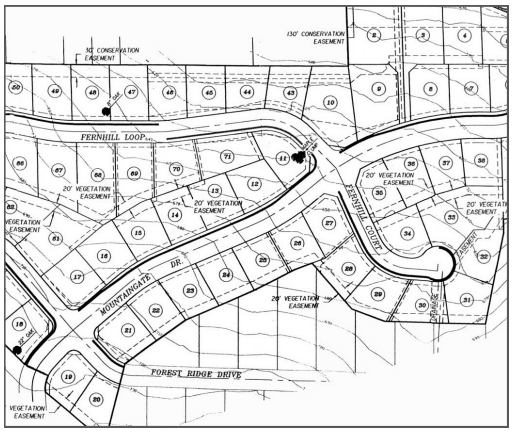


Subdivision Trustee Resource Guidebook

St. Louis County Department of Planning

Updated September 2011

Though not a legal document, this guidebook is intended to help subdivision trustees and interested St. Louis County residents understand the issues surrounding the establishment and operation of subdivision associations.

Please visit the Subdivision Trustee Resource Center website at: www.stlouisco.com/trustee

For additional information, please call the St. Louis County Department of Planning, Comprehensive Planning Division at (314) 615-2520, email at planning@stlouisco.com, or write to:

Comprehensive Planning Division
St. Louis County Department of Planning
41 S. Central Avenue, 5th floor
Clayton, Missouri 63105

For more information on additional St. Louis County services, please visit the St. Louis County website at www.stlouisco.com.

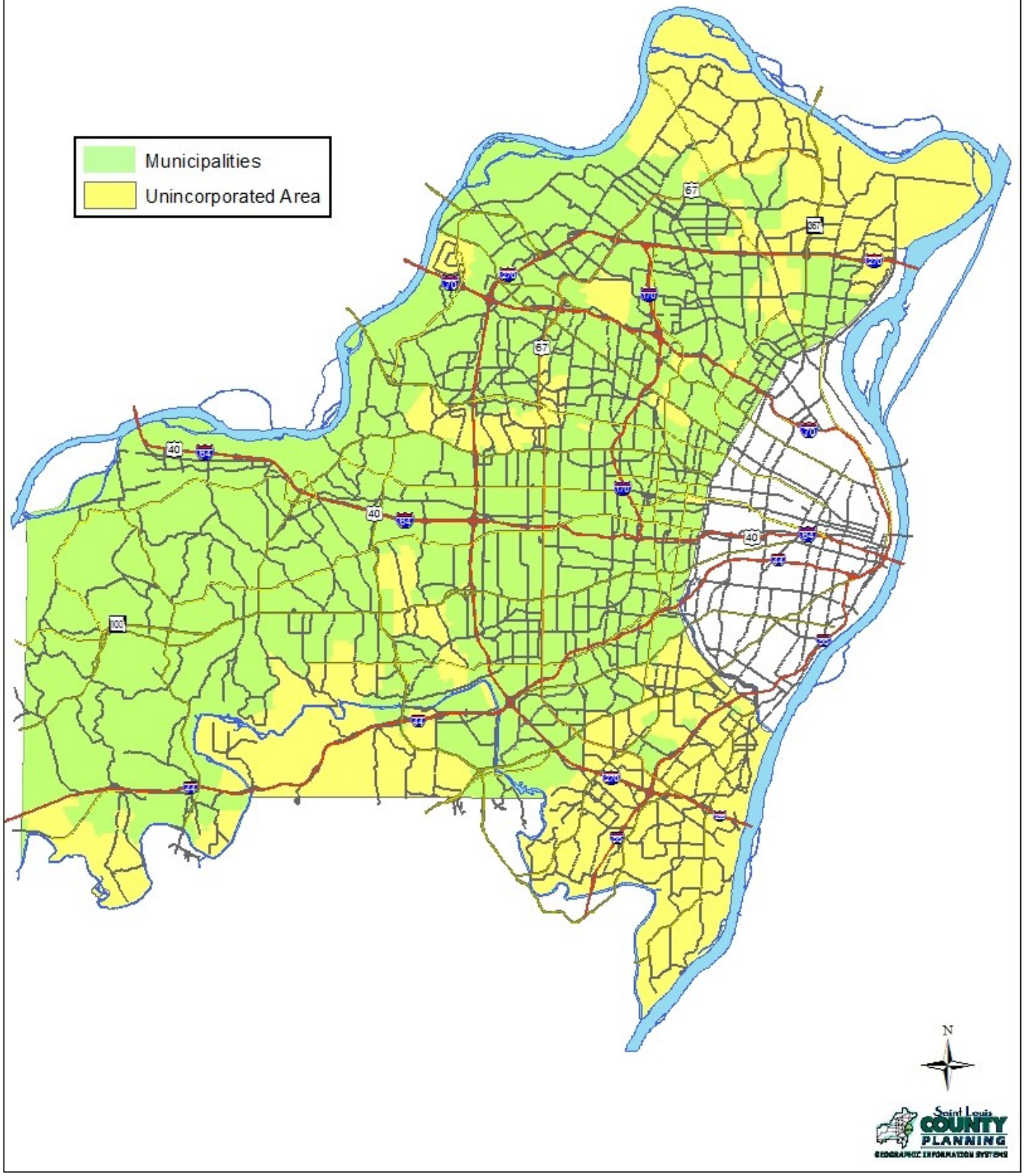
Table of Contents

Preface 4
St. Louis County Map 5
Subdivision Associations in St. Louis County 6
    Common Subdivision Association Committees 6
Subdivision Trust Indentures 9
    Amending or Updating Your Indentures 10
Roles and Responsibilities of Subdivision Trustees 11
Subdivision Assessments
    Collecting Assessments 13
    Filing a Lien 13
Roles and Responsibilities of Professional Property Management 15
Municipal or County Violations vs. Private Violations
    Enforcement of Municipal or County Code Violations 16
    Enforcement of Indentures 16
Common Subdivision Issues
    Common Ground 17
    Home Improvements 17
    Storm water Facilities 18
Frequently Asked Questions (FAQ) 19
Glossary 22
Resources
    Subdivision Trustee Resource Center Website 25
    County Resources 25
    Community Associations Institute 27
    Internet Resources 27
County Phone Numbers 29
Appendix A: Information Specific to Unincorporated St. Louis County
    Neighborhood Preservation 30
    Zoning 30
    Building Permits 32
Appendix B: Toolkit for Trustees
    More Effective Meetings 33
    Creating Newsletters 35

Preface

The language throughout most of this guidebook is general and intended to be applicable to any subdivision in St. Louis County. The primary audience is subdivisions throughout the County, both in incorporated and unincorporated areas. In order to maintain the general focus when referring to government institutions and services, the phrase "municipal or county" is frequently used; typically, a subdivision in a municipality receives most of its government services from that municipality, while a subdivision in an unincorporated area of St. Louis County receives most of its government services from St. Louis County. The main exception to the general focus of this guidebook is its Appendix A, which contains information regarding neighborhood preservation, zoning and building permits for properties in unincorporated St. Louis County. Appendix B offers a toolkit for all subdivision trustees on topics such as running effective meetings and creating newsletters. The following map identifies both the incorporated and unincorporated areas of St. Louis County.

