

GRASSY RUN HOMEOWNERS' ASSOCIATION

RESOLUTION 17-02

AMENDMENT OF OPERATING RULES 17-03 AND 17-04, and PROMULGATION AND ENACTMENT OF OPERATING RULE 17-10

WHEREAS, Operating Rule 17-03 was promulgated by the Grassy Run Board of Directors ("Board") on June 28, 2017;

AND WHEREAS, paragraph 5 of Operating Rule 17-03, promulgated pursuant to Article V, Section 1(f) of the GRHA Declaration of Covenants and Restrictions ("C&Rs") and Article VI, Section 1(a) of the GRHA Bylaws, provides that the cutting down of any tree larger than 6" in diameter without the express consent of an authorized member of the Board constitutes a sanctionable offense;

AND WHEREAS, there appears to have been uncertainty and confusion among the GRHA members and residents as to the procedures to be followed in connection with the Rule, and as to the Rule's meaning, particularly in connection with the cutting of trees that are believed or asserted to be dead;

AND WHEREAS, that uncertainty and confusion has led to the cutting of trees within Grassy Run without the consent or permission of the Board as required by the Rule;

AND WHEREAS, the purpose and intent of the Rule is to preserve Grassy Run, a community of five-acre parcels, as a semi-forest of trees rather than turning it into just another commercial real estate development where all the trees are cut down in the interest of having large lawns or open spaces, or so that homes can be built cheek-to-jaw;

AND WHEREAS, while the existence of dead trees does not contribute to the preservation of Grassy Run as such a semi-forest, enforcement of the Rule would meet with significant and substantial problems of proof that such trees were in fact dead, if they were cut and removed without the knowledge and consent of the Board as the enforcement agency;

AND WHEREAS, paragraph 2 of Operating Rule 17-04, also promulgated by the Board on June 28, 2017, established a procedure by which, after the Board had made factual findings of failure and refusal to remedy a condition or conditions adversely impacting Road Easements within Grassy Run after notice had been

given to the parcel owner and/or occupant that said failure or refusal constituted sanctionable conduct, the Board, after further written notice of its intent to do so, could take such action or actions as it deemed necessary and appropriate to remedy that condition or conditions itself;

AND WHEREAS, that two-step procedure is appropriate where the condition or conditions can physically and legally be remedied, but is not appropriate where the condition or conditions are not physically or legally capable of being remedied, such as, for example, the unpermitted cutting of trees larger than 6" in diameter;

AND WHEREAS, Operating Rule 17-04, as originally enacted, does not distinguish between situations where the violative condition or conditions are or are not capable of being remedied;

NOW, THEREFORE, THE BOARD DOES HEREBY AMEND OPERATING RULES 17-03 AND 17-04, AND DOES HEREBY PROMULGATE AND ENACT OPERATING RULE 17-10, AS FOLLOWS:

1. Operating Rule 17-03, paragraph 5, is amended to insert the words "whether living or dead, and not just to live trees" after the word "diameter."

2. A new Operating Rule, No. 17-10, is promulgated and enacted for the purpose of establishing, in paragraph 2 and 3 thereof, the procedures by which the consent of an authorized member of the Board to the cutting of trees larger than 6" in diameter, whether living or dead, and reference is made to that new Operating Rule for the particulars of said procedures.

3. Operating Rule 17-04 is amended to add a new paragraph number 3 thereto, reading as follows:

"The provisions of paragraph 2 hereinabove apply to all situations in which the condition or conditions that have been found by the Board to be in violation of the C&Rs and/or the Operating Rules are physically and legally able to be remediated. As to those situations in which the violative condition or conditions, or action or actions, cannot physically or legally be remediated, the procedures set forth in paragraph 2 do not apply. A non-exclusive example of such a situation is one in which an unpermitted cutting of a tree or trees in violation of Operating Rules 17-03, paragraph 5, and Operating Rule 17-10, has occurred. In those situations, an "intent to sanction" letter may be sent to the parcel owner without the prior sending of a "remedy the violation" letter.

4. Operating Rule 17-04 is further amended by renumbering existing

paragraph 3 to be paragraph 4, by deleting the phrase "remedy set forth in paragraph 2 above," and by replacing that language with the phrase "remedies set forth in paragraphs 2 or 3 above,".

ADOPTED BY THE BOARD OF DIRECTORS OF THE GRASSY RUN HOMEOWNERS' ASSOCIATION at a regular meeting of the Board held on the 24th day of October, 2017, by the following vote of the Board:

AYES: 3 NOES: 0 ABSTENTIONS: ABSENTS OR VACANCIES: 2



Jack Martin, President



Vivian Abplanalp, Secretary