual meeting where a majority of owners are present.
- Owners who do not serve on the Board support the Board's efforts by serving on committees, or stepping onto the Board as needed.
- Owners paying their monthly fees/dues and special assessments on time to the HOA. The dues and assessments exist to benefit you and the entire HOA. Left unpaid, something (like grounds maintenance and basic property upkeep) may suffer as a result.
- Understanding that the HOA is an entity consisting of all owners and exists for the benefit of Covington Club as a whole. Sometimes, our own desires may not be in the best interest of the entire HOA. Flexibility and understanding are important considerations.

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What are My Rights as an Owner?

The governing documents for the HOA, known as the Covenants and By-laws, and Indiana state law provide you rights as owners. To simplify, below are a few key rights of an owner:

- You have the right as an owner to, each year, elect a Board of Directors to represent the collective interests as the HOA. The Board members are similar to trustees or fiduciaries to see that the interests of the HOA are protected.
- You have the right to view certain financial statements of the HOA.
- You have a right to review the minutes from the HOA Board meetings. These are posted to the website (www.covingtonclub.net).
- You have the right to expect the HOA to fulfill its duty to maintain and protect the common areas.
- You have a right to receive the budget and other financial information prior to the beginning of each new year and be aware of how your monthly assessments are being spent.

Property Management

Vendors are retained by the Board of Directors to assist with many issues pertaining to the entire HOA. The Board bids multiple vendors for projects then selects the best fit. These vendors work closely with and are accountable to the Board only. Property management responsibilities include but are not limited to:

- **Maintenance Issues:** Coordinating maintenance requests and the needs of the HOA. This includes landscapers, roofers, plumbers, etc.
- **Accounting:** Collecting the monthly dues payments and special assessments, processing payable items to vendors, and producing monthly financial statements to the Board.
- **Administrative:** Performing administrative functions including notices to owners, distributing minutes or other items furnished to them, and writing violation letters to owners.

Maintenance: Why are Some Items Repaired and Others Not?

The question of who is responsible for the maintenance of different components of the property can be confusing and complicated. Settling the issue of who is responsible for maintenance is sometimes a gray area, as it is defined in both the Covenants and By-laws and Indiana state laws.

In some cases, the law prevails; in other cases, the documents guide the decision. Often the governing documents are not clearly stated, and the law, which is typically more current, will be more helpful. The Board seeks guidance from an attorney to counsel them on these decisions. Often times, the Covenants and By-laws can be updated, and the HOA, can decide which areas need clarification.

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There are three common sources of maintenance issues that can originate with an HOA:

- **Common Areas:** Common area means the entire common interest development excluding the separate interests therein (for example, lawn, landscape, roof, drives, lighting, and mail room).
- **Separate Interests or Individual Units:** This is commonly defined as the walls, floors, or ceilings designated as the boundaries of a separate interest.
- **Exclusive Use Common Areas:** This is a portion of the common areas designated for the exclusive use of one or more, but fewer than all, of the owners (for example, board approved patios, outdoor lighting, etc.). Refer to Bylaws for further information.

Unless the governing documents provides otherwise, any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors, doorframes and hardware incident thereto, screens and windows, or other fixtures designed to serve a single separate interest but located outside the boundaries of the separate interest are exclusive use common areas.

Emergency Maintenance

An emergency is defined as a current or imminent threat to personal safety or property from a common source. An example is a roof or plumbing leak, either from the roof itself, heavy rainfall, or from a common source plumbing supply line. Another example of a true emergency includes an elevator stoppage/outage (affecting Buildings 3 and 4), or a power outage.

A personal property emergency, like water leaking from the back of a toilet or under a sink, is not a common area emergency. The HOA is not responsible for this type of plumbing emergency. As the owner of your unit, this is your responsibility.

If water is entering your unit from above you and it is not raining, immediately go upstairs and attempt to contact your neighbor. There may be a plumbing leak they are unaware of. By taking this action first, the resulting damage will be less significant. If no one is home upstairs, please contact a Board member, who will find a vendor to address the issue as soon as possible.

