

SILVER CREEK

c/o JCHiggins&Associates

PO Box 731029

Puyallup, WA 98373

August 17, 2015

We have reviewed the request for reconsideration of the decision not to approve your request to restore the views for the homes on the rim in Greyhawk. It is the Silver Creek HOA Boards decision that this request be denied for the following reasons.

The area in question is a common area labeled as a Community Park and not a Native Growth area. The main concern of these Community Parks is to ensure that the vegetation is not compromised and the hazardous slopes be put at risk of a compromise. Any changes to any Community Park will require the consideration as to the impact of the communities impacted.

We examined all the document submitted and others we got from research to ensure we were well informed as we considered this request. There are a few major problems with your request. First, what the tax assessor charges you is between the homeowner and the county assessor. This has nothing to do with the requirements of the CC&Rs and the requirements of the Silver Creek community. This is not a Silver Creek HOA issue.

Second the paperwork that Benum first submitted had three requirements and only one of the requirements was met. Benum needed to get the CC&Rs changed and failed to do this. The paragraph they cited was for view maintenance on the homeowners' lot and not the common area. See following:

*Master CC&Rs Section 7.7 Pruning and Vegetation Removal in Native Growth Protection Area Pruning of trees for view maintenance or solar access within a Native Growth Protection Area **located on an Owner's Lot** shall be permitted only upon prior written approval of the Association. Such approval shall be granted only after the Association has determined that the proposed pruning will not endanger soil stability, will not defeat the intent or purposes meant to be served by the establishment of Native Growth Protection Areas and will not adversely affect the tree or trees to be pruned.*

Benum was required to cut and replace any tree that dies from direct or indirect causes. Nothing was set up to insure this would be enforced. Since the requirements set by the county were never met, permission to prune the forest was never granted. Also the initial request by Benum was only for lots 8 to 26, not the whole rim. It is the legal opinion of the HOA attorney that the requirement set by the county were never met.

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All attempt to convert this to an ACC request are wrong. The ACC is a committee that works for the HOA Board. This committee is responsible for changes on individual lots. They have no responsibility or authority over common areas. The HOA board is solely responsible for any maintenance or expenses on common areas.

In the past all trimming, pruning and topping of the trees have been done with complete disregard for the forest that helps stabilize the slopes. Since the first topping there has been a significant part of the forest lost that was never replaced. Since previous boards have failed to address this issue for so long the HOA attorney has opined that too much time has passed and to charge any individual for the cost of cutting and replacing the trees that have been lost would be wrong. It would be too difficult to identify who is at fault now. The cost now will be borne by the whole community.

As result of the facts stated in this letter your request to reconsider your request to trim the forest in the Community Park, phase IV is denied. This decision is final and not subject to any further review.



Robert U Schultz Jr.
President/Homeowner
Silver Creek Association



Michael Morrey
Vice President
Silver Creek Association



Timothy Ramsey
Secretary
Silver Creek Association



Mario Sericolo
Member at Large
Silver Creek Association