

RULE NO. 2008-15
STOCKBRIDGE AT TANGLEWOOD CONDOMINIUM

Rule Pertaining to Limited Common Elements

WHEREAS, real property located within the condominium known as "STOCKBRIDGE AT TANGLEWOOD, A Condominium" ("Condominium") is subject to the condominium regime established pursuant to a certain Declaration dated August 1, 1983 which was duly recorded August 2, 1983 in Liber 6142 at folio 519, together with the Plats and Plans thereof among the Land Records of Montgomery County, Maryland, and

WHEREAS, as depicted in the Plats and Plans and as stated in the recitals of the Declaration of the Stockbridge at Tanglewood Condominium ("the Declaration"), the entire Condominium regime is divided into (a) Units, and (b) Common Elements, and

WHEREAS, Article I, Section 1 and Article III of the Declaration defines "Common Elements" as any area within the Condominium that is not a Unit. Common Elements consist of "General Common Elements" and "Limited Common Elements," and

WHEREAS, for purposes of this Rule, Article III, Section 1 of the Declaration defines Limited Common Elements as "those [areas] described and/or designated as such on the Record Plats and Plans by appropriate description and/or designation as Limited Common Elements" and provides that "all such [Limited Common] Elements are reserved for the exclusive use of the Condominium Units indicated thereon," and

WHEREAS, as stated on the Plats and Plans for the Condominium units, the Limited Common Elements are further "defined as areas reserved for the exclusive use of the unit to which they are attached and include storage areas, patios, and balconies;" (emphasis added) and

WHEREAS, Article VIII, Section 4 of the By-Laws for the Condominium states that areas that are "reserved for the exclusive use of the Owner of a Condominium Unit" include "any yard, terrace, patio or other facility appurtenant to such Condominium unit," (emphasis added) and

WHEREAS, the areas described as the "yards" and "storage areas" are not specifically designated on the Plats and Plans, and issues have arisen regarding their dimensions and the nature and extent of any use and modifications that can be made to them by the unit owners; and

WHEREAS, Schedule A to the By-Laws for the Condominium contains a list of initial rules and regulations regarding the manner in which unit owners shall maintain their units

and describing certain activities and uses which are permitted and prohibited in the Condominium's Common Elements.

WHEREAS, in relevant part for this Rule, Rule 2 of the initial rules and regulations specifically states that nothing shall be stored or placed in the Common Elements without the prior consent of the Board, Rule 7 states that bicycles, toys, benches, chairs and similar items shall be kept in covered storage when not in use, Rule 12 states that the exterior portion of any unit may not be decorated or redecorated without the written approval of the Board, and Article VIII, Section 7 of the By-Laws states that a unit owner shall not place objects in the Limited Common Areas. Likewise, Article VIII, Section 6 of the By-Laws for the Condominium provides that all structural additions, alterations, and improvements to the units must be approved by the Board of Directors, which prompted the Board to adopt Resolution #1991-4 ("A Resolution Pertaining to Exterior Alteration Applications") which sets forth the rules governing the submittal of exterior alterations applications; and

WHEREAS, the Board of Directors has found it advisable to adopt a comprehensive rule to clarify the areas that constitute "Limited Common Elements" and identify the permissible uses and modifications that can be made to these areas by unit owners, as some unit owners have been planting flowers and installing patios and decks in certain areas around their units without the prior approval of the Board; and

WHEREAS, this Rule was adopted at an open meeting of the Board of Directors held under the provisions of Section 11-111 of the Real Property Article of the Maryland Annotated Code.

NOW, THEREFORE, it is resolved that a new Rule 21 be added to the Rules of the Condominium reading as follows:

Rule 21. LIMITED COMMON ELEMENTS (Description and Permitted Uses)

A. Definitions.

- i. "Limited Common Elements" is defined as those areas "reserved for the exclusive use of the Condominium unit" to which they are attached and include yards, storage areas, patios, and balconies.
- ii. "Yards" are defined as the original grass areas (regardless of whether a patio has now been installed in said area) that are encompassed by and within a villa unit fence and the area that is identified as the yard

(which is also generally encompassed by a fence) on the town home unit drawings, which are attached hereto as **Exhibits A and B**.