Rain-Related Issues: The roof is considered common area. Consequently, leaks which prove to come from the failure of the roof are the HOA's responsibility. Please report a leak to a Board member.

If there is a rain-related leak into your unit, please protect your possessions and use buckets to capture any water. It is very difficult to effectively repair roof leaks during a rain storm. As a result, you may experience a leak for a longer period than you may think is appropriate. Once the storm clears, a roofer is in a better position to diagnose the source of the leak.

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Insurance

Our bylaws require each homeowner to carry an insurance policy. A copy of your individual insurance policy certificate is required to be submitted to the board. Submit a copy of your individual insurance policy certificate to Board Secretary Gayle Burns by email to: gaylebrn@comcast.net, or by mail to:

Covington Club, Inc.
Attention: Gayle Burns
4701 Covington Road, Box 35
Fort Wayne, IN 46804-5070

What would be covered by my individual policy?

- Items not covered by the HOA master policy may be the responsibility of your personal insurance.
- The value of alterations to your unit made by you at your expense (for example, if you put in better carpet than was originally there, coverage would recover the difference in case of loss).
- Damage to your unit not compensated because of the master policy deductible. Loss assessment provides up to \$1,500 (policies vary) for assessments arising from covered damage. This can be used to pay for your share of property damage or injury awards for which your HOA's policy does not provide coverage. Typically, up to \$50,000 is available, but varies depending on your policy.
- Personal property insurance provides coverage for your household's contents in case of theft or fire damage.

Monthly Assessments: How Do I Pay?

The obligation to monthly assessments, sometimes referred to as dues, is required of every owner. **These are due by the first day of each month.** This is mandatory, and is always an amount determined by the Board during the year's budget process. Every unit owner, and Board member, wants the lowest dues possible. However, there are rarely any excess funds. In fact, most times the opposite is true. It is very important to the HOA that you take your responsibility to pay your dues very seriously.

The Board wants the payments to be easy for you! As such, there are multiple ways to pay. While they are not legally required, billing statements can be sent to you. You can pay by check, using automatic payments set up through your bank, or by credit card (there may be a fee to pay by credit card as most credit card company charge a fee). **A late fee penalty will occur if the monthly payment is not received by the 15th of each month.**

Please mail Monthly Assessments to:

Covington Club, Inc.
4701 Covington Road, Box 35
Fort Wayne, IN 46804-5070

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What Do the Monthly Dues Cover?

Each year, the HOA is required to adopt a budget for the following year. The budget process takes place just prior to the Annual Meeting in the first week of October in preparation for the beginning of the HOA's fiscal year start, which is January 1.

The budget will indicate all of the categories and what is expected to be paid for each during the coming year. Those categories include insurance, contracts, administrative expenses, and repairs or maintenance.

No budget is perfect since it is a projection of the future. It is always going to be inaccurate in some way, but is a legally required tool to project your assessments. There are unpredictable elements to every HOA. For example, it's not possible to know if 100% of the owners will pay their dues as they are required to do. This results in loss of income for the HOA and sometimes additional cost collections or attorney fees. There is no way to predict plumbing or roofing emergencies. A budget is simply an educated estimate based on anticipated maintenance.

Security Deposit

Passed by a previous board, a **\$300 security deposit fee is required for all new homeowners**. If you move away, this fee covers lost or replacement of garage door openers, lost or replacement of mailbox keys, and any damages to the foyer of your building caused by you. Upon sale of your unit, your security deposit will be reimbursed providing no expenses are incurred as described above.

Pet Deposit

When the bylaws were updated in 2018, a **\$500 pet security deposit fee was added for all new homeowners**. If you move away, this fee covers any damage your pet creates that then falls under the responsibility of the HOA to repair. This could be damage to landscaping, a pet accident in a common space like the foyer of a building, etc. Upon sale of your unit, your security deposit will be reimbursed providing no expenses are incurred as described above.

