

**ORANGE TREE TOWNHOMES CORPORATION
OWNER'S INSTALLATION OF NEW SOD POLICY**

Effective November 1, 2017

Should an Owner desire to have new sod installed, at owner's expense, in the common area in front of Owner's home (Owner will also be required to install new sod in the common area in front of Owner's neighbor sharing the common lawn area) Owner **must first** submit the Owner's Installation of New Sod Request Form, and all supporting documentation, to the Association to request approval to install new sod at Owner's expense. As part of this process the Owner must submit written acknowledgement from Owner's neighbor sharing the common lawn area attesting that they have been informed about this request.

Furthermore, should the request be approved it is understood that the Owner shall be responsible for **all costs** associated with installation of new sod.

Upon submission of a completed and signed Owner's Installation of New Sod Policy, Owner acknowledges and agrees to the following conditions:

1. The Owner's Installation of New Sod Request Form shall be completed by only one (1) Owner, and Association will only communicate with that one Owner. Should Owner desire to negotiate with neighbor sharing the common lawn area regarding sharing of costs, etc. it is clearly understood that the Association is in no way a party to these negotiations. The Owner submitting the New Sod Request Form is the only Owner recognized by the Association as the responsible (financial and otherwise) party
2. This request is limited to installation of new sod at Owner's expense. It is clearly understood that should the request be approved by the Board of Directors, once the new sod is installed Owner waives any 'rights' to the sod and grants ownership of this new sod located in the common area to the Association. Henceforth, (excluding the terms outlined in number seven below) the sod shall be treated as any other common area item. Any and all decisions, including but not limited to upkeep and maintenance, are at the sole discretion of the Board of Directors, and will be made in order to ensure the outward appearance of the Association for all members, and to maintain the Association's landscape palette
3. Should the request be approved the Owner will be responsible for all payment regarding installation of new sod and any and all other related landscaping activities resulting from installing new sod (e.g. irrigation repairs)
4. All decisions regarding the installation of new sod (at owner's expense) are at the sole discretion of the Board of Directors, and will be made in order to ensure the outward appearance of the Association for all members, and to maintain the Association's landscape palette
5. All installation of new sod and any other related landscaping activities will be conducted by the Association's vendor, and only the Association's vendor (no exceptions)

6. Should the request be approved Owner will negotiate directly with the Association's Landscape vendor. Payment will be made directly to Association's Landscape vendor, and in accordance with Landscape Vendor's payment terms. Should Owner fail to meet Owner's financial obligations with Association's Landscape Vendor, the Association reserves the right to make Landscape Vendor whole and invoice Owner for these outstanding charges. Any unpaid invoices will remain on the Owner's account, and applicable interest and late fee charges may apply to the unpaid balance
7. Newly installed landscaping, including sod, requires additional watering above and beyond normal water usage. Given that the Association's irrigation is interconnected, upon the installation of new sod Owner agrees to provide additional watering (outside of Association's irrigation system) at owner's own expense, and adhere to watering instructions provided by the Association's landscape vendor. Should owner fail to provide the additional watering as needed to ensure the new sod's growth the Association and Association's Landscape Vendor do not guarantee a successful outcome
8. Association's Landscape vendor will exercise all due diligence in the installation of new sod, however it is understood that Association and Association's Landscape vendor make no guarantees regarding the installation of new sod. It is further understood that other factors (e.g. shade, soil quality, etc.) may impact and weaken the sod over time, and as such no guarantee has been made to Owner regarding the immediate and/or long-term outcome of installation of new sod

The Owner's request will not be considered complete until a completed and signed Owner's Installation of New Sod Request Form and all supporting documentation have been received by the Association.

Once all materials have been received, the Board of Directors will have ninety (90) days to consider and respond to the Owner regarding the Owner's Installation of New Sod Request Form. Should request be approved Management Company will notify Association's Landscape Vendor of approval.

Revised 10/20/17

Orange Tree Townhomes Corporation
7650 S McClintock Drive, Suite 103-418
Tempe, AZ 85284

Owner's Installation of New Sod Policy

The undersigned, constituting a majority of the members of the Board of Directors of the Orange Tree Townhomes Corporation, an Arizona nonprofit corporation, hereby take the following actions in writing and with a meeting.

RESOLVED, that the Board of Directors hereby approves the Owner's Installation of New Sod Policy dated October 20, 2017 for the Orange Tree Townhomes Corporation, attached to this resolution.

IN WITNESS WHEREOF, the undersigned have executed this consent as of the 26th day of October, 2017.

Bethany Conger
President and Director, Board of Directors

Richard Boyer
VP and Director, Board of Directors

Roberta L. Evans
Secretary and Director, Board of Directors

John Gilmore
Director, Board of Directors