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 Fee Amt: \$19.00 Page 1 of 2
 Fauquier County, VA
 Gail H Barb Clerk of Circuit Court
 File# 2004-00003801

BK 1086 Pg 340-341

CORPORATE RESOLUTION
 OF THE
 SILVER CUP ESTATES HOMEOWNERS' ASSOCIATION, INC.

TO MAINTAIN TREES IN RIGHT-OF-WAY
 AT SOUTH-EASTERN BOUNDARY OF COMMUNITY
 ALONG TIMBER FENCE PARKWAY

WHEREAS, the Silver Cup Estates subdivision consists of 55 single family homes located within the County of Fauquier, Virginia, on the more northerly side of the road known as Timber Fence Parkway;

WHEREAS, the Silver Cup Estates Homeowners' Association, Inc. was incorporated on July 21, 2000 to serve as the community association for the Silver Cup Estates subdivision; and Protective Covenants, Conditions, and Restrictions have been imposed on the subdivision as recorded in Deed Book 910, page 382 among the land records of Fauquier County, Virginia;

WHEREAS, having found it necessary to modify the original landscape plan for the community, the Silver Cup Homeowners' Association has requested of the Town of Warrenton that it be able to have installed by the Developer of the community, trees in a 15' right-of-way on the northerly side of Timber Fence Parkway, which is located on the south-eastern boundary of the community, that is dedicated for possible future construction of additional lanes of roadway;

WHEREAS, the Town of Warrenton has stated that if permission is given for the installation of these trees, it will require that the Association care for, maintain, and/or replace as necessary any such trees or plant materials installed in this right-of-way, until additional lanes would be installed on the adjacent roadway, which is Timber Fence Parkway;

NOW, THEREFORE BE IT RESOLVED that the Silver Cup Estates Homeowners' Association does accept the responsibility for the care, maintenance, and/or replacement as necessary of trees or plant materials installed in the 15' right-of-way at the south-eastern boundary of the community along the northerly side of Timber Fence Parkway until the construction of additional lanes on said roadway.

Silver Cup Estates Homeowners' Association, Inc.,
 a Virginia Corporation

ATTEST:

J. H. Shad
 Secretary

By: J. H. Shad
 President

STATE OF VIRGINIA
 CITY/COUNTY OF Fauquier

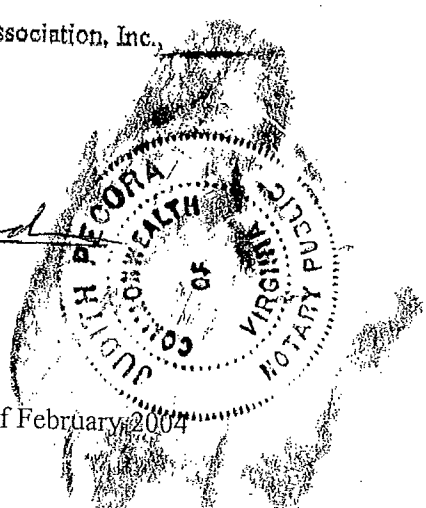
to wit:

The foregoing instrument was acknowledged before me this 12 day of February, 2004

by Jimmy H. Ghadban

My commission expires: May 31, 2007

John Penn
 Notary Public



Return to:
 Examined and Judged Pecora
 Silver Cup Estates Homeowners' Association
 P.O. Box 606
 Warrenton, VA 20188

FVCmanagement

FIRST VIRGINIA COMMUNITY MANAGEMENT, INC.

July 7, 2014

Ms. Kimberley Fogle, Director
Fauquier County Community Development
29 Ashby Street, 3rd Floor
Warrenton, VA 20186

RE: Silver Cup Estates Homeowners Association, Inc.

Dear Ms. Fogle:

Silver Cup Estates Homeowners Association, Inc. is aware that an improvements bond is still being held for both phases of Silver Cup Subdivision. After inquiring with the Environmental Division, \$15,600.00 is being held for Phase 1 and \$11,800.00 for Phase 2. Additionally, no bond reduction or partial bond release has occurred in at least three years. The required landscaping has deteriorated since it was installed by SYG Associates over ten years ago. Several of the trees are dead or dying. In 2013, the Association paid \$2,322.00 to remove a fallen tree and remove dead branches and \$225.00 this year to have three dead trees removed from the common areas to avoid them falling and causing damage to adjoining properties. I have attached copies of the invoices for reference.

