

## FREQUENTLY ASKED QUESTIONS ABOUT MALLORY CREEK HOMEOWNERS ASSOCIATION

Congratulations on purchasing in a community with a homeowner's association. You are automatically a member in the Homeowners Association, Inc. Because the Association is so important to the community and your personal investment, please take a moment to read the following *Frequently Asked Questions* about community living. The following is intended to be a helpful summary but is not intended to replace, amend, or modify the contents of your Homeowner Documents. If there is any conflict between this summary and the Homeowner Documents, you should rely upon the contents of the Homeowner documents and **not** this summary.

### **Q. What is the Mallory Creek Homeowners Association?**

**A.** The Mallory Creek Homeowners Association (HOA) is a private, nonprofit, corporation in which all unit owners are members and have certain rights and obligations, governed by a recorded set of governing documents, and administered by a Board of Directors. Association business expenses are funded through the collection of quarterly and, if necessary special Assessments, paid by each member.

### About Your Governing Documents:

The Mallory Creek governing documents include three major instruments: the Declaration of Covenants, Conditions and Restrictions, the Articles of Incorporation, and the By-Laws.

*The Declaration of Covenants, Conditions and Restrictions* establish formal regulations for the community, establish the rights and responsibilities of the individual unit owners and the Association, establish standards for maintenance upkeep by both the Association and the homeowners, and define amendment requirements.

*The Articles of Incorporation (Articles)* is the corporate charter filed with the State of Florida. The Articles establish the Association as a legal entity (a corporation) and defines membership and voting rights. The Articles established the First Board of Directors and initial officers of the Association.

*The By-Laws* establish the procedures for carrying out the operations of the HOA. The By-Laws describe how member and board of director meetings are noticed and conducted, including quorum requirements, the election, number, and powers of the board of directors, the appointment, type and duties of officers and the appointment, type and duties of committees.

### **Q. How do I obtain a copy of the Mallory Creek governing documents?**

**A.** You may view and print a copy of the Mallory Creek governing documents by accessing the Mallory Creek HOA website ([www.mallorycreekhoa.com](http://www.mallorycreekhoa.com)) and linking to Documents.

### **Q. How does your HOA work?**

**A.** You and your neighbors will ultimately manage the day-to-day business of the community through a member-elected Board of Directors. The Board must consist of a specified number of members as stated in the documents, elected in accordance with the Articles and By-Laws. The Board of Directors will assume responsibility for operating and maintaining the common areas, developing financial plans, assessing fees, and enforcing the governing documents and architectural controls. Committees and hired professionals assist the Board in its duties. Some of the community services that may be contracted include general management, landscape maintenance, irrigation maintenance, pool maintenance and fiber TV and internet.

### **Q. Who is your management company and what do they do?**

**A.** Triton Property Management is an outside vendor who handles the daily operations of your community with Board of Director oversight and direction. Although the Board of Directors hires the service providers, Triton Management arranges for the operation and maintenance of the common facilities. In addition, Triton Management prepares the budget, monitors the financial operations, receives and handles complaints, plans, organizes and keeps records of meetings, plans for adequate insurance coverage, issues work orders and enforces the community covenants. Copies of the HOA budget and corporate records are available through the Triton Management office. The Triton Management offices are located in Jupiter and have 24-hour emergency coverage. Triton Management collects your Association assessments and maintains its financial records. Triton Management provides an on-site Association Manager to oversee the day-to-day operations. Our Association Manager can be contacted via phone 561-401-9278 or email [mcmgr@tritoncam.com](mailto:mcmgr@tritoncam.com). The manager's office is located in our clubhouse.

### **Q. I have questions about the landscaping schedule. Who do I call?**

**A.** Our Association Manager can assist with landscape questions. The landscape company is contracted to maintain the lawns and shrubs and to perform a certain number of cuts and trims per year. The frequency will vary according to season and weather conditions. Because their contract outlines specific duties, the workers cannot take direction from

individual homeowners. Their job is to perform community-wide lawn care and not private gardening.

**Q. *My plants appear to be dying; do I call the landscaper or Triton Management?***

A. Generally speaking, the lawn, shrubs and bushes are installed and maintained by the landscape company. Call our Association Manager. and a work order will be issued to the appropriate people. Work Orders are assigned a number and logged. Monthly Work Order reports are generated and provided to the Board of Directors and show which work has been completed and what jobs are still pending.

**Q. *My irrigation system isn't working. Who do I call?***

A. Again, contact our Association Manager and a work order will be issued to the appropriate people. Routine "wet checks" are performed, and irrigation schedules are frequently adjusted according to current conditions.

**Q. *I want to change my landscape plants. Do I need approval for exterior work?***

A. Yes, any exterior changes require Architectural Review Committee ("ARC") approval prior to starting the work. ARC applications can be obtained by calling our Association Manager, or by accessing a copy from the mallorycreekhoa.com web page. A minimum security deposit of \$500 is required with the application.

**Q. *Who do I contact for ant and pest control?***

A. You are responsible for pest control within your home. The HOA provides for pest control of the lawn and shrubs. Most HOA's do not treat for white-footed or carpenter ants. You may call our Association Manager to report pests on your shrubs or lawn.

**Q. *The lakes have growth in them. How do I report this?***

A. Some lake vegetation is normal and healthy. As a matter of fact, it is desirable for about 30% of the lake surface to have a vegetative coverage. Certain lake plants, such as Chara, are actually water clarifiers and should be present. The lakes are generally treated for excessive growth on a monthly basis, but the level of lake maintenance will vary according to the season. Lake levels also fluctuate throughout the year.

**Q. *Does the HOA provide insurance?***

A. The HOA will insure the Association Property or Common Areas, but each homeowner must insure their own property.

**Q. *I have a complaint against my neighbor. How is that reported?***

A. You may contact our Association Manager, in writing, in cases of true violations. The homeowner will be contacted and asked to comply. Violations are logged and tracked. If the violation continues and reasonable efforts for compliance have failed, legal measures may be taken.

**Q. *I plan to lease my home. Do I need to inform the HOA? What if I decide to sell?***

A. The HOA needs to be notified in either situation. A Lease Approval or Resale Approval is required. You may want to work with a Realtor for guidance with sign restrictions, application requirements, etc. If leasing, remember that your lessee is legally bound to act according to the governing documents. You, as the homeowner, are ultimately responsible for the payment of assessments and the behavior of your lessee. You can get information on the lease terms for your association and/or copies of the application by calling your Association Manager or from the mallorycreekhoa.com web page.

**Q. *Could I have a quick summary of the rules and regulations?***

A. Some of the most common violations include parking on the street, parking pickup trucks outside the garage overnight, parking commercial vehicles overnight, dogs not leashed, failing to clean up after your pet and leaving garbage containers out. Rules and Regulations are posted on the HOA Bulletin Board in the mail room.

**Q. *I want to contribute to my community's success. How do I get involved?***

A. Community-wide letters and notices are sent out during the year asking for committee volunteers and/or Board nominees. You can also contact your Association Manager. and ask that your name be placed on the list of future community leaders. If you don't have the time to serve in such a capacity, you can contribute to the association's success by cooperating with the rules and regulations, paying your assessments on time, and voting in your community elections!

**Association Management On-Site Office:**

**561-401-9278**

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