

The covenants state that owners are responsible for maintaining trees in a neat and attractive manner and for preventing unkempt grounds (Article V, Section 4 and Article VI, Section 26). For several years, the HOA has required lot owners to trim trees when the limbs grow in a manner that obstructs either traffic using the road or pedestrians using the sidewalk. The objective of the requirement is to promote the safety and welfare of members and their guests. In addition to personal vehicles, large vehicles like school buses, fire trucks and garbage trucks use the roads within Magnolia Terrace and these vehicles need a higher clearance than personal vehicles.

Pursuant to the authority to set rules and regulations (Article VI, Section 10), the Architectural Control Board (ACB) determined that the clearance above the road and the sidewalk should be a minimum of eleven (11) feet.

The ACB has also determined that dead trees and dead limbs (including palm fronds) constitute unkempt grounds that are neither neat nor attractive.

Lot owners are responsible for trimming trees that do not meet the 11 foot clearance requirements and for removing either dead trees and/or dead limbs (including fronds).