

**Rules and Regulations  
for  
Big Hill Property Owners Association, Inc.**

**Maintenance of Trees**

The law of fallen trees in North Carolina is based largely on the legal theory of negligence. According to principles of negligence, the owner of the property from which the fallen tree originated will be liable only if the owner knew that the tree was hazardous, or such hazard was obvious.

- A. This rule pertains only to trees on an owner's property that are located within, overhanging or abutting common areas shared by the residents and owners of property in the Big Hill community, including roads and designated green space. Excluded are trees located within an owner's property that are not located within, overhanging or abutting common areas shared by the residents and owners of property in the Big Hill community. Specifically excluded are Lightning Path, Bear Paw, and Twisted Tree roads, which are shared private driveways serving only the lots located thereon.
- B. The Big Hill Property Owners' Association will be referred to herein as the "Association."
- C. If the Association becomes aware of a hazardous condition abutting a common area road or other common area, such as by way of example a dead tree or a dead limb on a tree, the Association may, but is not obligated to, notify the property owner of said condition.
- D. If the property owner does not remedy the situation, the property owner shall be liable for damages incurred by the Association related to such situation to the extent provided by North Carolina statutory or common law.
- E. In addition, if the property owner does not remedy the situation within ninety (90) days after a notice given by the Association to the property owner pursuant to paragraph C above, the Association shall have the right at its option, but not the obligation, to remove the dead limb or tree as determined by the Association in order to remove the hazardous condition. In such event, the property owner shall reimburse the Association for all expenses incurred by the Association within thirty (30) days after receipt of an invoice from the Association for such expenses. If the property owner fails to do so, the amount to be reimbursed shall bear interest at the same rate as assessments made by the Association. If not paid before issuance of the next succeeding bill for annual assessments, the Association may at its option add the amount of such reimbursable expenses and interest thereon to the property owner's annual assessment.
- F. If a dead tree or a dead limb falls from an owner's lot onto the Association's roads or other common areas, the Association will notify the owner and clear the obstruction to allow passage. If the road is blocked, the Association has the right to remove the tree to allow passage prior to notification. The tree will be cleared or cut back to no further than the road right-of-way line. The debris cleared will be the property of the Association. The property owner shall bear the expense thereof, to be reimbursed to the Association in the same manner as provided in paragraph E above.
- G. If a tree or limb located on one owner's lot falls on another owner's lot, it is not the Association's responsibility and the Association shall have no liability with respect thereto.