



Volume 3/ Issue 6

JUNE 2015

www.sancerrehoa.org

BOARD OF DIRECTORS

President: Carter Weir

Vice-President: Dwight Denham

Treasurer: Steve Spriet

Secretary: Barbara Laube

Member-at-Large: Michelle Schnepel

FROM THE BOARD

HOMEOWNER'S RESPONSIBILITY FOR YARD DRAINS SERVICING BACKYARD OF UNITS

The Board would like to inform the homeowner's that they are responsible for the maintenance of the drains in their backyard. The community is over 20 years old and many houses have changed ownership, many backyards have been redesigned and replanted. The backyards of the Units have a single drain line extending from one Unit's backyard to the next Unit's backyard, and so on, until reaching the end Unit and then draining into the adjacent street.

The board consulted with the Association's attorney Mr. Harkins on this matter, please see the attached letter explaining in more detail the responsibility each homeowner has concerning the drains in their backyard.

ELECTION

Please make sure to cast your vote for your representatives on the Board of Directors.

The past two years the Association did not reach quorum. What does that mean? Since we didn't have a quorum last year all 5 positions are up for election. To have an election on the first try we need 51% of the ballots, 74 of the 144 total. If we don't have 51% we adjourn for a few weeks and at the 2nd try election we only need 25%, which is 36 of 144 votes. We do this twice, so three tries total.

If we reach quorum the 3 people with the most votes serve 2 years and the next 2 serve 1 year terms. So next year we would elect 2 positions for 2 years. Then 3 positions the following year, etc.. If we don't reach quorum this year, then the 5 sitting officers continue to serve for a 1 year term.



*Next Board Meeting **June 22, 2015**
6:30pm NCCC 6401 San Joaquin Hills Rd.*



Check out our website for great information at

www.sancerrehoa.org

POOL RULES

With the nice warm weather we are having, the Board wants to remind everyone to observe the pool rules, so everyone can have an enjoyable moment by the pool.

The Sancerre at Newport Ridge Maintenance Homeowners Association is not responsible for accidents or injuries at the pool. Patrons use these facilities at their own risk.

Please treat this area as if it were your own home and treat others as you would want to be treated.

Contact Us

Important Numbers:

Manager:

Kevin Burkhardt

16845 Von Karman, Ste.200

Irvine, CA 92606

949.838.3259

kburkhardt@keystonepacific.com

www.Sancerrehoa.org

IMPORTANT NUMBERS

Common Area Issues:

Lydia Kim

949.838.3232

lkim@keystonepacific.com

Billing Questions/Address

Change/Website Login:

949.833.2600

Architectural Desk:

949.838.3239

Patrol-One

www.patrol-one.com

CR&R Environmental Service

1.800.826.9677

www.crrwasteservices.com

1. This area is for members and their non-resident guests only. Maximum of 4 non-resident guests per household are allowed at any time. All guests must be accompanied by the adult household member(s).
2. Pool will close at 10:00 PM, Friday and Saturdays at 11:0pm
3. Any person under age 15 must be accompanied by an adult. Any person age 15 or older may use the pool without adult supervision.
4. No pets allowed.
5. No glass containers allowed.
6. No smoking.
7. No alcoholic beverages.
8. Please dispose of waste appropriately.
9. Appropriate attire required; "Swimmer Diapers" REQUIRED!
10. No diving, running, horseplay, excessive noise levels, abusive language or abuse of pool property.
11. No skateboards, roller blades, bicycles, or other vehicles allowed in pool area.
12. Adult members have the responsibility to enforce rules to ensure the safety of all Patrons and are legally responsible for damages caused by family or guests.
13. Any damage or cost incurred by the Association from damages or negligence will be billed to the homeowner.

PARKING IS ENFORCED

Just a friendly reminder, the parking rules are enforced. So far, quite an amount of cars got towed due to violations of the parking rules. Please make sure to park 2 cars in your garage.

Should you have guests spending the night, please make sure to safelist the vehicle on www.patrol-one.com.

As per the CC&R's there is no parking for any large commercial "type" vehicles in the community.



May 15, 2015

To: Homeowners, Sancerre at Newport Ridge Maintenance Association
From: Board of Directors
Subject: Homeowner Responsibility to Maintain Rear Yard Drain Lines

Dear Homeowner:

The Board has received questions regarding whether the Association or the Homeowners are responsible for maintaining the drain lines located in the rear yard area of the Condominium Units. The rear yards of contiguous Condominium Units have a drain line that extends from one Unit rear yard to the next Unit rear yard, and so on, until reaching the end Unit and then draining into the adjacent street.

Homeowner Responsibility for Rear Yard Drain Lines.

