

April 2017

Covenant questions seem to come up regularly especially with new residents and the advent of "<http://www.nextdoor.com>". Below is a little research on the matter.

## **A primer on the Eden Isles Covenants** (reservations, restrictions & conditions)

The Eden Isles HOA owns no property in the subdivision, is not part of the covenants and not part of your deed restrictions. This is why Moonraker and Clipper Estates (collectively just as large as what is traditionally thought of as Eden Isles) do not support entrance maintenance costs even though their access is via Eden Isles Dr. Eden Isles Dr. & it's median are public property and the responsibility of the parish! The utilities, water, sewerage and electricity for the whole area (Clipper & Moonraker included) are contained within this public area, yet the Eden Isles HOA has taken it upon themselves to cut the grass on this public thoroughfare.

see ... <http://stpao.org/check-your-assessment/> (lists property ownership - the E.I.H.O.A. does not own any property)

The Eden Isles HOA can neither govern anything nor enforce the covenants except as a designated volunteer representative of a named complainant. Contrary to the assumption of many, the Eden Isles HOA is in name only and is actually a neighborhood civic association. The parish has mostly turned a blind eye to the HOA's activities on non-owned public property such as entry way signage and beautification. Since parish officials are elected and rotate from term to term it is quite possible they too do not always know the difference.

see ... [https://en.wikipedia.org/wiki/Neighborhood\\_association](https://en.wikipedia.org/wiki/Neighborhood_association) (gives legal definition of Civic Association versus HOA)

Our subdivision was designed by the developer and zoned by the parish as single family private homes. The general assumption is that no home based business or other activity is allowed that would result in an unusual number of packages delivered, attract an unusual number of vehicles, cause a disproportionate number of non residents to come onto the property or otherwise disturb the privacy associated with single family home ownership.

At this time the HOA has about a 20% membership, therefore it does not represent the overwhelming majority of homeowners. This, in part, may be due to its disregard for private home ownership. It throws public events including inviting, in mass, the public from outside of the area to HOA sponsored and promoted garage sales. It also holds HOA sponsored public events on non-owned grounds within the neighborhood. This is not only an unwarranted intrusion into homeowner privacy but puts homeowners at risk. Most homeowners understand that. In fact, many quality subdivisions are gated to enforce the privacy of single family home ownership!

To get a handle on what the HOA is and is not, a real study of the covenants are in order. The covenants (reservations, restrictions & conditions) are part of everyone's legally binding property deed as recorded in the St. Tammany Parish Courthouse. Read them over & over until you really understand them! In reality the HOA has become nothing more than a social club who's mission should be concentrating on representing the best interests of the Eden Isles residents before their elected officials along with preserving the safety, security and integrity of the neighborhood. *(note, advertising garage sales and other events in mass to residents outside of our immediate area is a security & safety hazard)*

see ... <http://www.datakik.com/eiho/ Documents/Covenants/covenant%20research.htm>

see ... <http://datakik.com/EIOH/Forum/index.php?topic=216.0>

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Now let's talk about the "by-laws" of the HOA which some have confused as having some sort of power. The by-laws have absolutely no effect on the vast majority of homeowners. They simply govern the HOA itself and mostly apply to it's board of directors. So what comprises the HOA? It is the members and that's it. Think about what would happen if the HOA were sued - are you insured? see ... [http://www.datakik.com/eiho/Docs/2008%20By-Laws\\_Formatted%20Final.pdf](http://www.datakik.com/eiho/Docs/2008%20By-Laws_Formatted%20Final.pdf)

As defined in the covenants, the real teeth of governing the neighborhood was in the hands of the Architectural Committee, a legally formed entity not connected with the HOA. The Architectural Committee, as outlined in the covenants, is to hold annual elections in order to be a valid entity. Following Hurricane Katrina the Architectural Committee was allowed to collapse and the State of Louisiana formally terminated it as a legal entity. The current HOA often refers to the "Architectural Committee" but whatever they think they are referring to does not exist as a legal entity and therefore not capable of legally enforcing anything. Despite the collapse of the Architectural Committee the Covenants endure, it's just that the HOA is not the enforcement mechanism.

see ... [https://coraweb.sos.la.gov/CommercialSearch/CommercialSearchDetails.aspx?CharterID=464646\\_D9FA371342](https://coraweb.sos.la.gov/CommercialSearch/CommercialSearchDetails.aspx?CharterID=464646_D9FA371342)

Fortunately most of the covenants are mirrored in the parish code of ordinances and enforceable by the parish.

see ... <http://www.datakik.com/eiho/Docs/Covenants/stp-on-covenants.pdf>

see ... <http://www.stpgov.org>

So who enforces the covenants? You do! This means you can personally sue your neighbor regarding a breach of covenants.

see ... <http://www.datakik.com/eiho/Info/FAQ.htm>

Additional historical information on the formation & makeup of Eden Isles and the why of just about everything is still available on the archived "legacy" website stored at - <http://www.eioforum.com> Simply click on "Eden Isles".

Note, this document can be found in printable format by way of attachment in the forum at [www.eioforum.com](http://www.eioforum.com)