

KNOW YOUR ROAD

- Public versus private

- Who maintains?
- What records or restrictions exist?

- Who owns the land embodying the road?
 - Public highway presumption of abutter ownership to centerline
 - Records of conveyance of fee interest to Association
 - Description of shared interests in deeds and subdivision covenants

- Is it where it's supposed to be?
 - Historical records of layout
 - Subdivision plans
 - Deeds for common lands from original subdivider
 - Individual lot descriptions in relation to road
 - Monumentation on the ground consistent with record evidence

Now That You Know Everything
Possible About Your Road...

- Who is obligated to maintain?
 - Actual versus constructive notice
 - Involuntary Membership
 - HOA Enforcement Tools

- What if it's not where it's supposed to be?
 - Encroachments by road onto private property
 - Private property encroachments onto road
 - Lot Line Adjustment vs. boundary line agreement
 - Adverse possession/prescriptive easement

Better Also Know A Few Things
About Your Association

- Does it even legally exist?
- Are there bylaws – are they working?
- Officer and director authority and liability
- Assessments

Best Practices for HOA's to Minimize Liability and Member Discontent

- Reserves
- Established priorities for capital improvements
- Member reporting protocol for road insufficiencies
- Police the shoulders of your roads
- Records of maintenance and repair
- HOA insurance