

BROOK PARK MANOR CIVIC ASSOCIATION

FAQ's, History & General Information

This document presents background information regarding the Brook Park Manor Civic Association Board, the protective covenants and the covenant enforcement process in an effort to answer questions recently asked by residents. The majority of the information in this document will also be available on the Brook Park Website (<http://www.brookparkmanor.com>).

The document contains the following three sections:

Civic Board and Covenant Background – This section explains the purpose of the Civic Board and provides a history of the covenants.

Covenant Enforcement Process and Enforcement History – This section explains the process for enforcing the covenants and a history of prior covenants issues.

Questions – This section addresses questions about specific areas of the neighborhood.

Civic Board and Covenant Background:

1. What is the purpose of the Civic Board?

- To keep members informed of actions and proposals of community officials and individuals that may affect their interests as residents and taxpayers. To provide an agency through which the common interests of its members may be brought to the attention of community officials and the general public.
- To represent the common interests of its members before the various legislative and administrative bodies of the community on matters affecting the health, safety, welfare, education, personal or property rights of its members or members of their families
- To promote fellowship between members. To advance the general welfare and interest of its members through such projects as the Board of Governors may authorize from time to time.
- To enforce the Protective Covenants governing properties within Brook Park Manor upon notification of a violation or violations. To prosecute a proceedings in law or in equity against person or persons violating, or attempting to violate protective covenants and/or restrictions.

2. ***Where can I find a current copy of covenants for the Phase that I reside in?***

A copy of all current covenants is available on the Brook Park Web Site:
www.brookparkmanor.com

3. ***What is the History of the 1989-1990 Covenant Re-signing in Phases I & II?***

Protective Covenants were written and filed for Phases 1, 2 and 3 when these areas were developed. Phase 3 covenants were written to be perpetual and never expire. Initial Phase 1 and 2 covenants were to expire over a ten-year period ending in 1989.

During 1989 and 1990, the covenants for Phases 1 & 2 were re-signed by residents and re-filed with The County of Allegheny. Hergenroder and Heights was the law firm that handled the covenant re-filing in 1990. The cost was approximately \$700 for attorney fees PLUS a filing fee for each address submitted.

Some residents elected not to re-sign and therefore are not legally required to comply with any part of the covenants. A record of these properties is on file with the Board Secretary. Some residents elected to re-sign, but with exceptions to certain portions of the covenants. Where an exception is listed, those covenant provisions are unenforceable. A record of these properties and the line items excepted is on file with the Board Secretary.

4. ***How many lots in Phases I & II have “no” signed covenants or “exceptions” to covenants covering individual properties?***

Phase 1 – Phase 1 contains 68 total lots. 11 of the lots have unsigned covenants. Of the 57 lots that have signed covenants, 8 have “outbuilding exceptions” written into the signed document.

Phase 2 – Phase 2 contains 139 total lots. 10 of the lots have unsigned covenants. Of the 129 lots that have signed covenants, 2 have “outbuilding exceptions” written into the signed document.

Phase 3—There are NO unsigned covenants or EXCEPTIONS. All lots are covered by all provisions of the Phase 3 Covenants.

5. ***What is the Definition of an Outbuilding?***

out·build·ing (-bil'din)

noun

a structure, as a garage or barn, separate from the house or main building

outbuilding Synonyms

outhouse, stable, barn, backhouse, outside building, storehouse; see also building 1, shed.

6. ***Whose responsibility is it to inform home buyers that the property they are looking to purchase is covered by covenants?***

When someone purchases a home in Brook Park that is covered by covenants, that fact should be disclosed by the Seller and/or Real Estate Agent to potential buyers. This is not a legal obligation but rather a courtesy by the seller. It is the Title Insurance Company's responsibility to notify the buyer in regards to covenants covering their property.

7. ***Are the covenants attached to your home's lot?***

Covenants are attached to your home's lot and are filed by lot and block number with the Allegheny County Recorder of Deeds.

Covenant Enforcement Process and Enforcement History:

8. ***Are the covenants really enforceable?***

All signed covenants covering Brook Park, are perpetual as long as there is a Civic Board. These protective covenants, filed with Allegheny County, are legal and binding.

