Dear Enchanting Forest Property Owners –

We hope you all have had a wonderful summer and that this email finds you all well and in good health.

As you may or may not be aware, Enchanting Forest has had an increase in the number of new construction homes being built in the community this past year.  Heavy loads of building materials, concrete trucks, well-drilling, and septic-installation equipment, along with a multitude of construction crews pulling heavy trailers has led to above average wear on our roads. Additionally, we have had a very rainy year, leaving the roads soft, muddy, and more susceptible to damage from the aforementioned vehicles.

At times, various sections of the community roads were so trenched up and covered with potholes that certain homeowners were forced to take an alternate route to their home. Furthermore, potential damage to community members’ personal vehicles from driving on the highly damaged roads increased significantly.

Unfortunately, the builders have not been contributing to the maintenance and repair of our roads, which led us to consult with an attorney to understand our exact legal position and rights to best address this matter. Following are some of the insights we gained:

1 – The roads are NOT owned by the community

2 – The property lines of each owner’s lot go to the CENTER of the roads.

3 – Property owners are responsible for their portion(s) of the road(s) and maintaining the right of way.

The Enchanting Forest Owners’ Association is voluntary and exists solely for the purpose of maintaining the roads and common spaces. Some Enchanting Forest property owners choose not to contribute to the association, and therefore, to the maintenance of the roads and common areas. However, maintenance of our roads is necessary not only for those living full-time in our community, but also for those who own seconds homes and vacation rental properties as well as un-built lots. While we are relying on voluntary dues to cover the costs associated with keeping our roads and common areas in optimal condition, it is in *everyone's* best interest to protect their investment in the EF community by contributing to the EFOA.

We are thankful for those that participate in paying dues to keep the appropriate amount of funds in the community account so we can continue the upkeep of the roads and common areas.  By paying the annual dues and being part of the association, property owners are afforded the luxury of having the roads maintained by the association on their behalf.

We are fortunate that several EF members volunteer their time to perform the road maintenance work at no cost to the community.  This leaves only the cost of equipment rental (if needed), fuel, and stone/gravel (if needed), keeping the overall cost of road maintenance as low as possible. If we were to outsource the roadwork, it would be triple the cost. Additionally, if owners were required to maintain their sections of road(s) personally, the cost to do so would be considerably higher to each individual.

In spite of our upstanding community members who volunteer their time for road maintenance, the cost of fuel and stone/gravel has increased significantly, which is reflected in the increased cost to maintain our roads. We, therefore, strongly encourage ALL property owners to contribute to the Owners’ Association and pay their dues for road and common space maintenance.

We currently have 50% participation in the EFOA. The current dues are based on the average annual costs for the maintenance and on the percentage of homeowners who pay dues.  If we were to receive more than 50% participation, we would be able to lower the amount of the annual dues.

The Enchanting Forest roads are an easement that benefits and enriches everyone’s property in the community. The EFOA has the responsibility to maintain the roads AND to enforce everyone's right to this easement. This is based on a legal opinion (see below) the EFOA received from the attorney we retained to facilitate reimbursements from property owners who choose NOT to participate in contributing to the expenses associated with maintaining the community common areas and roads.

***"The concept of unjust enrichment in law is premised upon the principle that a party cannot induce, accept, or encourage another to furnish or render something of value to such party and avoid payment for the value received; otherwise, the party has been unjustly enriched at the expense of another and, in fairness and good conscience, must reimburse the other to the extent of the value conferred."***

For those who choose NOT to participate in the Owner’s Association, please be aware that every property owner is responsible to keep their legally owned portion of the road in good condition. The EFOA will continue to repair the roads as needed for the benefit of all property owners; and, the EFOA has the right to seek the costs (value) associated with these repairs. Therefore, bills will be sent for reimbursement for said costs to non-participating property owners as needed.

Dues will be due by the end of October. After the due date an update will be mailed out acknowledging those who have contributed and those who have not in the spirit of full transparency to our members.

It is in everyone’s best interest to contribute to the Owner’ Association. Proper maintenance of our roads contributes to increased property values, prevents unmitigated erosion and run-off, and keeps travel through our community safe. We strongly encourage all property owners to participate in paying dues based on the following rates. Our hope is to reduce these dues in the future as we strive to reach a goal of 100% participation.

**New Dues Structure:**

Undeveloped Lot - $200

Second Home - $350

Rental Cabin - $500

Thank you in advance for supporting our beautiful community.

Kind Regards,

EFOA Board Members