

SUNRISE VALLEY TOWNHOMES HOMEOWNERS ASSOCIATION

III. RULES FOR LANDSCAPING SERVICES & RESPONSIBILITIES

1. **Board Responsibility.** The Board is solely responsible for the maintenance of the landscaping on, and all improvements to, the Common Areas.
2. **Overhangs.** If the homeowner fails to provide a clear and safe path for pedestrians and vehicular traffic on the sidewalks and streets, the landscaping service shall include the trimming or removal of vegetation extending over sidewalks and streets to the extent such vegetation interferes, as the case may be.
3. **Owner Property Beyond Side and Rear Walls.** An Owner must request permission of the Board before planting any additional vegetation in these areas, or removing any living vegetation. Any Owner may elect to exempt his or her said property from this general Rule, by having their land surveyed and marked off, with the report of this survey submitted to the Board. In this case, the Owner will be held responsible for the upkeep of the property. In any case, no changes may be made to the ground or vegetation that would materially affect drainage or pose a threat of fire to a neighboring party.
4. **Removal of Trees and Shrubs.** Removal of live, dead or fallen trees of any height, and live or dead shrubs that lie on Owner's property outside of any wall is the responsibility and at the expense of the Owner. However, where the vegetation is on a boundary line between Owner property and a Common Area, the expense will be split between the Owner and the Association.
5. **Rubbish.** Under no circumstances will any Owner permit rubbish of any kind to be placed or kept on any property beyond their boundary walls, the same as applies to property within these walls. However, where rubbish flows onto Owner property as a result of heavy rains or drainage, to the extent such rubbish lies outside of boundary walls, the Association will be responsible for its removal.
6. **Tree Roots.** When tree and shrub roots undermine walls, sidewalks, other vegetation, foundations and floor slabs, and the roots in such cases are indisputably from vegetation planted entirely within an Owner's property, the obligation and costs of repairing the damage are with that Owner. But when legal difficulties arise with vegetation that lies outside boundary walls or where the source of the roots cannot be accurately determined without risk of damage to other vegetation, the Board will attempt to resolve any issues informally. If the attempted resolution comes to an impasse, the Board will recommend binding arbitration before submitting the case to legal proceeding.