

Sandpiper Bay Homeowners Association
1140 N. Bayshore Drive
Wichita, KS 67212



Request For Deck Alterations

Homeowner making the request understands that this project must be approved by the Covenants Committee and any contractor must provide HOA with proof of Liability Insurance before work can begin. Covenants Committee/HOA Maintenance Personnel will oversee the project and the work will be done at homeowner's expense but to HOA standards. Homeowner must complete this Architectural Request Form in its entirety and submit a signed copy of a Release & Stipulation Waiver wherein Owner is assuming full responsibility for maintenance and repair and acknowledging that responsibility will transfer to all future Owners. Homeowner shall be responsible for any damage caused by contractor. Select your contractor wisely. Failure to cooperate in this process can result in increased costs for the Homeowner and/or fines from the HOA.

Name _____ Date of Request _____

Address _____

Email _____ Phone _____

Brief Description of Deck Alterations Request
(Appendix "A" must have the Detailed Description and drawings):

Please use "spbaycommunications@gmail.com" for email communications. You must receive confirmation emails and all required approvals before proceeding with installation.

*** Sprinkler work required as a result of a "private pay" project will be performed by the HOA but at Owner expense.**

Please Return to: Attn: Covenants Committee, 1140 N. Bayshore Drive, Wichita, KS 67212 or you may put in the dropbox located on the outside of the storage shed located at the North end of Bayshore.

DECK RELEASE AND STIPULATION

This Deck Release and Stipulation is entered into by _____ (“Releasees”), who is/are Unit Owners in Sandpiper Bay Homeowners Association (“the Association”) by virtue of owning the unit located at _____ (“the Subject Unit”).

WHEREAS, the Subject Unit is subject to and benefited by the Sandpiper Bay Amended and Restated Declaration of Condominium Dated March 14, 1996, recorded with the Sedgwick County Register of Deeds at Film 1886, Page 0660 on Feb. 17, 1999, as amended by the Sandpiper Bay Second Amended and Restated Declaration of Condominium, recorded with the Sedgwick County Register of Deeds at Doc.#/Flm-Pg: 29631233 on Aug. 19, 2016, and as may be amended from time to time (together, “the Declaration”);

WHEREAS, Section 2.02 of the Declaration sets forth the boundaries of each unit for which Unit Owners are entitled to exclusive ownership, use, and possession;

WHEREAS, by the terms of Section 2.02, of the Declaration, the exterior decks of each Unit are not included within the boundaries for which Unit Owners are entitled to exclusive ownership;

WHEREAS, the exterior decks adjacent and appurtenant to each Unit qualify within the Declaration’s definition of a Limited Common Element reserved to such Unit;

WHEREAS, the Board of Directors acting under authority of Section 3.13c.(17) of the Amended Bylaws of the Association has affirmatively designated each exterior deck appurtenant and adjacent to a Unit as the Limited Common Element reserved to each such Unit, but upon certain restrictions and conditions;

WHEREAS, the Board’s designation of each exterior deck as a Limited Common Element has been done on the conditions that (1) the Owner of such Unit acknowledge and accept responsibility for the maintenance, repair, replacement and insuring of such exterior deck, (2) the Owner release and discharge the Association from any and all claims, past, present or future, with respect to maintenance, repair, replacement of the exterior deck, and (3) such assumption of Owner responsibility and waiver and release be binding upon successors in interest to the Owner;

WHEREAS, the Releasees desire to make alterations and/or improvements to the exterior deck accessible from the Subject Unit (“the Subject Deck”) but the Association is unwilling to continue any maintenance responsibility for the altered and/or improved deck;

WHEREAS, the Association has incorporated this Release into its process of reviewing applications to alter and/or improve exterior decks and will consider granting such application if this Release is fully executed and submitted therewith;

NOW, THEREFORE, the Releasees hereby acknowledge and agree to be bound by the following:

1. **Release and Assumption of Responsibility for Maintenance.** Releasees hereby release and forever discharge the Association, its officers, directors, agents and assigns from any and all

claims, demands, damages, actions, causes of action or suits on account of all issues related to exterior deck repair, maintenance, and replacement in both its current state and any state which may develop in the future, for the Subject Deck. Releasees, for themselves, their heirs, executors, administrators, agents, and successors in interest assume full responsibility for the maintenance and repair or replacement of the Subject Deck.

2. **Architectural Control.** Releasees, for themselves and their heirs, executors, administrators, agents, and successors in interest hereby acknowledge and agree that the plans to alter or improve the Subject Deck are subject to the provisions set forth in Section 4.07 of the Amended Bylaws. The Board retains architectural control of the structure including requiring approval for any future changes.
3. **Ownership.** This Release is not intended to change the ownership of the Subject Deck, or any other part of the Unit or the adjoining other limited common areas.

The undersigned represents and warrants that he/she has read the foregoing Release and understands it.

Executed this ____ day of _____, 20__.

ASSOCIATION:

RELEASEES:

(signature)

(signature)

(print)

(print)

(signature)

(signature)

(print)

(print)

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Appendix A

Requested Modifications

(Include drawings with dimensions as appropriate. Use additional sheets as necessary)

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Contractor Bid/Estimate Information
for
Architectural Requests

Company Name: _____

Company Address: _____

Contact Name: _____

Contact # & Email: _____

License #: _____

Liability Insurance Policy #: _____

Bid/Estimate Amount: _____

(Attach a copy or write in bid amount here)

Sandpiper Bay Condo Unit #: _____

Estimated Start/Completion Date: _____

Description of Project: _____

Condo Owner or Contractors Signature

Date