

# Use Restrictions Have Expired

The provisions of the Declaration regarding the governing restrictions upon the land use have expired and cannot be enforced. Nevertheless, certain provisions contained within the Declaration are perpetual. This is based on a court case in *Arbor Station Homeowners Services, Inc. v Dorman*. In *Arbor Station*, the Georgia Court of Appeals held that covenants, which do not restrict the use of land do not expire pursuant to the applicable expiration provisions contained in O.C.G.A. § 44-5-60. Obligation to pay assessments is not a provision that restricts the use of land, and therefore, does not expire.

This means that the portion of the Declaration that obligates the members of the Association to pay assessments remains active and property owners are obligated to pay assessments.

The assessments pay for the common expenses of the association which include:

- Landscape maintenance of the entrances and common areas
- General maintenance of entrances and common areas
- Pool maintenance & monitoring
- Common area utilities: pool telephone, electricity, water, sewer and garbage
- Common area insurance
- Management costs
- Legal and accounting
- Common Area Real Estate Taxes