St. Louis County, Missouri



Introduction

Subdivision Associations in St. Louis County

Subdivision associations are formal, legal entities created to maintain common amenities such as common grounds, street lighting systems, recreational facilities, entrance signs or monuments, and to enforce subdivision trust indentures. Some of the features of a subdivision association include:

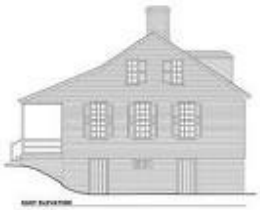
- ► Mandatory membership for all homeowners within the boundaries of the subdivision.
- ► Collection of annual and special assessments.
- ► Establishment as corporations with formal by-laws. There is usually a governing board of trustees, and sometimes a private management firm, to manage maintenance and enforcement issues.
- ► Authority to establish and enforce restrictions and design standards, which are in addition to municipal or county ordinances.

Common Subdivision Association Committees

Subdivisions may also have a variety of committees, which can be made up of trustees as well as other residents. If your subdivision is experiencing problems in a specific area, one useful solution may be to form a committee that deals only with issues related to that problem. The following are examples of common committees:

Architectural Review Committee

An Architectural Review Committee (ARC) plays an important role in monitoring and preserving the architectural integrity of a subdivision. The main goal is to maintain the appearance and value of the properties within a community. Per the indentures, the Architectural Review Committee can set restrictions more stringent than municipal or county codes and ordinances require. An ARC reviews and approves all architectural requests and plans submitted by residents. Decisions are based upon trustee-drafted rules and the regulations set forth in a subdivision's indentures. This committee typically monitors all of the homes in a subdivision to ensure that all additions, fences, remodeling, or alterations are approved in compliance with trust indentures.



Budget and Finance Committee
This committee plays a crucial role in forecasting expenses and developing a spending plan, or annual budget, that promotes a financially sound subdivision association. Previous bills and past budgets are studied to assist in gauging expected expenses for the coming year's budget.

Buildings and Grounds Committee
The role of the this committee is to make routine evaluations of common ground facilities within a subdivision and determine what improvements or changes are necessary beyond maintenance. The committee evaluates and manages budget-identified major reserve expenditures for maintenance or refurbishment.

External Affairs Committee
This committee monitors issues and events outside of and surrounding a subdivision and represents the association at various functions and meetings. The committee also reviews existing and pending legislation to assess the impact on the subdivision and interfaces with schools, government agencies, and other subdivisions on matters that impact the association.

Internet Committee
The Internet Committee is responsible for establishing and maintaining a website for the subdivision association. Subdivision association websites commonly include a description of the neighborhood, a review of the indentures, meeting and event notices, contact information, and other items of interest to subdivision residents.

The following subdivision association web sites are great examples. Please visit:

Old Farm Estates
www.oldfarmestates.org

Villanova Subdivision
villanovahoa.wordpress.com

Landscape Committee
Members of the Landscape Committee are responsible for monitoring the landscaping of common ground, islands, and other common green space within a subdivision and making recommendations to the Board of Trustees regarding improvements and maintenance. Similarly to the Architectural Review Committee, this committee can set restrictions more stringent than municipal or county codes and ordinances require. The Landscape Committee also works closely with landscape contractors and monitors their performance.

Neighborhood Watch

Neighborhood Watch is an organized way to involve residents in discouraging and preventing crime in their neighborhood. The main principles behind Neighborhood Watch programs are to encourage residents to properly secure their homes and belongings and to report suspicious activity. Neighborhood Watch groups are typically organized in partnership with local police departments in municipalities or with the County Police Department in unincorporated St. Louis County.

Welcome Committee

The role of a Welcome Committee is to personally greet new homeowners, welcoming them into the community and getting them familiar with the neighborhood. Welcome Committees often provide new homeowners with a copy of the subdivision indentures, a homeowners' directory, and other useful information, such as copies of the subdivision newsletter or brochures of frequently called numbers.

Indentures

Subdivision Trust Indentures

Subdivision trust indentures are put in place to protect and maintain the aesthetics of common amenities through the collection of annual and special assessments. Indentures set out the physical boundaries of the subdivision, describe the responsibilities and powers of the association, and detail the rules and procedures by which the subdivision operates. Subdivision trust indentures are legally binding recorded documents recognized by the State of Missouri and recorded with the St. Louis County Recorder of Deeds.

Whether a subdivision is in an unincorporated area or a municipality, copies of all recorded subdivision trust indentures can be acquired from the St. Louis County Recorder of Deeds for a per-page fee by calling (314) 615-2500 or visiting revenue.stlouisco.com/recorderofdeeds/remoteaccess.aspx

In that subdivision indentures vary from subdivision to subdivision, it would be hard to provide sample subdivision trust indentures. Some indentures are brief and others are quite lengthy depending on the attorney who prepared them, the desires of the subdivision residents, the size of the subdivision, and the amount of common ground and privately maintained streets, recreational, or other facilities. However, there are several common components to indentures:

- Definitions of key terms.
- Duration of indentures.
- Powers and duties of Board of Trustees.
- Rights and responsibilities of the subdivision association.
- Membership and voting rights.
- Maintenance and services provided.
- Annual and special assessments.
- Delinquent assessments and remedies.
- Finance and borrowing provisions.
- Use restrictions.
- Architectural control and design review.
- Amendment provisions.
- General provisions.
- By-laws.

Indentures also dictate the process for electing subdivision trustees. Working under the constraints of the indentures, trustees oversee the collection of annual and special assessments and the maintenance of the subdivision. For more information on the roles and responsibilities of subdivision trustees, please see page 13.

Amending or Updating Your Indentures

Many subdivision associations are finding that their indentures are becoming outdated or lack certain provisions. Yet, many of these associations have difficulties when it comes to amending their indentures, making it important to have a solid amendment provision within their indentures.

