

# Treetops / Ocean Breeze HPR – Exterior Deck and Stairs Policy

## Board of Directors Resolution 2020 – 1 (July 29, 2020)

This policy is an effort by the Treetops / Ocean Breeze HPR Board of Directors to clarify who is responsible for what related to exterior decks, stairwells and handrails. Prior to passing this resolution for clarification, the association governing documents were reviewed and a legal opinion was sought from the association’s legal counsel on this subject.

Legal counsel advised that per the documents, any decks/patios, stairwells, walls handrails/balustrades, etc. that are “common” or service more than one unit would be the sole responsibility of the association to repair and maintain. This resolution for clarification is related to any decks/patios, stairwells, awnings, handrails/balustrades, other partitions, etc. that exclusively service an individual villa. In those cases, the association would be responsible for the structural framing and foundations and the owner would be responsible for the decking, stair treads, railings, awnings, screening and other “surface items” within such an area whether defined as within the apartment boundaries or not.

The Fifth Article of the Master Deed, Section (b)(vii), Subsection (6) states that the individual “apartment” (condo/villa) owner is responsible to maintain and repair all screens and awnings along with partitions/railings/balustrades that bound or enclose any deck, walkway, balcony, patio or service area that is integral and exclusive to the apartment (condo/villa). It also states that the treated wood decking or concrete surface within such an area is also the “apartment” (condo/villa) owner’s responsibility to maintain and repair.

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FIFTH:  APARTMENTS/BOUNDARIES  FILED IN DEED - M BOOK 384 PAGE 262
(b)  Boundaries:  FILED IN DEED - M BOOK 385 PAGE 196
                        FILED AT 164500 ON 12/19/97
(vii)  Notwithstanding the generality of the
foregoing, each Apartment Owner shall be responsible for
maintenance and repair of the following, whether it shall be
defined as within a Apartment or not:
(6)  the screens, awnings, partitions railings,
balustrades, bounding or enclosing any deck, walkways,
balcony, patio or service area that is integral and
exclusive to the Apartment, and the treated wood
decking or concrete surface within any such area; and
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Below is a breakdown of what this means for each section of the community.

### Treetops Concrete Buildings (Buildings 3900 – 6600)

For the original Treetops concrete and stucco buildings, this means that the rear awnings, railings and surface materials along with the front partitions and surface materials inside the perimeter of the patios/entrances/service areas that exclusively service each unit are the responsibility of the owner. The shared awnings, stairwells, boardwalk and underlying deck structures are the association's responsibility.

### Treetops "Delta" Section (Buildings 7100 – 7700)

For the Treetops "Delta" buildings, this means that the rear deck screens, railings and surface materials/deck boards that exclusively service each unit are the responsibility of the owner. The shared stairwells, entrance hallways, railings, etc., and the underlying deck structures in the rear, are the association's responsibility.

### Ocean Breeze (Units 1 – 103) and Treetops "Z" (Units 7001 – 7018)

For Ocean Breeze and the very similar Treetops "Z" buildings, the front and rear railings and surface materials/deck boards/stair treads that exclusively service each unit are the responsibility of the owner. The structural framing of the front and rear decks and stairwells are the association's responsibility.

We hope that this clarification helps everyone better understand one very important portion of our responsibilities as owners compared to the responsibilities of the association. If you have any specific questions or would like further clarification, please don't hesitate to contact Savannah Hartzog at IMC. She can be reached at 843-785-4775 ext. 137 or by email to [Savannah@IMCHHI.com](mailto:Savannah@IMCHHI.com).

Your Treetops / Ocean Breeze HPR Board of Directors