ROAD FRONTAGE MAINTENANCE

According to Article VI, Section 6 of the CC&Rs, annual assessments must be charged on a uniform basis, meaning all lots pay the same annual assessment amount. But, if an owner fails to maintain their lot in a manner satisfactory to the Board, Article VI, Section 8 of the CC&Rs allows the Board, after 30 days’ notice to the owner, to enter the lot, perform the necessary maintenance, and charge the cost of the maintenance to the owner. So in that circumstance, the Board may charge one owner more than another owner. This “Individual Assessment” as described in the CC&Rs, does not have to be uniform.

The CC&Rs have no specific provisions regarding Association maintenance of City right of ways within the Association. In other words, nothing that specifically allows or prohibits the use of funds in this manner. But, Article VI, Section 2 generally discusses how the Association is to use assessments. This section limits use to “promoting the general benefit, recreation, health, safety and welfare of the Owners and Occupants of the Property.” Use of Association funds must comply with this Section. Arguably, removing brush from the right of way promotes the safety of owners and occupants, so arguably this use complies with Article VI, Section 2.

Regards,

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