

Cannonshire Maintenance Association – Frequently Asked Questions

I don't remember joining an association, why do you think I'm a member?

The deed restrictions that apply to all of the lots in our subdivision state that by accepting a deed to property, all lot owners become members of the association. You did not need to "join" to become a member. You will be a member for as long as you own your home, and when you sell it, the person who buys from you will become a member.

My house is in the name of both my spouse and me. Are we both members?

Yes. However, all assessments and costs of being in the association, and all voting rights, are determined by lot, not by member, so a lot that is owned by 5 members, for example, will not pay any more, or have more votes in the association, than a lot owned by 1 member.

Votes? Do I have a vote in how and what the Association does?

Yes, once the development was turned over to the Cannonshire Maintenance Association, every homeowner in Cannonshire became a part of the association and we control the association. Each lot will have one vote in all matters submitted to the association for a vote. You must be a member in good standing in order to exercise your vote i.e. dues assessment paid in full.

What exactly does the Cannonshire Maintenance Association do?

The Association is responsible for making sure that all "common areas" in the subdivision are cared for and insured, and that all bills are paid. Common areas usually are portions of a subdivision, which are not owned by individual lot owners, and are used for the mutual benefit of everyone – such as entryways and open spaces. Bills include taxes for land owned by the Association, the costs of cutting the grass, planting and taking care of other landscaping in common areas, electric bills, snow plowing, insurance and administering the deed restrictions.

Administers deed restrictions? What does that mean?

All lots in our subdivision are subject to deed restrictions which affect what can and cannot be done on any individual lot. For example, the deed restrictions state that lots can only be used for single-family residential purposes – that means no one can build an apartment, retail store, office building, etc. on any lot. Only single-family homes are permitted. There are many restrictions, affecting whether and where fences can be built, what can be stored outside of homes, whether outdoor antennae are permitted, whether you can have an above-ground swimming pool, whether you can raise farm animals, and many other things too. CMA administers the restrictions, meaning several things. First, it means that if someone does something that is not permitted by the restrictions, CMA enforces the restrictions. It also means that if something can only be done with permission (such as fence and deck construction), Cannonshire Maintenance Association reviews plans and grants or denies permissions to do those things.

Wait a minute. I own my home. You mean I need someone else's permission to build a fence, or a deck?

Yes, that's right. The purpose of the restrictions is to preserve the quality of the subdivision as a whole. That means making sure that there is a general consistency in the quality and appearance of the improvements and structures that are built in the subdivision. Would you like to live next to someone who installs a chain-link fence painted bright pink along your property line? And even if you like bright pink chain-link, would you like it if that fence were next to another neighbor's yellow and blue picket fence? Our developer determined that it is better to regulate what can and cannot be built, to protect everyone from such a situation. In some subdivisions, fences are completely prohibited. In ours, they are simply restricted, meaning, for example, that only certain fence materials may be used, or that a common color scheme must be met, or even that fences can only be built of a certain size, style or in certain locations. Our deed restrictions indicate what the general fence guidelines are, but all improvements like fences and decks must be approved in writing before they are built.

How do I get plans approved? Does it cost me anything to get plans approved?

Plans are to be submitted to the Board of Directors - Cannonshire Maintenance Association - Architectural Review Committee - showing exactly what you are planning to do. Please refer to Article II - Architectural Control - Section I. There is no cost associated with the submission of your plans.

How are deed restriction violations handled?

Cannonshire Maintenance Association does not consider itself to be the "deed restriction police." We keep our eyes open for problem situations, but usually we find out about violations as a result of complaints from residents in the neighborhood. When we receive a complaint, we verify that the problem exists, and if it is something that warrants enforcement, we contact the owner of the property where the violation exists. Usually this is done in writing. We ask the owner to voluntarily comply with the restrictions, but warn that we have the right to take legal action if they don't do so.

Legal action? Isn't that expensive? And do we really do that? ...

Yes, yes, and yes. Sometimes, the only way to get a person to comply is to take legal action. That means filing suit in county court, and we do it if we have to. That is authorized by the deed restrictions and covered under the By-Laws of Cannonshire Maintenance Association. It can be expensive, but it is expensive to the person who has the violation, not to the association. You see, the restrictions state that the costs of enforcement, including attorney's fees paid by the association, are the responsibility of the person who violated the restrictions and made the enforcement action necessary. Our letters to owners asking them to bring their properties into compliance with the restrictions warn the owners that they will have to pay enforcement costs if they don't remove the violation.

... And what do you mean by something that "warrants enforcement"?

Not all complaints we receive result in enforcement actions. Sometimes, owners of one property just don't like what their neighbors are doing, and complain to us about it. We only get involved if a clear violation exists. Even then, when possible, we try to resolve problems before taking formal action. We encourage neighbors to try to work out differences among themselves, but we're here to help if we're needed.

How are the annual dues determined, and where does the money go?

Your homeowners' association is a not-for-profit corporation, so the dues you pay are determined according to what the actual costs of running the association are expected to be. The Cannonshire Maintenance Association Board of Directors get together to estimate what the total costs of taking care of all association responsibilities will be and then we divide that number by the number of lots in the subdivision. The budget is then voted on and accepted at our Annual Meeting. You pay your share, just like all other lot owners. Dues are collected annually, and they include the estimated costs of maintaining the common spaces (lawn, landscaping, misc. maintenance, etc.), utilities if applicable, taxes and insurance. Currently, your dues are paid to the association, and deposited into an association bank account. Bills are paid directly from the association's account.

Interest? Late charges?

Your annual dues are payable within 30 days of the date indicated on the dues notice that you receive after the Annual Meeting. Any assessments which are not paid when due shall be considered delinquent. If the assessment is not paid within thirty (30) days after the due date the assessment shall bear interest from the date of the delinquency at the rate of eighteen per centum per annum (18%), and the maintenance corporation may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorneys fees of any such action shall be added to the amount of such assessment.

What happens to people who don't pay their dues?

In addition to the late charge and interest, the association has the right to file suit, and/or to file a lien against the home of a person who does not pay his/her dues. If suit is filed or a lien taken, all of the costs of doing so have to be paid by the person who didn't pay the dues in the first place. Cannonshire Maintenance Association believes that it is fundamentally unfair to allow some owners to get away with not paying their dues. It is unfair to all owners who do the right thing and pay their dues on time, and it is harmful to the subdivision as a whole. As a result, we will take all necessary actions, assessing interest and late fees on delinquent accounts up to and including legal action to collect dues, including dues for previous years. The least expensive alternative for every owner is to pay the dues and pay them on time.

What if I have other questions?

Contact us. We're happy to answer any questions you have (or at least we'll try!). You can contact us by phone or by letter.