- ii. "Storage Area" is defined as the shed which is reserved for the exclusive use of its respective Condominium Unit and is identified as Shed on the villa and town home drawings, which are attached hereto as **Exhibits A and B**.
- iii. "Villa Units" are those units which are located in buildings that contain eight (8) units, four (4) of which are located on the bottom floor and four (4) of which are located above the first floor units; as illustrated by the building on Plat No. 3653, attached hereto as **Exhibit C**.
- iv. "Town home Units" are those single units, containing 2 or 3 floors each, that piggy-back other single town home units; as illustrated by the units on Plat No. 3245, attached hereto as **Exhibit D**.

B. Limited Common Elements Areas: Within the Condominium, the following areas are Limited Common Elements:

- i. Those areas described and/or designated as Limited Common Elements on the Record Plats and Plans.
- ii. The entire fenced in area of all first floor "villa" units, which generally include a patio, shed, and a yard (an approximate 8' grass area) as depicted on **Exhibit A** attached hereto;
- iii. The balconies on the second floor of all "villa" units;
- iv. The sheds, and the area encompassed by the fence surrounding the shed(s), that are used by and located next to the entrance of each second floor "villa" unit; and
- v. The shed and yard of the "town home" units, which area is depicted on **Exhibit B** attached hereto, and is generally the area (approximately 12' x 8' in size) that is between the front wall of the townhouse unit and the front shed and extending from the side fence on one side to the unit walkway on the other. The yard also includes the area (approximately 4' x 6' in size) between the sliding glass doors and the fence on the side of the end unit townhomes, as depicted on **Exhibit B** attached hereto.

C. **Permissible Uses of Limited Common Element:** Within the Limited Common Elements of his/her Condominium Unit, a unit owner may:

- i. plant grass/flowers (excluding sunflowers) and/or vegetables (provided that the vegetables are planted in individual pots), or temporarily place outdoor furniture, bicycles, gardening equipment/flower pots, tools, and other similar objects (in nature and size) without the prior approval of the Board, provided said objects are placed in covered storage (i.e. within a shed) when not in use, and provided that in so doing said unit owner does not violate any other Condominium rule or regulation;
- ii. install or permit the installation of a satellite dish in his/her Limited Common Elements, provide he/she adheres to Rule 2006-16 (“Amended Rule Pertaining to Satellite Dish Antennas”) and obtains prior approval from the Board; and
- iii. install or permit the installation of a patio or deck in his/her Limited Common Element, provided he/she adheres to Resolution #1991-4 and obtains prior approval from the Board.

D. **Prohibited Uses and Exceptions:** Any other uses are prohibited within the Limited Common Elements. The Board may grant a waiver of this Rule upon application in writing by a unit owner. Waiver may be made on a case-by-case basis upon review of particular circumstances. No waiver shall be effective until the Board of Directors has reviewed and granted the waiver petition in writing.

Likewise, use of any General Common Elements by a unit owner is prohibited. However, the Board may grant a waiver of this Rule in the limited circumstance where a town home unit owner seeks to use the area next to their entrance stoop, depicted as Area 1 of the “town home” units on **Exhibit B**, attached hereto, for foundation plantings. In this case, the unit owner shall submit an application for said waiver, which will be reviewed by the Board on a case-by-case basis. If granted, the unit owner will be allowed to install foundation plantings in the area shown, which area extends from the stoop on one side to a straight line which projects out from the party wall on the other side, as depicted by **Exhibit B** attached hereto.

