

# River Rock Property Owners Association

## Covenant Interpretation

In the matter of: Interpretation #2011-01-X-05 – Article X, Section 5. Recreational Equipment  
Owner: River Rock Property Owners Association – Board of Directors  
240 B. North River Rock Road  
Belgrade, MT 59714

**Affected Properties:** River Rock Subdivision in its entirety

### **Background Information**

The River Rock Property Owners Association Board of Directors (BOD) is committed to keep the spirit of the covenants as well as clearing up ambiguity present in the Covenants, Conditions, and Restrictions (CCRs). In the past, the BOD has struggled with consistently enforcing CCRs. The turnover of BOD members has largely contributed to this struggle. We feel by documenting the BOD's interpretation of said CCRs will help with consistency going forward.

The original covenant in 1999 read as follows: *No residential lot shall be used to park campers, trailers, motor homes, boats, and all the other recreational equipment and the like. In no event shall such equipment be parked on roads. Such equipment and vehicles must be enclosed in a garage or otherwise screened areas. Screening design must be approved by the Architectural Review Committee.*

In 2000 and 2002 a mail ballot was conducted and Article X Section 5 was amended to read as follows (Changes are in bold): ***Except as allowed by this Covenant, no residential lots, or driveways shall be used to park campers, trailers, motor homes, boats, and all other recreational equipment and the like. In no event shall such equipment be parked on roads. Such equipment and vehicles must be enclosed in a garage or otherwise screened areas or on a well maintained gravel, concrete or asphalt parking apron constructed directly adjacent (next to) to the garage/home or other location approved by the architectural review committee. Screening design must be approved by the Architectural Review Committee.***

***The Owner of any Lot that is permanently (preparation for trips, cleaning and minor repair excluded - not to exceed 7 days) storing any Recreational Equipment in violation of this covenant will be subject to the following fines if the violation is not cured within 48 hours of receiving a certified mail notice from the Association:***

***First Offense: \$50.00 per day that the equipment remains stored in violation.***  
***Second Offense: \$100.00 per day that the equipment remains stored in violation.***  
***Third Offense and thereafter: \$150.00 per day that the equipment remains stored in violation***

***All Powers given the Association in Article IV, Section 7, apply to any assessments levied against a property for the purposes of this section.***

## **Board of Directors Decision**

The following sentence by sentence interpretation will be used to summarize the BOD’s decision on said covenant:

**Sentence 1:** This sentence explains where recreational equipment can be stored on any lot. They cannot be stored or parked on a driveway; see definition of driveway below. Trailers in this sentence will refer to any trailer including work trailers. The definition of words ‘and the like’ is below.

**Sentence 2:** This sentence is self-explanatory meaning absolutely no parking recreational equipment on the roads including alleys.

**Sentence 3:** Recreation equipment needs to be enclosed in garage, screened from view, next to/side of/not in front of the home or garage on material consistent with covenant (gravel, asphalt, or concrete), or other approved location that meets one of the other three items. Approval by Architectural Review Committee means a signed and dated design plans that indicate acceptable use and on file a River Rock office. Gravel apron can not be connected to the road or sidewalk (this helps keep gravel off the road and out of the storm drains). Asphalt and concrete apron can be connected to the road or sidewalk.

**Sentence 4:** All screened material must be approved by Architectural Review Committee. Approval by the Architectural Review Committee means signed and dated plans that indicate acceptable use, and on file with the River Rock Property Owners Association office.

**Sentence 5:** The definition of permanent and temporary are listed below. We will be interpreting the 7-day limit to mean 7-days per quarter. A certified letter will be sent to lot owners in violation. The fines will begin 72-hrs after said letter is placed in the mail. This accounts for the 24-hours for delivery of the notice (Article XI, Section 7. Notices; Documents ; Deliver.) and the allotted 48-hours after receiving the notice to address the violation . A certified mail notice is the notification you receive from the post office that you have certified mail.

**Remaining Sentences:** The remaining sentences deal with the fining structure and the BOD’s responsibility and authority to collect said fines. The fining structure states an offence per day in violation structure. The BOD interprets that to mean as long as the equipment is in violation fines will occur per day. Once the equipment is moved to an acceptable location, then that offence is closed. The offences are only reset back to zero when the ownership of the property has changed.

## **Definitions (dictionary.law.com (Dictionary Tab))**

- Driveway - a private road for vehicles, often connecting a house or garage with a public road
- And the like - one of many that are similar to each other
- Permanent - Lasting or remaining without essential change
- Temporary - Lasting, used, serving, or enjoyed for a limited time.

River Rock Property Owners Association, Board of Directors  
Covenant Interpretation 2011-01-X-05 – Article X, Section 5. Recreational Equipment

Dated: May 17th 2011

Scott Quinn  
Name

PRESIDENT  
Position

Scott Quinn  
Signature

Stoney Wahl  
Name

Vice President  
Position

Stoney Wahl  
Signature

Steven Eaton  
Name

Treasurer  
Position

Steven Eaton  
Signature

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Name

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RIVER ROCK PROPERTY OWNERS ASSOCIATION  
BOARD OF DIRECTORS