

FREQUENTLY ASKED QUESTIONS BY HOMEOWNERS IN COMSTOCK ESTATES

How large is this HOA?

- Comstock Estates has 312 homes. There are no empty lots, so this is as big as it gets.

What are the annual assessments and when are they due?

- Annual assessments are set by the board of directors during the annual budgeting process. Currently they are \$150.00/yr.
- Annual assessments are in place to cover the cost of the main irrigation system, a property management company to maintain HOA affairs, maintenance of shared areas such as the roundabouts, and community improvements.
- Each December, annual assessment notices are mailed to each homeowner along with the notice of the annual meeting and the associated proxy forms that can be used by homeowners who are unable to attend the meeting.
- Annual assessment payments are due no later than close of business the last day of January.

What happens if I'm late paying?

- Per our covenants any late payments, whether for assessments or fines, will be charged a late fee of \$25.00 and interest of 21% per annum will accrue until the assessment and/or fine and late fee are paid.
- If you find it difficult to pay on time, state law states that you are entitled to a one-time payment plan. Please contact the property manager and/or the board to discuss establishing a payment plan if needed.

Why do I have to follow the covenants and the rules?

- At closing, homeowners are required to sign papers making them a legal member of the HOA and agreeing to follow the covenants and policies applicable to the HOA. A full set of covenants and policies are kept on our website so you can download them for your use.

What are some of the basic rules I need to know?

- Homeowners are required to maintain their lots. Lots should be kept weed and trash free, grass should be properly watered and mowed and any other trees and plants should be maintained (trees trimmed, bushes manicured, flower beds cleaned and weeded, etc.). Other landscaping features should be kept in good order and any dead trees or bushes should be removed.
- Trash cans and garbage bags can be put out no earlier than the evening before trash day and must be put away by the end of trash day. Other than that 24-hour period, all trash cans/bags must be either behind the privacy fence or in your garage – there are NO exceptions.
- City of Fruita statutes limit each home to 4 pets. Our HOA covenants do not allow you to have livestock which means no chickens or ducks can be included in that 4 pet limit.
- Any vehicle that hasn't been operational for a period of 2 weeks or more has to be stored either behind the fence or in a garage. Exceptions can be made if a homeowner is extremely ill or on vacation.
- All improvements/additions to any lot has to be approved by the Architectural Control Committee. Refer to the CCRs, Architectural Control and Use Restrictions sections.
- Political signage in support of candidates or ballot issues can only be used within the 90-day period prior to and including the Election Day on which the candidates or issues will be voted upon.

What do I do with my RV/camper/ATVs/hauling trailer/boat?

- You can only store any of these vehicles on your property if they are in your garage or behind a solid 6 ft. tall privacy fence.
- The city of Fruita also has ordinances against parking these vehicles in the street.

- If you are unable to store these vehicles in your garage or behind a fence they will need to be kept in offsite storage.
- If your RV/camper has slide outs, steps and extension cords blocking the sidewalk, that is a danger to pedestrians and you could end up with legal problems if someone is seriously injured. The HOA has no control over on-street parking. If you feel this is a problem, you can call the Mesa County Dispatch and ask that they send a Fruita Police Dept. officer out to investigate.
- You are allowed a short period of time to load/unload your RV/camper before and after a trip but these vehicles cannot be kept in your driveway or in the street for multiple days.

I want to have a storage shed.

- Both the city of Fruita and the HOA have some rules about storage sheds.
- Storage sheds bigger than 80 sq. ft require a permit from the city.
 - The city requires a 3-ft. setback from both the rear fence and side fences. This keeps any water from flowing into neighboring yards and prevents the shed from sitting atop the HOA irrigation lines.
- The HOA requires approval for any shed which can be obtained through the architectural change request form.
 - The request should include:
 - A drawing of your yard and illustrating where the shed will be placed.
 - A copy of the city permit for any shed over 80 sq. ft.
- Failure to obtain the proper approvals could result in the city and/or HOA requiring you to remove or move your shed.

I want to paint my house.

