

# Royal Oak Maintenance Association

## POLICY RESOLUTION NUMBER 11 (approved by board 7-9-17)

### Unauthorized Removal of Trees

WHEREAS, Article VI Section 6.17 Removal of Trees, of the Declaration states that “No living tree larger than 6” in diameter at the base may be removed from any Lot without the approval of the ACC. No vegetation of any kind may be altered or removed from any portion of the Common Area without the prior written consent of the Association. Should any Owner fail to comply with the restriction imposed by this provision, the Association may recover from such Owner the cost of restoring or replacing any such vegetation or to levy a fine if restoration is impractical.

WHEREAS, Article VI Section 6.23. Enforcement: Legal Remedies, The Board shall have the power to make such rules and regulations as may be necessary to carry out the intent of these restrictions, and have the right to bring lawsuits to enforce the rules and regulations adopted by it. The Board shall further have the right to levy fines for violations of these rules or the CCRs and any such fine shall be considered an assessment to be levied against the particular Owner involved. Fine may be levied against an Owner’s tenant and the Owner will be jointly and severally liable with the tenant for payment of any fines. In the event the Board institutes legal action for collection of any fines, the defendant shall be liable for reasonable attorney’s fees and legal costs and disbursements. The failure of any owner to comply with any provision of this Declaration, the Articles, Bylaws, or the Association Rules, and failure to correct any such noncompliance shall give rise to a cause of action by the Association and any aggrieved Owner for the recovery of damages or for injunctive relief, or both.

WHEREAS, Article IX Section 9.1 Establishment, of the Declaration of Covenants, Conditions, Restrictions and Easements for Royal Oak Estates (the “Declaration”) makes and Owner personally liable for payment of all assessments, and assessments shall be a charge and continuing lien upon each lot and that Annual assessments are due and payable within 30 days of the beginning of each fiscal year, and

WHEREAS, Article XIV Section 14.1. Default and Remedies, Failure to comply with any of the terms of this Declaration, the Articles, the Bylaws or the rules and regulations, shall constitute an event of default and shall be grounds for relief, which may include without limitation an action by the Association or any aggrieved Owner to recover sums due to damages and injunctive relief, or any combination thereof.

WHEREAS, Article XIV Section 14.5. Enforcement. The Association, any Owner, the Developer, or any Mortgagee, as their interest may appear, shall have the right to enforce, by any proceedings at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now and hereinafter imposed by the provisions of this Declaration.

WHEREAS, the Board of Directors (the “Board”) desires to adopt a structured assessment for unauthorized removal of trees;

NOW THEREFORE BE IT RESOLVED THAT the Board has established a guideline that allows for the removal of all trees within 20’ of a proposed house slab and 5’ of a proposed driveway.

FURTHERMORE BE IT RESOLVED THAT the following procedure will apply to assigning a value for unauthorized removal of trees that are larger than 6" in diameter 4' above the base.

1. In the event live trees greater than 6" in diameter approximately 4' above the base have been removed, the ACC/Board will determine how many trees meeting the above criteria were removed without prior authorization. It has been determined by the Board that replacement of the removed trees is impractical. Depending on the circumstances surrounding the unauthorized tree removal, the Board will determine how many trees will be used for determining a penalty assessment. This number will be no more than a one for one replacement, but not less than 60% of the trees removed. The determined number will be used as a simple multiplier times the cost per tree.
2. Since the Board needs a logical and fair basis to determine a value for trees, it has been decided to use a 10 gal containerized tree at least 6' tall as a point of reference. The variety of the tree should be common for our region.
3. The Board will obtain a cost estimate per tree from a local nursery to purchase and plant a healthy 6' tree (10 gal containerized). Based on this cost estimate, the Association will assess that value per tree to be used in the calculation to determine a total assessment. For example, if 5 trees were removed without prior authorization and the Board assigned a penalty of 3 trees, then the assessment would be 3 trees times the determined value per tree.
4. The offending party that removed the trees will be notified in writing of the Board's decision regarding an assessment. The offending party will be given an opportunity to meet with the Board to appeal the violation of the CCR's within 10 days of receiving notice of the assessment.
5. If the assessment is not paid by the deadline, a Notice of Delinquency will be filed with the Wood County Recorder's office. Legal activities will involve additional costs to the lot owner in the form of attorney's fees and court costs.

ATTEST:

2-26-2018

Date

John T Prayzib

President of Association

## Resolution Check List

Resolution # 11 Unauthorized Removal Of Trees

### Steps to be Taken

Yes    No

Date Draft Resolution Created 7-9-17

Date Draft circulated to members by email or letter for comment 9-10-17

Any comments requiring recirculation

	✓
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Modifications to draft required

	✓
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Date Recirculation required after modifications (if applicable) NA

Board vote to approve or disapprove resolution

✓	
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Approve 5    Disapprove 0

Resolution enforceable

✓	
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Resolution kept by Secretary in book and posted on Web site

✓	
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Any objections to resolution filed

	✓
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Resolution voted on by membership at annual meeting or by other means

✓	
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For 100% Against 0  
29 votes

Resolution Accepted

✓	
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