

If you buy a home, like a single-family house, in a planned community, you'll most likely have to be part of a homeowners' association (HOA). The HOA will have its own governing documents in the form of a Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and bylaws.

## Covenants, Conditions, and Restrictions (CC&Rs)

The Declaration of CC&Rs is the legal document that lays out the guidelines for the planned community. The CC&Rs are recorded in the county records in the county where the property is located and are legally binding. This means that when you purchase a lot or a home in a planned community, for example, you automatically become a member of the HOA.

Basically, the CC&Rs are the rules of your neighborhood. They govern what you can, can't, or must do with respect to your home. For example, the CC&Rs might require you to keep your garage door closed or prohibit certain types of landscaping. It's also typical for the CC&Rs to regulate things like:

- basketball hoops
- clotheslines
- fences
- TV antennas/satellite dishes, and
- garbage cans.

## Bylaws

An HOA, which is typically set up as a nonprofit corporation, is an organization established to manage a private, planned community. Like other corporations, the HOA is governed by a board of directors who are elected by the members and a set of rules called bylaws.

The bylaws govern how the HOA operates and contain the information needed to run the HOA as a business. For example, the bylaws cover matters such as:

- how often the HOA holds meetings
- how the meetings are conducted
- the duties of the various offices of the board of directors
- how many people are on the board, and
- membership voting rights.

If you're thinking about buying a home in an HOA community—or you already live in one—you should take the time to familiarize yourself with both the CC&Rs and the bylaws so that you're aware of any neighborhood restrictions and you fully understand how the community operates.

What is the specific implication of these documents for Christmas Mountain Golf Estates? Here are the applicable sections that establish the scope of each document.

Extract #1 from the **BYLAWS OF CHRISTMAS MOUNTAIN GOLF ESTATES PROPERTYOWNERS ASSOCIATION , INC.:**

**Purposes of Bylaws.** These Bylaws are intended to provide the structure necessary for the operation and maintenance of the Common Areas, to control and regulate the use and enjoyment of the Property for the benefit of all persons authorized to use it, to establish procedure for the levy and collection of Maintenance Charges consistent with the Restrictions and to permit Owners to participate through a democratic structure in this process of maintenance, operation, financing and control.

Extract #2 from the **DECLARATION OF COVENANTS, CONDITION AND RESTRICTIONS FOR CHRISTMAS MOUNTAIN GOLF ESTATES:**

This Declaration is made on the date hereinafter set forth by Bluegreen Corporation Great Lakes (Wisconsin), a Wisconsin corporation, hereinafter referred to as “Developer”.

**W I T N E S S E T H**

**WHEREAS**, Developer is the owner of that certain tract of land known as “CHRISTMAS MOUNTAIN GOLF ESTATES” which is more particularly described in the attached Exhibit A (hereinafter referred to as the “Property”); and

**WHEREAS**, it is the desire of the Developer to place certain restrictions, easements, covenants, conditions, stipulations and reservations (herein sometimes referred to as the “Restrictions”) upon and against such Property in order to establish a uniform plan for the development, improvement and sale of the Property, and to insure the preservation of such uniform plan for the benefit of both the present and future owners of Lots (as hereinafter defined); and

**NOW, THEREFORE**, Developer hereby adopts, establishes and imposes upon the Property, and declares the following reservations, easements, restrictions, covenants and conditions, applicable thereto, all of which are for the purposes of enhancing and protecting the value, desirability and attractiveness of the Property, which Restrictions shall run with the Property and title or interest therein, or any part thereof, and shall inure to the benefit of each owner, thereof, except that no part of this Declaration shall be deemed to apply in any manner to the areas identified or platted as Outlots 1, 2, 4, 6, 7, 8, 9, 10 and 11 on the Plat or to any area not included in the boundaries of said Plat.