

Frequently Asked Questions regarding Deed Restrictions

What are deed restrictions? We all need to know this. It is a term that tells you what you can and cannot do with your own land and your own home ... What nerve! -you may say, please read on.

Simply stated, these are the rules of the community. Our deed restrictions set minimum standards for residents of the development. It is part of the Declaration of Covenants, Conditions, and Restrictions that **you agreed to in advance when you bought your home**. Through this document, you agreed to certain standards of maintenance, upkeep, and behavior in order to make the community as attractive as possible for yourself and your neighbors, and to maintain or enhance your property values.

Why have deed restrictions? Deed restrictions are for your benefit. By establishing certain rules that must be followed by everyone, deed restrictions let you know what you are buying into & what is expected of you and your neighbors. In general they serve to protect the character & value of the neighborhood and your investment. We would like everyone to see their deed restrictions as a feature of the community, just like green space and street lighting, rather than an obstacle to overcome.

Who may enforce the restrictions? Deed restrictions are declarations or covenants between and among all property owners who live in a single subdivision. While the Thornwood Maintenance Association has taken an active role in enforcing our deed restrictions, any owner of any Lot subject to the Declaration may seek to enforce the restrictions against another subdivision property owner.

How are deed restrictions enforced? In the case of TMA enforcement, the homeowner will receive written notice of the violation, expected remedy, and time allowed to complete. If any given situation has deteriorated to the point that a property owner refuses to live up to the terms of a deed restriction (that property owner has breached his/her agreement) then that property owner can be sued, and if appropriate the court can force the property owner to comply with the deed restrictions. The court may award reasonable attorneys' fees and expenses as costs against a person who has violated the terms of these covenants and restrictions.

Are you telling me what I can do with my property or to my own home? Within the scope of the deed restrictions, yes you have to follow the rules. In fact you have already agreed to compliance by the act of purchasing your property. Many of your neighbors have been made to correct violations including fences, unauthorized exterior changes, and commercial vehicle violations. In many cases at considerable cost. The TMA has a substantial record of uniform and consistent enforcement of the deed restrictions. In some cases it takes longer than we or your neighbors would like, but the end result will not change.

When do most problems occur? Most issues are a result of the homeowner's failure to understand the restrictions or the need for compliance. In many cases, a simple letter is sufficient to effect correction. In others, violators simply do not feel they have to adhere to the restrictions or choose to ignore letters. This advisement should serve as notice all such matters will be pursued to the full extent as listed in the restrictive covenants.

Do I need approval for.....? *Satellite dishes*, yes, you have the right to own one, but the ACC has the right to approve its location on the exterior of your home. Many installers will choose the easiest location, not always the most desirable. To be safe ask the ACC in advance. *Patios/decks* or to *remove railings or posts*, yes, these are exterior changes. *Garden walls*, yes, see retaining walls below. *To paint my doors or shutters* maybe, if a color change is involved.

Do I need approval if I have a building permit? Yes, to insure the project is within the character of the neighborhood. ACC approval is required, though it does not indicate compliance to New Castle County codes, or vice-versa.

What specifically does the ACC review? The deed restrictions Article 4 (Architectural Control) states in part: No building, shed, fence, wall, retaining wall, pond, post, cover, swimming pool or other construction shall be commenced, erected or maintained upon any lot nor shall any exterior addition to or change or alteration thereof including but not limited to exterior façade color change and/or change in grade or drainage be made until the plans and specifications showing the nature, kind, shape, color, height, materials and proposed location of same shall have been submitted to and approved in writing by Declarant.

In short it is best to ask about any changes if you are at all in doubt. Please allow at least thirty days for the approval process, or contact an ACC member directly if you have an urgent request. Currently ACC Vice President is Dave Clark – phone 456-3621