

RED OAK HILLS HOMES ASSOCIATION, INC.

Frequently Asked Questions - Deed Restrictions

1. Are there deed restrictions in Red Oak Hills?

Yes. Most properties in Red Oak Hills have deed restrictions.

Of the original 86 lots in Red Oak Hills, the developer sold 54 lots with deed restrictions. As development of the subdivision progressed, another 187 lots were sold with similar deed restrictions. In recent years 4 property owners have added deed restrictions to their property.

There are currently 28 properties in Red Oak Hills that do not have these deed restrictions.

2. Can the Homes Association place deed restrictions on the properties that do not have restrictions?

No. The Red Oak Hills Homes Association does not have the authority to force deed restrictions on the properties that do not have them.

3. Are there different deed restrictions in Red Oak Hills?

Yes. There are two different, but similar, deed restriction documents that apply to most properties in Red Oak Hills. The 1979 Original Declaration of Restrictions applies to many lots in the original areas developed in Red Oak Hills. The 1984 First Amended Declaration of Restrictions applies to lots in the final areas that were developed. The primary difference between the 1979 and the 1984 restrictions is that membership in the Red Oak Hills Homes Association is required for all of the properties where the 1984 First Amended Declaration of Restrictions apply.

4. How do I know if my property has deed restrictions?

A map of Red Oak Hills has been developed that identifies which lots have deed restrictions. This map is available here: [Restrictions Map with DS \(redoakhills.org\)](https://redoakhills.org/RestrictionsMapWithDS). Additionally, your title insurance policy should list deed restrictions that apply to your property.

5. What is included in the deed restrictions?

The deed restrictions limit certain activities, limit what can be stored or placed on a property, limit on what can be built on a lot and limit the roof materials you can use on your home. The restrictions are available for review here: redoakhills.org/Documents.aspx.

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6. Am I required to comply with the deed restrictions?

Yes. If your property is covered by deed restrictions you are required to follow them.

7. How are the deed restrictions enforced?

Most residents in Red Oak Hills voluntarily comply with the restrictions on their property. The Homes Association and any property owner covered by the restrictions have the authority to take legal action to enforce the deed restrictions.

8. Can the deed restrictions be changed?

Yes. It is possible to change the deed restrictions, but it is a lengthy process. The restrictions can only be changed if a majority of property owners vote to change the restrictions that apply to their property. When a majority of property owners agree to support a change, legal documents must be prepared, a formal vote must occur, and legal documents must then be filed with the Johnson County Register of Deeds.

To date, the only time Red Oak Hills property owners voted to change their deed restrictions was over 20 years ago when a vote occurred to change approved roofing materials.