

Suncadia Residential Owners Association
RESOLUTION NUMBER 116

Relating to Tree Disease and Pest Control on Individual Homesites

WHEREAS, fire and plant disease are each conditions that, once present, are very difficult to contain and are likely to spread outward from their source of origin unimpeded by property lines demarking where one Unit ends and another Unit begins.

WHEREAS, the existence and spread of fire and of plant disease are a threat to people and property throughout Suncadia.

WHEREAS, the prevention of fire and of plant disease within Suncadia is important to advance the Association's interest in protecting people and property from harm caused by fire and by plant disease.

WHEREAS, the Governing Documents of Suncadia Residential Homeowners Association ("Governing Documents") create rights and obligations intended to enable the Association to take actions aimed at preventing fire and tree disease.

WHEREAS, the Governing Documents obligate each Unit Owner to maintain vegetation in a manner so as not to create a fire hazard, to refrain from doing or placing something upon a Unit that might jeopardize the rights of other Owners, and to act to prevent any thing or condition from existing upon a Unit which shall "induce, breed or harbor infectious plant diseases or noxious insects or vermin." *Suncadia Covenants, Section 7.18.*

WHEREAS, the Governing Documents confer upon the Association various rights it may exercise in its enforcement of the Owner maintenance obligations described above and in its pursuit of the fire and disease prevention objectives described above, including, but not limited to, the rights to (a) enter upon a Unit at a reasonable time and with reasonable notice to the Owner to inspect the health and condition of vegetation located there, (b) to take such actions to restore compliance with the Governing Documents where the condition of vegetation located there does not comply with the Governing Documents, (c) to assess the costs of doing so to the Owner of the Unit as an Individual Assessment, and (d) to create a class of services for Units and to Individually Assess the Owners of Units within such class. *Suncadia Covenants, Sections 4.2, and 9.6.*

WHEREAS, the Board of Directors (Board) has determined that the best interests of the Association and of its Members are served by the establishment of standards and of an Association-wide inspection and treatment program for the control of the spread of tree disease and pest infestation, in order to help prevent the spread of fire and of tree disease, and to help prevent the harmful consequences associated with the spread of fire and of tree disease.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following policy relating to Tree Disease and Pest Control on Individual Homesites within the Suncadia neighborhoods. The following policy will go into effect as of October 17, 2014:

1. Unless specifically exempted by the Association in writing as provided below in Section X of this Resolution, all improved and unimproved Units within the Suncadia Residential Owners Limited Common Area shall be included in an Association-wide program to mitigate the spread of tree disease and/or pest infestation, the cost of which will be allocated on a per-participating-Unit pro rata basis against Units included in the program as an Individual Assessment against each Unit included in the

program. The Individual Assessment shall be paid quarterly and may be included by the Association in the general assessment billing.

2. This program may encompass targeted ground spraying, aerial spraying or other silviculture methods. The most effective method(s) will be determined by the Board after consultation with forestry and land stewardship experts.
3. A Unit Owner desiring that the Unit be exempted from this program may make written request to the Association for a written exemption from this program, which request shall be supported by proof that proves, to the reasonable satisfaction of the Board, that:
 - a. The Unit has no tree(s) of any species included on the then current Association list of tree species “at risk of infestation,” or
 - b. The Unit has a tree(s) of any species included on the then current Association list of tree species “at risk of infestation,” but the Owner of the Unit is already taking specific actions, with the assistance and supervision of a competent, well qualified forester, that in the written opinion of such forester is likely to be at least as effective in preventing or treating infestation as the Association’s program is likely to be.
4. The Board may, in its sole discretion, require an Owner who has requested an exemption to provide additional proof before taking final action on the request for exemption.
5. The Board may, in its sole discretion, delegate to Association management the authority to review such exemption requests and to make the determination about whether or not to grant the exemption requested and, if so, whether to condition granting of the exemption upon certain terms and conditions set forth in the written decision on the exemption decision.
6. If an Owner requests and is granted an exemption, the Association shall take such action as is appropriate to adjust that Unit’s account with the Association so that the exempt Unit is not Individually Assessed for the Association’s program.

DULY ADOPTED by the Board of Directors on October 17, 2014:

Paul Eisenberg, President

Cape Powers, Vice President

Fred Mattison, Secretary/Treasurer