

**Mountain Brook of Madison Homeowners Association**  
**Board of Directors**  
P.O. Box 2004  
Madison, AL 35758

24 February 2007

Dear Homeowners:

In lieu of a newsletter, I believe a more formal letter is in order.

Assessment fees should have been paid by now. In March the board will transfer collection efforts to our attorney resulting in fines and fees, liens against property, etc. Please pay your dues by February 28th.

All of us who are homeowners in Mountain Brook of Madison are members of our homeowners' association. The association, and its homeowners and residents, is governed by our covenants and bylaws. The association elects a board of directors each year to manage the common areas, conduct association business, and to enforce the covenants and bylaws.

The board of directors are members of the homeowners association who volunteer their time to maintain the values of our properties.

Maintaining those values often means enforcing the covenants and bylaws, sometimes with neighbors who are unaware of the covenants and sometimes with those who ignore them.

To ensure there is no misunderstanding, let's address some of the more common problems.

### **Modifications to Property**

Article XI, Section 2 of the covenants directs a committee, appointed by the board, to establish standards and procedures for the modification of homeowner properties. The *Architectural Standards* require homeowners to submit their plans when they intend to modify the exterior of their homes or the landscaping of their properties. The committee reviews plans to ensure that architectural standards are followed. This review saves homeowners the expense of having to undo work that is less than standard. So the review saves homeowners time and expense. The committee acts as a backstop for homeowners while also maintaining standards.

For instance, a number of homes in Mountain Brook sustained hail damage to their roofs last April. Many residents are having their roofs reshingled. Some of the homes in Mountain Brook were erected using 20-year shingles on their roofs. However, the covenants/architectural standards require architectural grade (30-year) shingles on replacement roofs.

One of the attractions of Mountain Brook are the number of trees in our community. From time to time, homeowners desire to remove one or more trees from their property. The covenants/standards require approval from the board. There is a requirement to replace each removed tree with two more. The board recognizes that some trees may present hazardous situations and may adjust the replacement requirement on a case by case basis. However, the committee/board must approve the placement of new trees to ensure aesthetics and to ensure that placement will not encroach on neighboring lots.

Some units have fencing and some do not. But the covenants/standards specify two types of wood fencing and the color of stain for the fencing.

## **Compliance Issues**

The board also deals with a number of other compliance issues. Resident parking on our streets is not allowed. Residents must park either in their driveways or garages. Vehicles of any type (cars, trucks, motorcycles, construction trailers, etc) that violate this policy may be towed at the owner's expense. Visitors may be granted exceptions.

Dog runs and dog pens are not authorized. City ordinance requires owners to keep their animals leashed when taking them for walks. Animal waste that is not picked up by animal owners creates a public nuisance for which owners can be fined. Animals that become continuing nuisances can be ordered/removed from the Mountain Brook properties.

Remodeling signs, political signs, multiple realtor signs for a single property (a for sale sign and a brochure device are authorized on the property that is being sold, directional signs and realtor signs at the Mountain Brook entrances are not authorized).

Athletic equipment such as volleyball nets and mobile basketball standards are authorized in front yards/driveways when they are being used. They may not be left up (open to public view) when they are not in use.

Garbage cans must be screened or concealed so they are not visible from neighboring units, streets, or adjacent properties.

The point of the covenants/standards is to maintain the aesthetics that make living here pleasant for all residents and to ensure that by maintaining the standards that the values of homeowner properties will not be negatively affected.

Please, don't stew about problems. If you have a problem with a neighbor please try to work it out privately first. If situations do not improve don't hesitate to make the board aware of compliance issues.

The board tries to be responsive, but we are not paid employees. Please allow the board ample time to respond to specific problems, and more time to respond to generalities. Your assistance is welcome, and your willingness to serve on committees, appreciated.

## **Mall/Hotel Developments**

Finally, the probability of a large mall/hotel complex being built in the open areas west and north of Mountain Brook becomes increasingly likely. The developer has named the project and is advertising for businesses to be tenants, retailers, restaurants, and hotels in the complex.

On the next page, we enclose a copy of the conceptual layout. Please do not contact the development corporation or any of its representatives. The board is trying to arrange a meeting to discuss landscaping along those areas that abut Mountain Brook as well as issues such as lighting. Please express your concerns to the board either through the U.S. mail or via email (see our website at: <http://www.mtnbrookofmadison.com/BoardMembers.htm>).

Sincerely,

Jonathan W. Pierce  
Board of Directors, President