Haile Plantation West Association
Policy on Trees, Grass
and Common Area Invasive Removals

Article X, Section 23, Trees, mandates that living trees measuring four (4) inches or more in diameter at thee (3) feet or more above ground level shall not be cut down or removed from The Properties without the prior written consent of the Architectural Review Board (ARB) unless the trees are located within six (6) feet of the residence or its proposed location as approved by the ARB.

This Criteria Manual promulgates and amends all previous rules:

For purposes of clarification [of Article X, Section 23}, Owners may remove dead trees from their Parcels, regardless of size or location." However, **Owners shall obtain a confirmation in writing from the Association that the trees are dead prior to cutting down or removal**. Failure to do so will create an unrebuttable presumption the trees were not dead and the Covenants Committee will strongly consider administering a minimum $100 fine and refer the violation back to the ARB to specify the species, size, and timing of replacement trees, if deemed needed by the ARB. **All tree removals are required to be inspected by the ARB or Management prior to removal regardless of location, size or health.** *By approval and adoption of this Criteria Manual, the six foot and dead tree exemption no longer applies.*

The developers required trees and also required St. Augustine grass and there has been no priority assigned to either. It is that intent of the Haile Plantation West Association Board of Directors and the Architectural Review Board to have both trees and St. Augustine simultaneously.

Owners shall be allowed to crown raise, thin and prune trees on their parcels. The controlling criteria shall be that same shall be accomplished in a manner that is not mutilating and/or damaging to the overall health of the tree. Pruning is required to follow the ANSI A-300 Pruning Standards.

In instances where trees, at their immediate stage of maturity, are so close together as to effect the quality of life on a parcel, an Owner may apply to the Architectural Review Board for permission to thin by removal. (An example might be that a once-sunny pool no longer receives sunlight, etc.) An Association agent shall inspect the parcel, submit the request to the Architectural Review Board (ARB) and the ARB shall render a decision, in writing, which shall be binding on the owner. In deciding requests to thin-by-removal, consideration shall be given to the variety and apparent health of trees to be approved for removal as well as of those to be preserved. It is not intended that the thinning by removal of trees be automatically conditioned upon tree replacement. Tree replacement, if any, shall be required only through an affirmative showing of desirability, need or aesthetics. Different criteria may be adopted or applied individually on different properties.
Where replacement trees are required by the ARB, the replacement trees shall be a minimum ten (10) to twelve (12) feet in height at time of and immediately after planting, provide a minimum four (4) to five (5) foot canopy (leafy) area at time of and immediately after planting and have a minimum two (2) inch diameter/caliper measured three (3) feet above planted grade at time of planting.

In situations where an Owner requests permission to replace St. Augustine with ground cover on the basis of horticultural considerations, the Association shall first conduct a site investigation to determine whether the St. Augustine has been submitted to conditions which compromised its survival. The conditions to be considered shall include (1) mowing height [St. Augustine demands a

much higher mowing in HPW: 4 inches in sun and 5 inches in shade.]; (2) an automatic underground sprinkler system employed so as to keep all vegetation in excellent condition as required by Article X, Section 2; (3) pest control measures; (4) fertilization; (5) mower wheel-track damage; (6) extent of owner knowledge of the critical necessities of St. Augustine horticulture and irrigation system operation; and (7) any other pertinent issues such as, but not limited to, options for increasing natural light. If issue(s) compromising survival enumerated as (1) through (6) above are found and are judged to be material, the owner's request shall be denied until such deficiencies have been corrected, including sodding where necessary, for a period of time needed to give the St. Augustine a fair chance. Regarding issue number (7), the investigator shall simply point out any light admitting options that, in his opinion, may be available to the Owner. The owner shall be responsible to have replacement sod installed that is a variety conducive to the available amount of sunlight on the parcel. Saint Augustine grass requires properly installed, adjusted and maintained irrigation.

The installation of Saint Augustine plugs shall not be approvable except in situations where there is a very small (1 square foot) area needing repair or replacement.

Naturalized Common Property

Final decisions regarding Common Property are reserved to the HPW Board; however the Board may, from time-to-time, delegate its authority as it may decide. It is the Board's policy to remove and/or encourage the removal of invasive trees from naturalized Common Property (such as tallow tree and mimosa) as well as dead or damaged trees. The Board may also thin/remove healthy trees as it may determine necessary to maintain the viability of the remainder.

Haile Plantation West Association (HPWA) is blessed with an abundance of "Common Property," as that term is defined in the Association's Covenants, Article l(e)". Concurrently the Association has access to limited funds, based on the traditional low dues levels, which places naturalized Common Areas at the bottom of the maintenance priority list.

HPWA's naturalized Common Property was opened up to tremendously increased light levels when the surrounding lands were cleared to build roads and subdivide into building Parcels. In the ensuing years, this magnified light exposure has led to the proliferation of invasive and noxious species, especially those that thrive on the forest edge. This is especially true of vines, tallow tree, and mimosa; however, numerous other invasive and noxious plants proliferate on Common Property as well with no sign of leveling off.

From time to time Owners, or groups of Owners, have requested Board permission to enter the Common Property adjacent to their parcels for the purpose of removing/eradicating invasive and noxious plants. Because of limited ability to police or supervise removal/eradication activity, the Board adopts the following:

Owners, or groups of owners, who wish to take it upon themselves to remove or eradicate invasive and/or noxious plants in the Common Property adjacent to their parcels will be free to undertake such activity on the following basis.

