

GUIDELINES FOR VIEW AND BREEZE EASEMENT MAINTENANCE
RESOLUTION DATED APRIL 30, 1991

Whereas, in that certain "Declaration of Rights, Restrictions, Affirmative Obligations, Conditions, ETC., which constitute covenants running with certain lands of Sea Pines Plantation Company" recorded in the Office of the RMC for Beaufort County in Deed Book 173 at Page 46 (hereinafter the "Class A Covenants") certain easements were imposed upon the owners of Oceanfront Lots; and

Whereas, pursuant to Part II, Paragraph 3, said easements are defined as "easements of view running along the side boundary lines of oceanfront lots for a width of five (5) feet on each side of each oceanfront lot" with the specific purpose of benefiting Second Row Lots by providing "an open area sufficiently unobstructed to afford a direct view of the ocean and direct circulation of ocean breezes" (hereinafter "View Easements"); and

Whereas, Community Services Associates, Inc. has been assigned the duties to regulate and enforce the view and breeze easements herein discussed; and

Whereas, Community Services Associates, Inc. has historically assigned to the Sea Pines Architectural Review Board the duties and responsibilities of implementing the policies herein set.

Now, Therefore, the Board of Directors of Community Services Associates, Inc. (the "Board"), to better establish and define such easements hereby adopts the following guidelines for the maintenance of the View Easements:

- 1 "Trust Property" shall mean any and all land at the adoption of this policy, or which hereafter may be formed by accretion, alluvion or otherwise, and shall include any property that hereafter may erode and thereafter return by whatever means natural or manmade or assisted that is so designated on any plat filed in the Office of the RMC for Beaufort County lies between the mean high water mark of the Atlantic Ocean and the oceanfront property line of any oceanfront privately owned property within Sea Pines Plantation.
- 2 No View Easement exists in favor of any party that is appurtenant to any Trust Property and therefore, no trees, shrubs and other vegetation of any size in the "Trust Property" shall be trimmed or cut down for any reason.
- 3 No tree limbs or other plant material shall be trimmed or removed except within the Five (5') foot View Easement on either side property lines dividing the two Oceanfront Lots and lots bordering on beach walks.
- 4 No pre-existing oak tree or other hardwood, or virgin pine tree being part of the fundamental eco-system of the shoreline or any portion thereof shall be trimmed or removed under these guidelines.

- 5 No trees, shrubs or other vegetation located within the View Easement shall be trimmed, pruned or removed below the height of the highest sand dune located in front of such View Easement, nor below the average height of the vegetation within the Trust Property.
- 6 If in the opinion of the Architectural Review Board or its successors, no appreciable increase in view or breeze would be gained from the trimming or removal of the trees and plantings within the easement area due to vegetation in the Trust Property or for some other reason, then the Architectural Review Board may decline to permit trimming.
- 7 The Architectural Review Board shall have reasonable discretion in allowing or denying trimming within the View Easement area and shall base its decision on factors, including but not limited to the overall appearance of the subdivision both from the beach or ocean side and the inland side, the affect on the environment, aesthetic considerations, and other similar items.
- 8 The Architectural Review Board shall require that the Second Row Lot Owner submit a request for View Easement maintenance, in writing, on such form as the Architectural Review Board may develop and that the application shall contain the following minimum information, together with any other reasonable information required by the Architectural Review Board, the following:
 - 8.1 a certification by a registered land surveyor that the property line between the two Oceanfront Lots has been located, and that the edges of the five foot easement on either side of the property line have been located and marked with strings; and
 - 8.2 pictures from the first and second floors of the second row dwelling unit depicting the view as it exists at the time of application, together with the views from any deck, porch or other outside viewing area; and
 - 8.3 pictures from the beach showing the vegetation on the "Trust Property"; and
 - 8.4 pictures from both the ocean side of the Oceanfront Lots and any road adjacent thereto showing the easement area to be affected; and
 - 8.5 certification that no oak trees are within the View Easement area to be affected; and
 - 8.6 location and marking of limbs, shrubs, trees, and other vegetation to be trimmed with surveyors tape or other similar identification methods; and
 - 8.7 certification by a botanist, horticulturist or otherwise qualified person or company that the proposed trimming shall have no long term affect on the vegetation or plant material affected; and
- 9 Upon receipt of a completed application form and an application fee in a reasonable amount to be set and reviewed from time to time by the Architectural Review Board, the Sea Pines Architectural Review Board shall have its designated tree consultant review the application, photographs and the site including the actual branches to be trimmed as marked by the applicant and make his recommendations to the Sea Pines Architectural Review Board.

- 10 If the consultant indicates that trimming may occur without violation of the guidelines and any other covenants or restrictions developed or enforced by the Architectural Review Board, then the Architectural Review Board shall inspect the area in question prior to voting on such matter. After such inspection the Architectural Review Board shall vote on such application.
- 11 Any vote of the Architectural Review Board shall be appealable under the same terms and conditions as other Architectural Review Board rulings to the Executive Committee of Community Services Associates, Inc.
- 12 The Second Row Lot owner shall be responsible for the expense of the application, all of the expenses incurred by the Board in administering the application, including but not limited to the costs of the designated tree consultant and for the actual trimming or removal of the vegetation involved.
- 13 The Architectural Review Board shall compile a list of tree surgeons who are qualified to do work within the View Easement. The Board's qualifications shall be based on reasonable criteria developed in consultation with its tree consultant.
- 14 The Architectural Review Board, in its sole discretion, may require a substantial bond, to be provided by the applicant, to insure the compliance of the actual work performed to the work proposed in the application.
15. The Architectural Review Board shall have, and is hereby assigned such authority as is necessary to carry out the matters herein assigned to it.