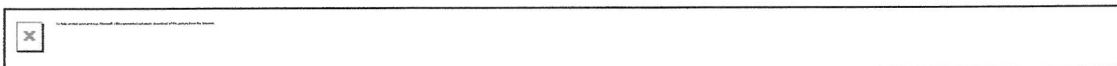


## Kip Peregoy

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**From:** Carolina Colours <svincent@carolinacolours.com>  
**Sent:** Thursday, March 19, 2020 2:52 PM  
**To:** Kip Peregoy  
**Subject:** Trees in Carolina Colours

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### TREES IN CAROLINA COLOURS

Recently your Association has had both a number of requests to cut down trees and a number of complaints about the number of trees that have been removed. We therefore believe that it is timely to restate information that has been circulated several times in the past, both for the benefit of newer residents and as a reminder to those that have been here a good while. While I am a lawyer I am not giving to any one legal advice but rather stating my understanding of the law in North Carolina.

Carolina Colours is fortunate to have a vegetated community with some topography. This is a feature that sets us apart from many other communities and which adds to the marketability of our properties, including resales. Taberna is a good example of a community which saw its resale market damaged by lack of trees following both natural events and ensuing tree removal. While it is human nature after a storm to be concerned about a tree hitting one's home in a future storm and it is true that a few homes have been damaged in past storms, the vast majority of our homes have escaped damage. As I have often stated in the past, the fundamental character of our community would be drastically changed if all pine trees that could conceivably hit a home were removed. Many of you would not have purchased here in the

first place had we allowed such rampant cutting. So please remember the following:

- No tree can be removed without approval of the Association, following review by Kip, who is a trained forester.
- No tree removal will be authorized just because it may hit a structure in a strong storm.

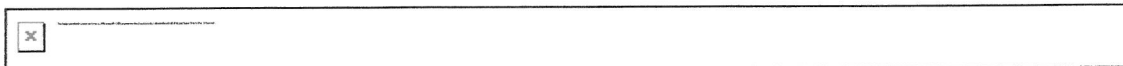
The Association will allow trees to be removed in some circumstance, included disease, damage, unusual leaning and extreme proximity to structure. In some instances, replanting of another species of tree will be required.

Some owners have expressed concern about possible liability if a tree on their property falls and hits a neighboring home. There is ample case law in North Carolina that does impose liability in such an event, but only if the property owner had knowledge or reasonably should have knowledge that the tree was posing a damage to an adjoining property because the tree was unhealthy, damaged or had a significant lean towards the adjoining structure. **To my knowledge there is no law in North Carolina imposing liability when a healthy tree that is growing normally is felled by storm or other natural events and hits a neighboring structure or vehicle.**

There are always a few owners that take the position that they will do what they want and take the consequences if caught. That is unfortunate, but reality. If we learn of such, we will exercise our authority to fine and will generally require replanting. We hope this remains a rare event.

We deeply regret any damage that occurs in a storm and we recognize that insurance can help but may not fully cover loss and certainly does not eliminate inconvenience. The price to pay to totally eliminate this possible is too high to dictate policy. We need to protect our community property values and aesthetics and to exercise good environmental stewardship. For those that want to enjoy Carolina Colours with no tree exposure, we have Bayberry and Carolina Commons, both nice communities. We appreciate your cooperation.

Kenneth Kirkman  
President, Carolina Colours Association, Inc.



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