

MEMORANDUM

TO: Bruce Dorfman and Joanna Julian
FROM: Ella Gower and Jane Martin
DATE: December 27, 2022
RE: Mallard Pointe Declaration of Restrictions (CC&Rs)

A Declaration of Restrictions (CC&Rs) (the “Declaration”) will be recorded which will govern the Mallard Pointe Development (the “Development”). The Declaration will provide that an owners’ association (the “Association”) will manage the Development. The Association will be an incorporated nonprofit mutual benefit corporation which will be governed by a Board of Directors elected by the Lot and Condominium Owners.

The Declaration will provide that each Lot/Condominium Owner shall be a member of the Association. Each Owner shall maintain their Lot/Condominium and any utilities exclusively serving their Lot/Condominium. The Lot/Condominium Owner’s maintenance responsibilities shall be in accordance with maintenance standards and all applicable laws.

The Declaration will further provide that the Association will: (i) own and maintain the private street; (ii) maintain any private utilities not otherwise maintained by a government entity or regulated utility company; and (iii) maintain any private storm drain improvements (including bioswales). The Association will also have the primary responsibility for enforcing any restrictions for the Development that are required or that may be appropriate.

The Association will prepare an annual budget report each fiscal year showing the estimated revenues and expenses of the Association. The Association will levy and collect assessments to fund its management and maintenance duties. Each Owner of a Lot/Condominium shall be obligated to pay the assessments levied against their Lot/Condominium. If an Owner fails to pay its share of assessments the Association may impose a lien against the applicable Lot/Condominium.