

FLINT LEDGE ESTATES COMMUNITY ASSOCIATION, INC.
2473 McCormick Road
ROCKVILLE, MARYLAND 20850

MEMORANDUM OF BOARD OF DIRECTORS ACTION

Subject: Notice of Covenant Violation to 2433 McCormick Road regarding Tree in Front of Home In Need of Trimming and Fruit Control

Date: July 10, 2007

Summary: Complaint was communicated to the *Flint Ledge Estates Community Association, Inc.* ("FLECA") from contiguous neighbor Pam Oginz (2435 McCormick Road) regarding the plum tree on the property at 2433 McCormick Road and the hazardous and unattractive condition caused by the falling of the tree's fruit onto her sidewalk, as well as the sidewalk and parking area immediately in front of 2433 McCormick Road belonging to FLECA. The tree produces fruit that falls on the ground, producing a staining juice that is tracked onto and indelibly stains interior carpeting, and causing a slipping hazard to a neighbor who is handicapped and has difficulty walking.

Discussion: Proposed letter to the Nickels drafted by BDR to be hand delivered on or before 7/11/07 and sent by certified mail, return receipt requested and First Class. The letter demands the removal or trimming of the tree as permitted by the *Declaration of Covenants, Conditions and Restrictions* in Article IX, Section 8.

Agreed to:



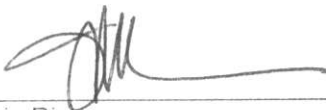
Brian Rogers



John Nickell



Simone Seym-Nickel



Sonia Rickman



Gayle Brooks

**FLINT LEDGE ESTATES
COMMUNITY ASSOCIATION, INC.**

2473 McCormick Road
ROCKVILLE, MARYLAND 20850

July 10, 2007

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Clayton & Mrs. Simone Nickel
2433 McCormick Road
Rockville, MD 20850-3073

301-545-0508

Re: Tree in Front of Home In Need of Trimming and Fruit Control
2433 McCormick Road, Rockville, MD 20850

Dear Mr. and Mrs. Nickel:

As I am sure you have foreseen, your neighbors are again extremely upset and complaining to the Board of Directors about the tree that is in the front of your home due to its fruit that damages the finish on cars, is tracked into people's homes – indelibly staining their carpets and floors, and stains the community sidewalks. One of your neighbors who is very weak and has difficulty walking without assistance has also complained that the fruit makes walking hazardous for her because of her handicap. The fruit contamination of the area surrounding your yard is mostly because the tree is oversized for your limited yard space and extends well beyond your property line onto other's private property, *i.e.*, Pam Oginz at 2435 McCormick Road, as well as the property owned by Flint Ledge Estates Community Association, Inc. ("FLECA"), specifically, the sidewalk in front of your yard and the adjacent parking lot.

The following corrective action are enacted under authority of Article IX, Section 8 of the *Declaration of Covenants, Conditions and Restrictions* of this community which states:

"Section 8. The Association shall have the right (pursuant to the provisions of Article VIII) to trim or prune, at the expense of the Owner, any hedge or other planting that in the opinion of the Architectural Control Committee, by reason of its location or the height to which or the manner in which it is permitted to grow, is detrimental to adjoining property, or is unattractive in appearance. The Association shall further have the right, upon like notice and conditions, to care for any vacant or unimproved lot, and to remove grass, weeds and rubbish therefrom and do any and all things necessary or desirable in the opinion of the Architectural Control Committee to keep such Lot in neat and good order, and at the cost and expense of the Owner as provided in Article VIII."

While over the years you seem to have been able to alleviate the concerns of neighbors and previous Boards of Directors, this time it has become a nuisance for which a more drastic remedy is required. Consequently, the Board of Directors of FLECA, along with Pam Oginz, demand that you either:

1. Remove the offending tree before September 30, 2007, and all the while prior to removal, maintain the cleanliness of the sidewalk on the property at 2435 McCormick Road,

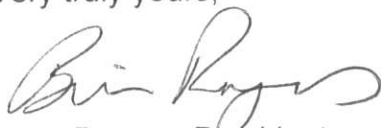
and that of the common area sidewalk in the area affected by the fruit from the tree; or in the event that you do not wish to remove the offending tree then the tree must be:

- a. trimmed back to your property lines; and
- b. trimmed back in such a manner to assure that all fruit falls solely on your private property; and
- c. maintained by trimming in April or May of each and every year hereafter to prevent the tree from being out of compliance with the *Declaration of Covenants, Conditions and Restrictions* as described above.


Please let us know of your intentions, in writing, by 5:00 p.m. on Monday, July 30, 2007. In the event that mutually satisfactory arrangements are not made, then FLECA and Ms. Oginz will retain a licensed tree expert to so trim the offending tree. Furthermore, FLECA will then demand reimbursement for the cost and, if not paid within Fifteen (15) days will take steps to place a lien on your property. This remedy will also be applied each and every year thereafter, before its fruit-bearing season that the tree measurably overhangs either FLECA or your neighbor's property because you have not trimmed the offending tree as demanded in 1.a-c. above.

Thank you for your understanding and cooperation. We look forward to hearing from you soon.

Very truly yours,



Brian Rogers, President and
Member of the Board of Directors
(301) 762-4811



Pam Oginz
2435 McCormick Road

cc: via first class mail

Brian Rogers

From: Simone Seym-Nickel [simone.seym.nickel@att.net]
Sent: Tuesday, July 10, 2007 12:05 PM
To: Brian Rogers
Subject: Re: Your Letter + Our Plum-Tree

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Dear Brian:

Thank you for your kind and friendly demeanor.

We truly apologize for the inconvenience, and will have the plum tree in front of our house removed and replaced late September / October 2007. We are in negotiation with a tree specialist, and Clayton will provide in writing what ever he can get at short notice until tonight. They have to assess the situation, and therefore can't provide a contract so quickly.

However, we have decided to remove this tree, and it will be done by late September/ October 2007.

We hope, that you will all feel confident that this will work out positively.

Thank you for your consideration.

Hope to join you for the next meeting.

Greetings from Germany.

Best,

-- Simone.