

## Limited Common Element Patio Landscape Changes/Additions 8-1-22

The patios in Hearthstone Condominium are limited common elements. The occupants of the unit associated with the patio have the right to exclusive use of the patio. The limited common elements are owned by the Association as a portion of the common elements, not owned individually by the unit owner. A unit owner must request approval to install permanent landscape material, e.g., brick pavers, concrete pads, or other materials within the patio area. The requesting owner must submit written plans and list of materials to the manager and the requesting owner may not commence construction within the patio area unless and until the Board provides written approval of the plans and materials to be used. Please allow no less than thirty (30) days for Board approval.

The unit owner is responsible for all improvements within the patio area, including removal and trimming of trees and bushes (see below), maintenance of plants and landscaping materials, and maintenance, repair, or replacement of the patio itself (Board approval required for replacement).

### Trees and Bushes

Trees and bushes within the patio area may be removed without Board approval. However, the Board must pre-approve all replacement bushes or trees before they are planted to ensure they are not going to damage the fence, building structure or drainage tiles (roots) or sidewalks, etc. Small ornamental trees and bushes are to be planted within the patio area only, but the Board requires prior written approval before planting and installation. The ornamental trees or bushes planted within the patio area shall be no more than six (6) feet in height and cannot extend higher than the top of the fence line.

The Association does not pay for, or conduct work related to, the removal of trees or bushes within the patio area; however, the Board does have the right to determine if a tree or bush should be removed from the patio area if that tree or bush is dead, diseased beyond saving, damaging other trees and bushes, or causing or posing a risk of causing any damage to another unit or any portion of the common elements. Unit owners are required to appropriately trim and prune bushes and trees within the patio area at the unit owner's cost. Unit owners are required to use an insured tree removal company when removing a tree entirely or when removing large limbs from a tree. Tree and bush stumps must be ground down at least one foot below the surface of the ground unless doing so will cause damage to a portion of the common elements, another unit or the owner's unit. Stumps must then be ground and removed below the surface as much as possible.

If the Board requires a unit owner to remove a tree or bush from a patio area, the Board will obtain the opinion of a professional arborist to determine that the tree or bush is dead, diseased beyond saving, damaging other trees and bushes, or causing or posing a risk of causing any damage to another unit or any portion of the common elements. The Board will not require removal of any healthy tree or bush that is not causing damage or posing a risk of damage or injury to another person or property within the community.

If the Board requires a tree or bush to be trimmed or removed, the Board will provide the request for trimming or removal to the unit owner in writing and provide thirty (30) days to complete the work. If the work is not completed within the timeframe requested by the Board, the Board will

then have the authority to enter the patio area with no less than 48 hours written notice to the unit owner and complete the work as needed. The Board will then levy the costs of trimming or removal to the unit owner as a special individual unit assessment, including any costs related to entry into the patio if not readily accessible. The Board and its agents (property manager and contractors) have the right of entry through all portions of the Condominium Property, including the patios, balconies, and the units.

All trees and bushes must have prior written Board approval before the tree or bush is planted. If a removed tree or bush is replaced by a new tree or bush, the Board must pre-approve in writing the type of tree or bush before planting.

The Board has the authority to trim or remove trees solely at the discretion of the Board. If the Board chooses to remove a tree or bush within the common elements, the Board may, but is not required to, replace the tree or bush removed. There is concern that trees or bushes planted too close to a building might result in the tree's roots causing damage to the building, the sidewalk, or other portions of the common elements. The same is true for trees or bushes that grow too large for the space where they are planted.