

WELLINGTON PARK HOMEOWNER'S ASSOCIATION

RESOLUTION

WHEREAS, the Declaration of Restrictions, Parkside of Wellington Park, 1st Plat, Page 3, number 2, recorded in the records of the Registrar of Deeds of Johnson County, Kansas on June 15, 1993, at page 27, Plat Book 83, as amended, provides, in part, that:

“No building, structure, appurtenance or improvement of any type shall be erected, placed or altered on any lot until construction plans and specifications, including a plan showing location on the lot, have been approved by the Architectural Control Committee, hereafter defined. The Architectural Control Committee shall have the absolute discretion to approve or disapprove such plans, and shall consider same in connection with these restrictions, quality and type of workmanship and materials, harmony of external design and colors with existing structures and landscape, and location with respect to topography and finished grade elevation.”, and

WHEREAS, there is a need to establish guidelines for the types of exterior replacement siding that may be approved by the Architectural Control Committee to maintain the specifications stated above, and the value of the homes in the Wellington Park subdivision, and

WHEREAS, the Board of Directors desires to establish these guidelines in conformity with the Declaration, The Bylaws, and as otherwise provided for by law.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors, on behalf of the Wellington Park Homeowner's Association, Inc., duly adopts the following policy resolution:

1. Original construction exterior siding on homes in the Wellington Park subdivision consisted of:
 - A. Brick
 - B. Stone
 - C. Wood
 - D. Composite wood
 - E. Masonite, and
 - F. Stucco, defined as “A durable finish for exterior walls, usually composed of cement, sand, and lime, and applied while wet.”

2. After investigating the availability, variety and quality of other exterior replacement siding in the marketplace, and installation of same, the Board has determined that, generally:

A. **Fiber cement siding** is an acceptable addition to the previously-listed exterior sidings.

1. Fiber cement siding is defined as “a combination of cellulose fiber material, Portland cement and silica sand, along with water and other additives.”
2. Fiber cement siding is known to maintain an appearance extremely close to that of real wood, and is a product that promotes excellent paint adhesion. As such, it harmoniously conforms to the external design of existing structures within the Subdivision.
3. Fiber cement siding is known as a product with high resistance to wind, fire, hail, water, snow, warping, termites and carpenter ants.

B. **Vinyl siding** is not an acceptable addition to the previously-listed exterior sidings.

1. Vinyl siding does not harmoniously conform to the external design of existing structures within the Subdivision.
2. Vinyl siding does not harmoniously conform to the existing external colors of existing structures with the Subdivision.
3. Vinyl siding fades in color and inherently cannot be replaced with other siding identical in color.
4. Vinyl siding displays waves and undulations due to a lack of quality of materials and/or workmanship of installation.
5. Vinyl siding is susceptible to high winds.
6. Vinyl siding is susceptible to impact damage.
7. Vinyl siding requires regular cleaning to minimize the effects of dirt, mold, mildew, and slime.
8. Vinyl siding is known to trap moisture in the walls, promoting rot and mildew.

3. **Non-Waiver for Breach.** The Association, at its option, may waive any of the provisions hereof, but such waiver shall not be a continuing waiver of the Association's right to strictly enforce the provisions hereof, nor in any way affect the continuing obligations of the Owners.

4. **Construction; Severability.** This Resolution shall be construed according to the laws of the State of Kansas. In the event any provision hereof is found to be invalid by any court of competent jurisdiction, the remaining provisions hereof shall be fully enforceable.

Adopted by the Board of Directors this ____ day of _____, 2004.

Mike Davis, President

Hill Love, Secretary

STATE OF KANSAS)
COUNTY OF JOHNSON)

On this ____ day of _____, 2004, personally appeared the above named Mike Davis and Hill Love, who being first duly sworn, did say that they are the President and Secretary, respectively, of the Wellington Park Homeowner's Association, and they executed the foregoing instrument by authority of the Board of Directors as its voluntary act and deed.

Before me: _____
NOTARY PUBLIC FOR KANSAS

My Commission expires: