



Policy Statement: Property Unit Owners' Responsibilities for Private Landscape Maintenance Required to Impacts of the Reserve at Ute Creek Home Owner's Association (HOA) Common Property.

In accordance with the HOA's Declarations, specific to the maintenance of HOA common areas and property unit responsibilities to allow maintenance and protect these common areas, Section 11.1 of the Declaration of CC&R's reads as follows:

“11.1, Maintenance of the Common Areas, The association shall provide for the repair, maintenance and/or reconstruction of the Common Areas. Without limiting the generality of the foregoing and by way of illustration, the Association shall keep the Common Areas safe, attractive, clean, functional and good repair and make necessary or desirable alterations or improvements thereon.

In the event such repair, maintenance and/or replacement is resulting from the willful neglect or destruction by an Owner or such Owner's Guest, the Board of Directors shall have the right to charge the cost of such repair and/or replacement, to such Owner by and Individual assessment in accordance with Paragraph 5/4(b) hereof.”

Determination with respect to whether or not a particular activity by occurrence shall constitute a violation of this Paragraph 11.1 shall be made by the Board of directors and shall be final.”

With regard to Section 11.1 of the Declaration, the Board of Directors determines that the following policy associated with the Owner's responsibility for private property landscape maintenance will act as a guide for determination of violation associated with willful neglect.

Property Unit Owners (Owners) are required to maintain any landscape materials within their property lines in a manner that mitigates damage to the Reserve at Ute

Creek Home Owner's Association (HOA) common property, including but not limited to:

- HOA Common Fence Materials, including painted or stained surfaces
- HOA Common Landscape
- HOA Common Hardscape

Owners are responsible for trimming, cutting, and generally maintaining their landscape in such a manner that it:

- Avoids immediate or potential damage to HOA common property
- Allows for clear access to perform periodic maintenance of HOA common property
- Maintains the aesthetic character of the HOA common property

Specific to private property landscape and its interaction with HOA common property:

- It is the Owner's responsibility to trim back plant materials, allowing access to their property for periodic maintenance of HOA common property, including all surfaces of HOA common area fences.
- It is the Owner's responsibility to trim back plant material, keeping those materials from touching or causing damage to any fence materials including painted fence surfaces, fence tops, between fence boards, and underneath fence bottoms.

Owners failing to comply with this policy are subject to the following actions by the HOA:

- Individual Assessments (Fines) for Declaration violations
- Reimbursement to the HOA for expenses incurred by the HOA for any repair of damages to HOA common property associated with any declaration violations
- Cost of enforcement for fines and repair costs, including labor, materials, and project management fees.