

Recently it came to my attention that homeowners may not be aware of the difference between the **Association's Covenants, Conditions and Restrictions** and **The Architectural and Environmental Standards of Westbrook Village**. I thought I would take this opportunity to explain not only the difference, but also the role that the Architectural Control Committee plays when it comes to each.

The Covenants, Conditions and Restrictions (CC&R's) for Westbrook Village Association are the one of the three governing documents of the community (the other two are the Bylaws and the Articles of Incorporation). The CC&R's were written and recorded during the development stage of Westbrook Village - prior to even the first home being sold. The CC&R's were recorded on October 1, 1982 and contain the provisions that EVERY homeowner purchasing in Westbrook Village agreed to live by **prior** to closing on their home.

The CC&R's contain strict provisions regarding Use Restrictions - what can and cannot be done or built on the individual lots. When a community has recorded CC&R's it is often referred to as a "Deed Restricted Community". Many homeowners purposefully purchase in a "Deed Restricted Community" since they know these restrictions will enhance their property value, and they have recourse through their association on those items outlined in the CC&R's.

For an example one of the provisions in the Westbrook Village CC&R's is **Storage Sheds, Tool Sheds and Structures**. The CC&R's clearly state "No storage or tool sheds or similar structures shall be placed, erected or maintained upon any part of the Properties except where such structure is constructed as an integral part of a Residential Unit (including material, color and the like) in accordance with the provisions of Article IX hereof, including approval by the Architectural Control Committee."

This basically means that freestanding storage areas or buildings are not allowed; however if built as an addition to the home, using the same materials (stucco, roof material, etc) and design, the Architectural Control Committee can set standards and if the plan meets the standards approve the addition. However, the Architectural Control Committee could not review or approve a free standing storage shed tool shed or structure. This type of application would have to be returned to the homeowner as denied; since it is clearly stated in the CC&R's that it is not allowed.

The Architectural Control Committee can set Architectural and Environmental Standards for the community as long as those "Standards" are not in violation with the CC&R's or local, county, state or federal laws. The Architectural Control Committee **CANNOT** change, modify or amend the CC&R's - nor can the Board of Directors.

Only a vote of the homeowners can change the CC&R's. In order to change or amendment to any provision of the CC&R's it requires the affirmative vote of members representing at least 75% of all 3,910 votes or 2,933 affirmative votes.

While the Architectural Control Committee may from time to time modify or amend the "Architectural & Environmental Standards" to meet the changing needs of the community - they cannot change or amend the CC&R's and they along with the Board of Directors and the Administration Staff have an obligation not only to uphold the CC&R's but to enforce them.

Please keep in mind; the items restricted in the CC&R's were carefully considered by community planners, and deemed to be of utmost importance in promoting and enhancing property values, and decreasing the "aging" process of the community. In all there 23 areas addressed. I will be addressing 2 of these each month in the e-mail news alerts, in the Lifestyles and at www.westbrookvillage.org.

I wanted to share this with you because often when we deny an item because of the CC&R restrictions, homeowners do not understand why we can't make an exception, or variance to allow them to proceed. We here that the Architectural Control Committee will not allow it - which is not the case at all. As you can see, the legal documents do not give us this option. The fiduciary duty of the Board is to enforce the CC&R's - since this is the legal document homeowners agreed to - it is not up to the Board, the Architectural Control Committee or the Administration to determine which of the regulations may have been the reason you moved here, but you can rest assured we will continue to do our very best to enforce them in the manner prescribed by the legal documents and the Arizona State Laws.

If you do not have a complete set of the CC&R's or the Architectural and Environmental Standards, I would encourage you to request a copy. You can do this by e-mailing me, or by calling the Administration Office. We will have a copy prepared for you and notify you when it is available for pick up.