

SHIPLEY'S CHOICE HOMEOWNERS ASSOCIATION, INC.

POLICY RESOLUTION NO. 13

POLICIES RELATING TO TREES IN COMMON AREAS

WHEREAS, Article VII, Section I (a) of the Amended and Restated Bylaws provides that the Board of Directors shall have the power to adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for infraction thereof; and

WHEREAS, for the benefit and protection of the Association and of the individual Owners, the Board deems it desirable to establish and operate a procedure to assure due process in cases where there is a question of compliance by a Member with provisions of the Bylaws or other such Rules and Regulations; and

WHEREAS, it is the intent of the Board of Directors to establish procedures for the Board and Management Agent (if any) where actions must be taken relative to questions of compliance by individuals with provisions of the Bylaws or the Rules and Regulations;

WHEREAS, the common area in our neighborhood does not follow any master pattern and is further complicated by the county property surrounding the SCES; and in some cases the common area is a 6' wide strip of land running behind houses, parallel with the streets; and at the ends of cul-de-sacs, the common area is always some odd shaped triangular design and then there are larger areas such as the corner of Governor Stone and East West Hwy; and the common area sometimes follows utility easements, and comes within 15' of the side of a dwelling; and in other cases houses on cul-de-sacs backed up to within 20 to 25' of the common area. The following Tree Policy is hereby enacted to define the responsibility of the Shipley's Choice Homeowners Association with regard to Trees in the said common areas.

Section 1

Shipley's Choice Homeowners Association (SCHOA) is responsible for the maintenance of the neighborhood common area, except for sections 1 and 2.

RECORDING FEE 15.00
TOTAL 15.00
Rec'd 11/11 AM 4 28:29
NOV 11 2010 09:34 AM

Section 2

Residents are responsible for reporting tree problems that they deem to be in the common area and pose a hazard to their property or the property of others.

Section 3

Reporting of such problems shall be in writing, either by letter or e-mail. Telephone calls will be accepted, but must be followed up by written notice.

Section 4

A SCHOA representative from the Tree Committee will investigate the reported problem and notify the resident of the findings. This may include a review of the matter with a qualified tree service and also reviewing the specific matter with the SCHOA Board of Directors.

Section 5

Criteria for removing trees (or portions of trees) from the common area:

- a. Dead, fallen or partially fallen trees endangering homes, decks, patios or fences.
- b. Removal of dead trees not endangering property shall be determined based upon species, likelihood of falling and potential damage to other trees.
- c. After a significant weather event causing downed, damaged or leaning trees the Tree Committee shall assess the common areas, identify trees and branches to be removed and contract for their removal in a timely manner, with the consent of the SCHOA Board
- d. Tree limbs and brush associated with a tree taken down shall be removed at the discretion of the Tree Committee.

Section 6

If the Homeowner does not agree with the action that is proposed by the Tree Committee the Homeowner may appeal the decision directly to the Board of Directors.

Section 7

The removal of live trees in the common area is prohibited without the written permission of the SCHOA Board of Directors

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Section 8

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A live tree(s) will not necessarily be removed from the common area because a homeowner believes a tree(s) might blow down on his/her property due to some peril.

Section 9

Trees do not always grow straight! The portion of a tree that extends over the Homeowner's property line belongs to the Homeowner, even though the base (root system) is in common ground. If the Homeowner wishes to remove the entire tree and is willing to pay for the removal, the Homeowner shall make a request to SCHOA Board of Directors to remove the tree.

APPROVED:

yes no John Weisz *John Weisz*
Board Member

Yes No Chet Kulawiak *Chet Kulawiak*
Board Member

Yes No Kathleen Michels *Kathleen Michels*
Board Member

Yes No John Rich *John Rich*
Board Member

Yes No Bill Mitchell *Bill Mitchell*
Board Member

Shipleys Choice Homeowners Association

New Policy Resolution No. 13

November 8, 2010

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