

RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE CAPES HOMEOWNERS ASSOCIATION

TREE REMOVAL

The Board of Directors of The Capes Homeowners Association acknowledges the need for slope stabilization, soil retention, erosion control, and the promotion of a healthy and attractive landscape, while maintaining Owner's ocean or bay view.

After reviewing the Tree Removal Resolution adopted by the Capes Board of Directors in 1999, and Article 6.11 of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Capes, which states:

"No landscaping shall be installed by a Lot Owner which materially interferes with another Lot Owner's ocean or bay view and no landscaping shall be allowed to grow so as to materially interfere with another Lot Owner's ocean or bay view. Disputes regarding whether landscaping violates this requirement shall be resolved by the Landscape Committee."

and after receiving advice of counsel, the Board of Directors hereby adopts the following policy regarding landscaping and tree maintenance.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that trees and other landscaping on any lot at The Capes not installed either by the lot owner or as part of the original landscaping by the developer, shall be maintained by the lot owner. Without limiting the lot owner's other obligations under the Declaration, Bylaws, and any local laws and ordinances, each lot owner shall be solely responsible for maintaining all such trees and landscaping on the lot in a safe, neat, and clean condition. It is the duty of each lot owner to conduct such inspection, pruning, anchoring, and removal of trees and other landscaping as may be necessary in order to maintain such trees and landscaping in such condition.

IT IS FURTHER RESOLVED, that "ocean or bay view" shall be defined as the view from the primary living area.

IT IS FURTHER RESOLVED, upon approval of the LSC, trees found on Common Area that materially interfere with an Owner's ocean or bay view will be removed or pruned by the Capes HOA at its expense, not to exceed \$500.00 per Owner Tree Request per year.

IN WITNESS WHEREOF, the undersigned Secretary hereby certifies that the above referenced Resolution was duly adopted by the Association's Board of Directors.

THE CAPES HOMEOWNERS ASSOCIATION

/s/ Dave Stuck

Secretary

Date 2-11-2005