

V.P. Homeowners Association, Inc.
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December 5, 2008

Reference: Responsibility to Maintain Landscaping in Lot Right-of-Ways

Dear Victoria Park Commons, Hills and Trails Homeowners:

As many of you may be aware from reviewing the Association's governing documents and recalling a notice previously displayed on the community channel and website this summer, lot owners in the VP Homeowners Association are responsible for the maintenance of the landscaping located in the public right-of-way adjacent to their lots (see Section 5.1 in the Declaration). This maintenance responsibility is interpreted to include irrigating, fertilizing, trimming and replacement, when necessary, of the sod and street trees located in this area.

The Board of Directors agreed to review a suggestion that the Association assume this maintenance responsibility instead of individual lot owners with the expense to be included in the Association budget. After much discussion and review this past year between St. Joe, the City of DeLand, CCMC, the Board of Directors and homeowner advisory committees, it was determined not to amend the documents and continue to require that lot owners retain this maintenance responsibility. Some reasons for this determination are as follows:

- Some lot owners only have one or two street trees while others have three or more. If the cost of maintaining street trees was included in the assessments, those with less trees would be subsidizing those with more.
- Townhome lot owners are assessed for their landscaping needs separately and, if street tree maintenance of single family homes was included in the VP HOA assessment, townhome owners would, in essence, be doubly assessed.
- The responsibility to maintain this area currently rests with each lot owner. The Declarant (St. Joe) doesn't feel it appropriate to transfer the risk for failure to maintain this area to the Association which would affect ALL owners, including those who are currently very diligent in performing these maintenance tasks.

The Association will be increasingly vigilant in the coming year enforcing the requirement for owners to properly maintain their street trees. **It is also recommended that each lot owner advise his insurance carrier of the responsibility to maintain street trees in the event of any issue that may arise from this responsibility.**

Thank you and please contact CCMC or the Board with any questions.

Board of Directors
VP Homeowners Association, Inc.