- The covenants are both specific and vague on this.
 - Here are some of the more specific points
 - “No improvements (that includes painting) can be done without the approval of the HOA.”
 - “The color combination for the body and trim of a Residence may not be repeated by any other adjacent Living Unit within two (2) Lots (Lots separated by a street are not considered adjacent).”
 - If your favorite color is the same as your next-door neighbor’s home then the HOA will say “No.”
 - Here’s a vague point:
 - “Exterior Colors. Semi-transparent or solid colors in moderate hues only are acceptable,” this leaves some room for interpretation.
 - The definition of moderate is as follows – “*of a color: of medium lightness and medium chroma.*”
 - The board tries very hard to be fair in this regard but homes that have been painted in the past certainly did not follow the spirit of this covenant. Please don’t request a paint color that is at the far end of a color swatch and expect it to be approved. Remember, you can paint the interior any color you wish.
- The board does have the right to require a homeowner to repaint a portion of their freshly painted home if it does not meet the covenant requirements. So, please obtain board approval prior to painting so we can maintain high home values in Comstock.

Does the HOA own my fence?

- The HOA does own and maintain the fences along Coulson and Ottley along with the fence along the Oaks. All other fences are owned by private homeowners and are to be maintained by them.

How do I water my lawn?

- The HOA provides each lot with irrigation water from the Elmwood Lateral Ditch. You can connect an irrigation system to that by a pump or use gravity. Or you may use metered city water if you choose. At times, we have some challenges with the irrigation system and may have to shut it down – we try to post signs at all 3 entrances

letting you know when that occurs. Because the problem may be in any yard the HOA has the legal right to enter every yard to deal with the irrigation system when there is an emergency. We will try our best to get in touch with you, especially if you have pets. Please keep your contact information up-to-date with us for that very reason. Refer to Comstock Estates Irrigation System for more information.

Barking dogs.

- The Comstock Estates HOA covenant says this – “pet(s) are not kept for any commercial purpose and are not kept in such number or in such manner as to create a nuisance to any resident(s) of the Property.” It is very difficult for the HOA to enforce this and we will ask that you work with the city to get this resolved since they have laws and a clear process on how to move forward.
- Fruita ordinance states that it is “unlawful for the owner or keeper of an animal in the city to permit such animal to disturb the peace and quiet of any person by barking, whining, howling, or making any other noise in an excessive, continuous, or untimely fashion.” Refer to the [Fruita Police Department](#) for further assistance.

Can I rent my home?

- All rentals are to be written leases and have to be for a minimum of 30 days. No vacation type rentals are allowed for less than 30 days. All tenants must abide by the same covenants and policies as the homeowners. It is the responsibility of the homeowner to convey the rules and expectations to any tenant. The homeowner, as a member of the HOA, will be held responsible for any violations of the covenants by a tenant.

What happens if a homeowner doesn't follow the rules?

- The first contact may be a home visit. The board believes that education leading to cooperation is best. However, when that is not possible or does not work, the covenant guidelines kick into place.
- The process as outlined in the covenants is as follows:
 - The homeowner will receive a courtesy letter clearly stating the covenant that has been violated along with a timeline on how long the homeowner has to fix the problem and what will happen if they do not. Also included in the letter will be information on how to appeal if they feel the violation is in error. Any appeal must be done in writing within 7 days.
 - If the homeowner doesn't appeal or the appeal is denied and the problem remains a fine will be charged against the land. The fine letter will state when the payment is due and what the late charges are if the payment is not received in time.
- Some homeowners seem to be repeat offenders, and in those instances we do not continue to send out courtesy letters.
- Refer to the Collection Policy on our website for more information about delinquent accounts.

Can the HOA board fix my problems with my neighbors?

- This may sound like an unusual question, but we often receive requests to solve some problems that could easily be resolved if folks just spent a few moments talking to their neighbors.
- Remember that we are not a retirement or a controlled community and so there are going to be kids and kid's playsets and other things in view that you might not care for. This happens in any subdivision. There are no covenants saying your backyard view is protected – all you can do is manage the view from your side of the fence with some creativity.
- Sometimes the problem is serious and you need the help of the HOA in resolving the issue. Please try to determine which it is before calling on the board. We are all volunteers trying to juggle the needs of all of the homeowners and still keep our families from making us resign. If you need to contact us, go to the <https://comstockhoa.net/> website and send an email via the “Contact” button or send an email to lwood@ggre.us.