

**THE PELICAN POINTE HOMEOWNERS ASSOCIATION  
MAINTENANCE, REPAIR, AND INSURANCE RESPONSIBILITY CHART**

The following chart depicts the responsibility for maintenance, repair and insurance between the Owners (a.k.a. Members) and The Pelican Pointe Homeowners Association ("Association") pursuant to the Declaration of Covenants, Conditions and Restrictions of Pelican Pointe At The Breakers, a Planned Residential Townhome Community recorded on July 6, 1998 at Reception #9800105748 in the Denver County Clerk and Recorder's Office, Colorado ("Declaration") and all duly adopted and recorded amendments thereto. **This Chart was duly approved and adopted by the Board of Directors on May 13, 2019.**

Key  
O = Owner  
A = Association

*Charlotte Rebin, President*

	MAINTENANCE <sup>1,2</sup>	AUTHORITY FOR MAINTENANCE	INSURANCE <sup>3,4</sup>	AUTHORITY FOR INSURANCE
<b>RESIDENCE STRUCTURES AND EXTERIORS</b>				
Structural components of Residences, including beams, girders, foundations, columns, perimeter and supporting walls (includes garages)	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Exterior wall surfaces of Residences, including siding – maintenance and repair (includes exterior surfaces of garages, except garage doors)	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Exterior wall surfaces of Residences – Paint and Stain (includes exterior of garages)	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Concrete porches at entrances, stoops and doorsteps of Residences – maintenance and repair, including snow removal	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Patio concrete pads and enclosed patio area, patio fencing and railing – maintenance and repair, including snow removal	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Balconies, decks and railings	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Window Boxes	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1

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Roofs	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Gutters and downspouts	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Basements	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Residence windows, window frames, window screens and glass, shutters and awnings (includes garages)	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Residence pedestrian doors and door frames (includes garages – except garage door)	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Residence sliding doors and/or sliding windows, their frames and screens	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Attic Vents	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Soffits	A	Declaration Article VIII, Section 8.1		Declaration, Article X, Section 10.1
Exterior light fixtures on Residence (includes garages)	A	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Garage doors – exterior surface and frame, but not hardware, springs, tracks, rollers, electronic mechanisms, or parts/components located inside of Garage (See Footnote 5)	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Residence Walkways and Driveways (includes garages)	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Antennas and satellite dishes	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Party Walls	O (shared equally by owners on either side of wall)	Declaration Article XI, Section 11.5	A	Declaration, Article X, Section 10.1
Any other improvements, structures or fixtures designed to serve a single Residence not	O	Declaration Article VIII, Section 8.2	O if upgrade / A if original	Declaration, Article X, Section 10.1 and 10.4

	<b>MAINTENANCE<sup>1,2</sup></b>	<b>AUTHORITY FOR MAINTENANCE</b>	<b>INSURANCE<sup>3,4</sup></b>	<b>AUTHORITY FOR INSURANCE</b>
specifically addressed in this Chart				
<b>UTILITIES</b>				
Utilities outside Dwelling Unit/Unit boundaries, including but not limited to, electrical, telephone and other wires, water and sewer pipes, cables, conduits, circuit boxes, meters, mechanical equipment and circuit breakers	<b>A</b>	<b>Declaration Article 1, Sections 1.10 and 1.19; Article VIII, Section 8.1</b>	<b>A</b>	<b>Declaration, Article X, Section 10.1</b>
Subdrain Systems, storm drainage control system and detention ponds	<b>A</b>	<b>Declaration Article 1, Sections 1.10 and 1.19; Article VIII, Section 8.1</b>	<b>A</b>	<b>Declaration, Article X, Section 10.1</b>
Utilities inside Dwelling Unit/Unit boundaries (and inside Residence) including but not limited to, to electrical, telephone and other wires, water and sewer pipes, cables, conduits, circuit boxes, meters, and circuit breakers, mechanical equipment, chutes, flues, and ducts	<b>O</b>	<b>Declaration Article 1, Section 1.19 and Article VIII, Section 8.2</b>	<b>A</b>	<b>Declaration, Article X, Section 10.1</b>
Sanitary sewer and water lines outside Dwelling Unit/Unit boundaries	<b>A</b>	<b>Declaration Article 1, Section 1.19 and Article VIII, Section 8.1</b>	<b>A</b>	<b>Declaration, Article X, Section 10.1</b>
<b>RESIDENCE INTERIORS</b>				
Furnishings, including all personal property such as furniture, electronics, clothing, area rugs, and freestanding appliances	<b>O</b>	<b>Declaration Article VIII, Section 8.2</b>	<b>O</b>	<b>Declaration, Article X, Section 10.1 and 10.4</b>
Permanent fixtures including, but not limited to, ceiling fans, hand rails, cabinets, countertops, bathtubs and showers, sinks, toilets	<b>O</b>	<b>Declaration Article VIII, Section 8.2</b>	<b>O if upgrade / A if original</b>	<b>Declaration, Article X, Section 10.1 and 10.4</b>

