

ISSUE #1

MARKUP #1 ->

Section 1: [Greenleaves Deed Restrictions, Section 12 & Regulations on Tree Removal] Mandatory Prior Approval and

No living tree having a trunk diameter of six (6) inches or more measured three (3) feet above ground level shall be cut down, destroyed, or removed from any Lot without the prior written permission of the Architectural Control Committee. Any ~~Owner who removes a tree in violation of this restriction shall be required to~~ plant replacement trees of a size and species dictated by the Committee and pay a fine fixed by the Board.

Section 2: [Greenleaves Deed Restrictions, Section 8] Blanket Prohibition on Parking Boats, Trailers, or Commercial V

No boat, boat trailer, utility trailer, camper, recreational vehicle, or commercial vehicle (including any truck bearing commercial lettering or equipment) shall be parked or stored on any street or driveway within the subdivision for more than twenty-four (24) hours, unless kept completely within an enclosed garage.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Greenleaves Deed Restrictions, Section 12 & Regulations on Tree Removal (p. 1): Unrecorded Fining Schedule and Replacement Demands Exceed Recorded Building Restrictions

Statutory / Legal Reference: La. Civ. Code art. 783 & La. R.S. 9:1141.8 (Strict Construction of Building Restrictions)

Statutory Comparison: Under La. Civ. Code art. 783, any doubt as to the existence, validity, or extent of building restrictions must be resolved in favor of the unrestricted use of the immovable. Under Louisiana appellate precedent (e.g., Oakbrook Civic Ass'n v. Sonnier, 481 So. 2d 1008 (La. 1986)), an architectural committee or HOA board cannot impose monetary fines or mandatory tree-replacement ratios that are not explicitly quantified in the recorded Act of Restrictions filed in the St. Tammany Parish conveyance records.

CURRENT WORDING IN DOCUMENT:

[Greenleaves Deed Restrictions, Section 12 & Regulations on Tree Removal] Mandatory Prior Approval and Fines for Cutting Any Tree Over Six Inches in Diameter - No living tree having a trunk diameter of six (6) inches or more measured three (3) feet above ground level shall be cut down, destroyed, or removed from any Lot without the prior written permission of the Architectural Control Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Greenleaves Deed Restrictions, Section 12 & Regulations on Tree Removal ([Greenleaves Deed Restrictions, Section 12 & Regulations on Tree Removal] Mandatory Prior Approval and Fines for Cutting Any Tree Over Six Inches in Diameter - No living tree having a trunk diameter of six (6) inches or more measured three (3) feet above ground level shall be cut down, destroyed, or removed from any Lot without the prior written permission of the Architectural Control Committee. Any Owner who removes a tree in violation of this restriction shall be required to plant replacement trees of a size and species dictated by the Committee and pay a fine fixed by the Board.) to conform with La. Civ. Code art. 783 & La. R.S. 9:1141.8 (Strict Construction of Building Restrictions) and the manual attorney audit recommendations for Greenleaves Master Association, Inc..