



CHERRY HILLS HOMEOWNERS ASSOCIATION

PO Box 641803 • OMAHA NE 68164-7803

Current Resident

July 1, 2009

Omaha, NE. 681

Boundary Fence Lot Owner

Dear Current Resident,

As you know, the boundary fence in your backyard is on your property and legally yours. You also know that the fence is maintained by the Cherry Hills Homeowners Association. The reason it is maintained by CHHA is that it is required by Article II, Boundary Fence, of the Declaration of Covenants, Conditions, Restrictions and Easements of a part of Cherry Hills, a subdivision in Douglas County, Nebraska for Phase II and Article III, Easements and Connection, Paragraph 3 for Phase I. The purpose for this arrangement should be obvious. However, some of the reasons include: visual appearance to prospective buyers; continuity and uniformity of the subdivision; the impression it leaves with visitors and outsiders; and, provides pride in the existing residents to maintain all structures to a competitive level.

The fence is physically checked and maintained for normal wear and tear twice a year. The funds used to repair the fence are from the annual dues you and every lot owner pay. In the past, maintenance consists of replacing posts that have rotted off and replacing broken and missing boards. The board has upgraded the toe nail method of attaching the panel to the posts by using metal brackets that are bolted to the posts. This has resulted in less panels becoming detached from the post and falling. Maintenance that is required because of negligence by a homeowner is accomplished by the CHHA and billed to the homeowner.

The cost of normal repairs and replacement vary from year to year. The board estimates this years cost to be \$10,000.00.

The reason for this letter is to inform you of your responsibility as an owner of a section of the boundary fence in the event of a major wind storm, tornado, or other natural disaster that would destroy your section of the fence. The lot owner's homeowner's insurance plan includes coverage from storm damage to repair or replace existing fence on that property to the original design. The CHHA expects that the homeowner would file a claim to repair/replace the storm damaged fence to the original design. The CHHA would repair the fence with the insurance money from the lot owner. However, if the homeowner fails to act within a 90 day period, the CHHA will repair/replace the storm damaged fence to the original design and bill the homeowner.

If repairs need to be made due to negligence, misuse, or neglect by a lot owner, the cost will be charged to the lot owner.

The CHHA understands that everything is not "cut and dry". Therefore, if a situation arises that doesn't appear to meet the situation as generally presented here, please contact the CHHA.

Sincerely,

Cherry Hills Homeowners Association Board of Directors.

Cherry Hills Homeowners Association Volunteers working to retain value and build community.

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