Lot Landscaping Maintenance Policy, Gardens on the Rio Grande

June 20, 2016

Revised 11/3/2026

It is the responsibility of the BOD to ensure that HOA covenants are followed. The BOD has developed the following Lot Landscaping Maintenance Policy for the benefit of the entire subdivision. The policy is based upon Declaration of Restrictions, Covenants and Conditions for The Gardens on the Rio Grande Subdivision.

Section 5.03: Powers and Authority of the Association

h. "The Association shall have the power, but not the duty, to enter upon and maintain, provide for the maintenance of, any Lot or Improvements which is not maintained by the Owner thereof in accordance with the requirements of these Restrictions, at the expense of any such Owner."

Article 7
Duties and Responsibilities of Owners

Section 7.01: *Owner's Responsibility to Repair.*
"Each Owner shall be responsible for the maintenance and repair of his dwelling, his

Lot, his landscaping and all courtyard walls."

Reason for Action:

- • Vegetation is being allowed to grow within sidewalks making it difficult to walk within our community.
- • Shrubs are becoming too large and dense creating a fire hazard and habitat for rodents and other unwanted wildlife.
- • Weed trees, such as elm, are being allowed to become established and grow where they are not intended to grow.
- • Tree limbs are growing over sidewalks making it hard to walk and/or ride a bicycle.
- **There must be a 7-foot clearance of limbs on sidewalks and a 14- foot clearance on roads.**
- • Ornamental grasses are taking over entire yards resulting in a fire hazard and will spread to neighboring Lots.
- • Weeds are growing in sidewalk, driveway and road cracks.
- • Weeds are growing within Lots.
- • Leaves are being left to accumulate under shrubs and other landscaping.

The following Landscaping Maintenance Policy will therefor become effective immediately:

1. 1) The HOA Board of Directors will notify the homeowner that they are not in compliance with the Subdivision Covenants and Conditions. This notification will be in the form of a registered email with a Legal Proof® receipt of delivery success and timestamps plus message and any attachments. The email and address will come from the Gardens Roster spreadsheet. If the home is rented it is ultimately the responsibility of the homeowner to keep the yard maintained and the renters will not be notified.
2. 2) The homeowner will have three weeks from the mailing of the letter to reply to the BOD with actions they will take to remedy the landscaping infractions. The BOD will then inform the homeowner if their remedy is appropriate and timely and expect the work to be completed within two weeks.
3. 3) If after 30 days from mailing the notification letter there is no reply to the BOD or the letter is non-deliverable the BOD shall take the following actions:
    1. a) Assess a $100.00 fee to the homeowner's dues account.
    2. b) Hire a professional Landscape Maintenance Contractor to perform the needed maintenance. This is necessary to ensure that weeds do not spread or other conditions become a safety hazard to the community. The cost of the maintenance work will be also added to the homeowner's dues account.

If the homeowner needs assistance, it may be possible for the BOD to find people to perform the required landscape maintenance, but this will be done only if the homeowner is physically unable to do the work themselves and this option is entirely up to the BOD.

If requested, the BOD may provide a list of acceptable landscape maintenance professionals to perform needed work.

Fines collected shall be deposited to the Gardens on the Rio Grande HOA account for necessary maintenance and improvements.