

Moreland Courts Condominium Association, Inc.

COMMON AREA/ELEMENT GARDEN OR TERRACE POLICY AND PROCEDURE

Since Moreland Courts Condominium Association, Inc. (MCCA) was converted to a condominium in 1978, Unit Owners have established, managed, and maintained garden spaces, which have greatly enhanced MCCA's grounds for the enjoyment of all Owners. According to MCCA's governing documents, MCCA's grounds are Common Areas/Elements. While these garden spaces may be under the care and responsibility of an assigned Owner, they remain MCCA property. In a similar fashion to the assignment of Parking Spaces, Laundry Rooms, and Storage Lockers, this policy and procedure has been adopted to fairly provide all Owners with the opportunity to establish, manage, and maintain garden spaces. The establishment, management, and maintenance of such garden spaces are subject to all policies and procedures established herein and elsewhere in MCCA's governing documents.

1) STATUS OF GARDEN SPACES

All garden spaces remain Common Areas/Elements. They do not transfer with the sale of your Unit. Nothing in this policy and procedure shall imply otherwise. MCCA, through management, has the authority to reassign or eliminate garden spaces as needs require. While management endeavors to honor the often-significant investment Owners have made in their assigned garden space, the needs of the Association do not necessarily guarantee continued use of a given garden space.

2) WRITTEN APPLICATION

Any Owner desiring to maintain a garden shall annually file, usually in the spring of each year, a written request to properly maintain the assigned garden space to the Management Office. The Garden Request Form is available upon request from the Management Office.

3) GARDEN SPACE LOCATIONS

Garden space is limited to MCCA grounds adjacent to the back drive. Other gardening space may be made available, from time to time, in other areas provided that:

- a) The Owner has direct approval of the General Manager to use the space;
- b) The space continues to conform to MCCA's general landscape plan as determined by the General Manager.
- c) Any other conditions the General Manager may feel appropriate at his/her sole discretion.

4) ASSIGNMENT OF GARDEN SPACES

Management shall coordinate allocation of garden space based upon the written applications (see Paragraph 2). If in the opinion of management, a suitable space is available, management will annually assign gardening space to an Owner.

5) PREVIOUS USE

Owners who have invested time and money establishing a garden and have properly submitted a written application notifying the Management Office of their intent to continue to do so shall be given priority to use the same garden space if management does not:

- a) Request that the Owner make reasonable allowances to move their garden to a different location because of a conflicting need of the Association, or
- b) Request that they subdivide their garden for the use by additional Owners.

6) **WAITING LIST**

When no suitable space is immediately available, the Management Office maintains a waiting list for all Owners who properly request a garden space. Placement on the waiting list will be determined by seniority, defined by the Unit purchase date and by the date on which a written request for a garden space is filed with the Management Office (see Paragraph 2). If no written request is made, the Owner will not be placed on the waiting list.

7) **PLANT OWNERSHIP**

All plants, shrubs, and/or trees become the property of MCCA and may not be removed when the Owner gives up their assigned space or moves from MCCA without approval from management.

8) **GARDENS MUST BE MAINTAINED**

If a garden space is not maintained to the satisfaction of management and/or the MCCA Grounds Committee, the assignment may be revoked after an appropriate written correspondence by management has been made to notify with assigned owner what is unsatisfactory about their maintenance of the garden space, what steps are necessary to come into compliance, and after the assigned owner's failure to come into compliance within a minimum of a two-week deadline. In such a case, the garden space will either be assigned to a new Owner, including all the contents of the garden space, or the Owner whose space was revoked will bear the costs of restoring the area to conform to MCCA's general landscape plan.

9) **GARDEN FURNITURE AND FIXTURES**

Garden furniture, garden stones, or any other fixtures must be in keeping with the general style and environment of MCCA, as determined by management and must be approved in writing by management before installation. If the items are not approved, appropriate alternatives, if they are available, will be explored with the assigned owner. No new fixture may be attached to an MCCA wall, be that the back-drive wall or a building wall, except for those that were installed prior to the adoption of this policy and procedure and are, therefore, grandfathered.

10) **FLOWER POTS**

Private flower pots are permitted, including along the back-building entrances, if they conform to the following restrictions:

- a) They may not be placed in any location that obstructs ingress or egress from the back of the buildings or the fire stairs (per Cleveland fire code).
- b) They must be properly maintained, as determined by management.

- c) They must be in keeping with the general style and environment of MCCA, as determined by management and/or the MCCA Ground Committee.
- d) They must not be objected to by other Owners in the building.

11) RISK ASSUMED BY OWNER

Owners assume all risk for the plants, furniture, or other fixtures in MCCA Common Areas/Elements. MCCA is not liable for the theft or damage of said items regardless of the cause.

12) GARDEN PATIOS NOT ALLOWED

Owners are not permitted to establish a patio in their assigned garden space, except for those patio garden spaces that were established prior to the adoption of this policy and procedure and are, therefore, grandfathered.

13) INVASIVE PLANTS RESTRICTED

Notice must be given to management prior to the installation of invasive varieties of plants or foreign plant varieties that can be unusually aggressive. Such invasive plants might be: Mints, Lemon Balms, Chinese Lanterns, ivy, or any other fast spreading plant. Management may limit the use of said invasive varieties or require that they be removed at their sole discretion.

14) PESTICIDE USE RESTRICTED

Because of the close vicinity of garden spaces one to another and because of sensitivity that other residents may have to pesticides, the use of pesticides is prohibited without prior written approval of the General Manager.

15) COMMON PATIO AREAS

Currently, the "Secret Garden" between Building #12 and Shaker Square in the front and the residents garden between the west tower and the gallery building behind the Moreland Courts building is set-aside as common patio space for the use and enjoyment of all Owners.