

Effective Date: March 1, 2008

Gilchrist Owners Association Tree Removal Policy

It is hereby adopted by the Gilchrist Owners Association Board of Directors that the following policy is in affect from the date above.

The Board adopts this policy to protect the aesthetic appearance and enjoyment by all owners of the townsite and declares that trees over 12" DBH (Diameter at Breast Height) within the townsite are part of the enjoyment of all individual owners of lots and homes in the townsite, and are thereby to be protected under Article II, Section 14 of the "Declarations, Restrictions, Protective Covenants and Conditions for Gilchrist Owners Association, Inc."

This policy covers only the removal of tress over 12" DBH.

- For the purpose of this policy, the term "tree, trees or tree(s)" refers only to trees of greater than 12" DBH.
- For the purpose of this policy the term "DBH" refers to a diameter measurement around the tree at a point 5' above ground level.

"Intentional" damage to any tree(s) that cause it to become a hazard requiring removal for any reason, will be determined to be in violation of this policy and appropriate penalties may be assessed by the Board.

At no time does the Gilchrist Owners Association assume responsibility or liability for loss' by any person or entity related to any tree(s) whether or not such tree(s) has previously been determined or is awaiting a determination of status which may classify it(them) as a potential liability.

POLICY:

Trees of any species over 12" DBH within the boundaries of the Gilchrist Townsite may not be removed without prior written permission from the Gilchrist Owners Association Board of Directors.

Be it known to all:

- Written Permission is required for removal of any tree(s) over 12" DBH.
- Trees may only be removed by a Licensed, Bonded and Insured Tree Service Expert.

APPLICATIONS FOR REMOVAL OR REVIEW

1. Any property owner can make application to the Board for removal of a tree(s) from their property
2. The Board of Directors may, at its discretion, request in writing that a homeowner begin proceedings to remove a tree that the board has determined to be hazardous.
3. Any property owner can request the Board to review any other property for removal of a tree(s) they consider to be potentially hazardous.

APPLICATION BY PROPERTY OWNER ON THEIR PROPERTY

- Before written permission may be granted, the board will require;
 1. Written application by the property owner including:
 - a. Written Certification by a State Licensed "Certified" Arborist acceptable to the Board that the tree or trees to be removed represent an immediate and likely hazard to the property owner or neighboring properties, stating the specific reason for such recommendation, OR application in conjunction with plans approved by the Architectural Review Board for removal of a

- tree(s) necessary as part of modifications to the buildings or other elements of the property owners lot.
- b. Written Plan for removal including some or all of the following elements:
 - i. Name, address and phone number of licensed, bonded and insured agency selected to perform removal service. Such agency shall comply with all regulations and permit requirements of the Forest Practices Act
 - ii. Lot line map showing location of tree(s) with respect to existing structures on the lot where it exists and structures on adjoining lots, and the area into which the tree is to be fallen.
 - iii. Debris removal plan.
 - iv. Written approval by adjoining lot owners if any part of the tree or debris is to land on or be temporarily placed upon their lot or if any equipment or personnel will be required to be on their lot before during or after the tree(s) removal.
 - v. Date removal is to commence and that all debris will be removed from the site
 - vi. Insurance in an amount as directed by the Board, naming the Board as Co-insured.
 - c. Onsite review of the plan by a member of the Board of Directors with written recommendation by the Board Member that the tree(s) be removed.
 - d. The property owner is solely liable for all damages and is responsible for payment of all removal costs, and costs associated with making application for removal whether or not such application is approved.
 - e. The Board retains final authority to approve or disapprove any and all applications for tree removal, and may at its own expense engage a Certified Arborist of its choosing to make recommendation on its behalf.

REQUEST BY THE BOARD OF DIRECTORS AT ITS DISCRETION

The Board of Directors recognizes that certain trees may become a hazard, and therefore should be removed for the safety of all owners and as such reserves the right (Article II, section 6) to initiate tree removal proceedings at the cost of the homeowner in the event that the homeowner does not initiate removal proceedings as needed.

- The Board of Directors may at its discretion, request in writing that a homeowner begin proceedings to remove a tree that the Board has determined to be hazardous. If at the Board's request, the homeowner does not immediately (within 10 working days) begin application for removal of the tree(s) by engaging a Certified Arborist and supplying the name and phone number to the Board, the Board will engage a Certified Arborist on behalf of the homeowner.
 1. Upon obtaining a recommendation for removal, the Board will:
 - i. Notify the homeowner in writing, providing a copy of the recommendation from the Certified Arborist that the tree(s) must be removed
 - ii. Provide the homeowner with a reasonable deadline for having the tree removed, that includes an opportunity for completing the proper planning (per above) and scheduling of an approved removal service. In no case shall the board allow longer than 120 days for the homeowner to complete the removal.
 - iii. Invoice the homeowner for the cost of the Certified Arborist's evaluation and recommendation.
 - iv. In the event that the property owner fails to complete the removal of the hazard as requested, the Board will take all legal action available to remove the hazard and forward all costs including legal fees to the property owner for payment.

If the Board, at its discretion, has caused a homeowner to incur the cost of a Certified Arborist for the purpose of making a written recommendation regarding the need for removal of a tree(s) and such report or recommendation does not indicate (to the Board's satisfaction) that removal is necessary, the board will reimburse (upon submission of a documentation of cost) the homeowner a reasonable amount for the written opinion of the Certified Arborist. In this case, the written opinion shall be delivered to the Board and becomes the sole property of the Gilchrist Owners Association Board of Directors.

REQUEST BY PROPERTY OWNERS FOR REVIEW OF ANOTHER'S PROPERTY

Any property owner can request in writing that the Board review any other property for removal of a tree(s) they consider to be potentially hazardous. The Board will require an arborist's recommendation about the tree(s). If the arborist's recommendation is for removal of the tree, the owner of the property where the tree is located will be invoiced for the cost of the arborist's report. If the arborist's opinion is the tree does not need to be removed, the property owner requesting the Board review will be invoiced for the cost of the arborist's report.

PENALTY FOR NON-COMPLIANCE:

Violations of this policy or any part thereof may result in penalties being levied against the property owner of up to \$2,500 for each tree removed in violation, and in addition the property owner will be required to pay any and all legal costs incurred by the Board in enforcement of this policy. Such penalties as levied in writing will be converted to a lien against the property if not paid in full within 60 days after notification.