

Resolution Concerning Tree Trimming Along the Shoreline of Walnut Grove Lake

Article V Duties and Powers of Directors of the By-laws of Walnut Grove Lake Homeowners Association, Inc. states, "The Board of Directors shall have general supervision and control of the affairs of the corporation and shall have the power (i) to adopt and publish rules and regulations...for the management of the business of the corporation, the protection and maintenance of its property, the promotion of general civic improvement, development and harmony within Walnut Grove Lake Subdivision, and guidance of the employees and agents of the corporation; (ii) to establish penalties for the infraction of such rules and regulations; and (iii) to enforce the Restrictive Covenants of Walnut Grove Lake Subdivision..."

Section D Association Administration of the Restrictive Covenants of Walnut Grove Lake Subdivision states, "A non-profit corporation called Walnut Grove Lake Homeowners Association, Inc. (WGLHA) has been incorporated and organized...for the purpose of maintaining the lake, dam site, parks and other common areas which belong to the lot owners in Walnut Grove Lake Subdivision..."

Homeowners' maintenance of trees on their privately owned lots is not addressed in the Restrictive Covenants of Walnut Grove Lake Subdivision. However, actions that are necessary to protect and maintain WGLHA's property is specifically given to the Board of Directors in its By-laws.

The purpose of the Lake Committee is to oversee the safety and maintenance of the lake and dam, and the docks, boat ramps and boat storage facilities located in the parks along the lake. If the Lake Committee has any proposal for changes, improvements or costly maintenance of these areas, they must bring the proposal to the current Board of Directors and obtain approval by that Board of Directors before any action is taken. This includes the trimming of branches that are overhanging the shoreline of the lake for the purpose of improving fishing, which is not defined as an action that is necessary to protect and maintain WGLHA's property.

If a proposal to trim overhanging branches along the lake's shoreline is approved by the current Board of Directors, then affected homeowners must receive a written request no less than 14 days in advance of any planned tree trimming. This letter shall state the Lake Committee's request that overhanging branches be trimmed from the shoreline for the purpose of improving the fishing either by the homeowner or by a representative of the Lake Committee. Each affected homeowner shall have the opportunity to decline and deny any trimming of their trees by the Homeowners Association or its committees for this purpose, in which case those trees will not be trimmed. If the Lake Committee receives approval from the homeowner, then they may proceed with the tree trimming in the manner agreed upon with the homeowner. If a response is not received from a homeowner within 14 days of receipt of the written request, the Lake Committee may proceed with the proposed tree trimming.

Prior to any approved trimming, however, all homeowners must be notified of the date of the trimming to avoid fears of vandalism and also to avoid damage to boats from floating branches. The Board of Directors reserves the right to trim any tree, however, without prior approval from the affected homeowner if that tree presents a clear danger or potential liability for the lake or dam.