

Willow Lakes RV Resort Condominium Association

Tree and Root Policy

If the Association is notified by an owner that a tree on Common property is diseased or dead and has the potential to fall on adjacent property and cause damage, the Association will employ an arborist to provide a written opinion to the Association as to the status of the tree and the steps to be taken with the tree in question. If the arborist opines that the tree is diseased or dead and should be removed, the Association will make the necessary arrangements to have the tree removed. The Association can be held liable for damage caused by a diseased or dead tree after the Association is on notice as to the condition of the tree. If the arborist opines that the tree is otherwise healthy or alive and is not required to be removed, the Association will not remove the tree. The Association cannot be held responsible for any damage to person or property if a healthy tree or trees fall onto adjacent property. Once the Association is put on notice of the questionable health of a tree on Association property, the Association will act within 30 days to make a determination on the health of the tree or trees to avoid potential liability. Further, the Association is not responsible for the natural growth of tree roots or branches that encroach onto another owner's property. Florida law is stated as follows: "a possessor of land is not liable to persons outside the land for a nuisance resulting from trees and natural vegetation growing on the land. The adjoining property owner to such a nuisance, however, is privileged to trim back, at the adjoining owner's own expense, any encroaching tree roots or branches and other vegetation which has grown onto his property." The reasoning behind the law is that there would be too many cases brought before the Court for damage caused by the natural growth of tree branches and roots. The owner whose property is being affected or damaged by the roots or branches of a tree on Common property can trim the branches and roots back to the owner's property line. However, the owner must be very careful not to damage the tree. If a healthy tree on Common property is a nuisance to an owner, that owner can provide a written request to the Association to have the tree removed at the homeowner's expense. The Board of Directors will review these requests on a case-by-case basis.