

FAQ: What do I need to do if I'm buying or selling a home in the Woods at Elm Creek community?

The Short Answer

The short answer to this question is pretty straightforward. If you're selling, you'll need to get a package of HOA documents from the board to share with the buyer, and you'll pay a \$100 fee for it. If you're buying, you'll receive those documents from the seller, have 10 days to review them and back out if you want, and pay a \$450 initiation fee when you close. It's a simple process to keep everything clear and fair for everyone.

The Detailed Answer

The Woods at Elm Creek Homeowners Association (WECHA), established on March 22, 1994, through its Declaration of Covenants, Conditions and Restrictions dated January 6, 1994, and incorporated on August 12, 1993, operates as a common interest community (CIC) under Minnesota Statutes Chapter 515B, the Minnesota Common Interest Ownership Act (MCIOA). As a pre-June 1, 1994, CIC with 152 lots and limited common elements—such as street islands, entrance monuments, and designated landscaping areas maintained by the Association (Declaration, Article IV, Section 1; Exhibit B)—WECHA is subject to “Limited Applicability” under MCIOA. This classification arises because full MCIOA provisions apply only to CICs created on or after June 1, 1994, unless the association opts into broader compliance, which WECHA has not (per the Declaration and restated Articles of Incorporation, 2018). Consequently, only specific MCIOA sections, notably resale disclosure requirements under Section 515B.4-107, apply. Fulfilling these obligations is both a legal duty and a reflection of our commitment to transparency, ensuring that sellers and buyers can navigate this significant transition with confidence and clarity. We understand the importance of this process and are here to support our residents every step of the way.

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For Sellers:

If you are preparing to sell your home, we extend our warmest wishes as you move toward new horizons. Under MCIOA Section 515B.4-107 and WECHA's governing documents, you are responsible for providing prospective buyers with key information about our community. The process is outlined as follows:

- **Requesting Documents:** You, or your authorized legal representative, must submit a written request to the WECHA board for the official "Association Documents" package, as realtors cannot request this on your behalf (consistent with standard HOA practice and Declaration, Article IV, Section 4).
- **Required Disclosures:** Our Declaration, Bylaws, Rules and Regulations, Covenants, Conditions, and Restrictions, Articles of Incorporation, and Approved Annual Budget are available on our website (www.thewoodsatelm creek.com). The HOA will prepare a package that includes a Resale Disclosure Certificate (detailing financial status, dues, and material facts per MCIOA 515B.4-107), a Dues Current statement, and invoices for both you and the prospective buyer, ensuring compliance with state law and our Bylaws (Article XI, Section 2).
- **Costs Involved:** A \$100 HOA Documents Fee is payable by you to WECHA (PO Box 453, Champlin, MN 55316) to cover preparation costs, as established by the Board (Bylaws, 2019, Article XI, Section 2).
- **Buyer Review Period:** Per Minnesota Statute 515B.4-106, buyers have a 10-day period to review these documents after receipt, during which they may rescind the purchase agreement without penalty if they find any aspect unsatisfactory. We encourage you to initiate this process promptly to provide buyers with a comprehensive view of our community, facilitating a smooth departure as you embark on your next chapter.

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For Buyers:

To those considering a home in our community, we offer a heartfelt welcome and are thrilled at the prospect of you joining the Woods at Elm Creek family. We are dedicated to ensuring you have all the necessary information to make an informed decision. Your rights and responsibilities include:

- **Disclosure Package:** The seller must provide you with a detailed set of association documents, including those available on our website (Declaration, Bylaws, etc.) and a specific package prepared by WECHA, containing a Resale Disclosure Certificate, a Dues Current document, and invoices, as required by MCIOA Section 515B.4-107. These materials ensure transparency regarding our operations, fees (e.g., annual assessments of \$150 as of 1994, adjustable per Declaration, Article V, Section 3), and obligations.
- **Review Rights:** You are entitled to a 10-day review period following receipt of these documents, as mandated by Minnesota Statute 515B.4-106. If any provision does not meet your expectations, you may cancel the purchase agreement without financial penalty during this time.
- **Initiation Fee:** Upon closing, you will pay a New Homeowner Initiation Fee, set at \$450 as of June 1, 2025, equivalent to three years of annual dues (Bylaws, 2019, Article XI, Section 3), payable to WECHA (PO Box 453, Champlin, MN 55316). This one-time contribution bolsters our reserve fund for emergencies and special projects, marking your entry as a valued member of our community.
We recognize the excitement and responsibility of this decision and are here to guide you as you settle into our neighborhood.

Final Note:

WECHA maintains an architecturally controlled environment, requiring approval from the Architectural Control Committee (ACC) for exterior modifications such as fences (limited to specific ordinance-driven cases, Declaration, Article X, Section 11), in-ground pools (Article X, Section 14.5), or other structures (Article VI). We strongly recommend that sellers and buyers review all disclosed documents to ensure a seamless transition. To our sellers, we wish you the very best in your future endeavors. To our prospective buyers, we look forward to welcoming you with open arms. For assistance, please contact the WECHA board at thewoodsatelm creek@gmail.com or via our website—we are here to serve you.