

# OWNING IN THE ARBOR

## CONDOMINIUM OWNERSHIP

Fairlington Arbor, or “The Arbor,” is a condominium association organized under the Virginia Condominium Act. Its formal name is the *Council of Co-Owners of Fairlington Arbor*.

Arbor owners are the sole owners of their units. They have a deed just like the owner of a single-family house, but they also have an ownership interest in a shared property. The common property share is outlined in the Fairlington Arbor Declaration, sometimes called “[Exhibit C.](#)” A copy of this legal document is on file in the Arlington County Courthouse, at the Arbor Office, and online at [www.arboronline.org](http://www.arboronline.org).

Owners own their entire unit except for the roof and drainage lines under the floor slab, as long as they serve more than one unit. Vertical boundaries are the plane of the exterior wall's outer surface and the centerline's plane with a neighbor. Horizontal boundaries are the plane of the lowest floor slab's underside and the underside of the roof's exterior surface (excluding roof shingles).

For apartment units, horizontal ownership extends to the unit's sub-flooring above if you do not have a roof or the unit below if you do not have a basement slab. (However, individual ownership does not imply an absolute right to make changes to one's property, as the Arbor bylaws explain in Article VI. See [Appendix A.](#))

Note: For more information regarding maintenance and repair responsibilities for unit's components, including boundaries, see Chart of Maintenance Obligations on [Appendix F.](#)

## OWNERS' INTEREST IN COMMON ELEMENTS

The general common elements are all portions of the condominium outside of the individual units, except for each ground level unit's fenced area. Common elements include all the public areas such as parking lots, sidewalks, greens, and structures such as the swimming pool, fences, playground, and tennis courts. Common elements also include underground utilities such as sewer and water pipes.

The fenced areas behind ground-floor units are defined as “*Limited Common Elements.*” While these areas belong to the Arbor, they are reserved for the unit owner's exclusive use.

Notably, the ownership interest in the common elements does not separate from each unit's ownership interest. That means that the ownership of an undivided interest in the common elements, called a percentage interest, gives the owner the right to participate in Fairlington Arbor's governance. It also obligates the owner to pay a pro-rata share of expenses, allocated as assessments.

## **OWNERS' OBLIGATION TO PAY CONDO FEES**

A unit owner's annual contribution to the condominium's expenses (assessment) is proportional to their undivided interest in the common elements. The condominium Declaration establishes each unit's percentage value, which is generally proportionate to its size.

Each owner's monthly assessment is the result of the total condominium assessment multiplied by the proportionate interest. In addition to an annual assessment, special assessments may be levied by the Board if necessary.

Regular monthly assessments are due on or before the first day of each month. Owners may pay their monthly fee by automatic debit, bill pay, or mailing a payment and coupon to the designated address. The Arbor strongly encourages owners to arrange for direct debit as it saves expenses on printing and mailing coupon books.

## **MANAGEMENT ACCESS TO UNITS**

In a public safety emergency, management may need access to your unit, as provided by the bylaws (*see Right of Entry*). If you have provided emergency contact information to the Arbor Office's management agent, the on-site manager will make all reasonable efforts to contact you. If necessary, management may call a locksmith to gain entry.