

Palos Verdes Homes Association

Offices in the City Hall
Telephone (310) 373-6721 Fax (310) 373-9115
P.O. Box 188 Palos Verdes Estates, California 90274
www.palosverdes.com/homesassociation
E-Mail: pvha.aj@verizon.net
Incorporated 1923

TO ALL APPLICANTS:

Enclosed are:

1. A copy of Article V, Section 7 of the Basic Protective Restrictions
2. A copy of PVHA Resolution No. 159
3. An application form, including agreement of financial responsibility.

The experience of PVHA has shown that the trimming of trees and plantings can be an emotional, time consuming and expensive process. Every effort should be made to resolve the situation with your neighbor.

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APPLICATION FOR TRIMMING OF TREES

Date _____

Fee Paid \$750.00 _____
Receipt # _____

Applicant _____ Phone # _____

Address _____ Lot _____ Block _____ Tract _____

Owner of property with trees/shrubs: _____ Phone # _____

Address _____ Lot _____ Block _____ Tract _____

Location of trees/shrubs that affect your view. If possible provide photos and plot map showing location.

Explain in detail how the vegetation issue affects your view.

Please list all efforts to resolve the problem with your neighbor. Attach copies of all correspondence.

1. I have received and read PVHA Resolution No. 159. I am willing to pay the cost of trimming or removal (if agreed to by the parties) in accordance with said Resolution.
2. I understand that enforcement of a decision could require that PVHA be involved in Alternative Dispute Resolution (“ADR”) proceedings and a lawsuit. The potential expense is substantial and an exact cost estimate at this time is impossible.

IF ALTERNATIVE DISPUTE RESOLUTION OR LITIGATION IS COMMENCED IN ORDER TO ENFORCE THE DECISION OF PVHA, I SPECIFICALLY AGREE TO PAY ALL EXPENSES INCURRED BY PVHA.

Expenses include but are not limited to expert’s and attorney’s fees.

I UNDERSTAND AND AGREE TO INDEMNIFY AND REIMBURSE PVHA FOR ALL EXPENSES INCURRED BY PVHA RELATED TO THIS APPLICATION

Applicant

Date

RESOLUTION NO. 159

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PALOS VERDES HOMES ASSOCIATION
ADOPTING GUIDELINES AND ESTABLISHING PROCEDURES
FOR IMPLEMENTING THE ASSOCIATION'S
AUTHORITY TO MAINTAIN VIEWS

WHEREAS, ARTICLE V, SECTION 7 OF THE DECLARATION OF ESTABLISHMENT OF BASIC PROTECTIVE Restrictions, Conditions, Covenants, Reservations, Liens and Charges and Certain Local Restrictions (Hereinafter referred to as "Restrictions") of Palos Verdes Estates and portions of Miraleste provided in part:

"Representatives of the Homes Association... shall have the right at any time to enter on or upon any property for the purpose of cutting back trees or other plantings which may grow up to a greater height than in the opinion of the Homes Association is warranted to maintain the view and protect adjoining property."

WHEREAS, The Board of Directors (the "Board") of the Palos Verdes Homes Association (the "Association" or "PVHA") adopted Resolution No. 146 in November 2000, Resolution 150 in November 2002 and Resolution 156 in May 2005, to establish procedures for its members to utilize the authority of the Association to correct view impairments created by trees or other plantings;

WHEREAS, the Association has had experience with Resolution No. 146, No. 150 and No. 156;

WHEREAS, it is the Association's policy to encourage resolution of view impairment issues between parties who are directly involved, whenever possible;

WHEREAS, in the course of resolution the parties frequently agree to the removal of trees or other plantings; removal requires the agreement of parties. The Association does not compel removal of trees or plantings without such agreement.

WHEREAS, the Association wishes to adopt written procedures regarding its view impairment authority so that members may better understand the procedures and remedies available pursuant to Article V, Section 7; and with the hope that this understanding will further promote settlement by the parties;

WHEREAS, the Association wishes to establish procedures for its members to utilize the authority of the Association to correct view impairments, which cannot be resolved between the parties;

WHEREAS, the Association has retained the services of a professional arbitrator.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of this corporation does establish and adopt the following procedure for the processing of all view impairment applications submitted to the Association.