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Appliances including, but not limited to, an oven, range, refrigerator, and built-in microwave	O	Declaration Article VIII, Section 8.2	O if upgrade / A if original	Declaration, Article X, Section 10.1 and 10.4
Window coverings	O	Declaration Article VIII, Section 8.2	O	Declaration, Article X, Section 10.1 and 10.4
Residence Walls - perimeter walls, interior walls and ceilings— <b>unfinished</b> portions including, but not limited to, studs and insulation (includes garages, but does not include exterior surfaces of Residence)	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Residence Walls - perimeter walls, interior walls and ceilings— <b>finished</b> surfaces including drywall and paint (includes garages, but does not include exterior surfaces of Residences)	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Floor coverings – including, but not limited to, carpet, tile, vinyl, and hardwood	O	Declaration Article VIII, Section 8.2	O if upgrade / A if original	Declaration, Article X, Section 10.1 and 10.4
Subflooring – including, but not limited to, the beams, floor joists, and plywood deck or similar floor deck material	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Interior doors within a Residence	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Fireplaces (including hearth, damper, façade, firebox, and screen) and chimneys	O	Declaration Article VIII, Section 8.2	A	Declaration, Article X, Section 10.1
Pests / insects in individual Residences	O	Declaration Article VIII, Section 8.2	n/a	n/a
<b>GROUNDS</b>				
Grass, trees, shrubbery, flowers and similar landscaping constituting part of the Common Area	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1

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Sprinkler and irrigation systems constituting part of the Common Area	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Private roads, streets and drives, sidewalks, curbs, steps, and walkways in the Common Area (including snow removal)	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Parking areas other than garages	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Lighting for private roads, streets and drives, sidewalks, curbs, and walkways in Common Areas	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Entry facilities, signs and entryway landscaping	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Security gates	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Monuments and signage for / within the community	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Landscaping located within Patio areas or within Unit/Dwelling Unit Boundaries	O	Declaration Article 1, Section 1.19 and Article VIII, Section 8.2	O if upgrade / A if original	Declaration, Article X, Section 10.1 and 10.4
Exterior light fixtures – Common Area	A	Declaration Article VIII, Section 8.1	A	Declaration, Article X, Section 10.1
Boundary fences	A	Declaration Article VIII, Section 8.1	O	Declaration, Article X, Section 10.1

<sup>1</sup> If property owned or maintained by an Owner must be maintained or repaired because the Association failed to satisfy its maintenance obligation, such as the Association's failure to properly maintain the Common Area, the Association is likely responsible for the cost of the maintenance or repair. Generally, the Association satisfies its maintenance obligation when it acts with reasonable care in light of the apparent risk. *Trailside Townhome Ass'n, Inc. v. Acierno*, 880 P.2d 1197 (Colo. 1994). If the Association acts with reasonable care when maintaining the Common Area and other areas it must maintain (e.g. Common Area landscaping), yet the Owner must repair damaged items originating from the Common Area or other areas (such as replacing carpet due to a leaking from drainage issues), the Owner is still responsible for the cost of repair. However, if the Association does not act with reasonable care, the Association is likely responsible for the cost of repair. Similarly, if an Owner does not maintain a Unit and causes damage to another Unit or the Common Area, said Owner is likely responsible for the cost of maintenance and/or repair.

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<sup>2</sup> Article VIII, Section 8.1 provides that "...The Association shall have the right to recover costs from an Owner for repair, replacement and maintenance work which is required due to damage to the Common Area caused or permitted by an Owner or such Owner's Guest. The Association may collect such costs as Individual Purpose Assessments."

<sup>3</sup> Article X, Section 10.4 provides that the Association may adopt written non-discriminatory policies and procedures relating to the submittal of claims, responsibility for deductibles, and any other matters of claims adjustment. Further, the Association may determine that a loss, either in the form of a deductible to be paid by the Association or an uninsured loss, resulted from the act or negligence of one or more Owners. Upon said determination, any such Loss or portion thereof may be assessed to the Owner(s) in question (or in pro rata amounts against multiple owners).

<sup>4</sup> Article X, Section 10.1 provides that the Owner shall be responsible for insurance coverage on any improvements or upgrades installed on Unit or Residence which were not original developer installations.

<sup>5</sup> Article VIII, Section E.b. of The Pelican Pointe Homeowners Association Rules, clarifying provisions in the Declaration regarding Garage Door maintenance and repair, states as follows:

b. Garage doors and garage door mechanisms. The Association shall be responsible for the regular repair and maintenance of the exterior surface of the garage doors, but not for the repair, maintenance or replacement of the garage door's hardware, springs, track, rollers, electronic mechanisms, or any other parts or components of the garage door, which are located inside the garage. However, the cost to repair any damage to the garage door's exterior surface or frame, if caused by the homeowner, resident or their invitee, shall be borne by the homeowner.