E. **Maintenance of Limited Common Elements:** The owner of the condominium unit to which use of the Limited Common Elements is assigned is responsible

for the maintenance of the Limited Common Elements, including the plants, shrubs, landscaping features, patio, deck, balcony and the like. These areas must be maintained in keeping with good property management techniques, including cutting the grass on a regular basis, pruning any trees or shrubs, and promptly removing any dead plants at the end of the growing season. However, the Association has assumed responsibility for repairing the sheds and the roofs of the sheds, as well as the sidewalks and stoops in front of the unit, provided that they are not damaged by the actions of the owner, in which case the owner will be responsible for the cost of repairing that portion which is damaged by the owner. The Association has also assumed responsibility for cutting the grass in the unit yards, as well as mulching and maintaining the foundation plantings in front of the units, provided that the unit owner has not planted anything or disturbed the foundation plantings or the grass area in front of the unit. If the unit owner has disturbed the foundation plantings or the grass area in front of the unit or has installed a patio or deck in the yard, the Association will not maintain the area that has been disturbed by the homeowner, and the owner will be responsible for its maintenance. However, the Association will maintain any undisturbed remaining area within the yard, provided the undisturbed area is separated from the disturbed area by a clean, straight boundary, in which case the Association will only maintain the grass up to the area marked by the clean, straight boundary.

- F. **Existing Landscaping on General Common Elements:** There are currently certain plantings on the General Common Elements of the Condominium which have been maintained by individual homeowners as if they are contained within their Limited Common Elements or yards. Any such maintenance is at the sole discretion of the Condominium, and the Condominium reserves the right, in its sole discretion, to remove and/or replace any landscaping that is located on the General Common Elements of the Condominium.
- G. **Enforcement.** Any use of a Limited Common Element that does not fall within the permissible uses and/or waiver exceptions set forth above, shall be subject to fines, in accordance with Rule 2006-13. Furthermore, the Board shall, in its discretion, determine whether immediate removal of any item(s) planted, installed, or kept in the Limited Common Element is necessary (to protect the safety and cohesiveness of the community and to assure compliance with this rule). If, after notification by the Board, the unit owner fails to remove said item in the time period prescribed by the Board, the Board (or its designee) shall have the right to enter onto the premises and have the item removed. All costs incurred by the Condominium in removing said item(s) shall be the sole

responsibility of the unit owner and the Condominium assumes no responsibility for any damages resulting from said removal.

Adopted by the Board of Directors of the Stockbridge at Tanglewood Condominium on the 28 day of May, 2008.

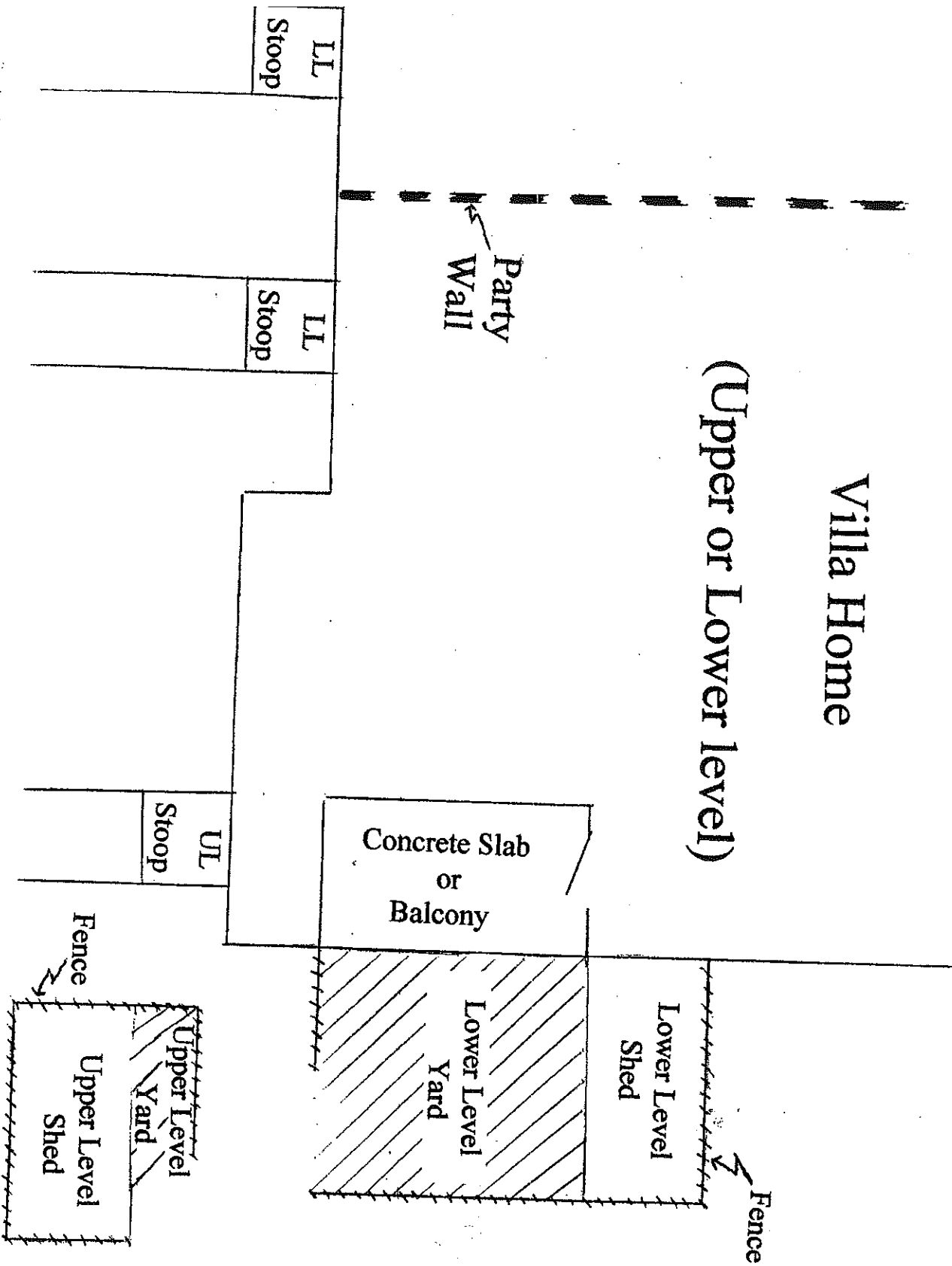
Lee Biederman
Lee Biederman, President
Stockbridge at Tanglewood Condominium

