

**MINUTES OF MEETING
FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT #2**

The Board of Supervisors of the Fiddler's Creek Community Development District #2 held a Regular Meeting on November 14, 2018 at 10:00 a.m., at the Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present at the meeting were:

Elliot Miller	Chair
Victoria DiNardo	Vice Chair
Bill Klug	Assistant Secretary
Linda Viegas	Assistant Secretary
John Nuzzo	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Carrie Robinson (via telephone)	Special Counsel
Ron Albeit	The Foundation
Tony DiNardo	Developer
Marie Puckett	Fiddler's Creek Security
Linda Hoekstra	Resident
John Foster	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m. All Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Mrs. Adams stated that Mr. John Foster, resident, submitted a comment card inquiring about the status of Dorado and Publix. Mr. Miller stated that both items will be addressed later in the meeting. Mr. Foster agreed to wait.

Mr. Miller stated that, at yesterday's Board of County Commissioners (BOCC) meeting, the Manatee Park conversion to affordable housing was defeated. The original proposal was to build 751 units, then it was reduced to 441, and now there will be no units. His presentation at the meeting can be watched on TV. He received many notes of gratitude and the one that moved him most was from a resident on Roost Road thanking him for his efforts. Those in attendance expressed their thanks to Mr. Miller for his efforts on this cause.

THIRD ORDER OF BUSINESS**Special Counsel Update**

Ms. Robinson stated that, despite Special Counsel's efforts, U.S. Bank's motion to bifurcate the cases was approved for trial only. CDD #2's case will be against U.S. Bank and ITG and CDD #1's case will be against U.S. Bank. CDD #2 will most likely go first because CDD #2 filed first. Judge Hardt recommended the cases be tried back-to-back, but that decision will be up to the new judge who takes over in January. The cases are still scheduled to go forward on the court's four-week trial docket sometime between April 24 and May 24, 2019. Unfortunately that does not mean the cases will definitely go to trial during that period, as many cases are set for trial during that time period. She explained the process and steps leading up to trial and what determines which cases actually go to trial. Despite the uncertainty, Special Counsel must prepare as if it is certain the cases will go to trial. Discovery cutoff is December 14.

Ms. Robinson stated that Mr. Reyes is taking the deposition of Mr. Scott Strodthoff this Friday. The next depositions will be ITG key players and expert discovery will continue. Mr. Miller stated that Mr. Strodthoff is the one who makes the determination about settling or going to trial; he met with Mr. Strodthoff early in this case.

Mr. Miller recalled that the pre-trial order provides for non-binding arbitration and the District will move to substitute mediation and asked when that would be done. Ms. Robinson stated she corresponded with U.S. Bank and they agree with mediation but ITG does not. ITG filed its own motion seeking to push this forward to arbitration. Today, Special Counsel will file the District's motion indicating U.S. Bank's agreement with the District to dispense with the arbitration and the judge would make the decision. Mr. Miller asked if it would go to Judge Hardt. Ms. Robinson said Judge Hardt's calendar has little time left before he leaves; it is up to the court to assign it to a judge after the motion is made. Mr. Miller asked when it will be

known which judge will hear the motion. Ms. Robinson stated that she does not know; it is the court's decision.

Mr. Miller asked for an update on the interpleader case. Ms. Robinson stated that Wilmington Trust (Wilmington) is now a party to the interpleader case, which was necessary, given the relief that ITG was seeking and it was something that only ITG could do. As part of their answer and affirmative defense, Wilmington asserted a cross claim against the District seeking to be indemnified and/or reimbursed for their legal fees in these proceedings. Special Counsel filed an answer and affirmative defenses to that claim yesterday.

Ms. Viegas asked how Mr. Reyes' surgery went. Ms. Robinson said very well. Mr. Miller asked if he could listen to Mr. Strodthoff's video deposition. Ms. Robinson would check.

Ms. Robinson left the meeting.

FOURTH ORDER OF BUSINESS

Developer's Report/Update

Mr. DiNardo gave a slide presentation regarding the Master Plan, focusing specifically on CDD #2 and areas sold to Taylor Morrison. He highlighted the following:

- Sections D-2 and A-1 contained 1,250 units that were sold to Taylor Morrison and those units will not be part of Fiddler's Creek. There will also be a road going into the Publix commercial site from this new community. That community of 1,250 units will have a separate entrance with no rights to the road system or facilities or amenities within Fiddler's Creek. Fiddler's Creek can sell Golf and Tarpon Club memberships to the residents of that community.
- The remaining 500 units in Oyster Harbor, which is section A-2 of the diagram, will be part of Fiddler's Creek. The 1,250 units being sold still remain part of the Fiddler's Creek Planned Unit Development (PUD), which means they have the same restrictions from the County as Fiddler's Creek. The Fiddler's Creek PUD is for 6,000 units; 1,250 of those units are being sold to Taylor Morrison as noted. There are 1,900 units still to be built in Fiddler's Creek and the Developer has decided they will not sell any more land for those 1,900 units to any outside builders and they will be constructing those 1,900 units.
- Dorado Village: A drawing of the new fourplex model to be built on Dorado Lane was shown, which will be Dorado Village. It is a brand new design that has a very "beachy" appearance. The model will be at the beginning of Dorado Lane, right behind the Aviamar

fountain. These units will start at about \$650,000. The top units will have 3,200 to 3,600 square feet (sf.) and the lower units will have 2,500 to 2,800 sf.

