

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

MEMORANDUM OF BOARD OF DIRECTORS ACTION

**Subject:** Letter of Possible Danger of Falling Tree to 2403 McCormick Road

**Date:** July 31, 2007

**Summary:** The large tree in the rear of 2403 McCormick Road is leaning and appears to be falling. The owner needs to be advised to consult qualified tree experts to obtain information on the likelihood of the tree posing a danger to nearby dwellings.

**Discussion:** Proposed letter to Gennady M. Milikh and Natalya I. Bekkerman of 2403 McCormick Road, drafted by BDR to be hand delivered on or before 8/1/07 and sent by certified mail, return receipt requested and First Class. The letter demands the professional evaluation of the large tree behind their residence and removal if it is in danger of falling, 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  
flintledge\_board@googlegroups.com

July 31, 2007

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Gennady M. Milikh and Ms. Natalya I. Bekkerman  
2403 McCormick Road  
Rockville, MD 20850

Re: Large Tree in Back of 2403 McCormick Road is Leaning and Possibly in Danger of Falling

Dear Mr. Milikh and Ms. Bekkerman:

As we trust you are well aware, the large tree in your back yard is leaning and appears to be pulling out of the ground. We are concerned about the stability of this tree from the perspective that it appears to be in danger of falling on, and causing significant damage to, property owned both by other private homeowners, as well as property owned by Flint Ledge Estates Community Association, Inc. ("FLECA").

FLECA has consulted with a number of licensed tree experts regarding your tree and has not received adequate assurances that your tree does not present a clear and present danger. The licensed tree experts FLECA consulted were Wayne Noll, Rockville City Forester (240-314-8705), Bartlett Tree Experts (301-881-8550), Lee Peyton Tree Service, Inc. (301-208-8235), and our landscaping contractor, Bill Messett of Superior Landscaping (301-518-1028). FLECA understands that the below-ground root structure needs to be inspected in order to make this determination. From discussion with the above tree experts, FLECA was led to believe that the cost of the root inspection was approximately the same cost to actually remove the tree. Furthermore, more than one licensed tree expert opined that this tree was near the end of its normal life. Consequently, it may not be worth investing in an inspection as compared to removing the tree and replacing it. We suggest that you confer with these licensed tree experts directly and obtain estimates for inspection and removal based upon their recommendations.

Unless you can obtain a signed statement from a licensed tree expert that this tree poses no present danger of falling, the Board of Directors of FLECA may need to invoke the provisions of our controlling legal documents and require that you take the steps necessary to remove the tree. Please review the attached copy of the Architectural Control provisions contained in Article VI of the *Declaration of Covenants, Conditions and Restrictions*. The entire document can be found on the FLECA website located at <http://www.flintledge.com>.<sup>1</sup> As you will see, this document gives FLECA the authority to cause the removal and bill you for it, if necessary. Needless to say, it is the Board of Directors desire to find a mutually acceptable resolution to this matter without resort to its authority under the controlling FLECA legal documents.

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<sup>1</sup> In the event that you do not have a copy of the Covenants please let me know and I will make one available for your pick up from my home.

Thank you for your cooperation. Please provide the Board of Directors with your written proposal addressing this issue by 5:00 p.m on August 31, 2007. If we have not heard from you or have not arrived at a satisfactory agreement shortly thereafter, FLECA will have no choice but to take the necessary legal steps to protect the interests of FLECA.

The FLECA Board of Directors hopes that you understand that it is in the best interests of the entire community that we maintain the safety of the community. Thank you for your understanding and continued cooperation. We look forward to working with you to find a mutually acceptable solution.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian Rogers". The signature is fluid and cursive, with a large initial "B" and "R".

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

cc: via first class mail