

SAN IGNACIO VISTAS, INC
RESOLUTION OF THE BOARD OF DIRECTORS
REGARDING TREES IMPEDING VIEWS
SEPTEMBER 2004

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 materially interfere with views from neighboring building sites.

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

To determine whether there is a material interference with a view from a neighboring lot, the Owner of an adjacent lot, who believes that his/her views are being impeded, has a duty to 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 must not materially interfere with the views of neighboring lots, it is incumbent upon an Owner who believes that his/her view is being impeded 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 trees 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 particular 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 on the Lot will be as follows:

1. Any Owner ("Complainant") believing that there is a violation of Section 13.9 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 is located, together with photographs of the tree 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 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, removal of the tree, 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 material 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 material 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 review 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 cure the violation. If the violation is not cured 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 does not materially 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.

San Ignacio Vistas, Inc.



By: President

Attest



By: Secretary

COMPLAINT FORM
SECTION 13.9 OF THE DECLARATION
MATERIAL INTERFERENCE WITH VIEWS

Pursuant to Section 13.9 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for San Ignacio Vistas, Inc., I am submitting a Complaint against the Owner of Lot _____, ("Respondent") located at _____, as one or more trees located on that Lot are materially interfering with my view.

I state as follows:

1. My lot is _____ and the physical address of the property is: _____.
2. The Owner of lot _____ is _____.
3. The view which I seek to protect is: _____.
4. The type, numbers and description of the trees: _____.
5. The tree is materially interfering with my view in the following manner: _____.
6. I am submitting _____ photographs of the tree showing how it is affecting my view.
7. The names and address of the Owners of neighboring lots whose views are also being detrimentally affected are: _____.
8. I have attached photographs taken from these neighboring lots showing the impact the tree has on those lots. _____ Yes _____ No
9. I contacted these Owners to determine if their views are being affected on the following dates, and such neighboring Owners indicated: (Submit additional comments from the Owners of the neighboring Lots, as an attachment).

_____ Their views were negatively impacted by the tree and they join into this Complaint by signing below.

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

_____ They do not have any complaints about the tree.
10. I have attached _____ photographs of the tree from the neighboring Lots

showing the impact on these Owners' views.

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

Date: _____ Nature of Conversation: _____

Date: _____ Nature of Conversation: _____

Date: _____ Nature of Conversation: _____

12. I sent letters to Respondent concerning resolution of this matter.
_____ Yes _____ No.

I have attached copies of any letters which I sent to Respondent.

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

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 court proceeding filed by the Association to enforce Section 13.9. 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 thus complaint

I give the Board permission to enter upon my Lot to see how the tree is materially interfering with my view. The best dates and times to do so are: _____
_____.

Dated: _____, 200____.

Complainant:

Phone: _____

[Attach a separate document with the names, addresses, lot numbers and signatures of the Owners of neighboring lots who join in this Complaint.]

Exhibit "A"

LOT	NAMES	ADDRESSES	SIGNATURES
—	—	—	—
—	—	—	—
—	—	—	—
—	—	—	—
—	—	—	—
—	—	—	—

Comments from the Owners of Neighboring Lots