This is to certify that a meeting of the Board of Directors for the Stockbridge at Tanglewood Condominium was duly called on May 28, 2008, and a majority of the Board voted in favor of this rule at the time of said meeting. Furthermore, the residents of the Condominium were forwarded a copy of the proposed rule and notice of the proposed meeting at which the rule would be adopted, along with notice that they were permitted to comment on the proposed rule at least 15 days before the meeting, in accordance with Section 11-111 of the Real Property Article of the Maryland Annotated Code.

[Signature]
Secretary,
Stockbridge at Tanglewood Condominium

Villa Home

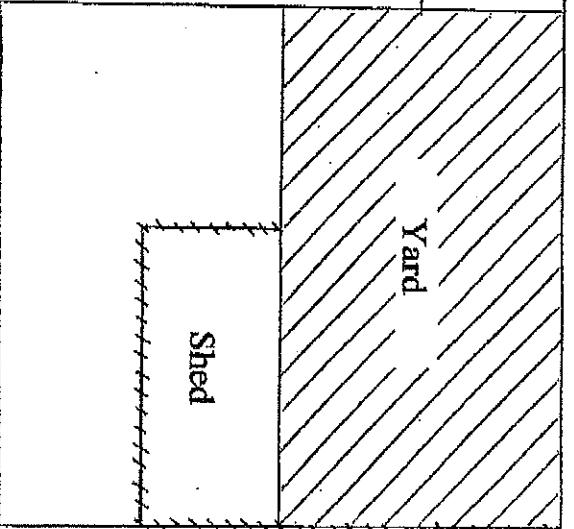
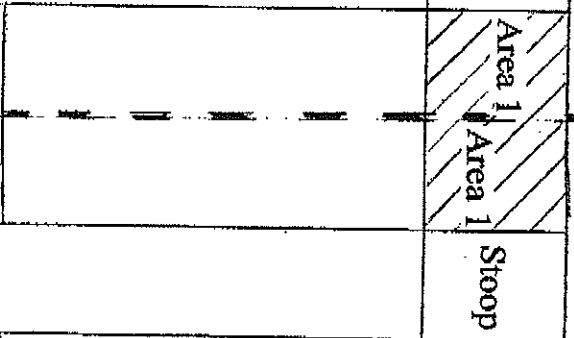
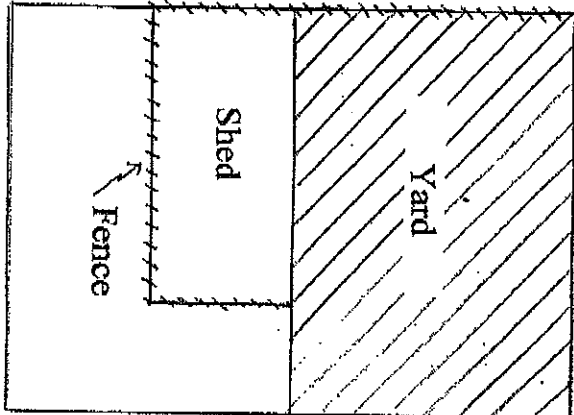
(Upper or Lower level)