From time to time, it becomes necessary to amend the indentures of a subdivision. Reasons to amend could include changes in trustee members, association assessments levied, building rules, the election of new trustees, the language contained in the indentures, etc. Most often, amendments to subdivision trust indentures are drafted by an attorney retained by the Board of Trustees. Once the desired changes are made, the board will call a meeting of the subdivision residents. At that meeting, the homeowners will vote to approve the amendments. If the amendments receive the appropriate number of positive votes, the amended indentures are ready to be signed by the Board of Trustees and recorded. The amended indentures are filed with the St. Louis County Recorder of Deeds. Depending upon the instructions contained in the indentures themselves, the amendments may or may not require the signature of St. Louis County Director of Planning or the municipality in which the subdivision is located. Generally, all the procedures for amending the indentures will be contained in the body of the indentures as one of the clauses. If no amendment procedure is defined, then any change to the indentures will typically require approval from 100% of the homeowners. Also, the St. Louis County Department of Planning should be notified of trustee changes as well as be provided with the contact information for the new trustees.

To locate an attorney to assist your subdivision, please contact:

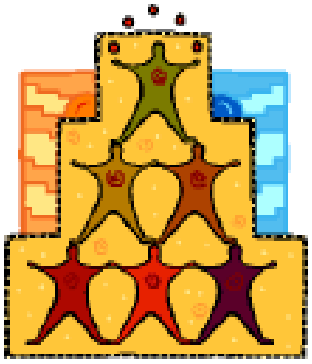
The Bar Association of Metropolitan St. Louis
720 Olive Street, Suite 2900
St. Louis, MO 63101
(314) 421-4134
bamsl@bamsl.org

It is recommended that subdivision associations retain legal counsel when drafting indentures for the first time or when making significant amendments. Since indentures are legally binding, it is helpful to have an attorney assist with drafting indentures that will be enforceable and conform to State of Missouri and municipal or county regulations.

Roles and Responsibilities of Subdivision Trustees

The specific duties of subdivision trustees are dependent upon the provisions of the association's indentures. In general, the Board of Trustees is responsible for the enforcement of indentures and the maintenance and upkeep of the subdivision's common amenities, such as street lights and common ground. These duties may include:

- Budgeting and allocating funds for necessary maintenance and repairs.
- Working in concert with public utility companies to maintain adequate services within the subdivision.
- Contracting for services such as snow removal, tree trimming, sidewalk repair, and landscape maintenance.
- Approving or denying construction plans for certain structures in the subdivision, such as swimming pools, fences, decks, and additions to homes.
- Ensuring that the subdivision association and its employees are covered by insurance policies.
- Ensuring that all outstanding assessments are collected during the sale of homes in the subdivision by working closely with title companies.
- Retaining and consulting with legal counsel for issues impacting the subdivision.
- Responding to residents' requests for service or other assistance.
- Continually seeking to enhance communication among neighbors, striving for community consensus, and getting residents involved.
- Conducting meetings to review subdivision business and holding an annual general meeting to elect a Board of Trustees.
- Attending municipal or county council meetings and other public events to represent the subdivision association and keep subdivision residents informed.
- Signing documents as official representatives of all residents in the subdivision as allowed by the subdivision trust indentures.



In most subdivisions, the Board of Trustees is comprised of subdivision homeowners who volunteer their time to maintain and improve their respective subdivisions for the betterment and enjoyment of all residents. Generally, the subdivision community elects trustees to their positions at an annual meeting. The duration of service is detailed in the association's indenture and terms are usually staggered to ensure a continuing level of experience on the board.

The St. Louis County Department of Planning maintains a voluntary roster of subdivision trustees who live in unincorporated County. This roster provides a means of keeping citizens better informed of County activities as well as offers a valuable information resource to the community. If you would like to update your information or be added to the roster, please call (314) 615-2520 or e-mail lkroenung@stlouisco.com

Assessments

Subdivision Assessments

Subdivision associations levy annual and special assessments to maintain common land and facilities in the subdivision and to enhance the quality of life for residents. An elected Board of Trustees collects and manages the funds on an annual basis. Annual assessments are typically used for such expenses as cutting grass and maintaining landscaping on common ground, maintaining subdivision signs, providing street lighting, duplicating and mailing subdivision newsletters and meeting notices, and hiring attorneys or other professional services. Private subdivisions may use their annual assessments to maintain private streets, or to pay for trash pick-up or snow removal. Special assessments may be levied periodically and are typically used for major capital improvements, such as replacement or improvements to subdivision signage, fencing, detention facilities, retaining walls, and recreational facilities.

Collecting Assessments

The amount and method of collecting association assessments are usually called out in the indenture itself as are the enforcement options of their collection. In that indentures are legal documents and the language contained in them is essentially the law of the subdivision, the enforcement of them is a civil matter. If a homeowner fails to pay the required assessment, the Board of Trustees or the professional property management company hired to handle such matters can file a lien against the homeowner's real estate which becomes an encumbrance on the property deed that must be paid as part of the closing process when the property is sold. Many subdivisions use collection agencies. Collection agencies typically charge a rate based on a percent of assessments collected.

Collection agencies are listed in your local Yellow Pages and online.

Filing a Lien

When a homeowner fails to pay the required association assessment, it may be appropriate to file a lien against the property. A lien is a legal document that becomes a monetary encumbrance on the property deed and is required to be paid as part of the closing when the property is sold. The subdivision trust indenture will typically give the subdivision association the power to file a lien for just cause after a certain period of delinquency. The assistance of an attorney is generally necessary when drafting a lien, especially if the subdivision association has not yet filed other liens that could be used as templates. The lien will describe the nature of the encumbrance and identify the property by deed book and page, locator number, and address. Once the lien document is prepared and signed by the Board of Trustees or the professional prop-

erty management company, it is recorded with the St. Louis County Recorder of Deeds. The cost for filing a lien, above and beyond the attorney fee, is $24.00 for the first page and $3.00 for each additional page. Once a property has a lien placed on it, that property cannot be sold until the lien is cleared. Typically, to clear a lien, all back assessments and interest must be paid by the homeowner.

Professional Property Management

Roles and Responsibilities of Professional Property Managers

With new homeowners moving in, assessment collections always at the forefront, and the ongoing need for maintenance and improvements, subdivision trustees sometimes turn to professional property managers to provide the subdivision with leadership, budgeting and finance expertise, and effective and efficient management. Since trustees often serve their subdivisions on a voluntary basis and earn no salary for their efforts, some subdivisions hire a professional property management firm to provide greater expertise, to more adequately respond to the subdivision's needs than could volunteers, and to offer residents a specific contact person. Professional property managers typically:

- Collect annual and special assessments.
- Mail out notices and coordinate association meetings.
- Inform trustees of changes in relevant laws and ordinances.
- Prepare financial reports for the subdivision association.
- Provide expert advice while taking direction from the trustees to enforce indentures.
- Manage the day-to-day operations of the association.
- Place liens on homes for failure to pay annual assessments.
- Retain an attorney to take necessary legal actions.

