

advisable to ascertain whether a homeowners association has been established for the subdivision in which you may have an interest, when it becomes operable, what duties and responsibilities it has, the amount of dues to be assessed homeowners in the subdivision, etc., before you buy a home. You should understand your obligation as a homeowner's association member before you become a resident of the subdivision.

Restrictive Covenants

Controls and safeguards established for a new home subdivision to assure building compatibility and continuity in the area, how common areas and amenities are to be maintained, etc., are established by the developer and are known as restrictive covenants. Covenants vary greatly depending on the subdivision, so it is a good idea to secure copies of any restrictive covenants and review them to gain a good understanding of the subdivision's restrictions.

Copies of covenants are available from the developer, builder, or real estate agent, or can be secured from any abstract and title company. Contact the local Register of Deeds office to determine what information you must provide to obtain the covenants in which you are interested.

In past years, covenants were filed for a specific area and were in effect for a limited time period, such as 20-25 years. Today, it is more likely that you will see restrictive covenants established in perpetuity. This means that there is not termination date and the covenants are effective indefinitely.

Architectural Control Committee

This is a committee that may be separate from or function as a part of an area's homeowner's association. Its purpose, basically, is to assure that what is built in the subdivision is architecturally compatible and is of comparable size and value. In the early stages of subdivision development, the developer assures compliance with established controls. Once the subdivision is sufficiently sold, the responsibility of complying with architectural controls in the area is turned over to the committee. Typically, covenants established for the area reference the



The Strength of a Nation Lies in the Homes of Its People

establishment of such a committee and outline their duties and responsibilities. Before purchasing a home, see if such a committee exists and how it functions in the subdivision you are considering.

School Districts

Wichita and surrounding areas are divided into various public school districts. Since the school district can be one of the primary considerations in a person's decision to buy a home, it is important to know the specific boundaries of the various districts. Your developer, builder, or sales agent can tell you the district with which your property is associated. However, if you are unsure or desire to know additional information as to the locations of elementary, middle and high schools, the hours during which classes are held, etc., you may wish to call the district's administrative office.

To determine which school district your property is in and the phone number of that district's office, call the Sedgwick County Election Commissioners office and give them the property's street address. You can also find a listing of all public, as well as private and parochial, schools in the telephone book's yellow pages.

Open vs. Closed Subdivisions

Most subdivisions are "closed subdivisions," meaning that only certain builders are authorized to build there. Whether a subdivision is closed "totally" or only "partially" is determined by the developer. The greater Wichita area is not considered a rapid and ongoing growth area, but rather as an area of steady, moderate growth. This means developers must be more cautious in developing large tracts because of the time required to ready and complete an area, and because of the significant financial risk. This, developments in our area are generally smaller and typically are done on a "phase" basis. This minimizes the developer's risk and allows him to assure the development will continue "as planned" and not be adversely affected by the market's cyclical ups and downs. Ask the developer, builder, or sales agent if a subdivision is closed, open, or a combination of the two.



The Strength of a Nation Lies in the Homes of Its People

Approved Builders for a New Home Subdivision

To help assure that a development proceeds as planned by the developer, agreements are usually secured with specific builders to build model homes as well as "spec" homes, which become "inventory" offered for sale in the subdivision. To offset the risks taken by these builders, the developer limits the number of builders allowed in the subdivision. In this scenario, if a person wants to buy a home in the subdivision, he must do so from one of the approved builders. If the developer has left "open" a certain part of the subdivision, it is typically higher-priced lots on which custom homes are built. In this situation, a prospective home buyer can contract with the builder of his choice and build a home of his choice. However, the builder and purchaser are still subject to the conditions imposed by the area's developer, such as making sure the home is built in accordance with architectural control standards, payment of a marketing fee, etc. The builder approved for a specific area are generally promoted as such, but if you are unsure, inquire of the developer, builder, or sales agent with whom you are working.

Selecting a Builder

This decision has, in part, been made for you due to the approval of only certain builders in certain subdivision, or certain phases of a subdivision. On the other hand, you may be planning to build a custom home in an open subdivision or open phase of a subdivision, and desire to select a builder of your choice. In either event, call the Wichita Area Builders Association (316) 265-4226 for a list of suggestions to consider when selecting a builder.

The "On-Site" Sales & Marketing Agent

Most people who are considering purchasing a new homework with the "on-site" sales and marketing agent assigned to the subdivision. Typically, this person represented the area's developer and builders and works with prospective buyers because of his familiarity with the subdivision.

The on-site sales agent usually operates from a model home office which is open during convenient hours. Information about the area typically is displayed in the



The Strength of a Nation Lies in the Homes of Its People

model home office. Contact the on-site sales and marketing agent for detailed information about the area and to answer any questions.

Working with the Builder

Unless you already have contacted a builder for your new home, you typically will meet your builder through the subdivision's on-site sales and marketing agent. Discuss with him the type of work he does, where he builds and the price range of his homes. Review blueprints of homes with features in which you are interested and secure a price for the home you choose. The builder will typically discuss standard and optional features available to you, allowances for carpeting, lighting, appliances, etc. Price structures vary, so you should completely understand that which comes standard for the home and that which is optional, meaning add-ons that you can purchase.

If you have not already reserved or bought a lot, a selection will be made at this time in consideration of the type and elevation of the home you decide to build. The positioning, or siting, of a home on a lot is an important detail the builder can discuss with you. During the meeting, the builder may outline construction details, as well as activities and schedules with which you will need to become involved for a good understanding of how you will be interacting during the construction process. In addition, if the on-site sales agent has not already discussed with you the lot purchase contract, builder warranty, etc., you will want to discuss these details during the meeting with the builder so that you fully understand your contract.

A clear, concise contract that outlines what has been agreed upon between you and the builder is essential. The contract should refer to construction plans and specifications and the builder's written warranty. Read and understand all documents before you enter into an agreement to build so you and the builder will have a clear understanding of what is contracted for and the dynamics of your "legal" relationship. It is your responsibility to read and understand everything before you sign and agree to it. Communication is the key to maintaining a good working relationship with the builder, so do not be afraid to ask questions.



The Strength of a Nation Lies in the Homes of Its People