

June 12, 2024

Dear Elk Meadows HOA Property Owners:

At the Annual Meeting on May 25, 2024, those members in attendance discussed the responsibility of each lot owner to address (1) weed abatement, and (2) property management to minimize the risk of fire.

The Declaration of Protective Covenants for the Elk Meadows Subdivision states the following:
Section 2.5 Weed Control

a. Each Owner must prevent noxious weeds from growing and propagating on the Owner's Lot, must re-vegetate any areas disturbed by construction or maintenance with beneficial species as soon as the construction or maintenance is completed, and must comply with all applicable state and county weed control requirements

Section 2.8 No Nuisances

(v) No Owner may permit noxious weeds to exist and propagate on the Owner's Lot

Additionally, the Declaration of Protective Covenants for the Elk Meadows Subdivision states:
Section 3.2 Creation of Defensible Space

Each Owner shall create a defensible space for fire protection purposes around the residence and other structures on that Owner's Lot by reducing and removing vegetation in the manner specified in the "Wildland/Residential interface Vegetation Reduction Guidelines" which are attached to this declaration as Exhibit A.

Appendix A

Addresses specific measures to limit an uncontrolled burn in our community. Thinning of trees is required as part of the process to create a defensible space on your land.

The Covenants state the following:

Section 8.4 Disputes between Neighbors. To promote continued harmony within the development, when neighbors have a dispute or concern with one another, they agree to:

(i) First, if possible, talk to the person directly.

(ii) Second, mediate the dispute in a civil manner, keeping in mind that continued good relationships with one's neighbors is of the utmost importance. The mediator must be acceptable to both parties, both parties will share equally in the cost of mediation, and the mediator must be a full member in good standing of the Montana Mediation Association.

(iii) Third, if the first two communication attempts fail, members may take legal action to enforce the Covenants.

Section 8.5 Enforcement of this Declaration.

If any Owner or Occupant fails to comply with or violates any provision of this Declaration of the Rules and Regulations, then either the Association or another Owner or Occupant may bring an action to recover amounts owed by the Owner, for damages, for injunctive relief, for foreclosure of the Association's lien on the Owner's Lot, or for any other remedy available to the Association or the other Owners and Occupants at law or in equity.

Section 8.6 Attorney's fees.

If any lawsuit, arbitration, or other legal proceeding is instituted by the Association or any Owner or Occupant to enforce the terms of this declaration, the unsuccessful part to the proceedings will pay the reasonable attorney's fees and legal costs of all parties, as they may be approved by the court or arbitrator having jurisdiction over the proceedings.

Effective upon the mailing of this letter, The Elk Meadows HomeOwners Association is requesting that all Property Owners abide by Sections 2.5, 2.8 and 3.2 of the Declaration of Protective Covenants for the Elk Meadows Subdivision.

It was voted on and approved at the Annual Meeting that the HOA would follow a three step notification process for those Property Owners out of compliance with Sections 2.5, 2.8 and/or 3.2 of the Covenants.

June 12, 2024	Initial notification to all Property Owners of need to get into compliance with the Covenant Sections listed above.
August 12, 2024	Specific contact with those Property Owners whose lot(s) are not in compliance.
October 12, 2024	A second notification to those Property Owners who have not responded appropriately to concerns regarding weed abatement or fire safe property management. Action at this point by the Board will follow Covenants Sections 8.4, 8.5 and 8.6.

Note: as regards Weed Abatement, the Covenants read as follows

Section 5.5 Approval of Assessments by the Owners

(a) The Association does not need to obtain the Owners' approval of Annual General Assessments or Special General Assessments levied to pay the following costs:

(iii) Control of noxious weeds

At the discretion of the Board, Section 5.5 will be applied in the control of noxious weeds.

The following resources are available for Property Owners:

Weed Abatement:

The HOA has weed control equipment and herbicide available for Property Owners to borrow. Contact Mark Petroni, mrkpetroni@gmail.com

There are Weed Control companies available in the local area that will provide these services.

Fire Management

The Elk Meadows HOA webpage has a document entitled "Fire Wise and Forestry Assessment - 2022" that discusses fire danger analyzed by region within the subdivision. After reviewing the article, you could contact a member of the Forestry Committee for more detailed information.

Mark Petroni, mrkpetroni@gmail.com

Kurt Krueger, kurtjkrueger@gmail.com

Thomas Wilson, diamond_w_3@yahoo.com

The Declaration of Protective Covenants for the Elk Meadows Subdivision, Appendix A, "Wildland/Residential Interface Vegetation Reduction Guidelines," provides information on how to thin vegetation and provide defensible space in a rural woodland setting.

The responsibilities of Property Owners are included in the Covenants for the benefit of the individual owner and the Elk Meadows Community in general. The Board, at the direction of the membership, is taking these steps to ensure that the subdivision will be maintained in the manner originally agreed to by the Developers of the Elk Meadows Community.

If you have any questions please respond to this communication, or contact a Board Member using the email address listed:

Jennifer Wynn, jennlynnwynn@gmail.com

Patrick Browne, patrick@carbonbased.solutions

Regan Whitworth, regan.whitworth@gmail.com

Thank you.

Bob Wallace

Secretary

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