To find a professional property management firm to assist your subdivision, please contact:

Community Associations Institute
St. Louis Metropolitan Chapter
P.O. Box 953
Bridgeton, MO 63044
(314) 423-8859
caistlouismo@sbcglobal.net

Violations

Municipal or County Violations vs. Indenture Violations

It is important to note that an ordinance violation is a municipal or county violation, but an indenture violation is a private matter. The necessary steps to prosecute an ordinance violation versus an indenture violation are listed below.

Enforcement of Municipal or County Code Violations
Most code violations are civil infractions or misdemeanors. The steps to prosecuting code violations generally include:

- ► To begin the investigation of a specific complaint, a municipal or county inspector contacts the alleged violator. In unincorporated St. Louis County, this inspector is typically from the County's Neighborhood Preservation Office or Zoning Enforcement.
- ► If a violation is verified, the inspector will prepare a notice of violation informing the property owner of the infraction and establishing a time frame to remedy the problem.
- ► If a violation is not remedied, the case will be directed to Municipal Court. There are three stages in the court action: an arraignment, a pre-trial (settlement with the prosecuting attorney), and a trial before the judge. If the property owner is found guilty of the infraction, penalties are assessed.

Enforcement of Indentures
Subdivision indentures are private, contractual agreements and enforcement of violations, other than those related to municipal or County code, are civil actions between the subdivision association or an individual property owner making a complaint and the property owner who is allegedly in violation of the indenture. The steps to prosecuting indenture violations generally include:

- ► The subdivision association normally contacts the owner and informs them of the specific violation and provides a time frame for resolution.
- ► If the violation is not remedied, a civil action is filed in Circuit Court. The action requested is for injunctive relief, or causing the violation to stop and be remedied.
- ►A trial judge could issue an order that could be a restraint order, a temporary injunction (if immediate risk of injury is present of a dangerous nuisance is found) after a pre-trial, or a permanent injunction after the final hearing.

Common Issues

Common Subdivision Issues

Many subdivision associations find that they have similar issues affecting their neighborhoods. Some of the most common issues are related to common ground, home improvements, and storm water facilities. In order to help subdivisions address these issues, general information is provided below.

Common Ground

Common ground is the land set aside for open space, including storm water facilities, retention lakes, ponding, or recreational use for the owners of lots in a subdivision, conveyed in trust for the benefit, use, and enjoyment of the lot owners. Playgrounds and parks, as well as their access ways, are common ground areas in subdivisions. Portions of the annual and special assessments are typically allocated for the maintenance and upkeep of the subdivision's common ground.

Often times, a house may be adjacent to undeveloped property, owned by someone else, which is not within the common ground of the subdivision. It is important to note that this property may be developed in the future. During future development, the property could be rezoned. For more information about the St. Louis County Zoning Ordinance, please see Appendix A.

Home Improvements

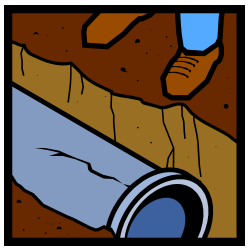
When planning to add on to, reconstruct, or erect accessory structures to a home, homeowners should be sure that the changes will meet municipal or county zoning and subdivision requirements. They should also be certain to read the subdivision trust indentures carefully. Often times, indentures are more restrictive than municipal or county ordinances. To avoid private legal issues and to maintain good neighborly relations, it is recommended that homeowners contact their Board of Trustees before making changes to their home. Neither the municipality nor county has authority over an association's building or other deed restrictions as long as they are not in violation of municipal or county codes or ordinances.

When buying a home that has a swimming pool and/or a deck, it is a good idea to make sure the previous owner had all of the necessary permits for those structures. It is also recommended to have a full survey of the lot conducted to identify official property lines and ensure that all structures meet the required setbacks.

Construction codes and zoning ordinances are enacted to protect the health, safety, and well-being of the public. By requiring quality construction and proper land use, property values are protected in our neighborhoods. The local government should be consulted for a list of home improvements that require building permits. Appendix A of this document includes list of typical home improvements requiring permits in unincorporated St. Louis County.

Additionally, homeowners living in subdivisions with trust indentures should inquire about any permits or regulatory reviews that will be required from the subdivision association. Remember, subdivision indentures and municipal or county ordinances are separate from one another. Indentures are private, contractual agreements between homeowners and associations.

Storm Water Facilities



Maintenance of storm water facilities is essential in order for them to effectively serve their purpose. A malfunctioning system can become an eyesore, a nuisance, a health hazard, and compound the hazards of flooding. To prevent these problems, a board of trustees should:

- ► Review any improvement plans and locate the storm water facilities in the subdivision.
- ► Review the subdivision trust indentures and determine how much money can be collected from each homeowner for storm water management.
- ► Gather information about the maintenance of storm water facilities.
  - -What has to be done and when?
  - -Who can do the work?
  - -What kind of equipment is needed?
  - -What is the cost?
- ► Develop a plan for maintenance, which includes equipment and workers needed, maintenance schedules, costs and fundraising, and response procedures.
- ► Present plan for maintenance to subdivision association for approval, highlighting the problems storm water runoff can cause, the problems that dumping in ditches and drains can cause, and what has to be done and what it will cost to manage the facilities in the subdivision.
- ► Institute the maintenance program.

It may be necessary to talk to an engineering firm with experience in storm water management, or the Soil and Water Conservation District of Saint Louis County, or another subdivision board of trustees to gather all necessary information. Some of the maintenance work may require the subdivision association to hire a consulting engineer and/or a contractor.

What are subdivision trust indentures?

Subdivision trust indentures are written agreements that restrict or limit property used or activities in a subdivision. Indentures also detail the rules and procedures under which the subdivision will operate. These regulations and restrictions appear in the deed records and are private contracts between a property buyer and a property seller. Indentures are legally binding documents, recognized by the State of Missouri and recorded with the St. Louis County Recorder of Deeds.

Who must abide by subdivision trust indentures?

In unincorporated St. Louis County and most municipalities, indentures are binding upon every property owner in a defined subdivision operating under an indenture. Additionally, all subsequent or future owners of property in a deed-restricted subdivision are required to abide by the indenture as well.

How are indentures put into place?

