

SEMANTICS - the study of ways of interpreting and analyzing words

HISTORY in a NUTSHELL

The original governing documents of 1987-88 prepared & distributed by the Developer & Declarant - Marcus' Enterprises - was, without cause, transcribed, reprinted and personally circulated thru formal signature of receipt of homeowners residing in Cloverdale by the then Executive Board on or about December 10, 1997.

The ORIGINAL documents had been provided to purchasers aka, Unit Owner, prior to December 10, 1997.

FACT: There are differences and discrepancies in comparison of the originals to the reprints.

The Original Documents shall prevail.

You may contact Nance L. Briscoe at (304) 728-2201 for a complete set of Xeroxed 1987-88 original documents at no charge - or download them from the unofficial Cloverdale website at <http://cloverdale.macesoftware.com>

When you purchase a home in Cloverdale you MUST be provided with these documents. When you sell your home you MUST transfer them to the new owner – and – you MUST have a resale certificate.

At settlement, for your purchase, you are required by law to sign a statement of agreement to abide by the governing documents as a recognized participating member of the Association.

As a member of the Association you understand that the documents are your guidelines for action. You nominate and elect your Executive Board, who are volunteers elected by you from the membership to uphold those governing documents in the best interests of the entire membership.

Common sense is a key factor in any organization whereby definitions appear vague. It is your responsibility to always ask prior to challenging the documents' definitions and accomplishing what you personally believe to be correct.

Over the years homeowners have assumed they know the body of the community's law regarding our governing documents. However, with that said, circumstances rise and fall regarding the actions of any elected Executive Board. It is the consensus of the membership in the way we accept or refuse the results of each of our actions. The governing documents are our guidelines, rules and restrictions.

Because of developing confusion regarding vague definitions of any particular word or phrase in our governing documents the membership is encouraged to contact the Executive Board at any instance.

CONVERSATIONAL EXAMPLES:

IMPROVEMENTS – certainly we all know we must approach the Executive Board's appointed Architectural Review Committee (ARC) for improvements. But what is an improvement? Generally speaking we habitually assume any construction or earth moving action.

Yes, we can be uniquely pathetic and challenge the statement "earth moving" and state that we all must request approval through the ARC for planting a tree, grass or maybe a climbing vine. However, as responsible adults we don't plant skunk trees, Johnson grass, or poison ivy for example – we assume we are intelligent and can make responsible decisions, we typically act accordingly, simply plant what we enjoy and move on with the task at hand.

Or shall we penetrate a vague lack of definition, debate the issue and manipulate the word(s) so as to blindsides the membership, the Executive Board and the ARC on semantics – possibly - it's certainly your choice.

- OK – let’s take into account a bird house on a pole. Improvement – yes. (Enjoyment – yes.) Earth moving – yes. Construction – yes.

Do we have a bird house clause in our governing documents – NO. Are we going to challenge the governing documents? Possibly – there will always be one member who will. But the majority of or members have no interest in this depth of challenge. Do we approach the ARC – yes.

Why – because there will always be that potential for a whopping 60 foot x 25 foot x 10 foot bird house on a 6 x 6 x 25 foot pole! How about a building permit – well it’s not in our governing documents but certainly the County Building Code is to be considered because it now exceeds a minimum residential square footage and now appears as a type of residence and not a bird house in the eyes of the County. And, oh my, do we have proof of insurance coverage for acts of nature to not only us but our neighbor’s life and limb with this bird house?

- OK – with that said lets use another example. How about a trellis. Improvement – yes. (Enjoyment – yes.) Earth moving – yes. Construction – yes.

Do we have a trellis clause in our governing documents – NO. Are we going to challenge the governing documents? Possibly – there will always be one member who will. But the majority of owners have no interest in this depth of challenge. Do we approach the ARC – yes.

For example, we all have a general picture in our mind’s eye of a typical, everyday-type trellis, that most likely appears as a 3 or 5 prong, wood or plastic type, fan-shaped or squared 2 or 3 foot high climbing rose trellis we are accustomed to seeing in the magazines and gardens of millions of homes and businesses.

HOWEVER: So what’s the big deal on a trellis?

OK – how about a trellis that might be 20 feet wide and maybe 10 or 12 feet high and how about several of them all lined up maybe with just a couple feet between them. Is this still a trellis? Good question. So let’s consider the definitions again. Earth Moving – yes. Improvement – yes. Construction – yes. Do we need to approach the ARC – yes. How about a building permit – well it’s not in our governing documents but certainly the County Building Code is to be considered because it now exceeds a known size of greater than 6 feet and now appears as a fence and not a trellis in the eyes of the County. And, oh my, do we have proof of insurance coverage for acts of nature to not only us but our neighbor’s life and limb with this trellis?

Definition – hmmm.

Do we challenge the governing documents on a definition – possibly. How about the semantics of the words improvement, construction, earth moving, or in the examples above - bird house or trellis? We could, most don’t. How about the County – do we contact them for guidance – yes. How do we know we have to contact the County? Ah, good question. Anytime you pour cement, build/construct something large – yes, there is that vague lack of definition – large – just what are you supposed to do?

WHEN IN DOUBT ASK!

BE OPEN!

BE SPECIFIC!

BE HONEST WITH YOURSELF!

USE YOUR COMMON SENSE!

BE A GOOD NEIGHBOR!

BE A COMMON SENCE MEMBER OF YOUR ASSOCIATION!

The statement you've just read is a dialog by Nance L. Briscoe, a homeowner in Cloverdale and a volunteer on the Executive Board (Secretary) elected by YOU. She is also the one who maintains the unofficial Cloverdale website. Her statement, err ah dialog - yes definitions again - is not and has not been sanctioned by your Executive Board - in a nut shell - common sense: sound practical judgment derived from experience rather than study - THE definition...