

**DAMONTE RANCH LANDSCAPE MAINTENANCE ASSOCIATION**  
**PERIMETER FENCING POLICY**  
*(established January 7, 2020)*

To the knowledge of the Board of Directors of the Damonte Ranch Landscape Maintenance Association (“LMA”) (“LMA Board”), the LMA has, since it began collecting assessments, allocated a portion of the LMA Reserve Fund (as defined in the Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Damonte Ranch (the “Declaration”)) to the maintenance, repair, and replacement (collectively, “Maintenance”) of certain vinyl fencing (and associated pilasters) that abuts and/or is located upon LMA Common Elements (as defined in the Declaration) (the “LMA Fencing”).

After reviewing the Declaration and the Bylaws of the LMA (the “Bylaws”), discussing with the LMA’s attorneys, and deliberating amongst themselves, the LMA Board has concluded as follows:

1. The Declaration and the Bylaws grant the LMA the right and, potentially, the responsibility to Maintain the LMA Fencing;<sup>1</sup>
2. Section 8.6 of the Declaration requires prior written approval of Declarant before any permanent change or alteration is made to any Perimeter Wall/Fence (as defined in the Declaration);
3. It would be in the best interests of the LMA and all Owners for the LMA to continue to Maintain the LMA Fencing, and to allocate a portion of the LMA Reserve Fund for such Maintenance, to the same extent that it has done so since its inception; and
4. Sections 8.3 and 13.1(b) of the Declaration make each Owner responsible for the costs of certain Maintenance by the LMA arising out of or caused by the willful or negligent act of such Owner, its tenants, or their respective Families (as defined in the Declaration), guests, or invitees.

---

<sup>1</sup> See, e.g., Declaration §§ 1.40, 1.49, 5.1 (requiring the LMA to maintain the LMA Common Elements, including any fences located on the LMA Common Elements); *id.* §§ 2.11 (granting the LMA an easement for the maintenance, repair, and replacement of all Perimeter Walls/Fences (as defined in the Declaration)); Bylaws § 2.2 (making the LMA responsible for activities reasonably ancillary to the maintenance and repair of the LMA Common Elements, including fencing).

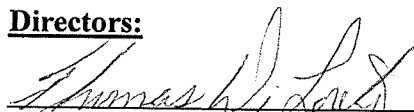
The extent of the LMA’s responsibility to Maintain the LMA Fencing under the Declaration and Bylaws is not entirely clear. For example, Section 8.1 of the Declaration assigns responsibility to each Owner (as defined in the Declaration) for Maintaining any portion of the LMA Fencing that is located on such Owner’s Unit. In an attempt to eliminate this ambiguity and avoid potential future disputes, in 2019, the LMA Board recommended that the Owners approve an amendment to the Declaration making the LMA solely responsible for Maintaining the LMA Fencing. The proposal resulted in a number of questions and comments from the Owners that led the Board to conclude that adopting this Policy would be a sufficient, as well as a simpler, cheaper, and cleaner, way to resolve the ambiguity.

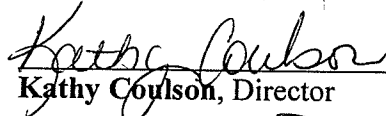
As a result of the above conclusions, the Board hereby adopts the following as the formal policies of the LMA with respect to the LMA Fencing:

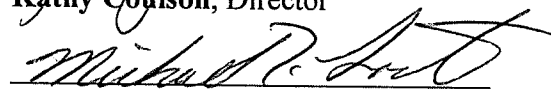
1. The LMA shall continue to allocate a portion of the LMA Reserve Fund to the Maintenance of the LMA Fencing;
2. Subject to Paragraph 4 below, the LMA shall continue to Maintain the LMA Fencing;
3. Prior to making any permanent change or alteration to any LMA Fencing, the LMA shall obtain the Declarant's written approval for the proposed change or alteration; and
4. Nothing in the foregoing shall limit any Owner's responsibility for any costs for which such Owner is responsible under Section 8.3 or Section 13.1(b) of the Declaration.

Adopted by the Board of Directors of the Damonte Ranch Landscape Maintenance Association on this 7<sup>th</sup> day of January, 2019.

**Directors:**

  
\_\_\_\_\_  
Thomas Di Loreto, Director

  
\_\_\_\_\_  
Kathy Coulson, Director

  
\_\_\_\_\_  
Michael Di Loreto, Director