Indentures are usually created and activated on a subdivision by the initial developer. The developers are generally referred to as the "First Party," and serve as the initial governors, or trustees, of the subdivision. In most cases, at such time as 50 percent of the total lots in a subdivision have been sold, the First Party shall cause the resignation of one of the original trustees, and a successor trustee is elected by the lot owners. Once 95 percent of the total lots in a subdivision have been sold, the First Party shall cause the resignation of a second original trustee, and the lot owners will elect a successor trustee. After 100 percent of the lots in a subdivision have been sold, the term of the remaining original trustee is expired and all lot owners elect a specified number of trustees to serve staggered terms, thereby ensuring there are always experienced trustees governing an association.

Who is responsible for informing new home buyers of the subdivision trust indentures?

Since subdivision trust indentures are referenced on the title insurance policy, homebuyers should become aware of the indentures at closing. Also, it is common for trustees or a "Welcome Committee" of the subdivision association to educate new homeowners about the indentures after they move in. Associations may wish to contact local realtors and listing agents on "For Sale" properties to ensure that they are aware of the subdivision trust indentures.

Why are use restrictions important for my neighborhood?

Use restrictions are intended to preserve a subdivision's aesthetic appearance by setting standards for property maintenance, rules for construction on new or existing structures, and regulations for allowing or prohibiting certain uses or activities within

a property in a subdivision. Before beginning any home improvement projects, it is wise to contact the subdivision trustees and review the subdivision indentures to ensure compliance.

What information should I expect to find in my subdivision trust indentures?

A well-written indenture will typically include the following components:

- A preface giving the legal description of the subdivision property, the parties involved, and the purpose and details of all restrictions.
- A description of the use restrictions placed on the properties within the subdivision. These restrictions can include limits on the use, type, and size of buildings, fences, swimming pools, or other structures, the quality of construction materials, building setback lines and provisions for architectural control committees, maintenance funds, yearly assessments, boards of trustees, meeting regulations, descriptions of common land, easements, and election information.
- Definitions of key terms, specifications for the duration of the indenture and restrictions, their renewal and maintenance, enforcement, provisions for amendments or appeals, and application.

How long do subdivision trust indentures remain in effect?

Most indentures are drafted with perpetual life spans and have clear provisions for renewal. However, the length of time indentures remain in effect can be determined by a variety of factors: first, some indentures stipulate that they are tied into a particular parcel of property. In this sense, the indenture is said to "run with the land." The indenture is said to run with the land because it will always apply to the land, even if the land is sold from one owner to another. Secondly, some indentures specifically detail the timeline for which the restrictions and by-laws are valid. Lastly, if an indenture has not been enforced or maintained for a long duration of time, a judge can deem the indenture invalid due to lack of enforcement.

What can I do to help maintain compliance with the indenture in my subdivision?

The most effective way of maintaining or enforcing indentures is through active participation in the subdivision association. An active group of neighbors will provide an effective voice for proper land use and maintenance. Attending monthly and annual meetings will also keep trustees and residents well informed about current events, policy updates, and legislation that can effect your subdivision. Solid communication between neighbors will allow problems to be worked out more effectively.

How can our association enforce our indentures and deal with violations?

First and foremost, carefully read the indentures to be sure that the issue at hand is actually a violation. Then, speak with the owner of the property in question—this may

solve the problem, since it is possible that the property owner did not know that the indenture was violated. If a problem persists, approaching the subdivision trustees is a good next step. The trustees can take the necessary steps to attempt to remedy the situation. They can also decide at which point the assistance of an attorney will be necessary. It is important to note that government authorities do not enforce subdivision trust indentures; indentures are private, contractual agreements between a subdivision association and an individual property owner.

Our subdivision's trust indenture is old and outdated. Is it possible to amend our indentures to make it more effective?

Yes. It is quite common for indentures to be updated or rewritten when they are old or are lacking substance. The ease or difficulty of amending a subdivision's trust indenture depends on the procedures established in the documents themselves. Some indentures allow amendment by a majority of property owners in the restricted subdivision. In other indentures, it may be necessary to obtain the approval of all property owners within the subdivision. A well-written indenture will usually have a clearly defined amendment provision. It is recommended that subdivision associations enlist the assistance of an attorney in creating or updating their indenture. Since indentures are legal documents, attorneys have the necessary expertise to ensure a subdivision association drafts a properly structured and legally sound document.

Can my subdivision join or consolidate with an adjacent subdivision?

Adjoining subdivisions may find it advantageous to consolidate their developments and manage them under one trust indenture. To accomplish this, the subdivisions would need the appropriate vote of the residents from both subdivisions and would likely form a single Board of Trustees. Typically an attorney would draft a new indenture and possibly a new warranty deed (describing a single development, including a general deed for common ground) which would be approved by the residents, executed by the Board of Trustees, and recorded in the office of the Recorder of Deeds in the same manor as any other original indenture or amendment.

Should my subdivision have liability insurance?

In most subdivisions that have common elements such as common ground, private streets, recreational facilities, and other amenities for the use and benefit of the subdivision residents and their guests, the subdivision association is responsible for the proper management of these elements. It is, therefore, suggested that the Board of Trustees or the subdivision's professional property management company have liability insurance. The policy should provide coverage from accidents and personal injury that may occur in the common elements of the development.

Glossary

The following is a list of useful definitions of terms typically associated with subdivision associations. The St. Louis County Zoning Ordinance and the St. Louis County Subdivision Ordinance have a more extensive listing of pertinent definitions for subdivisions in unincorporated areas. For more information on these ordinances, please see Appendix A.

Architectural Control: A power of a subdivision association to restrict the types of structures, alterations, or improvements permitted on property within the subdivision and to require the approval of the trustees or the architectural review committee before they are made.

Articles of Incorporation: A document that typically specifies the purposes and power of the association, what officers it has, and essentially creates the association.

Assessments: An amount of money levied by a subdivision association on its members for the maintenance and upkeep of the association and its common property. Assessments are sometimes referred to as 'dues.'

Board of Trustees: The governing body of a subdivision association.

By-laws: The operating procedures of a subdivision association, which regulate such matters as the election of trustees, the nature of meetings, quorums and proxies, and other matters related to the operation of the association. By-laws can usually be modified, either by the Board of Trustees or by a vote of the association's members.

Catch Basin: A storm sewer inlet that collects water from a road or yard. An inlet is a manhole-like structure toward which storm water runoff is directed.

Common Ground: The land set aside for open space, including storm water detention ponds, retention lakes, and parks and recreational areas, for the owners of lots in a subdivision. This land is conveyed in trust for the benefit, use, and enjoyment of the lot owners.

Covenant: A covenant is a written agreement to do something or to refrain from doing something. The actual covenants that govern the rights and responsibilities of individual owners within a subdivision are detailed in a subdivision's trust indenture.

