

THE VILLAGE AT ELK HILLS CONDO HOME OWNERS ASSOCIATION
RESOLUTION # 002-2020-- Water Intrusion Damage

WHEREAS: The Village At Elk Hills (VEH) has Covenants, Conditions and Restrictions (CC&R's) hereafter referred to as the Governing Documents, consisting of 1. Articles of Incorporation, 2. VEH Declaration of Unit Ownership (the Condominium Plan), 3. VEH Declaration of Restrictions, and 4. VEH Bylaws: and

WHEREAS: some of the VEH Governing Documents **are found to** be contradictory, conflicting, and inconsistent: and

WHEREAS: the VEH Governing Documents provide for the ranking, priority, and precedence of the Governing Documents as: 1. Articles of Incorporation, 2. VEH Declaration of Unit Ownership (the Condominium Plan), 3. VEH Declaration of Restrictions, and 4. VEH Bylaws, (VEH Declaration of Restrictions #14.15 page 40): and

WHEREAS: the VEH Governing Document, the VEH Declaration of Unit Ownership (the Condominium Plan) is established as taking precedence over other VEH Governing Documents, namely, the VEH Declaration of Restrictions, and the VEH Bylaws: (VEH Declaration of Restrictions #14.15 page 40): and

WHEREAS: the overriding VEH Governing Document, the VEH Declaration of Unit Ownership (the Condominium Plan), defines a Condominium (1(f), page 1) and defines a Unit (1(n), page 3 and 4): and

WHEREAS: the overriding VEH Governing Document, the VEH Declaration of Unit Ownership (the Condominium Plan), further states (#3, paragraph 3-line 2 page 5) "Each Condominium shall include any doors or windows within a perimeter wall...": and

WHEREAS: the overriding VEH Governing Document, the VEH Declaration of Unit Ownership (the Condominium Plan), further states (#3, paragraph 4 page 5) "Each Owner shall be responsible for the upkeep and maintenance of the interior of his or her unit and for the upkeep of all other areas, features or parts of his Condominium...; and

WHEREAS: the overriding VEH Governing Document, the VEH Declaration of Unit Ownership (the Condominium Plan), being silent on water damage or intrusion to a Condominium Unit, from either the General Common Elements or Limited Common Elements (as defined in the VEH Declaration of Unit Ownership (the Condominium Plan 1 (i) and 1 (j), page 2);

NOW THEREFORE, The Village At Elk Hills (VEH) Home Owners Association Board of Directors (BOD) tasked with the responsibility to implement the VEH Governing Documents,

HEREBY AFFIRMS AND RESOLVES that the policy on water intrusion into a Condominium Unit, from any source, is governed by the Water Intrusion Damage Policy in the Governing Document Declaration of Restrictions #8.15 page 29 which states: **“Water Intrusion Damage. An Owner shall be responsible for, and may obtain and maintain such insurance, at his or her sole expense, to protect against any damage to, loss of, or the cost of repair or replacement of (a) personal property, (b) decorations, (c) floor or wall coverings, (d) appliances, (e) fixtures and (f) other similar items within a Unit due to water intrusion. The Association shall not be liable to any Owner or his or her tenants, guests or others, for damage to such property resulting from water which may leak or flow from outside of any Unit or from any part of the building, or from any pipes, drains, irrigation system, conduits, appliances or equipment or from any other place or cause, unless caused by the gross negligence of the Association, its Board, officers, agents or employees.”**

This resolution was approved unanimously at the October 08, 2020 Village at Elk Hills HOA #1 Board Meeting’