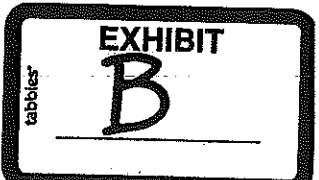
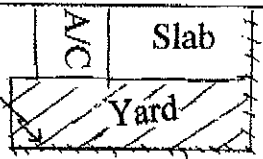
Interior Unit
Townhouse

Party
Wall

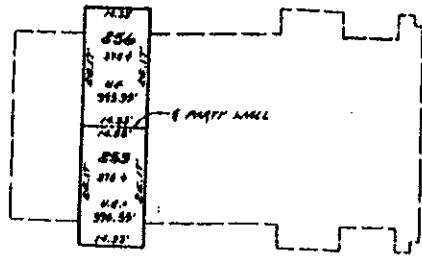
End Unit
Townhouse



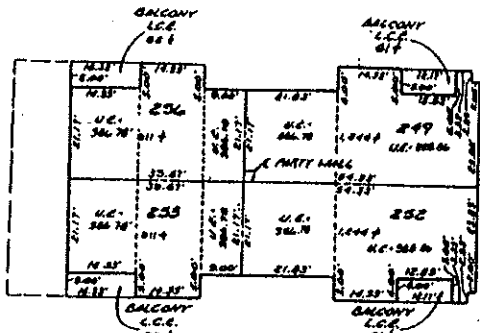
Sidewalk



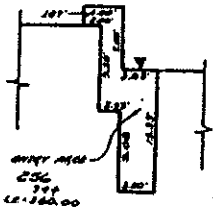
PLAT NO. 3653



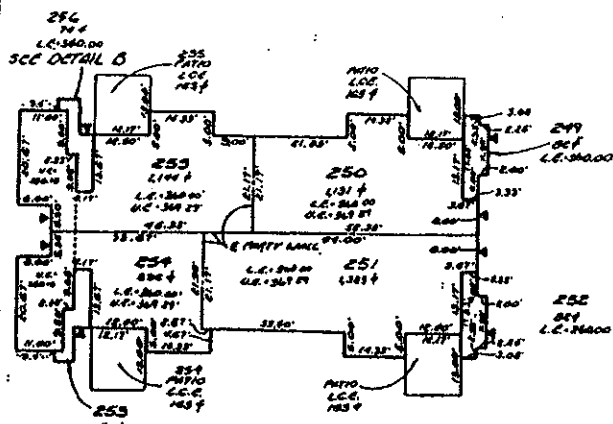
THIRD FLOOR



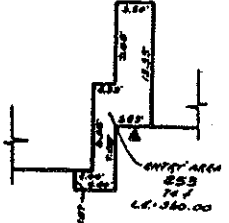
SECOND FLOOR



DETAIL B
SCALE: 1"=10"



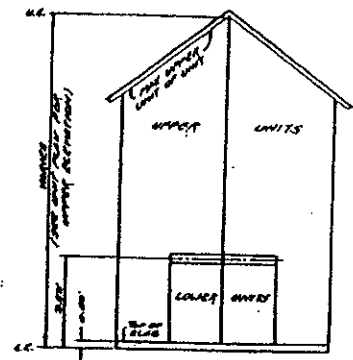
FIRST FLOOR



DETAIL A
SCALE: 1"=10"

