

Date: September 11, 2015

Attn: Whitewater Springs Property Owners and Residents
From: Whitewater Springs Board of Directors
Re: Clearing of lots and stockpiling cleared material (“slash”)

Owners and Residents:

It has recently been brought to the attention of the Board that there has been an extensive amount of tree and brush clearing on certain lots within the subdivision. While clearing of a lot in preparation for construction, or to maintain the integrity of the lot itself is not a problem, the stockpiling of cleared materials on lots and along roadways is a safety issue, especially given the dry climate we have been experiencing over the last years. The following citations address this issue and similar instances.

Article II of the Declaration of Protective covenants states, “No tract shall be used as a dumping ground for trash.”

Similarly, Article IV, Section 4 states, “No tract shall be used or maintained as a dumping ground for rubbish, or trash, and no garbage, or waste shall be kept except in sanitary containers. All other equipment for the storage and disposal of such materials shall be kept in a clean and sanitary condition.”

(In these instances, the Board believes that cleared material can be designated as “trash”.)

Finally, Article VIII, Section 16 states, “The Owner of a tract or tracts in the project will be required to keep said property free of any unsightly or offensive accumulation of trash, garbage, or unsightly deposits of any nature or kind from the date of purchase of said tract. This requirement is in effect on occupied and unoccupied tracts. Ten days after notice to Owner of such situation existing, the Authority herein created, or its employees will have the right and authority to enter upon said premises and correct any existing violation of this section. Such Authority will charge said Owner a reasonable fee for such work accomplished and bill said Owner for said fee, plus a reasonable service charge per month, for each instance, until the Owner pays said Authority in full as billed.”

Once cleared, all vegetation quickly dries out, and can easily present a fire hazard for the area where the materials are stockpiled. Therefore, it is highly recommended, and would be greatly appreciated by the Board, if all cleared materials, including brush, trees, stumps, and any and all cleared vegetation, be removed from a lot no more than fourteen (14) days from the date of clearing, in order to reduce the potential fire hazard these cleared materials can present. Material must be removed from a property owner’s lot, at owner’s sole expense, and properly disposed of in accordance with local, state, and federal laws. Large (i.e., more than a small trailer load) cut brush debris and/or fallen trees cannot be transported to another lot or property for disposal or burning. Historically, Montvale Property Investors, L.P., has allowed the disposal of small

amounts of cut brush and tree pruning to be deposited at the “burn pile”, located in Section 5. However, this historic privilege has been rescinded by Montvale Property Investors, L.P., since some property owners have abused this privilege by hauling and haphazardly disposing large quantities of burnable and non-burnable material in Section 5.

Thank you for your attention at assistance in this matter.

Whitewater Springs Board of Directors