

SAN IGNACIO VISTAS, INC
RESOLUTION OF THE BOARD OF DIRECTORS
REGARDING MEASURABLE INTERFERENCE WITH VIEWS
BY TREES LOCATED ON PRIVATE PROPERTY

(COMPLETE FORM ON PAGES 4, 5 AND 6)

Section 13.9 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for San Ignacio Vistas ("Declaration") states:

All trees and other vegetation planted in the Lot shall be kept trimmed to a height which will not measurably interfere with views from neighboring lots.

A violation of this section cannot be ascertained unless an Owner of a neighboring Lot indicates that a tree(s) or other vegetation on a neighboring lot is impeding his/her view.

To determine whether there is measurable interference with a view from a neighboring lot, the Owner of an adjacent lot, who believes that his/her views are being impeded, must bring his/her concerns to the Board of Directors before the Board can take action to enforce this section of the Declaration.

Because this Section 13.9 provides that a tree(s) must not measurably interfere with the views of neighboring lots, an Owner who believes that his/her view is being impeded may choose to contact the Owners of other neighboring lots to determine if those persons' views are also being impeded.

This section pertains to the height of the tree(s) and thus, until such time as the Architectural Committee forbids the planting or maintenance of certain plants, trees and shrubs, the Board's concern in enforcing Section 13.9 is with the growth pattern of a tree and not whether or not that tree should or should not be planted.

Henceforth, the procedure to be followed by the Board in handling concerns with the height of a tree(s) on the Lot will be as follows:

1. Any Owner ("Complainant") believing that there is a violation of Section 13.9 of the CC&Rs (Section 4.27 of the Owners Handbook) must file a written Complaint with the Board.
2. As a condition precedent to filing the Complaint, the Complainant must meet with the Owner on whose lot the tree(s) is located ("Respondent") and attempt to amicably resolve the dispute before the Association will accept jurisdiction over the matter. If the Complainant has not met with the Respondent, then the Complaint must set forth the reasons for failing to do so.

3. The Complaint must contain the following information:
 - a. The lot on which the tree(s) is located, together with photographs of the tree(s) showing how it is affecting the Complainant's view.
 - b. A complete description of the view which the Complainant claims is impeded.
 - c. The names and address of the Owners of neighboring lots and the efforts the Complainant made to contact those Owners to determine if their views are being affected. If so, then photographs of the tree(s) from those Owner's lots, showing the impact on their views must also be submitted.
 - d. A description of the efforts the Complainant has made to resolve the concerns with the Respondent.
 - e. The proposed action which the Complainant is requesting be undertaken by the Respondent, e.g. pruning of the tree(s), removal of the tree(s), etc.
 - f. A statement from the Complainant indicating his/her willingness to appear at any meeting scheduled by the Board, including any hearing at which fines for the violation may be imposed against the Respondent and/or any court proceeding filed by the Association to enforce Section 13.9.
4. The statement from the Complainant must also give the Board permission to enter upon the Complainant's Lot to review the conditions about which the Complainant has complained.
5. Upon receipt of the complaint from the Complainant, the Board will notify the Respondent that a complaint was filed with the Board. That notice will include a copy of the Complaint and will request that a response to the Complaint be filed with the Board within 30 days from the date of the notice.
6. The Board will delegate the matter to the Architectural Committee ("AC"), which will schedule a date and time with the Complainant to meet on site to review the circumstances of the complaint. The AC will also meet with neighboring Owners to determine whether their views are also impacted and the extent of such impact.

7. The Complainant will be required to demonstrate to the AC the manner in which there is a measurable interference with his/her view and the AC will determine if the Owner is reasonable in his/her expectations of the view which he/she desires to preserve.
8. If the AC determines that there is a measurable interference with the Complainant's view, then it will contact the Respondent and attempt to resolve the dispute. If the AC is unsuccessful, then it will prepare a report to the Board with a recommendation as to the action which the Board should take.
9. The Board, upon reviewing the recommendation of the AC, will provide notice to the Respondent of the violation and give the Respondent at least 30 days within which to correct the violation. If the violation is not corrected within 30 days, then the Board will provide the Respondent with the opportunity to attend a hearing with the Board, to show cause why the Board should not impose fines against the Respondent for failing to take action to ensure that the height of the tree(s) does not measurably interfere with the Complainant's view.
10. If, after the hearing, the matter has not been resolved, the Board can pursue any and all legal remedies to which it is entitled to pursue under the terms of the Declaration.

Adopted by the Board of Directors on September 13, 2004 and as revised on October 12, 2010.

San Ignacio Vistas, Inc.

By: President

Attest

By: Secretary

COMPLAINT FORM
MEASURABLE INTERFERENCE WITH VIEWS CAUSED
BY TREES LOCATED ON PRIVATE PROPERTY

Pursuant to Section 13.9 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions (CC&Rs) for San Ignacio Vistas, Inc., I am submitting a Complaint against the Respondent as one or more tree(s) located on that Lot are measurably interfering with my view and state as follows:

1. My lot is _____ and the physical address of the property is:

2. The Respondent' lot number is _____ and the physical address of the property is

3. The view which I seek to protect is: _____

4. The type, numbers and description of the trees: _____

_____.
5. The tree(s) that measurably interfere with my view in the following manner: _____

6. I am submitting _____ photographs of the tree(s) showing how it is affecting my view.
7. I contacted my neighbors to determine if their views are being affected and they indicated:

 _____ They do not have any complaints about the tree(s).

 _____ Their views were negatively impacted, but they do not wish to join into this Complaint.

 _____ Their views were negatively impacted by the tree(s) and they join into this Complaint (See Exhibit A).

 *Submit any comments from the Owners of the neighboring Lots, as an attachment.
8. The names and address of the Owners of neighboring lots whose views are also being detrimentally affected are: _____

_____.

9. I have attached photographs taken from these neighboring lots showing the impact the tree(s) have on those lots. ____ Yes ____ No

10. I contacted Respondent on the following dates in an attempt to resolve the issue over the height of the tree(s) and the outcome was as follows:

Date: _____ Nature of Conversation:

Date: _____ Nature of Conversation:

Date: _____ Nature of Conversation:

11. I sent letters to Respondent concerning resolution of this matter. ____ Yes ____ No.

I have attached copies of any letters which I sent to Respondent. ____ Yes ____ No.

12. I request that the Respondent take the following action so that there is no further measurable interference with my view: _____

I understand that a copy of this Complaint will be given to the Respondent and that the Respondent will be requested by the association to respond to this complaint

I am willing to appear at any meeting scheduled by the Board, including any hearing at which fines for the violation may be imposed against the Respondent and/or any proceeding filed by the Association to enforce Section 13.9.

I give the Board permission to enter upon my Lot to see how the tree(s) measurably interfering with my view. The best dates and times to do so are:

_____.

Dated: _____ .

Complainant: _____

Phone: _____

Following are names, addresses, lot numbers and signatures of the Owners of neighboring lots who join in this Complaint.

Exhibit "A"

Lot _____
Name _____
Address _____

Signatures _____

Lot _____
Name _____
Address _____

Signatures _____

Lot _____
Name _____
Address _____

Signatures _____

Comments from the Owners of Neighboring Lots