RECORDED: _____
CONDO PLAT BOOK: _____
CONDO PLAT NO: _____

- NOTES:**
1. THE ELEVATIONS SHOWN HEREON ARE BASED ON THE DATUM ESTABLISHED BY THE WASHINGTON SUBURBAN SANITARY COMMISSION.
 2. EACH CONDOMINIUM UNIT SHOWN HEREON IS DESIGNATED BY A NUMBER, A TYPICAL EXAMPLE IS 254.
 3. THE DIMENSIONS OF EACH CONDOMINIUM UNIT SHOWN HEREON ARE MEASURED HORIZONTAL, BETWEEN THE EXTERIOR SURFACE OF EXTERIOR WALLS EN-CLOSING SUCH UNIT AND WHERE PARTY WALL AND PARTITION SEPARATE SUCH UNIT FROM OTHER UNITS, TO THE CENTERLINE OF EACH PARTY WALL AND PARTITION FACING SUCH UNITS, AND THE FIRST FLOOR UNITS ARE MEASURED VERTICALLY FROM THE BOTTOM OF THE CEILING JOIST OF THE FLOOR SLAB TO THE CENTERLINE OF THE CEILING JOIST AND UPPER UNITS ARE MEASURED VERTICALLY FROM THE CENTERLINE OF THE FLOOR JOIST AND ARE APPLICABLE FROM THE EXTERIOR SURFACE OF THE CEILING JOIST TO THE CENTERLINE OF THE INTERIOR SURFACE OF THE FLOOR SLAB BUT NOT INCLUDING THE ROOF TRUSSES; THE FLOOR AREAS OF EACH UNIT ARE COMPUTED ACCORDINGLY IN SQUARE FOOTAGE AND DESIGNATED HEREON AS "F".
 4. UNITS 250 AND 254 ARE 2 STORY, SECOND AND THIRD FLOOR UNITS TO-GETHER WITH A GROUND LEVEL ENTRANCE. UNITS 251 AND 252 ARE 3 STORY, SECOND FLOOR UNITS TOGETHER WITH A GROUND LEVEL ENTRANCE.
 5. L.C.E. = LIMITED COMMON AREA, DEFINED AS AREAS RESERVED FOR THE EXCLUSIVE USE OF THE UNIT TO WHICH THEY ARE ATTACHED AND INCLUDE STORAGE AREAS, PATIOS AND BALCONIES.
 6. G.C.E. = GENERAL COMMON ELEMENT, DEFINED AS ALL AREAS SHOWN HEREON AND DESCRIBED IN THE DECLARATION WHICH ARE NOT PART OF A UNIT OR LIMITED COMMON ELEMENT INCLUDING BUT NOT LIMITED TO THE DRIVEWAYS, PARKING AREAS, SIDEWALKS, ROOF AND ROOF TRUSSES.
 7. WALLS SHOWN THIS _____ ARE GENERAL COMMON ELEMENT.
 8. WALLS SHOWN THIS _____ ARE CENTERLINE PARTY WALL.
 9. ALL WALLS ARE 0.33 FEET UNLESS OTHERWISE NOTED.
 10. L.E. = LOWER ELEVATION (MAXIMUM).
 11. U.E. = UPPER ELEVATION (MAXIMUM).
 12. Δ = DESIGNATES UNIT ENTRANCE.



TYPICAL SECTION
NO SCALE

FILED
SEP 11 1984

UNIT PLAN
AMENDED CONDOMINIUM PLAT
BUILDING P-5 PHASE B
STOCKBRIDGE
AT
TANGLEWOOD
A CONDOMINIUM
COLESVILLE (61A) DISTRICT
MONTGOMERY COUNTY, MARYLAND
SCALE 1" = 30" JULY, 1984

Johnson, Mirmiran and Thompson, P.A.
PLANNERS ARCHITECTS ENGINEERS SURVEYORS
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R.H.S.
J.M.T.
J.L.P.