Until the bond is released by the County, it is the responsibility of SYG Associates, Inc. to make sure that all landscaping requirements are met, and any dead or damaged trees should be replaced or maintained at the expense of the developer; therefore, Silver Cup Estates HOA respectfully requests that Fauquier County Community Development pursue the process of getting the developer to complete this project, replace the trees that have been removed from the common areas, and if at all possible, reimburse the Association for funds they have spent to remove trees that were deemed to be a safety hazard.

Sincerely,

Bonnie Bogert
Managing Agent- Silver Cup Estates Homeowners Association, Inc.

**FAUQUIER COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT**



ADMINISTRATION
Third Floor – Court and Office Building
29 Ashby Street, Suite 310
Warrenton, VA 20186

(540) 422-8200
Fax: (540) 422-8201

ZONING & DEVELOPMENT SERVICES
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Zoning & Development Plans: (540) 422-8220
Permitting & Building: (540) 422-8230
Fax: (540) 422-8231

PLANNING
10 Hotel Street, Suite 305
Warrenton, VA 20186

(540) 422-8210
Fax: (540) 422-8211

July 25, 2014

Ms. Bonnie Bogert
First Virginia Community Management, Inc.
59 Culpeper Street
Warrenton, VA 20186

Re: Silver Cup Estates

Dear Mrs. Bogert:

I have received your letter dated July 9, 2014 regarding the landscaping at Silver Cup Estates. Staff from Community Development conducted a site inspection on July 22, 2014 and reviewed the remaining requirements covered by the improvements bond currently being held by the County.

There are 21 pine trees missing within the open space area. These trees were originally to be located along Timber Fence Parkway. In 2004, the Zoning Administrator issued a modification to allow them to be constructed in the open space area. However, they were never installed. There is also landscaping missing at the intersection of Silver Cup Drive and Iron Bit Drive that consists of three red maples, two red buds and three crape myrtles on the right corner, and two red maples, one redbud and three crape myrtles on the left corner. This does not include the three to be replaced in the open space that were dead and removed by the HOA. Staff is meeting with SYG Associates, Inc.'s landscaper to replace the three trees in the open space that have been removed, and will seek to have it installed in a timely manner.

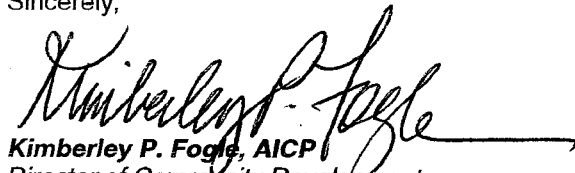
With the maturing of the developer-installed landscaping as well as that installed by the community over the last decade, we have concern about unilaterally requiring the developer to install the remaining landscaping as shown on the approved plans and covered by the improvement bond. We would like to have input from the HOA as to whether the landscaping is now appropriate for the community in the open space and at the intersection noted above. As you know, the HOA has responsibility for the maintenance of the landscaping on HOA property. We request that you approach the HOA about whether they would like to see this landscaping installed, and if they do, they notify us by the end of September 2014, and we will strive to have it installed during the cooler weather. If the HOA is not interested or do not notify us in this time frame, we will waive the installation of this additional material and will release the bond.

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BY: *[Signature]*

With regard to your request for reimbursement, the County is not in the position to pay for or ask the developer to cover the maintenance performed on the trees within this subdivision, as the bond does not cover maintenance costs. Should you wish to pursue reimbursement, you will need to contact SYG Associates, Inc. directly to dispute this matter.

If you should have any further questions please contact me or Stephanie Miller at (540) 422-8200.

Sincerely,



Kimberley P. Fogle, AICP
Director of Community Development
Fauquier County

cc: Jimmy Ghadban, SYG Associates, Inc.
Kathy Ghadban, SYG Associates, Inc.