For new homeowners, please mail the required security deposit, and pet deposit if applicable to:

**Covington Club, Inc.
4701 Covington Road, Box 35
Fort Wayne, IN 46804-5070**

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Association Rules and Regulations

Most HOAs adopt rules and regulations to promote a great environment for all residents. When new rules are being considered, the Board must comply with a process in which all owners are given the opportunity to address them. For example, a rule that is discriminatory according to Federal law could not be enforced by the HOA.

If rules are violated, the HOA Board has a duty to enforce them. Typically, enforcement would consist of (1) an initial warning letter; (2) if no changes occur, the Board has the power to assess a penalty, pursuant to the rules of the Covenants and By-laws or, if not defined, by Indiana state laws governing condominiums. (3) Before a fine can be assessed, the owner has a right to request a hearing with the Board for the facts to be understood; (4) as a result, the Board may agree to waive or impose the penalty.

As a unit owner, it is important that you and everyone living in your unit are aware of the rules.

Special Assessments

Over the past ten years, the Board, along with the approval of owners, approved two HOA fee increases and one special assessment. For over 50 years, the individual buildings handled their respective expenses. However, in the past ten years, budget and fees were combined. Some buildings and outside work were left unattended. Therefore, projects needed attention with limited funding. A true reserve fund was developed beginning in 2013 with a fee increase. In 2019, due to roof repairs and landscape needs, a special assessment was put in place for all homeowners. This was the first onetime assessment, and was used exclusively for landscaping needs. To that extent, there are still pressing needs such as roof repair, drive repair, and some building improvement. The board only proceeds on fee and/or special assessment increases based on spending and needs.

The bylaws state:

“From time to time, Common Expenses of an unusual or extraordinary nature or not otherwise anticipated may arise. At such time and without the approval of the Owners, unless otherwise provided by the Bylaws, the Restated Declaration, or the Indiana Horizontal Property Law, the Board of Directors shall have the full right, power, and authority to make special assessments not in excess of \$500 per each such occurrence and per Owner of a Unit, which, upon resolution of the Board, shall become a lien on each Unit, (herein called ‘Special Assessment’).”

What Should I Do if I Have Issues with My Neighbors?

It is possible that you might occasionally have issues with your neighbors. It is typical for a conflict to arise over noise issues. With many condos being built with relatively thin walls, floors, and ceilings,

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and with inadequate insulation, this is an understandable frustration. However, it's very possible that your neighbor is completely unaware of the noise that's created from the occupants in their unit.

Just like neighbors in single family homes, conflicts between neighbors are best dealt with between neighbor to neighbor.

However, if you have already approached your neighbor and have not achieved a solution, the next step would be to communicate your frustrations in writing with the Board, who will review it at their next meeting.

Towpath Trail

Located in southwest Fort Wayne, the Towpath Trail takes visitors from Eagle Marsh to Rockhill Park. This trail begins at the Engle Road trailhead (one block south of the Engle and Jefferson intersection). Ride, run, or walk this mostly flat trail northeast to Rockhill Park. Restrooms and a drinking fountain are located at the park. There are also picnic tables, a basketball court, baseball fields, and a small playground for children.

Covington Club residents are fortunate to have very easy access to Towpath Trail. Our neighbors to the east have allowed residents access across their property. Along the east drive near the south most street lamp, there is an entrance through the woods marked by two round paver stones. Follow the path through the woods and over the bridge to access the trail.

For members of Fort Wayne Country Club, there is an access path westward through the woods in the southwest corner of the property.

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Association Board of Directors

Every HOA is required to have a Board of Directors consisting of owners elected by the entire HOA. Board members are volunteers and are elected to terms as specified in the By-laws and Covenants. The job of the Board is to provide leadership and direction to the HOA as a whole, follow Indiana state law, and governing documents of the HOA. Their role is to protect the interests of the entire HOA. The most common tasks facing the Board are to secure contracts for the needs of the HOA, to review and monitor financial matters of the HOA, and to make and maintain rules and regulations for the benefit of all unit owners.