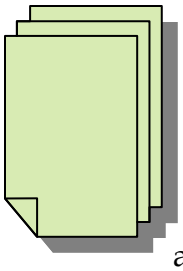
Covenant Running with the Land: A recorded, written covenant that is tied into a particular parcel of property. The covenant is said to run with the land because it remains with the land, even when the land is sold from one owner to another.

Detention Pond: Rainfall on undeveloped land soaks into the ground. The "agricultural run-off" that doesn't soak into the ground is absorbed by nearby streams. Once a piece of land is developed, features such as streets, roofs, and driveways reduce the amount of water absorbed by the land. The streams are not capable of handling this extra run-off. To combat this problem, many subdivisions build detention ponds. Run-off to the stream is restricted and stored in the detention pond. Later, the run-off is slowly discharged into the stream so other properties downstream do not flood. Detention ponds are also designed to improve water quality. Vegetation in the basin helps to filter out pollutants like fertilizers and sediment before the storm water reaches the receiving stream.

Easements: Areas of land set aside for public utilities (gas, electricity, phone, TV, cable); storm sewer, sanitary sewer and water main lines, and surface drainage. Easements give utility companies, municipal and county workers, etc. the right to conduct work on the property within the easement boundaries. In most subdivisions, easements are platted.

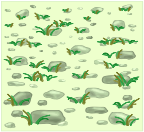
Flood Plain: An official zoning category as designated by the Federal Emergency Management Association (FEMA) Flood Boundary and Floodway maps. Such designation causes that land to be subject to flood plain regulations as specified in the municipal or county zoning ordinance. For most zoning ordinances, including the St. Louis County Zoning Ordinance, FEMA's 100-year flood plain triggers the "flood plain" zoning designation (as opposed to the 500-year flood plain). FEMA's 100-year flood plain designation is intended to include all land that will flood in an average of at least one year per one-hundred years.

Foreclosure: The legal process of selling the property of a debtor in order to satisfy the debt from the proceeds of the same. Subdivision associations have the right to foreclose upon a unit in the property to recover unpaid assessments.



Indenture: Any recordable instrument by which common ground is held or maintained or assessments in a subdivision are levied for the administration of specific maintenance obligations or both. An indenture creates the common ownership of common land and defines the covenants, use restrictions, access agreements, insurance requirements, the rights of members, and the authority of the association and its trustees. The indenture also details processes for amending association regulations and documents, as well as assessing and collecting assessments. Indentures are private, contractual agreements between a subdivision association and an individual property owner. Within a private subdivision association, no owner can avoid being subject to the provisions of a trust indenture.

Lien: A claim upon the property of a debtor as security for a debt. A lien is a legal right of a creditor to force the sale of property of a debtor to satisfy the debt. Most indentures provide that the association automatically has a lien against any unit for the value of any unpaid assessments. To actually collect the money, the association must foreclose the lien through the courts, and recover the unpaid assessments from the proceeds of the sale of the property.



Lot: A parcel of land in unincorporated St. Louis County created under the provisions of the St. Louis County Subdivision Ordinance intended to be separately owned, developed, or otherwise used as a unit.

Plat: A land survey in two dimensions that gives the legal descriptions of pieces of property by lot, street, and block numbers, establishes common ground, and dedicates public streets. Plats are recorded in the St. Louis County Recorder of Deeds office.

Retention Pond: A pond that stores water until it evaporates or soaks into the ground. Used when no outlet or an inadequate outlet is available.

Right-of-Way: A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, eminent domain, or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use. Normally, right-of-way is 50 feet wide whereas the street pavement is 26 feet wide; thus, the right-of-way covers an area that includes both sidewalks and the road pavement.

Sanitary Sewer: A system of pipes that collects wastewater and directs it to a wastewater treatment plant, where it is treated and released.

Special Assessment: An assessment levied to finance a single project. Special assessments are separate from a regular assessment, which is levied once per month or once per year to finance the regular operations of an association.

Storm Sewer: Underground pipes or an open ditch/drain that carries rainwater. The storm sewer system includes detention/retention ponds and may become part of a larger system with ties to adjoining properties and developments.

Water Main: A system of pipes that brings potable water from a water treatment plant to homes and businesses.

Resources

Subdivision Trustee Resource Center Website

The St. Louis County Department of Planning maintains a Subdivision Trustee Resource website. This site can be accessed online at www.stlouisco.com/trustee. The website is a collection of all of the services that the Department of Planning provides for subdivision trustees and includes:

► Regular updates on Department sponsored events or meetings.
► A listing of subdivisions listed in our subdivision trustee roster.
► A collection of presentations from past subdivision trustee workshops.
► Information on the Department's Subdivision Association Speaker's Bureau service.
► A Trustee Toolbox: FAQ's, Formatting Newsletters, Filing a Lien, Updating Indentures, How to write violations letters and welcome letters.

County Resources
In addition to the services mentioned above, the Department of Planning regularly creates and updates useful guidebooks for subdivision trustees and subdivision residents.

Native Landscaping: A Subdivision Association Guide for Converting Turf to Prairie (2011)
This guidebook will assist associations who want to plant native plants in common ground as a means of reducing maintenance costs, and creating healthy ecosystems and attractive neighborhoods.

Web Communications Guide (2010)
This publication is a how-to guide for subdivision trustees who want to use web communication tools at low or no cost.

Regulating Commercial Uses (2010; updated 2011)
This brochure is a citizen's guide to regulations for land uses commonly brought up as concerns by residents – package liquor stores, pawn shops, small loan businesses, tattoo parlors, teen clubs and thrift stores. It is a supplement to the Ordinance Guidebook for Subdivisions.

St. Louis County Ordinance Guidebook (2009; updated 2011)
The Ordinance Guidebook is intended to provide a quick reference of St. Louis County laws and regulations that commonly affect everyday life in subdivisions and neighborhoods.

Subdivision Trustee Resource Center Website

County Resources (cont.)

Summertime Tips for Subdivision Trustees in Unincorporated St. Louis County (2009)
This brochure addresses common summertime issues ranging from block parties and garage sales to code violations, such as high grass and weeds.

Keeping it Clean: Organizing and Planning a Neighborhood Cleanup (2007; updated 2011)
The neighborhood cleanup guide is intended to help interested St. Louis County residents organize and carry out a neighborhood cleanup.

Subdivision Trustee Resource Guidebook (2006; updated 2011)
The Subdivision Trustee Resource Guidebook is intended to help subdivision trustees and interested St. Louis County residents understand the issues surrounding the establishment and operation of subdivision associations.

Street Light Maintenance District Guidebook (2003)
Missouri state law allows street light districts to be created in unincorporated St. Louis County. This guidebook explains how to establish new street light districts, as well as provides information for boards of directors of existing street light districts.

