

LakeRidge Falls

4200 LakeRidge Blvd.
Sarasota, FL 34243

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Here are the more important stories we had this past and upcoming weeks:

Lot Ownership and Maintenance – It is not uncommon for a title agency, a mortgage company, an insurance agency, or a realtor to call my office in order to obtain information required for the purchase, closing, refinancing, and/or insuring of a property. One of the more common requests is to obtain a copy of the Association’s master insurance policy or a copy of a wind mitigation inspection. This issue comes up mainly with units located in the Sandstone and Victoria Falls neighborhoods. The reason for this has to do with the misconception that the paired villas and quads are condominium units.

You see, a condominium, in most cases, is a unit in a group of units where the homeowners own their individual unit space while sharing the ownership of the dwelling (i.e. walls, roofs, etc.). The entities mentioned above, therefore, mistakenly assume the units in Sandstone and Victoria Falls neighborhoods are condominiums. Therefore, they assume the Association holds insurance policies or wind mitigation inspections on file for those units as most condominium associations do. However, there is a significant difference between a condominium association and a homeowner association.

The main difference, generally speaking, between the two has to do with the ownership of the lot, i.e. the parcel of land owned. A condominium owner, using simplified terms, shares the ownership of the land on which the unit is on with all the owners in the Association. A single-family homeowner, on the other hand, has sole ownership of the lot land. Why do we bring this topic up? Well, if a professional as mentioned above get the two confused it is therefore not surprising this misconception is being passed to residents. This article is a simple attempt to clarify the matter in order to assist our residents to better understand ownership and association responsibility regarding maintenance matters.

First and foremost, please note that regardless of where your house is in LakeRidge Falls you own the lot land on which your house is located. As a side note, the exact definition of the term lot can be found under Article II of LakeRidge Falls’ governing documents. On its website, Esurance Insurance Services, a leading direct insurance company, provides a simple but nevertheless comprehensive explanation that emphasizes the significance of this matter. Esurance explains that: “one of the key differences between home and condo ownership concerns how much of your residence you have to insure. Buying a home means you own and are responsible for the inside and outside of your place, including the land it sits on. Buying a condo, on the other hand, only leaves you solely responsible (usually) for the interior of your place. The outside land, condo building structure, and building common areas are all typically jointly owned by you and your fellow condo dwellers and insured by your homeowners association (HOA)” ([source](#)). Therefore, it is important that you convey the fact that you own your lot to your insurance agent, refinance lender, realtor, or any other professional who provides services related to your real estate property.

A direct correlation to the issue of lot ownership is the matter of maintenance. Every now and then, a question is raised. If LakeRidge Falls is a homeowner association why does it maintain individuals’ properties as many condominium associations do? The answer is simple and can be found in LakeRidge Falls’ governing documents Article VI, Maintenance and Repair.

Under section 6.1 Maintenance of Lots (a) of LakeRidge Falls’ governing documents it states that: “each owner must maintain his or her Lot, including all structures, landscaping, and other improvements comprising the Lot, in a manner consistent with the Governing Documents, the Community-Wide Standard, and any other applicable covenants, except to the extent that such maintenance responsibility is assigned to or assumed by the Association pursuant to this Declaration...”

Looking closely at the above, it clearly states that homeowners must maintain their lots, i.e. land and building, based on the standard set by the Association Using simple terms and without making a legal stand, homeowners in the community are responsible for the maintenance of their properties. Simple as that. Nevertheless, the question remains: why does the Association performing maintenance work such as landscaping on residential lots? The answer is because the section brought above also states that the Association is responsible for the maintenance that is assigned to it under the governing documents or maintenance the association assumed responsibility for. Here are a couple of examples of the meaning of assigned and assumed.

Association Assigned Responsibility: Article 6.1 assigns the responsibility of maintaining originally installed landscaping to the Association. Therefore, the Association maintains the landscape at the front of your house.

Association Assumed Responsibility: In 2016, the Association assumed the responsibility of maintaining all the sidewalks in the community. Therefore, the Association is repairing or replacing broken/raised sections of sidewalks in front of your house.

Therefore, the responsibility of a maintenance duty falls on you as a homeowner if the Association was not assigned or did not assume such maintenance responsibility duty. Some examples of maintenance responsibility duties, but not limited, that falls under homeowners' responsibility are painting, roof repairs, windows, plumbing/sewer, and driveway repair or replacement. This issue can be confusing at times and therefore it is always a good idea to contact our offices in order to get some clarifications. We, of course, will always be happy to assist.

We hope you find this article beneficial.

Roof Cleaning – Here is a short update of the roof cleaning project in Victoria Falls Neighborhood. H2O Cleaning and Restoring is halfway through. At the current moment, they are midway on Kariba Lake Terrace moving towards the last section of Vitoria Falls Circle. With the above in mind, please note that H2O Cleaning and Restoring are onsite from Monday to Thursday. While onsite, they can clean four buildings a day (i.e. 8 units). However, please note that the schedule may vary depending on the winds. You see, H2O Cleaning and Restoring had to pull out of the community a couple of times because the winds were too strong. When this condition exists, the chemical used is blown away which may damage landscape and personal property. This in mind and as advertised, H2O Cleaning and Restoring will install a door hanger on your door a day before they are scheduled to clean your roof. We, of course, will continue and update you on the progress of this project.

And as always, have a great and safe weekend.

Sincerely,

Oded Neeman – Community Association Manager

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