Owners must notify Association Management that they intend to engage in self-help by undertaking to remove invasive and or noxious plants. To effect such notification they must first visit the

Association Management's office to complete and sign a form which will be available for that purpose and will (1) identify them as owners, (2) identify the Common Property of their projected activity, (3) state the projected active time frame, (4) acknowledge complete responsibility for their own safety and actions while so engaged, (5) furnish their own tools and/or materials, (6) release the Association fully from all liability, and (7) agree to provide a written report to Association Management of dead trees and/or any other issues, if any, identified or observed.

Invasive and/or noxious species are defined as:

Air Potato
Coco yam, wild taro
Confederate Jasmine
Chinese tallow tree (popcorn tree)
Smilax
Sacred bamboo (Nandina)
Skunk vine
Virginia creeper
Mimosa trees
Mexican Petunia
Poison Oak
Poison Ivy
Poison Sumac
Kudzu
Grapevine
Narrow Sword Ferns
Japanese Honeysuckle
Lantana Camera

COMMON AREA USE FOR CONSTRUCTION PURPOSES

PLEASE NOTE: Common Area use by residents, their contractors, or any contractor without approval and written authorization from the Architectural Review Board and the HPWA Board of Directors is considered a violation. **Violations of any type shall be referred to the Haile Plantation West Association Covenants Committee for review, action and fining.**

Where it is impossible to perform work, add to a structure, install a pool, or remove a large tree, etc. and Common Area use is necessary, the resident shall apply for an escrow agreement prior to conducting and starting work. Please refer to page 28 for escrow agreement information. The escrow agreement is required to be executed by the residents making application as well as the President of the Haile Plantation West Association Board of Directors or the President's designee in case of absence.

The request to use Common Areas or fence removal shall state the specific area intended to be used. The requested area shall be specifically shown on a Haile Plantation West Association (HPWA) neighborhood map obtainable from the Management Office. The request shall state the purpose for use of the area as well as the starting and ending date.

Common Area use shall be approved by the ARB and Board of Directors prior to use. When the ARB approves a Common Area use, the request shall be forwarded to the HPWA Board of Directors for final approval with an Escrow Agreement. The Escrow Agreement shall provide specifics including the requesting property owner shall be responsible for any and all damages, replacement of all vegetation removed or destroyed, replacing and painting all damaged areas of the fence where it was removed. All vegetation replacements shall stipulated by the ARB and be warrantied for one (1) year from date of final inspection. Repairs or replacement to damaged public sidewalks, curbs and roads shall be included with the restoration.

Haile Plantation West Association Tree Policy Definitions

Dead Tree Standing:

1. A tree with observable disease or insect infestation:
    a. Such as certain Diseases: Hypoxylon; etc.
    b. Such as certain Insect infestations: Pine beetles, Ambrosia beetles, etc.
2. A tree observed in the late Spring, Summer or early Fall that does not have leaves.
3. A tree observed with no bark or bark falling off except for those trees that naturally exfoliate the outer bark such as Crape Myrtle trees.
4. A tree that has fallen or been blown over due to loss of root structure and or high winds, or combination.

Dead Tree:

1. A tree that no longer has the ability to produce leaves, needles or other methods of sustaining and maintaining photosynthesis for the health and survival of the tree;
2. A tree that has fallen or been blown over due to loss of root structure and or high winds, or combination.

Structurally Unsound Tree:

1. A tree that exhibits disease, cankers, large amounts of decay (can be located in the limbs or branches, trunk or root system).
2. A tree with at least one cavity located at ground level where an object can be pushed or prodded up the center of the tree.
3. A tree that appears to resound as hollow when the trunk is struck with an object such as a human knuckle or rubber mallet.
4. A tree that exhibits a suppression or lean toward a structure, parking lot, park, road or other potentially hazardous location or object.
5. A tree that exhibits recent heaving of the roots where roots are exposed on one side of the tree with loss of soil surrounding the roots.
6. A tree that is storm damaged where the top of the tree (apical meristem/main growing point) must be removed back to a parent limb or trunk leaving the tree unbalanced and or not be able to be remedially pruned so the wound would callus and close over time leaving the tree with structural integrity.
7. A tree that exhibits dead limbs or branches in the upper top most portion of a tree (normally indicative of root problems that may or may not be observable). [Additional causes of limb or branch decline or death may be caused by rodent damage where the limb or branch meets the main union or portion of the tree. This can occur throughout the tree, not just at the top. In many cases, these limbs may be pruned and removed from the tree without entire removal.]
8. Trees with co-dominant stems that exhibit included bark (in many instances a black staining residue is observed staining the trunk of the tree.)
9. A tree that has fallen or been blown over due to loss of root structure and or high winds, or combination.

Trees within six (6) feet of the residence or proposed location are approvable for removal after written verification and inspection by Management or ARB members including pools, pool deck edges, pool screen enclosures, screen enclosures, free standing cabana and garage additions....

Trees less than four (4) inches in diameter shall be inspected by Management and or ARB members prior to removal.

All tree removals are required to be inspected
prior to removal regardless of location, size or health.