Reference Library
The St. Louis County Department of Planning was awarded a collection of reference publications on homeowner associations, condominium management, and many other community association topics through the Community Associations Institute's Foundation for Community Association Research. The collection was made possible in-part by a donation from the Law Office of Marvin J. Nodiff. All publications are available at the St. Louis County Department of Planning.

Community Associations Institute

Community Associations Institute (CAI) is a leading national advocate for homeowner associations providing education, networking opportunities, and other important resources to its members. The CAI mission is "to assist community associations in promoting harmony, community, and responsible leadership." CAI can be accessed online at www.caionline.org. Resources include:

- ► Seminars, workshops, conferences, and education programs.
- ► Online tools and resources
- ► Advocacy and legislative support.
- ► Networking and referral opportunities.
- ► Up-to-date information regarding best practices, management procedures, and policymaking.
- ► Seven specialized newsletters, *Common Ground Magazine*, and other books, pamphlets, and guides.

Membership fees are based on the number of units within each association. Additionally, ***Community Associations Institute – St. Louis Metropolitan Chapter*** provides local resources and support for subdivision associations. They can be contacted at P.O. Box 953, Bridgeton, MO 63044, or by phone at (314) 423-8859, or via email at caist-louismo@sbcglobal.net.

Internet Resources for Subdivision Associations and Homeowners

St. Louis County Government on the Web:
www.stlouisco.com
St. Louis County Department of Planning:
www.stlouisco.com/plan/
St. Louis County Department of Public Works:
www.stlouisco.com/pubworks/
St. Louis County Neighborhood Preservation:
www.stlouisco.com/PropertyandRoads/NeighborhoodServices/NeighborhoodPreservation
Community Associations Institute (CAI):
www.caionline.org/
National Board of Certification for Community Association Managers:
www.nbccam.org/about

Community Tool Box:
ctb.ku.edu/
Neighborhood Link:
www.neighborhoodlink.com
Conducting Effective Meetings:
www.effectivemeetings.com
Soil & Water Conservation District of Saint Louis County
swcdstl.org/
Associated Land Contractors of America:
www.landcarenetwork.org/cms/home.html
National Program for Playground Safety (NPPS):
www.uni.edu/playground/
Institute of Real Estate Management:
www.irem.org/index2.html
Building Owners & Managers Association:
www.boma.org/

County Phone Numbers

General Information	(314) 615-5000
St. Louis County Government Centers	
North (21 Village Square, Hazelwood, MO 63042)	(314) 615-7400
South (Keller Plaza, 4546 Lemay Ferry Road, St. Louis, MO 63129)	(314) 615-4000
West (74 Clarkson Wilson Centre, Chesterfield, MO 63017)	(314) 615-0900
Animal Control	
South of Page Avenue	(314) 726-6655
North of Page Avenue	(314) 831-6500
Building Permits	(314) 615-5184
Community Development	(314) 615-4405
County Older Resident Program (CORP)	(314) 615-4516
Highways and Traffic	(314) 615-8504
Mosquito Control	(314) 615-8935
For recorded information on area spraying:	(314) 615-4284
Neighborhood Preservation	
North of I-64	(314) 615-7333
South of I-64	(314) 615-4151
Parks and Recreation	(314) 615-7275
Planning Department	(314) 615-2520
Police (non-emergency)	(314) 889-2341
North County Precinct (1)	(314) 355-1200
Central County Precinct (2)	(314) 567-9926
Affton Southwest Precinct (3)	(314) 638-5550
South County Precinct (4)	(314) 892-1510
City of Fenton Precinct (5)	(636) 349-8120
City of Wildwood Precinct (6)	(636) 458-9194
West County Precinct (7)	(636) 256-2602
Public Works	(314) 615-5184
Recorder of Deeds	(314) 615-2500
Recycling	(314) 615-8958
Re-occupancy Permitting	
North of I-64	(314) 615-7346
South of I-64	(314) 615-4142
Solid Waste	(314) 615-8958
Street Repairs	(314) 615-8538

Appendix A:
Information specific to Unincorporated St. Louis County

The following information pertains only to subdivisions located in unincorporated St. Louis County.

Neighborhood Preservation

The St. Louis County Department of Public Works, Neighborhood Preservation Office can address many concerns regarding property maintenance issues in neighborhoods of unincorporated St. Louis County. The property maintenance code, enforced by the Neighborhood Preservation Office, was established to help protect against neighborhood deterioration and blight in the unincorporated areas of St. Louis County.

The Neighborhood Preservation Office is responsible for inspecting existing housing for code violations and ensuring the violations are corrected in a timely fashion. By correcting code violations, neighborhoods can enjoy sustainability in their property values. Additional information, including a Property Maintenance Code Checklist, is available online at www.stlouisco.com/PropertyandRoads/NeighborhoodServices/NeighborhoodPreservation/PropertyMaintenance/PropertyMaintenanceInspectionChecklist

If you would like the Neighborhood Preservation Office to investigate a property north of I-64, please call (314) 615-7333. If you would like Neighborhood Preservation to investigate a property south of I-64, please call (314) 615-4151.

Zoning

St. Louis County Zoning and Subdivision Ordinances

The St. Louis County Zoning Ordinance, adopted in 1965, is the regulatory tool used to secure coordinated development within the unincorporated portions of St. Louis County. Every parcel of land in unincorporated St. Louis County has a zoning designation. The zoning district defines the types of land uses or development that are allowed within that district. Within each district, standards such as building setbacks, minimum lot area requirements, parking needs, and sign provisions are specified.

Please visit the Planning Department's web site at www.stlouisco.com/propertyandroads/planningzoningandsubdivisioninformation to view the Zoning Ordinance.

The purpose of the St. Louis County Subdivision Ordinance is to control the division of land within the unincorporated portions of St. Louis County. St. Louis County has had subdivision regulations since 1927. Legal parcels of land in unincorporated St. Louis County (usually found on plats recorded in the Recorder of Deeds office) can be subdivided in accordance to the regulations found in the Subdivision Ordinance. Please visit the Planning Department's web site at www.stlouisco.com/propertyandroads/planningzoningandsubdivisioninformation/subdivisionordinance to view the Subdivision Ordinance.

Public Hearing Notice Subscription Service

The Planning Department provides a public hearing notice subscription service. This service allows individuals to receive the St. Louis County Planning Commission Public Hearing Notices in PDF format via email. Please visit the Planning Department's web site at ww5.stlouisco.com/plan/commission/publichearingnotices/index.cfm for more information on this service.