9. ***How many covenant violations have you addressed and resolved to date?***

According to documents on file with the Board Secretary, the Civic Association has addressed 14 Covenant Violations, 13 of which have been resolved without court action. Homeowners typically will take corrective action to comply with the covenants.

10. ***Is it possible to recover legal expenses incurred as "damages" if BPMCA wins a lawsuit?***

This would be addressed by the courts on a case-by-case basis.

11. ***What is the process to file a complaint regarding a covenant violation?***

The person filing the complaint must be a paid member of the Civic Association. The Complaint must be in writing to the Civic Board and must be signed. All Complaints will be kept confidential.

The Civic Board will send a letter to the household in violation requesting conformance with the covenants.

If household in violation does not respond to the letter or does not take measures to comply with the covenants, the Civic Board has the legal right to file a complaint with the courts to attempt to correct the violation.

12. ***Can individual Homeowners bring suit regarding covenant violations?***

Yes. Each resident of Brook Park has the right to enforce the covenants. Covenant enforcement is not limited to the Civic Association.

13. ***Would the Civic Association Board support individual homeowners bringing suit regarding covenant violations?***

Yes, as long as the homeowner is a paid member of the civic association.

14. ***Are SUV's and trucks a covenant violation?***

No, unless the truck is a construction truck or "Work" truck

15. ***Are fences covered by the covenants?***

No. Fences are covered by Town and Borough Building Ordinances. You must have a Building Permit to erect a fence.

16. ***Are the Town of McCandless and the Borough of Franklin Park responsible for the enforcement our covenants when granting building permits, etc.?***

No. Neither have an obligation in regards to our covenants.

17. ***What issues are not covered by the covenants and not enforceable by BPMCA?***

Examples of issues not covered by the covenants include: Trash Cans, Condition of Lawns, Snow/Ice Removal, Street Parking, Home Maintenance, Fences, Speeding Vehicles, Recreational Fires, Noise, Yard Decorations, Pet Issues—these issues are governed by local government laws and ordinances.

Many times, the Civic Board has contacted local government and law enforcement to obtain information regarding many of the above topics and has provided residents with the information via the monthly newsletter. Any resident may contact the Town of McCandless, the Borough of Franklin Park or Allegheny County to obtain information regarding laws and ordinances they may have questions about.

Contact Information:

Franklin Park Borough: 412-364-4115
<http://www.borough.franklin-park.pa.us/>

Town Of McCandless: 412-364-0616
<http://www.townofmccandless.org/>

Allegheny County: 412-350-4636 (Main Information Line)
<http://www.alleghenycounty.us/>

Questions:

18. ***Will the Civic Association be placing this FAQ's document on the Brook Park Web Site?***

Yes. www.brookparkmanor.com.

19. ***What happens if the Civic Association ceases to exist?***

While one can not predict the total impact of disbanding the Civic Association, if the Civic Association ceases to exist, all activities sponsored by the Civic Association would cease to exist or would need to be taken over by a Brook Park resident. Examples include: the Pig Roast, Happy Hours, Halloween Parade, Santa Visits, Easter Egg Hunt, Luminaries, Women's Club, Front Entrance Landscaping, Newsletter, and Website.

20. ***What you can expect to see if the covenants cease to exist?***

The covenants establish basic common standards for neighborhood properties. Without these common standards, everything is open to individual interpretation and subject only to borough ordinances

21. ***If the covenants cease to exist, are your property values really in jeopardy?***

While future property values are difficult to predict, eliminating the covenants significantly increases the risk of reducing your property value. Without covenants to define basic standards for neighborhood properties, everything is open to individual interpretation. Some of the examples cited by residents who have lived previously in plans without covenants would have a negative impact on property values.

22. ***Why is the Fassinger Farm permitted to exist in Brook Park?***

The Fassinger Farm (as well as a small number of other properties) is NOT a part of the Brook Park Development. Most of the area that comprises Phase 1 and Phase 2 was originally part of the farm.