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July 2, 2013

Country Club Ridge
c/o Marge Tucker

Re Deck Policy

Dear Members of Country Club Ridge Homeowners Association:

The Management Committee of the Country Club Ridge Homeowners Association (“Association”) has requested that I address the legalities of the new Deck Policy. In preparing this letter I have reviewed the Association’s Declaration of Condominium for Country Club Ridge Condominiums (“Declaration”), as well as the Utah Condominium Ownership Act.

Pursuant to the authority granted to the Management Committee by the Declaration, in Section 5.4.1, a Deck Policy has been created which sets out specific guidelines of use and maintenance in order to preserve the decks and to prevent excessive damaging ice and snow buildup. In reviewing the Deck Policy I find that it to be within the Management Committee’s purview to create such a policy.

The Management Committee expressed concern that there might be some confusion regarding whether the decks are considered roofs, and the implications that such confusion may create. The Declaration clearly defines decks and balconies in Section 3.4, wherein it reads, “***The Limited Common Areas shall include the assigned parking spaces and storage areas as set forth in Exhibit B hereto as well as balconies, patios, porches or decks that are immediately adjacent to and contiguous with the Units...***” According to the precise language of the Declaration decks are not roofs, nor are the decks intended to be treated as roofs. Section 3.3 of the Declaration defines the “roofs” to be a part of the Common Areas and Facilities. The distinction between roofs and decks is significant, because the definition of these terms determines the maintenance obligation.

Additionally, the Management Committee presented the issue of the maintenance of the drains and down spouts that service the decks. While there might exist some ambiguity as to these elements, under Section 6.2 of the Declaration the maintenance obligation for plumbing fixtures, or fixtures that may be in or are exclusively used by a Unit, are the responsibility of the Unit Owner. Thus, the Management Committee has determined that drains and down spout maintenance are the obligations of individual Unit Owners who have decks or balconies as part of their Unit.

Finally, the Deck Policy is a clear restatement of existing Utah law in regards to insurance. Pursuant

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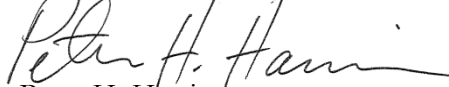
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to UCA 57-8-43, an individual Unit Owner's insurance shall be considered the policy for primary coverage, unless according to the exercise of the business judgment rule by the Management Committee determines that a covered loss is likely to exceed the Association's property insurance deductible. If the covered loss does exceed the Association's property insurance deductible, the Unit Owner is responsible for the amount calculated by applying the unit damage percentage for that unit to the amount of the deductible under the Association's property insurance policy.

Should there exist any questions or concerns regarding the content of this letter, please don't hesitate to contact me.

Sincerely,

VIAL FOTHERINGHAM LLP



Peter H. Harrison

Attorney at Law

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Enclosure