

Fence Ownership/Responsibility -- the following is per HBTM HOA Legal Counsel. In the case of HBTM, both owners are obligated by the deed restrictions to repair and maintain their perimeter fences. It does not matter who has the “good” side as both homeowners own the fence. It was given to the homeowner by the builder/developer and they became the owner of the fence when they purchased the property. The homeowners in question should come to an agreement regarding sharing the costs or who gets which side. If they cannot reach agreement, then each can pay to construct a complete fence. Or, they could build a “good neighbor” fence where the rail side alternates with each 8-foot section. If the perimeter fence is not replaced and/or repaired in accordance with the Declaration, legal action will be taken against both homeowners.