FVCmanagement

FIRST VIRGINIA COMMUNITY MANAGEMENT, INC.

September 11, 2014

Mrs. Kimberley Fogle, Director
Fauquier County Community Development
29 Ashby Street, 3rd Floor
Warrenton, VA 20186

RE: Silver Cup Estates Homeowners Association, Inc.

Dear Mrs. Fogle:

Thank you for your prompt response regarding the landscaping at Silver Cup Estates. After discussion with the Board of Directors, the Association has decided to waive the installation of the additional landscaping as required by the approved Construction Plans, due to the fact that this would cause a significant increase to the Association's maintenance expenses. However, the Association requests that any dead or dying trees be replaced by SYG Associates, Inc. prior to final inspection and subsequent bond release by Fauquier County. The location and number of trees is outlined in the enclosed report. This includes trees that have been removed by the Association for safety reasons.

Silver Cup Estates Homeowners Association thanks the Department of Community Development for their assistance and looks forward to resolution of this matter.

Sincerely,



Bonnie Bogert
Managing Agent- Silver Cup Estates Homeowners Association, Inc.

Tree Report

Lot	Address	# of trees	Location of Dead trees or trees previously removed.
4	7344 Iron Bit	1	It is on the NORTHEAST side of the house facing Timberfence Parkway.
6	7336 Iron Bit	1	In common area behind the lot.
7	7328 Iron Bit	1	Currently Dead
9	7318 Iron Bit	2	From Timberfence looking at the back the 2 trees on the left.
10	7312 Iron Bit	?	The trees behind the lot along Timber Fence have large vines growing in them which must be removed, or those can result in killing the trees also.
25 & 26	7349 – 7353 Iron Bit	3 - 4	3 or 4 dead pine trees in the common area hill behind the lots; the locations are easy to find because of the stumps
29	7435 Silver Cup Dr.	2	On left side looking from the common area. Would like them set back a bit further in the common area as they were crowded.
35	7463 Silver Cup Dr.	1	Completely dead at the rear of the property.
47	7399 Iron Bit	1	In common area behind the lot.
48	7398 Iron Bit	3	Three trees, two at the left rear side of the property looking at the house from the common area and not exactly sure where the other one was that was removed.

NOTE: Also, a long standing issue is the erosion on the hill behind lot 25. SYG was supposed to fix the problem many years ago, but did not complete the job. As a result, only part of the hill looks good and the other part has been getting worse over time.

**FAUQUIER COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT**

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OCT 08 2014

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Fax: (540) 422-8211

October 7, 2014

Bonnie Bogert, Management Agent
First Virginia Management Company, Inc.
59 Culpeper Street
Warrenton, VA 20186

Re: Silver Cup Estates Homeowner's Association, Inc.

Dear Mrs. Bogert:

In regard to your letter dated September 11, 2014 concerning the landscaping at Silver Cup Estates, staff has been in contact with SYG Associates regarding the replacement of the landscaping.

I understand the homeowners association would like to waive the additional landscaping required with the construction plan and have fourteen (14) dead and/or previously removed trees replaced. Community Development has spoken with the developer and they are in agreement with replacing the fourteen (14) trees, as listed in the attachment to your letter. Their landscaper will look into the removal of the dead trees and replacing those trees already removed. The developer will also look at the trees along Timber Fence that have large vines growing in them to determine their health status, as well as the erosion problem behind lot 25.

With regards to your request of having the two trees on the left side of the common area at 7435 Silver Cup Dr. set back due to crowding, the County is not in the position to request this of the developer as the trees are alive and maturing, and the developer has met his obligation in this regard.

Once the landscaping and erosion issue has been resolved, we would like to meet with you and the developer onsite to confirm this situation has been resolved.

If you should have any further questions please contact me or Stephanie Miller at (540) 422-8240.

Sincerely,


Kimberley P. Fogle, AICP
Director of Community Development
Fauquier County

cc: Jimmy Ghadban, SYG Associates, Inc.
Kathy Ghadban, SYG Associates, Inc.