

Overview

HOA and Kappes-Miller Common Area Designation

The HOA uses Kappes-Miller Condominium Management, LLC services

Overview

I think this may sum up what we have been trying to communicate to the HOA and Kappes-Miller for the last 3 years.

Washington County Information

Lawyers Title company supplied links to the all Townhome Village @ Cedar Hills Washington County records

The Washington County record CCR BOOK 1060, PAGE 566 specifies unit 43 and unit 44 have the same amount of Interest in General Common Elements. There seems to be no contradictions to The Washington County record CCR BOOK 1060, PAGE 566-571 are at the end of this document.

Section 3.3 Unit Designation table, page 569, shows units 43 and 44 have 1,252 sq.ft of floor space and with 1.8765 Percentage of Interest in General Common Elements. That equals $1,252 \times 1.8765 = 2,350$ sq.ft ownership in the General Common area. My measurements agree with this number.

General Common Elements page 570 states:

Each unit shall be **entitled to percentage ownership in the general common elements** as set forth above in Section 3.3 and shall be liable for the general common expenses in the same proportion.

We are unit 43. This aerial view shows that units 43 and 44 do not have the same amount of Interest in General Common Elements. The HOA and Kappes-Miller for the last 3 years have maintained that the 40% of our backyard outlined in yellow is General Common Elements that we are not allowed to use

▲ North



Limited Common Area Units 43 and 44

▼ South

The HOA and Kappes-Miller Responses

I have spent time over 3 years collecting and sharing information with HOA and Kappes-Miller hoping to resolve this problem.

HOA Response

I asked the HOA to join Mary and me to look at and discuss the problems. A board member accepted and we had a productive discussion ending with the board member saying it is Common Area. I asked why, the board member did not have an answer.

I have asked this question to HOA and Kappes-Miller over the years. The few times there was a response, the answer was the same.

Kappes-Miller Response

Garden Shed

We submitted an ARCHITECTURAL & DESIGN APPLICATION FORM to the HOA and Kappes-Miller on April 15, 2020 requesting a freestanding garden shed to be placed near our bedroom wall, with clearance for building, maintenance, and winter weatherization. It was **DENIED**.

The HOA Board and Architectural Committee said they investigated the unit property lines July 14, 2020 using a site map after reviewing the architectural request. They determined that the area in question is considered a "common area," and is not part of our property, and thus cannot be built upon.

I appealed the decision and requested a explanation including the the site map. I did not receive a reply

This "common area" was news to us. During inspection of Unit 44 we asked the buyer and seller realtors about the dividing fence separating areas of the backyard. They did not know. The HOA board member we talked who did not know why it was a "common area"and mentioned it was the realtors responsibility to have informed us.

There seems to be no contradictions to The Washington County record CCR BOOK 1060, PAGE 566-571. How could the realtors or title company inform us?

Proof Previous Owner Used The Area

The HOA and Kappes-Miller asked if I had any proof that the previous owners used the area.

I sent them this arial photo showing the previous owners did use the area.

I did not receive a response.



Previous Owner Use Of Area

Removing Dividing Fence



Remove Dividing Fence

We want this fence dividing our **Entitled Percentage Ownership In The General Common Elements** removed.



Remove Dividing Fence

Replace Fence With Proper HOA Fence and Gate



SW Corner of Unit for New Proper HOA Fence and Gate Placement

Replaced dividing fence with a proper HOA fence and gate at the south end of our **Entitled Percentage Ownership In The General Common Elements** area

We will then be conforming to the uniformity of Townhome Village style.

Thank you

John and Mary Telford

9210 SW Wilshire St

Portland, OR 97225

John Email: john@johntelford.com

John Phone & Text: 503-312-7248

Mary Email: mary@mary774telford.com

Mary Phone & Text: 503-312-

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