

MUTUAL OPERATIONS

PHYSICAL PROPERTY

Garden Area and Shrubs - Mutual Four

All garden areas beyond the drip line are in the common area owned by the Mutual shareholders; therefore, the use of this common area for gardens is subject to change at the discretion of Mutual Four's Board of Directors.

Over the Mutual's lifetime, the sizes of the garden areas have varied. While it is impossible to have total consistency in the sizes of the gardens, the following guidelines can be helpful in decision making.

GARDEN AREA SIZES

1. Guidelines for approved garden sizes vary depending on the unit location, sidewalk location, safety and aesthetics. Garden measurements are from the face of the building.
2. At the time of resale or transfer of the share of stock, the shareholder (seller) may be required to re-align the garden area with the remaining gardens in the building. The guideline for a garden size is site specific.
3. Shareholders in units A, F, G and L, after Board consultation, may be allowed a garden area at the end of their unit, depending on the area available. The planting cannot encumber entry to the attic or access to the meter panel. These gardens shall be site specific.
4. The Board may allow, on a case-by-case basis, a garden area at the side of a laundry room to be site specific.
5. Any exceptions to these guidelines shall be brought to the Board, in writing, and will be reviewed on a case-by-case basis.

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GARDEN USE

1. Shareholders may select plants of their choice from the list of approved plants (see list on page 4). Trees or other plants with root growth that are invasive and have the potential to damage the Mutual's structures and walkways are prohibited. Vines are not permitted to climb on any structure or light poles. If a trellis is used, it must be freestanding and be kept 12" below the eaves. All planting must be trimmed back 6" from the building. Removal of any offending growth will be done by the Mutual at the shareholder's expense if shareholder does not maintain these standards.
2. Watering, fertilization, and plant pest control within the garden area are the responsibility of the shareholder.
3. Gardens are cultivated by the Mutual's gardening service UNLESS the shareholder wants to perform this task. If shareholders want to maintain their own garden(s), they must insert red flags in the garden area. Gardeners are instructed to remove weeds, including baby tears, wild mint and plants of the spiderwort family, all of which can spread into the lawn or neighboring garden in all gardens. Roses are trimmed in December/January by the Mutual's gardeners in all gardens except red-flagged gardens.
4. Potted plants may not inhibit the 36" entry requirement, nor are they permitted on the entrance walk, on top of padmount transformers, hung from or placed on padmount enclosures (per Policy 7492), or on telephone vaults.
5. Free-standing, aesthetically-pleasing objects are permitted in the garden area. The Board may require any objects be removed from the garden area.
6. Sprinklers within the shareholder's garden areas or wall garden must be installed by the Mutual's gardeners at the shareholder's expense. Maintenance of sprinklers within garden areas will be at the shareholder's expense.

TURF AREAS

1. Turf areas are all the grounds located outside of each apartment beyond the drip line and garden area. Turf areas are common area. These areas are owned by the Mutual and are the exclusive responsibility of the Mutual. Shareholders are not permitted to install, remove, or relocate plants or any other landscaping in the turf areas, including areas around light poles. Shareholders are not permitted to install, remove, relocate, or adjust sprinklers in turf areas. A director has the authority to remove any problem plant.
2. Artificial turf will not be allowed in and around fresh turf areas. Any artificial turf already in place will become the sole responsibility of the shareholder to maintain and replace as needed.

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3. Tree issues will be addressed by the Landscape Committee. Under certain circumstances, trees that are removed may not be replaced.
4. If a shareholder wants a tree planted in an area where no tree was previously planted, approval ~~in writing~~ must be obtained from the Landscape Committee. The tree shall be planted by the Mutual landscaper and all costs of tree and planting shall be borne by the shareholder. The tree becomes the property of the Mutual and will be maintained by the Mutual at the Mutual's expense.
5. The Mutual's "common areas" can be used for temporary reasons e.g. construction activity and moving with director approval.
6. Scallop borders, or bordering materials in other shapes, shall not be placed around the base of trees. Nor shall scallops be positioned in any way that obstructs turf maintenance, such as lawn mowing, leaf and weed removal, or vacuuming of cut grass. With approval of the individual director, shareholders may place potted plants at the base of trees. As with border material, these potted plants shall not obstruct turf maintenance. The shareholder is responsible for these potted plants and will be required to remove any that are dying or infested with plant and pests or have taken root at the tree's base.

PLANT GUIDELINES

The selection of plants allowed for the gardening areas is not limited to the plants listed here.

Bushes and shrubs that do well:

Heavenly Bamboo, Hibiscus, Holly Family, Hydrangea, Indian Hawthorn, Juniper Shrubs, Lily of the Nile, Mirror Plant, and Star Jasmine.

Smaller flowering plants that do well:

Azalea, Camellia, Dahlia, Daisy, Fuchsia, Gardenia, Mums, and Roses.

Perennial flowers that do well in our climate and soil (young plants need protection from rabbits):

Geraniums, Impatiens, Marigolds, Vincas, and Wax Begonias

Note: The plants listed above seem to be ignored (at this time) by rabbits, but that could change (pansies and lobelias are favorites of rabbits).

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Plants that, by their nature, cause problems and are not allowed:

Asparagus Fern, Baby Tears, Bird of Paradise, all fruit trees except Citrus, Ficus Trees, Ivy, Spiderwort Family, Wild Mint, selected palm trees based upon location, and Firestick plant also known as milkbush and pencil bush and officially known as Euphorbia Tirucolli.

Vines that climb or cling to deco blocks, buildings or light poles are also not permitted.

All Citrus trees must be of the dwarf variety and are allowed in the garden area in self-contained wooden boxes. Any exception of the above must be approved by the Board.

MUTUAL ADOPTION

FOUR: 01-04-04

AMENDMENTS

04-11-07, 05-14-08, 07-13-11, 06-04-17, 03-14-18,
09-09-20