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Dear Mr Pohl:

Our property manager, Todd Nelson, and a member of our board, Fred Miller, met with you several weeks ago concerning the responsibilities and authorities of the Porto Cima Town Home Owners Association. As a followup to that meeting we have additional questions we would like you to comment on.

First, we are defining exterior structure to be the surfaces exposed to the outside. Thus the Association's responsibility for maintenance includes the dryvit surface, roof, decks and railings. Conversely, all structural components inside these surfaces are the responsibility of the Townhouse Owner. For example, a roof water leak reported by an Owner will be repaired promptly but related interior issues, including studs, insulation and drywall are the homeowner's responsibility. The homeowner is urged and expected to report exterior problems promptly so as to minimize interior issues.

Next is the question of authority to assess an individual homeowner for repairs made by the Association for items which fall under the category of homeowner responsibility but are made in order to maintain neighborhood integrity, safety and appearance standards. It appears that this authority would flow from Section 5.9. In addition, if a Townhouse Owner does not provide payment, then, as with any other assessment, a lien may be filed against the property.

There is also a question of authority to assess a neighborhood. Section 5.7 appears to address this question directly. Either a majority vote of the Owners in the neighborhood (in the event the reason for the assessment originates among the owners) or an application of the phrase "as determined by the board" would seem to allow this authority.

Finally comes the question of definition of base assessments and how this definition impacts total assessments. Section 5.3 creates a special budget category to ensure that there are sufficient reserves to fund future repair and replacement costs. The last sentence in Section 5.6 would appear to allow the establishment of a contribution to a reserve fund that is not capped by the 5% limitation.

As always we appreciate your counsel,

William Manion, President
Porto Cima Townhome Owners Association