

PRIVATE LOT FRONT YARD MAINTENANCE FINANCIAL RESPONSIBILITY POLICY

Front yard property is owned by the individual landowner as part of the lot, but the Declaration of Covenants, Conditions and Restrictions [Article VII section 5] makes “maintenance” the HOA’s responsibility to be paid from the quarterly assessments. What constitutes “maintenance” is not specifically defined by the covenants. As the community ages, it has become apparent to the board of directors that a more formal description of HOA responsibilities is needed to clarify what is to be paid from the quarterly dues of all owners and what is an owner’s sole financial responsibility. This policy deals only with “front yards” as defined below and does not apply to the common areas.

For purposes of this policy, “Front yard” is defined:

In the Courtyards: The area between the front fence of each lot and the street. It includes the following elements installed by the developer: front fence, rock bed with bushes, and tree.

It does not include:

- The small planting area between the sidewalk and house
- Concrete driveway and sidewalk
- Plants, shrubs or trees installed by a past or current owner which were not approved replacements for the bushes and tree originally planted by the developer.
- Plants, shrubs or trees which a past or current owner has agreed to perpetually maintain at the time HOA permission was given for their installation.
- Ornaments, rocks, additional fencing, edging or other objects added by a past or current owner.

In the Cottages: The area between the front fence of each lot and the street and the area between the back fence and alley. In the front it includes the following elements originally installed by the developer: fence, rock bed with bushes and the tree. In the back it includes the developer installed rock bed and one bush/pine/juniper.

It does not include:

- Concrete driveway and sidewalk
- Plants, shrubs or trees installed by a past or current owner which were not approved replacements for the bushes and tree originally planted by the developer.
- Plants, shrubs or trees which a past or current owner has agreed to perpetually maintain at the time HOA permission was given for their installation.
- Ornaments, rocks, additional fencing, edging or other objects added by a past or current owner.

MAINTENANCE ITEMS HOA IS TO PAY FROM ASSESSMENTS ON ALL PROPERTIES

Grass/turf:

- Irrigation – as needed during growing season
- Mowing – weekly during growing season
- Trimming – weekly during growing season
- Edging – at least monthly unless edging is not recommended to avoid damage to street gutter
- Fertilize – at least annually
- Weed control – at least annually
- Aerate – at least annually
- Over seeding or sod replacement to repair damage caused by work being performed under contract with the HOA or resulting from failure of the irrigation system.

Front yard tree: This applies to the maintenance of the tree originally planted by the developer or a replacement of that tree. If a current or past owner has added additional trees to the front yard area, maintenance of those trees is not an HOA responsibility.

- Prune - annually or semi-annually
- Spray for diseases or pests - annually as needed

Bushes/grass plants: This applies to the bushes originally planted by the developer or a replacement of those bushes, which has included grass plants. If a current or past owner has added additional bushes or grass plants to the front yard area, their maintenance is not an HOA responsibility

- Irrigation – as overspray from grass irrigation
- Trimming - annually...this is a general trimming.
- Rejuvenation pruning – as needed

Irrigation system:

- Repair and maintain system for ordinary wear, tear, aging and damage by tree roots.

Rock bed:

- Steel edging - repair damage caused by HOA landscape or snow removal contractors
- Weed control - spray annually as long as plants in an owner's private yard area have not encroached into the rock bed. If plants in an owner's private yard area which have encroached into the rock bed, then the owner is responsible for weed control.

Leaf and yard waste cleanup: at least once in the Fall and once in the Spring

Damage caused by misconduct of an owner would be chargeable to the owner under covenant Article VII, Section 5, second paragraph.

Anything not on the above list would be the financial responsibility of the owner. The following is a partial, but not exhaustive, list of items for which the homeowner is financially responsible. Although the owner is financially responsible, the covenants still require an owner to get permission from the HOA to change, add, or remove of any item, plant or tree in the front yard. Article VII, section 5.

**HOMEOWNER FINANCIAL RESPONSIBILITY
NOT PAID FROM ASSESSMENTS ON ALL PROPERTIES**

NOTE: Article VII, Section 5 of the covenants gives the HOA a right and duty to ensure a lot's "front yard", concrete driveway and sidewalk are properly maintained, but it goes on to require that the owner be billed for such service when it is provided to less than all the lots. Instead of providing the service and billing the owner, it has been the practice of the HOA to have the owner arrange for such maintenance. The reason for this is to give the owner the opportunity to complete the maintenance at a lower cost or using a different contractor than the HOA would employ. The adoption of this PRIVATE LOT FRONT YARD MAINTENANCE POLICY does not waive or alter the rights given to the HOA in the covenants to perform such maintenance and then bill the owner if the owner fails to do it.

Grass/turf:

- Over seeding or sod replacement needed for any reason other than to repair damage caused by work performed under contract with the HOA or resulting from failure of the irrigation system.

Front yard tree planted by developer or replacement of that tree:

- Removal and replacement – per covenant as currently written
- Spray for diseases or pests- if needed more than once per year
- Fertilizing or deep root watering
- Ensuring that tree roots do not damage nearby structures, sidewalks, driveways, etc. Any action to mitigate tree root damage shall not impair the tree's stability or increase the potential that it may fall and injure persons or damage surrounding property.

Bushes/grass plants:

- Removal and replacement – per covenant as currently written
- Shaping or more refined trimming
- Fertilization
- Additional watering if overspray from sod irrigation is insufficient, especially on new plants.

Irrigation system:

- Repair damage caused by a homeowner or a homeowner's contractor.

Rock bed:

- Edging – maintenance and replacement except for damage caused by HOA landscape or snow removal contractors.
- Weed control - if plantings in owner's private yard area has encroached into the rock bed.

Subsidence of soil, including around foundations, sidewalks and driveways

- Maintenance, repair and replacement is the financial responsibility of the homeowner.

Repairs to or replacement of foundations, sidewalks, driveways and streets:

- Driveway and sidewalk- replacement and repair
- Damage to foundations, sidewalks, driveways and streets caused by "front yard" landscaping, including tree roots, is the financial responsibility of the homeowner.

Fence

- Maintenance, repair and replacement is the financial responsibility of the homeowner.