

FORRESTAL VILLAGE COMMUNITY SERVICES ASSOCIATION, INC.

POLICY RESOLUTION NO. 31

Relating to the Maintenance or Removal of Atrium Trees, Shrubs and Other Vegetation

WHEREAS, pursuant to Article III, Section 3 (c) (2) of the Declaration of Covenants and Restrictions (the "Declaration") of the Forrestal Village Community Services Association, Inc., the Board of Directors of the Association (the "Board") has the power to establish rules and regulations for the use of property and to review, modify and approve architectural standards proposed by the Covenants Committee; and

WHEREAS, Article VII, Section 1 (a) of the Declaration provides that "No nuisance shall be permitted to exist or operate upon the property so as to jeopardize property values or be detrimental to the well-being of Members"; and

WHEREAS, pursuant to Article VII, Section 1 (e) of the Declaration, the Board is required to adopt from time to time general rules relating to the use of property and the well-being of Members, including but not limited to, rules relating to the maintenance and removal of vegetation on The Properties; and

WHEREAS, Article VIII, Section 4 of the Declaration creates an easement in favor of the Association for ingress and egress on any Lot during reasonable hours and upon three (3) days prior notice to the Owner of such Lot to inspect such property for alleged violations of the Governing Documents and to perform such correction of violations or such maintenance as required by the Supplementary Declaration on such Lots; and

WHEREAS, First Amended Policy Resolution No. 21 provides that soil maintenance, drainage, plantings and maintenance of plantings in atriums/enclosed courtyards is the responsibility of homeowners; and

WHEREAS, vegetation such as trees and shrubs planted within the private atria have grown and matured in the years since the community was founded, and some vegetation may now endanger the personal safety of Members or their guests or threaten damage to the Properties; and

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POLICY RESOLUTION NO. 31 (Continued)

WHEREAS, Second Amended Policy Resolution No. 23 provides that "Plantings in atriums (except trees) and or planting of annual flowers in the beds adjacent to living units and decks, provided they do not increase maintenance costs to FVCSA" do not require prior application to and approval by the Landscape Committee; and

WHEREAS, Second Amended Policy Resolution No. 23 provides guidelines for the planting of trees and shrubs on the Properties; and

WHEREAS, the Board finds that it is necessary to establish the following rules, regulations, and standards governing the maintenance or removal of vegetation located with the private atria of certain Living Units;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Owner of any Living Unit that includes an enclosed, private open air atrium shall be responsible to maintain all trees, shrubs and other vegetation planted within such atrium according to the following standards:
 - a. Trees, shrubs and other vegetation within private atria shall not intrude upon, cause damage to, or endanger nearby structures such as roofs, chimneys, exterior building walls or the privacy walls or fences of adjoining Living Units and shall be maintained at a minimum clearance of three feet (3') from the roofs and gutters of all nearby structures.
 - b. Trees, shrubs and other vegetation within private atria that are dead diseased infested with insects, broken or otherwise dangerous shall be pruned or removed as necessary to mitigate such problems.
 - c. Trees, shrubs or other vegetation within private atria may be permitted to grow to a height that is visible above the roof line of any nearby structure or above the privacy walls or fences of adjoining Living Units, provided that in addition to conforming to paragraphs a and b above the responsible Owner, by pruning or

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other appropriate, regularly performed maintenance

- i. prevents the growth of dense foliage that reduces the circulation of light and air to such an extent that excessive dampness or the growth of mildew or mold occurs on nearby structures such as roofs, chimneys, exterior building walls or the privacy fences of adjoining units;
 - ii. prevents roots or branches from extending over or into the private atrium of any adjoining Living Unit; and
 - iii. prevents the accumulation of unreasonable and excessive amounts of fallen leaves or other litter in Common Areas, in the private atria of adjoining Living Units or on the roofs and in the roof gutters of any structures maintained by the Association
- d. All maintenance of vegetation within private atria shall be performed at the sole expense and risk of the responsible Owner by the Owner or by independent contractors hired and paid by the Owner.
2. Whenever the Covenants Committee determines, based upon the written complaint of any Member or as a result of any inspection by the Property Manager as provided in Article VIII, Section 4 of the Declaration and after due consideration in accordance with the procedures required by the Governing Documents that any trees, shrubs or other vegetation within the private atrium of any Living Unit are not being maintained by the Owner of such Living Unit in conformance with the standards set forth in 1, a above,
- a. the Covenants Committee shall direct the Property Manager to notify the responsible Owner in writing that the condition of such trees, shrubs or other vegetation is in violation of such standards and that such Owner is required to correct the violation within thirty (30) days after receipt of notice; and

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- b. The Owners in contract must submit Certificates of Insurance, evidencing a minimum of \$1,000,000 in liability coverage, motor vehicle insurance and workers compensation coverage to the Association before any work may be commenced by either the Owner and/or their Contractor.


- c. if the Covenants Committee determines after due consideration in accordance with the procedures required by the Governing Documents, that the violation was not corrected within the time required, then the Covenants Committee may take further action as authorized by the Governing Documents, including but not limited to authorizing the Property Manager on behalf of the Association to exercise the Association's rights of ingress and egress pursuant to Article VIII, Section 4 of the Declaration for the purpose of correcting such violation with the cost of such correction to be assessed to and repaid to the Association by the Owner of such Living Unit

BOOK OF MINUTES

ATTEST: 
Mei Lai, Secretary

DATED: Feb 24, 2004

Yes No Abstain


Michael R. Wilburn, President

Yes No Abstain

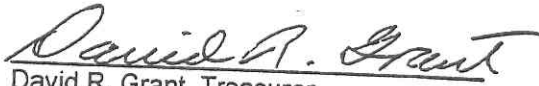

Andi Sjamsu, Vice-President

Yes No Abstain



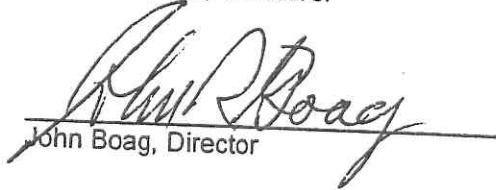
Mei Lai, Secretary

Yes No Abstain



David R. Grant, Treasurer

Yes No Abstain



John Boag, Director

Yes No Abstain



Efreem Dlugacz, Director

Yes No Abstain



Greta Kiernan, Director

Adopted at the Meeting of the Board of Directors on February 24, 2004