

ASHBROOK HOMEOWNERS ASSOCIATION, INC.

Policy Resolution 20-01

(Policy Relating to Association Provided Landscape Services)

WHEREAS, Article VII, Section 1 (a) of the Bylaws of the Ashbrook Homeowners Association, Inc., (the "Association") empowers the Association's Board of Directors to adopt rules and regulations governing the use of the Association's Common Area and any improvements thereon, and any improvements or areas shared with nearby communities as well as the personal conduct of the Members and their guests; and

WHEREAS, Article VII, Section 1 (d) of the Association's Bylaws empowers the Association's Board of Directors to exercise for the Association all powers, duties and authority vested in or delegated to the Association that is not reserved to the Membership by other provisions of the Association's Bylaws, Articles of Incorporation or Declaration of Covenants, Conditions Restrictions, Easements, Charges and Liens (the "Declaration"); and

WHEREAS, Section 9, Subsection 9.5 of the Association's Declaration states that, with the exception of patios, walkways, flower gardens, hedges and trees, all unimproved open areas on a Lot must be a lawn that must be mowed to a height not exceeding four (4) inches; and

WHEREAS, Section 9, Subsection 9.5 of the Association's Declaration grants the Association the right to enter any Lot to (a) trim or prune any tree, hedge or other planting whose height or location on the Lot is, in the Association's judgment, unreasonably detrimental to any adjoining property, is unattractive or obscures the view of street traffic from any Lot, or (b) cure any violation of the Declaration relating to lawn care; provided that the Lot owner is given fifteen (15) days prior written notice of the action and if such service is provided, the Lot owner is obligated to pay the Association all reasonable expenses incurred as a result of the Association's actions; and

WHEREAS, the Association's Board of Directors recognizes that the proper landscaping and maintenance of each Lot enhances the value of the entire community; and

WHEREAS The Association's Board of Directors deems it beneficial to the Association to provide an optional landscaping service to the Townhomes within the community, the costs of which will be incorporated within the Townhome owner's monthly assessment obligation.

NOW THEREFORE, BE IT RESOLVED that the Association's Board of Directors adopts the following policy:

1. The Association shall provide landscaping services to each and every owner of a Townhome within the Association. The landscaping service is optional and each Townhome owner shall have the right to opt-out of the landscape services.
2. Each fiscal year, the Association's management agent shall send written notice to each Townhome owner of this landscaping service. Each Townhome owner shall have

fifteen (15) days to provide written notice to the Association's management agent that they choose to opt-out of the landscaping service. If the Townhome owner chooses to opt-out of the service, they are bound by their decision until notice of the service is provided for the next fiscal year. If the Townhome owner fails to respond, it shall be assumed they are opting out of the service.

3. The cost of the service shall be charged to those participating Townhome owners as part of their monthly assessment.
4. The Association and/or the Board of Directors reserve the right to discontinue the landscaping service program at any time without any further notice to any owner.
5. The landscaping service shall be performed by a third-party landscaping company that is an independent contractor. Neither the Association nor the Association's Board of Directors have any obligation to coordinate or control the methods or timing of the landscaping contractor's work. Neither the Association nor the Association's Board of Directors are responsible for the acts and omissions of the landscaping contractor.
6. A Townhome owner who opts-out of the landscaping service shall remain responsible to maintain their Lot in accordance with the Association's Declaration and rules and regulations.

This Resolution shall repeal any other Rule/Resolution relating to the provision of landscaping services and shall become effective on March 1, 2020.

ASHBROOK HOMEOWNERS ASSOCIATION, INC.

By: 
Maria Reagan (Apr 24, 2020)

President

By: _____
Secretary