As described in more detail below, notwithstanding that the rear yard drain lines may extend through more than one yard, **each Homeowner is responsible for maintaining the portion of the drain line located in his/her rear yard.** Since the operation of each rear yard drain line is dependent upon each neighbor keeping his/her line clear, it is imperative the each Homeowner ensure his/her drain line is clear so as to avoid potential water damages to up-line neighbors. With the on-going drought, the Board has not been informed of drain line obstructions causing damages to up-line neighbors. However, each Homeowner should avoid waiting for damages to arise before taking action. An ounce of prevention is worth a pound of cure, so please ensure you annually inspect and clear your rear yard drain line. Failure to do so in a reasonable manner may expose you to any damages caused to your up-line neighbors. It is not uncommon for roots from landscaping to obstruct the drain lines. The Board received a report from one member who noted that the drain line in his rear yard was essentially nonfunctional because it was completely obstructed with roots that had invaded the line. Given the age of this project, it is likely that your rear yard drain lines may be similarly obstructed with roots.

The Association shall ensure that any portion of the drain line traversing Association Property is cleared. The Board and your neighbors thank you for doing your part of acting promptly and diligently to ensure your rear yard drain lines are cleared.

Legal Grounds Explaining Homeowner Responsibility for Rear Yard Drain Lines

Pursuant to the Unit Condominium Plan, the Unit private rear yard areas are within the legal boundaries of each Condominium Unit. That is, the rear yards are not defined as exclusive use common area, common area, or as part of the Association Maintenance Areas.

Civil Code section 4775(a) provides that unless otherwise provided in the Association's CC&Rs, the Association is responsible for maintaining the common areas, other than exclusive use common area, and the owner of each separate interest (i.e., the Unit) is responsible for

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maintaining that separate interest and any exclusive use common area appurtenant to the separate interest. The Association's CC&Rs do not describe the rear yard areas as a separate element of the Units or as part of an Association property interest. The terms "Association Property," "Common Area," "Common Property," "Exclusive Use Common Area," and "Maintenance Areas" are respectively defined in Article I, Sections 7, 11, 13, 22, and 30 of the CC&Rs. In addition, Article III, Section 4 of the CC&Rs further describes the "Exclusive Use Common Areas as being identified in the Condominium Plan applicable to the Units. The Condominium Plan indicates that no Exclusive Common Areas exist. Also, the rear yard areas of the Units are not referenced in any of the foregoing defined terms to suggest the rear yards are part of any Association property interest.

Article III, Section 1(a) of the CC&Rs describes each Condominium Unit as consisting of a residential airspace element which may include air, earth, and water, and each Condominium Unit includes all Improvements and landscaping encompassed within such space, which extends to the center of the earth. Article X of the CC&Rs sets forth the repair and maintenance obligations of the Association and the Owners. Section 2 details the Association's maintenance and repair responsibilities as generally applying to the Common Property and Maintenance Areas. Drain lines in the rear yards of the Condominium Units are not listed as an item of repair for which the Association is responsible.

Article X, Section 3 of the CC&Rs provides that except as to items the Master Association or Association is obligated to maintain and repair, the Owners are responsible for maintaining their respective Units, including that each Owner shall paint, maintain, repair and replace all "Improvements" located within his/her Condominium Unit, including, without limitation, the Residence and the interior surfaces of any Project Wall which enclose in whole or in part "a private yard area within the Condominium Unit." Article I, Section 27 of the CC&Rs broadly defines the term "Improvements" as all structures and appurtenances thereto of every kind whatsoever including, without limitation, private utility lines and connections, private storm drains and sewer lines and laterals.

In addition, Article IV, Section 10 of the CC&Rs addresses easement rights for drainage, including that easements are created for drainage according to the established patterns for drainage created by the approved grading plans for the Project, as well as according to the "actual, natural and existing patterns for drainage." Section 10 also provides that if the grading plans provide for "cross-drainage" whereby water is drained from a Condominium Unit (or Common Property) over another Condominium Unit, each Owner affected by such "cross-drainage" covenants and agrees not to obstruct, interfere or modify said drainage patterns over his Condominium Unit; provided, however, if it is necessary to alter said drainage pattern, such Owner shall submit plans to the Architectural Committee for approval.

As the rear yard drain lines were part of the original drainage installed by the developer, such drain lines are part of the "actual" pattern for drainage and part of each Owner's easement rights for this purpose.

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Article IV, Section 11 of the CC&Rs describes easements for utilities with respect to sanitary sewer, water, electricity, gas, television cable and telephone lines, and “other facilities.” Subdivisions (c) and (d) of Section 11 describe Owner easement rights for full use of sanitary sewer, water or gas connections, television cables, electricity or telephone lines, that serve more than one Condominium Unit, and an easement right to enter the Condominium Unit of another to access such utilities. Liberally construing these provisions regarding Owner maintenance responsibilities is consistent with the directive for liberal construction set forth in Article XX, Section 5 of the CC&Rs and Civil Code section 4215.

Conclusion.

Thank you for your anticipated cooperation with the foregoing. If you have any questions, please do not hesitate to contact the undersigned at (949) 838-3259 or by email at kburkhardt@keystonepacific.com.

At the Direction of the Board of Directors
Sancerre at Newport Ridge Maintenance Association

Kevin Burkhardt

Kevin Burkhardt, CCAM
Senior Community Association Manager

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