The following are general policies of the Association:

1. The applicant shall submit information on an application form provided by the Association.
2. The applicant shall document efforts to resolve the obstruction issue with his neighbor including copies of all correspondence between the parties.
3. The applicant shall pay an administrative fee to the Association at the time an application is submitted.
4. The applicant shall execute a financial responsibility agreement with the Association at the time an application is submitted. The applicant must agree to pay the entire cost of the initial trimming or removal of trees or shrubs; and agree to reimburse the Association for its fees and expenses if expert advice is needed to make a decision or if Alternative Dispute Resolution or litigation is necessary to enforce a decision.
5. The Association will send a Notice to the owner of the property where the vegetation is located, ("affected property").

6. The Notice will inform the owner of the affected property of the action requested in the application; and that an arbitrator will be appointed.
7. The Association will appoint an arbitrator to make a decision. The arbitrator may make reasonable efforts to reach an agreement between the applicant and the owner of the affected property; however, his primary responsibility is to make a decision.
8. The arbitrator shall make a decision and provide a written report to the Board.
9. A copy of the decision shall be mailed to the applicant and owner of the affected property.
10. The decision shall constitute the decision of the PVHA unless either party appeals the decision to the Board and pays the appeal fee within thirty (30) calendar days of the mailing of the decision.
11. The owner of the affected property shall obtain two bids from responsible, insured bidders for the work necessary to implement any decision within thirty (30) calendar days. If the owner fails to obtain bids within 30 days, PVHA will obtain two bids.
12. The applicant shall choose the trimmer and arrange payment with the tree trimmers prior to any work taking place.
13. PVHA will notify the applicant and the affected property owner of the date and time the necessary work will be performed. The Association shall make a reasonable effort to have the work completed within 30 days.
14. Following completion of removal/replacement or trimming of view impairments at the applicant's expense, the cost of work to maintain the trees and plantings below the maximum height established by the Arbitrator's decision shall be at the cost and expense of the owner of the affected property.

PASSED, APPROVED AND ADOPTED this 18th day of July 2006

Mark C. Paullin, President
Palos Verdes Homes Association

Attest:

Susan M. Van Every, Executive Secretary
Palos Verdes Homes Association

**APPEAL OF ARBITRATOR'S DECISION
REGARDING TRIMMING OF TREES OR PLANTINGS
Resolution No. 159**

Date _____

Fee Paid \$750.00
Receipt # _____

Appellant _____ Phone # _____

Address _____ Lot _____ Block _____ Tract _____

Original Applicant: _____ Phone # _____

Owner of Property with trees or shrubs _____ Phone # _____

Address _____ Lot _____ Block _____ Tract _____

Date of Arbitrator's decision: _____

1. The decision shall constitute the decision of the PVHA unless either party appeals the decision to the Board and pays the appeal fee within thirty (30) calendar days of the mailing of the decision .
2. I have received a copy of the Arbitrator's decision in the application filed by the above referenced Applicant
3. I understand that enforcement of the Board of Director's decision could require PVHA to be involved in Alternative Dispute Resolution ("ADR") proceedings and a lawsuit. The potential expense is substantial and an exact estimate at this time is impossible.

IF ALTERNATIVE DISPUTE RESOLUTION OR LITIGATION IS COMMENCED IN ORDER TO ENFORCE THE DECISION OF PVHA, I SPECIFICALLY AGREE TO PAY ALL EXPENSES INCURRED BY PVHA.

Expenses include but are not limited to experts and attorney's fees.

I UNDERSTAND AND AGREE TO INDEMNIFY AND REIMBURSE PVHA FOR ALL EXPENSES INCURRED BY PVHA RELATED TO THIS APPEAL

Appellant

Appeal Process:

1. A copy of the appeal will be given to the Board of Directors and placed on the agenda of a Board meeting. Notice of the meeting and a copy of the appeal will be mailed to all parties.
2. A copy of the Board decision on the appeal shall be mailed to all parties.