The Board is required to meet periodically, with a goal to do so monthly. Notice of a Board meeting and the corresponding agenda will be posted in the mailroom four days prior to the meeting. As a unit owner, you are welcome to attend during the time period specified on the agenda for owner comments. The remainder of the meeting is closed to homeowners, however meeting minutes will be posted to the website within 10 days of the meeting (www.covingtonclub.net).

Volunteer Board service is critical to the proper function of the HOA. It requires somewhere between two to ten hours a month. This is mostly time at a meeting with intermittent time throughout the month. It takes a willingness to work for the interests of the entire HOA. This is essential.

As a volunteer Board member, you are expected to rely on the advice of experts. In fact, you are protected by insurance when you do. Collectively, the Board is a source of knowledge to help inform each other on tasks and responsibilities; each member has a great amount of resources to offer.

If you feel you can represent the best interests of the HOA and want to volunteer as a Board member, please speak with a member of the current Board of Directors. Every year, up to a full month prior to the Board of Directors elections (taking place at the Annual Meeting the first week of October), you will have an opportunity to nominate yourself, in writing, to be on the ballot. This nomination can be presented or mailed to the Board Secretary.

The 10/2019- 09/2020 Board of Directors:

President	Don Banowetz	Unit 29	don.banowetz@allprosystems.com
Vice President	Thomas Kimbrough	Unit 32	tmk@barrettlaw.com
Secretary	Gayle Burns	Unit 21	gaylebrn@comcast.net
Treasurer	Annie McAlexander	Unit 23	annie.mcalexander@gmail.com
Members At-Large	Jamie Justice	Unit 5	jamiejustice1972@yahoo.com
	Kristen Marcuccilli	Unit 33	kristin.marcuccilli@gmail.com
	Mark Merkel	Unit 9	markmerkel@watchtv.net
	Gary Robinson	Unit 12	garyandtheresa12@gmail.com

The entire Board can be reached via email at board@covingtonclub.net

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Covington Club Rules

This is a summary of the Rules of Conduct adopted by the Board of Directors found in the Restated Code of Bylaws. The rules are designed to protect the interests of all unit owners. It is the intention of the Board to administer these Rules of Conduct in a consistent and fair manner for all unit owners. Owners are responsible for their unit at all times and therefore also liable for the actions and conduct of family, guests, contractors, and sub-contractors.

All unit owners, their guests, and contractors shall:

1. Not lease or rent the unit and is a one family unit only.
2. Not hang garments, rugs, towels, or similar objects from the windows or balconies, nor post advertisements or posters anywhere on the property.
3. Not throw trash or garbage outside the disposal installation or garage cans provided.
4. Not throw anything flammable down the trash shoots (where applicable).
5. Not to act as to interfere unreasonably with the peace, quiet, and enjoyment of the residents of other units on the property. This includes slamming doors, loud music, and domestic disturbance.
6. Allow small dogs and cat only (cannot exceed 25 pounds). No breeding of any animals. No snakes, lizards, spiders, monkeys, or any and all exotic pets. Not to maintain any pets which cause distress to unit owners through barking, biting, scratching, or damaging property. All pets are to be on a leash at all times outside of a resident's unit. Unit owners shall be responsible for **collecting pet waste in a container** for proper disposal.
7. Not place or cause to be placed in the passages, parking areas, roads, or other common areas any equipment, abandoned cars, packages, or obstructions of any kind. No boats or trailers are allowed on the property for overnight parking.
8. Not make repairs to vehicles on the property.
9. Comply with all other rules posted on the property (e.g. parking rules, etc.)
10. Be responsible for the payment of damages to common areas caused by owners or their guests.
11. Not smoke in common areas.
12. Pay a processing fee which includes the late fee for each month the condo fees are late beyond 15 days. **Condo fees are due on the first day of each month.**

Violation of these rules of conduct will make the unit owner subject to a fine up to \$500.