

ADDENDUM 031909

SUPERCEDES ADDEMDUM 31203 & 082706

BACKGROUND

The purpose of this **ADDENDUM 031909** is to discuss, outline and reaffirm the SPRA's position relative to assessments as per the direction received at the Annual Meeting of the general membership held in August, 2007 and 2008. This Clarification of Intent will supersede ADDENDUM 31203 & 082706, and will be permanently attached to, and become a part of the By-Laws of Sabbady Point Road Association. **This Addendum 031909 is further intended to ensure that each owner of record shall pay their proportionate share of road maintenance, but in no case less than one full assessment. (This language is in the By-Laws, Article IV, Section 1)**

HISTORY

State **Law Title 23, Chapter 305, and Subchapter 2: PRIVATE WAYS, Subsections 3101 through 3104**, was voted out as the procedural document at a full annual meeting held on August 26, 2007, officiated by then President James Mycock. Twenty-three votes were on hand to participate in the vote when Vice President and Board Member Cheryl Bolduc explained new developments in the law that could be counter productive for the residents and proposed that we vote to suspend its use, other than as reference, and adopt the language already available in our current By-Laws. The motion went to a vote, 19 votes for and 4 votes against, the motion carried, revoking the use of Title 23 as the blueprint for handling maintenance assessments for SPRA thereby reinstating the original language in the **By-Laws, Article IV, Section 5**.

LANGUAGE – RIGHTS OF MEMBERSHIP

The By-Laws, Article III, Section 3, indicates that *“The rights of membership are subject to the payment of assessments levied by the Association, the obligation of which assessments is imposed against each Owner of a Lot and becomes a lien upon the lot against which such assessments are made as provided by ARTICLE IV hereof.”*

CLARIFICATION OF INTENT - PAYMENT SCHEDULE

By-Laws Article IV, Section 5, Failure to Pay Assessments shall be interpreted as follows:

1. **May 15th** of each year shall be the **Due Date** for annual assessments. Payment arrangements may be made by contacting the Board of Directors for approval. This schedule must be established *prior to* May 15th. Payment plans will be no longer than 90 days and/or August 15th.
2. **June 15th** - A Reminder letter requesting payment will be sent to owners. *Homeowners must pay before July 15th, or have a Board-approved payment plan, in order to avoid the additional cost of collections and/or attorney's fees.*
3. **July 15th** - A final Reminder Letter will be sent to Owners requesting payment. Collection activities may be started at this time. Owners will have thirty (30) days to fulfill their obligations. If necessary, Costs of collection, i.e. attorney's fees etc. will be added to the outstanding assessment. Once owners have been sent to an attorney for collection, the Board is no longer able to accept payment and/or waive collection fees,
4. **August 15th** - SPRA membership (voting rights) is suspended for any owner still outstanding. Civil Action commences (thirty days after initial attorney's letter is sent) up to and including a lien on the property in question. At this point interest at the rate of 18% will apply for all monies overdue commencing on May 15th and ending at the point of total payment.

ASSESSMENT

1. **RESIDENTIAL:**
 - a. **Every residential property owner shall pay at least one full assessment.**

- b. Any residential property owner who, based on appropriate zoning ordinances, owns and operates a “cottage industry” which **DOES NOT** generate any employee or customer traffic, and whose tools of the trade **ARE NOT** visible from the road, **will be** subject to one full assessment.
- c. Any residential property owner who, based on appropriate zoning ordinances, owns and operates a “cottage industry” which **does** generate employee or customer traffic, or both, and/or whose tools of the trade **are** visible from the road, would be subject to an Additional 100% or 2X Residential Rate.
- d. Any residential property owner who acquires a second parcel of land that is contiguous to their home, and which is used solely as part of their family homestead, even though it may house a garage or other structure shall not be charged an additional assessment.
- e. Any residential property owner who acquires a non-contiguous parcel of land (lot) which is vegetated and without structures or improvements of any kind and which does not fall into any other assessment category shall pay an additional assessment equal to 50% of the annual Residential assessment.
- f. **Properties titled in one, or both names of a legally married couple are considered the same for the purpose of road dues assessments..**

2. RESIDENTIAL/MULTI-UNITS:

Any property owner with multiple dwelling units on a lot shall be charged an additional full assessment for each additional occupied dwelling unit which houses residents/tenants for any amount of time in any calendar year.

(For the purpose of this Section “dwelling unit” shall be described as any living quarters, such as an attached or detached apartment or home, i.e., garage with an apartment, house with an apartment, free standing home, trailer, or other enclosure etc. deemed capable of housing individuals.)

3. COMMERCIAL/NON-RESIDENTIAL:

Any property owner of a lot which is zoned Commercial Use by the Town of Windham, and has access to the road, and if said lot is used for commercial (non-residential) purposes shall be charged an assessment based on the following schedule:

- a. Office Use - Where traffic is limited, Additional 100% or 2X Residential Rate
- b. Retail Use - Where traffic is limited, Additional 100% or 2X Residential Rate
- c. Warehouse/Light Industrial - Where traffic is limited to non-commercial vehicles and/or light duty personal trucks or cars, Additional 100% or 2X Residential Rate
- d. Construction/Heavy Construction/Heavy Industrial - Where traffic includes, employee and/or subcontractor traffic, dump trucks, heavy equipment and/or other earth moving or construction vehicles and/or equipment. Additional 200% or 3X Residential Use.

If it is determined that a conflict exists between assessment categories, the more stringent policies shall apply in all cases.

If it is determined that a particular property does not appropriately fall into any listed category, the Board shall meet and determine a specific rate for the new category and that category will be added to and become a part of this Addendum 031909, and a new addendum shall be published.