

Mooreland Estates Homeowners Association
Brentwood, Tennessee

ASSOCIATION POLICY ON TRIMMING OF TREES AND SHRUBERY

Background: Pruning of trees and shrubbery is necessary to comply with Article VI, Section 2 of the HOA Covenants, Conditions, and Restrictions and Article VII of the HOA By-Laws (aka Governing Documents).

As stated in the Governing Documents, Section 2 of Article VI, the Association has "...the right and the obligation at any time to plant, replace, maintain and cultivate shrubs, trees, grass, plantings and the landscaping upon the common area and the additional maintenance areas and, subject to the conditions stated below, on all or any portion of a Building Sites." Early in its existence, the members of the HOA decided they wanted the right to determine the nature and makeup of the landscaping directly adjacent to their Building Sites. This is understandable – most of us want the inside and outside of our homes to be a reflection of those who live there. An agreement provided for an invisible three (3) foot area between their units and the adjacent common area. The homeowners accepted responsibility for the maintenance and appearance of the landscaping within this area. The landscaping (shrubs, trees) are not to impact the additional maintenance areas for which the Association is responsible to maintain (roofs, gutters, fascia, window trim, etc.).

Justification: When the landscaping is negatively affecting a residence's gutter, roof, fascia, or trim area for which the Association is responsible to maintain, it is imperative corrective action be taken as soon as possible to minimize any future expense to the HOA. Typically, the trimming has taken place during a painting cycle, however, over time, the growth of shrubs and trees adjacent to many units have reach proportions they now require frequent trimming to avoid damaging the above mentioned additional maintenance areas. While it is true that painters must be able to reach the areas they need to paint, the primary goal of the trimming plan is to save the Association money by reducing future maintenance needs.

Policy: During January of each year, the Association will send a letter of notification to all members stating the need for maintenance of landscaping to minimize future expense to the Association. On or before March 1 of each year, the HOA Landscaping Committee will survey the entire Common Area, including the invisible three-foot area between units and the adjacent common area. The survey will identify those trees / shrubs that are in need of trimming necessary to minimize future expense to the Association.

Members whose trees and/or shrubbery may cause damage to the maintenance areas the Association is responsible for will be notified via postcard by the Association of the specific areas needing to be addressed. Members will be given a minimum of 25 days to correct the situation. After 25 days, the Association will contract to have the trimming completed at the member's expense. The Association shall invoice the member for the cost of the trimming plus five (5) percent to cover administrative expenses.