Zoning Regulations

Zoning regulations are adopted to preserve the quality of life, to promote health, safety and comfort, and to protect neighborhoods from blight. Please visit the Public Works Department's web site at www.stlouisco.com/YourGovernmentCountyDepartments/PublicWorks/Permits/Zoning/ResidZoning for more information on zoning regulations.

Zoning Review

Before beginning any construction project, zoning approval must be obtained. Zoning approval signifies that the property is properly zoned for the proposed construction and that the location of the structure is within the legal limits of the property lines. Please visit the Public Works Department's web site at www.stlouisco.com/YourGovernment/CountyDepartments/PublicWorks/Permits/Zoning

Building Permits

A building permit ensures that your building project is structurally sound, that it complies with the building and zoning codes, and that the structure is built to ensure the health, safety and welfare of all occupants.

A building permit is needed to:

- ► Install a room in a basement.
- ► Install or relocate interior walls.
- ► Install retaining walls over two feet in height
- ► Replaced or install new plumbing, electrical or mechanical work.
- ► Install a swimming pool.
- ► Install an irrigation system.

A building permit is not needed to:

- ► Tuck-point, plaster or paint.
- ► Repair or replace gutters.
- ► Install new exterior siding.
- ► Replace or repair existing windows.
- ► Install storm windows and doors.
- ► Build a fences less than six feet in height.
- ► Build a utility shed 120 square feet or less

Appendix B:
Toolkit for Trustees

We've got to Stop Meeting Like This!
8 Great Tips for More Effective Meetings

If your subdivision meetings last too long, are low in attendance or never seem to accomplish anything, read on for some great tips!

1. *Plan Ahead.*

Did you know that up to 80 percent of the work that goes into a meeting occurs before it even begins? Take time to get organized and determine the purpose of the meeting, who needs to be there, and what materials to provide. Assign pre-meeting tasks to participants, if needed.

2. *Give People a Reason to Meet.*

Why meet? Let people know the reason for the meeting and why they should attend. Is it to share information that impacts the community? Solve a neighborhood problem? Reach consensus and vote on an issue? Simply knowing a meeting's purpose can boost attendance and keep participants focused.

3. *Prepare an Agenda in Advance.*

Always use an agenda and circulate it in advance whenever possible. Take advantage of e-mail to get the word out. Can't make copies for everyone? Write the agenda on a flip chart for all to see. The agenda should include topics for discussion, who will lead the discussion and the time allotted for each topic.

4. *Start and End on Time.*

Be punctual and do not encourage bad meeting behavior by backtracking for latecomers or ending late because you started late. Build in socializing time before or after the meeting. Designate a time keeper to help stay on schedule.

5. *Establish Meeting Procedures.*

If your meetings are a "free for all" then you need to establish some ground rules. Develop your own procedures or agree to use a version of Robert's Rules of Order. Simplified versions are available for small groups, such as trustees.

6. *Stick to the Agenda.*

The role of the chair or president is to keep the group on the agenda and on task. What happens when an issue is going nowhere or someone goes off on a tangent? Im-

pose a "5 or 10 minute rule" so participants can call the rule when discussion is repetitive or unproductive. Use a flip chart labeled "Parking Lot" to place non-agenda items and decide whether or not to handle them at the end of the meeting.

7. Learn to Neutralize Problem People
Nothing is more frustrating than a meeting that gets de-railed. Develop strategies in advance to address these problem personalities. Use a neutral facilitator, especially if the topic is controversial or it is important to reach consensus.

8. Be a Model Meeting Participant.
It is everyone's responsibility to practice good meeting etiquette. Do your part by coming prepared to the meeting, being on time, sticking to relevant issues, offering solutions and respecting differences.

Bonus Tip: Boost Meeting Attendance
Having trouble getting your neighbors to attend the annual association meeting? Try awarding an attendance prize. Either purchase or ask a local merchant to donate a gift card (restaurant gift cards are popular) and do a drawing at the end of the meeting. The winner must be present to win.

Find more meeting tips at www.effectivemeetings.com.

This article was reprinted from the Fall 2003 edition of the St. Louis County DIRECT newsletter.

Creating Newsletters

Newsletters are a great tool to share information and updates on subdivision related issues and events. A well-designed newsletter with interesting and pertinent articles and graphics helps the reader understand the message and perhaps get more involved in community activities.

Here are a few tips to get you started on your subdivision's newsletter.

1. Decide on the Newsletter Content

Most often, subdivisions publish newsletters for homeowners on a monthly or quarterly basis. Therefore, stories will not be late breaking news but rather more general items or announcements that affect your target audience. Be sure to make the text interesting but remember to keep it short. Pictures, graphics, and quotations always make a newsletter more interesting to read. It may also be useful to publish a community calendar for people to cut out and save for upcoming events.

Use your subdivision association newsletter to:

- Announce an upcoming subdivision association meeting or committee meeting.
- Share the agenda for the upcoming association meeting.
- Recruit volunteers for a neighborhood clean-up or family fun event.
- Announce an important issue to be voted on at the next association meeting.

2. Hints on Newsletter Design

In order to make a newsletter easy to read be sure to follow the following design tips:

► Use only two or three different fonts, or typefaces, in the entire newsletter.

► Make sure the font size is easy to read (usually 11 or 12 point size). If you make the font too small in order to fit in more text it makes the newsletter hard to read and feel cluttered. It is better to shorten stories or add more pages.

► Reserve plenty of white space (areas with no pictures or text).

► When using photographs or graphics be sure to select quality images. Images attract people to the information in your newsletter and may also help enhance their understanding of the message. Use captions underneath photographs.

► Create your own style. Use a logo that represents your subdivision association so it is easily recognizable for homeowners. Be consistent from issue to issue by placing reappearing sections, articles, and calendars in the same location. Be creative with the number of columns used or the use of bullet statements.

3. Final Steps.

Always, always have a person who is not involved in the writing or design of the newsletter to proof the newsletter before printing. By proofing, you will be able to catch typos and make sure the articles flow together and that paragraphs are not dropped, pages numbers are correct, captions are included and contact information is correct. Printing can be as easy as making copies or as complex as a multi-color production. Your printing budget will determine what is best for your subdivision's newsletter. Distribution of your newsletter will also be determined by your subdivision's budget. Depending on the size of your area, mailing may be your best option. If you will be mailing it, contact your local post office to learn about reduced mailing costs such as bulk mail permit for groups mailing to 200 or more.

Putting together a newsletter can be a lot of fun. Remember to follow the tips above to make your newsletter a must-read for all homeowners in your subdivision.

Adapted from: National Park Service, Rivers & Trails Program, Community Tool Box, Newsletters. http://www.nps.gov/nero/rtcatoolbox/writcom_newsletters.htm.