

**HEATHERWOOD HOMEOWNERS' ASSOCIATION
COMMON GROUND PLANTING AGREEMENT**

Homeowner: _____

Address: _____

HOMEOWNER AGREEMENT

I, _____ residing at _____, hereby
Homeowner's Name *Homeowner's Address*

donate landscaping plant(s) as outlined on the attached ARB application and plan to Heatherwood's common grounds located behind the property of _____ . I understand that the word plant(s) in this agreement is used in a generic form to include all plantings, inclusive of trees, flowers, bushes, shrubs, etc.

I agree to the following conditions:

- *To maintain these plants, inclusive of watering, pruning, mulching if appropriate, weeding and removal if a plant(s) should die.***
- *I understand that all related costs, inclusive, but not limited to, plant purchases, materials and maintenance are the responsibility of the homeowner.***
- *If any tree should die, I may replace the tree with the same species as approved in the attached plan or have an option not to replace said tree. I further understand that if I want to replace the dead tree with a different species, I am required to obtain an approval from the Board of Trustees.***
- *I may replace and or change any annual or perennial flowers as I deem appropriate unless stated otherwise in this agreement.***

- ***I understand that all garden ornaments are prohibited in common areas, inclusive of bird feeders/baths.***
- ***I understand that upon completion of plantings that I am responsible to inform the Board of Trustees representative so that a compliance inspection may be conducted.***
- ***I understand that the Association will conduct periodic inspections to ensure satisfactory maintenance.***
- ***If inspection reveals unsatisfactory maintenance, I agree to take the necessary steps to rectify.***
- ***I agree to indemnify and hold the Association harmless for any claims of injury or damage which may be caused by, related to or arising out of the aforesaid landscaping.***

I further understand and agree that this agreement:

- ***Remains in effect until I am no longer a resident of Heatherwood Homeowners' Association and thereafter, the Association will resume the responsibility.***

OR

- ***If I decide to terminate this agreement prior to the aforementioned, I am responsible to return the planting area to its original state unless the Board of Trustees determines otherwise. All associated/related costs shall be incurred by the homeowner.***

Homeowner Signature

Date

Board of Trustees Representative Signature

Date

THIS AGREEMENT HAS BEEN APPROVED BY HEATHERWOOD'S BOARD OF TRUSTEES AND AGREED UPON BY THE HOMEOWNER LISTED ABOVE.

***LAST UPDATE – May 21, 2009
PREPARED BY B. ROSSINI***