- This same presentation will be given at The Foundation meeting on November 27.

Ms. Viegas asked for the projected completion date for the model on Dorado Lane, since the land was leveled weeks ago, with no further progress since then. Mr. DiNardo stated they ran into permitting problems but hope to resolve those soon. Ms. Viegas asked if the Developer had a time frame or projection of when all 1,900 units would be completed. Mr. DiNardo stated it is based on the market.

Mr. DiNardo stated that an increase in fees will be voted on at The Foundation meeting. Specifically, the plan is to increase the capital acquisition fee, which has been \$15,000 for the last 13 years, to \$18,000. The capital reserve fund fee will be increased from \$1,500 to \$2,000. The delta will be the catalyst to build the linear park. He believes there is about \$3.9 million in escrow for the wellness center; per his previous commitment to start building it when 400 units were sold in Oyster Harbor and, based on the number sold to date, he projected that they will be close to the 400 at the end of 2019 and will start planning the wellness center then. Since 1,250 units were sold to Taylor Morrison and will no longer be part of Fiddler's Creek, the design will change and most likely be smaller than originally projected. In response to a question about the timing for the park, Mr. DiNardo stated that it will be a function of the funds accumulated; the Developer might phase it in.

Mr. DiNardo stated that Publix approved everything for the building of its facility and the closing is planned for December, 2019; he estimated it will then take a year to build the facility and the projected opening is 2020/2021. Publix just requested to close early but he is not sure if that will impact the timing. The Publix will be 51,000 sf., with a drive through for pharmacy and grocery pickup; the store will also offer home delivery.

Mr. Foster, resident, asked if a traffic light will be installed on US 41. Mr. DiNardo replied not until traffic volume justifies one but, once Publix opens, more traffic will be generated, which should justify a traffic light. Mr. DiNardo noted that the litigation discussed earlier is very important, as it relates to the traffic light, because the funds that were misappropriated were supposed to be used for the traffic light on US 41, which CDD #2 is expected to pay for, since CDD #1 paid for the light on Collier.

Ms. Linda Hoekstra, resident, asked if the 1,250 unit owners being sold Golf and Tarpon Club memberships can be gold members. Mr. DiNardo stated that the Developer knows they must build the facilities and is aggressively planning the facilities but will not build facilities just for the sake of building them; the Developer will build the facilities when they are economically viable. Ms. Hoekstra asked if it will be private memberships and not the annual and shorter memberships being offered now. Mr. DiNardo said they are looking at a more limited strategy for the Golf Club and it could eliminate the annual and monthly memberships currently being offered.

FIFTH ORDER OF BUSINESS**Engineer's Report: *Hole Montes, Inc.***

Mr. Cole presented Requisition #146 for the Series 2005 Bonds, in the amount of \$22,924.45; \$14,907 for work related to closure of the construction road in Veneta, \$6,779.95 related to utility acceptance for sewer video work in Lagomar, and \$1,237.50 in soft costs from GradyMinor related to final acceptance. Mr. Miller asked about the "TV" fee in the Sewer Viewer invoice. Mr. Cole explained that the sewers are video inspected for defects and issues. Mr. Klug referred to the \$14,907 Naples Trucking invoice and asked why there was only a lump sum number for the removal of asphalt and why more detail was not included. Mr. Cole stated that the work was bid as a lump sum to which the District agreed to; the cost was within the budgeted amount.

Mr. Cole distributed an update on Hurricane Irma and noted the following:

- The CDD #2 landscape review was completed and punch list items remained.
- The villages should be completed in November.
- Street lights, signage, and fencing are mostly completed; a few punch list items are left in each area.

Mr. Klug submitted photos regarding gaps in hedges in Veneta. Mrs. Adams stated she would address those.

Mr. Klug stated that, now that the construction road is closed in Veneta, the trucks will go around the fountain and the pavers are coming apart in two areas; he had submitted photos. He asked Mr. Cole if the areas should be fixed now or after construction is completed. Mr. Cole will review the areas.

Mr. Klug stated that the four benches around the Veneta fountain have deteriorated due to age and are in need of repair or replacement. Mr. Miller noted the condition of the bench at the new lake. Mr. DiNardo stated that bench is being taken care of by the Restoration Plan, because it was damaged by the hurricane. Ms. DiNardo asked if there was a maintenance program for the benches. Mr. Adams stated that there is not much to do to maintain them; they are generally replaced. Mr. Miller asked for the cost to replace the four benches around the Veneta fountain. Mr. Adams projected \$500 to \$1,000 per bench; he would obtain quotes.

Mr. Cole distributed and reviewed an Easement Vacation Application letter for Dorado at Fiddler's Creek. Ms. Viegas asked if this was related to the letters that GradyMinor sent to homeowners in Millbrook, as she received a lot of questions. Mr. Cole stated that he did not know; this came to CDD #2's attention and Mr. Adams asked him to present it. Mr. Miller asked if Mr. Pires had seen the letter. Mr. Pires did not believe so. Mr. Miller asked Mr. Pires to review it, since he had not. Mr. Adams noted that this part is an engineering matter and the vacate agreement was the legal part that Mr. Pires would be involved in. Mr. Pires asked if this was why the utility line was not yet conveyed to the County. Mr. Cole believed that it was conveyed to the County; they are removing a short portion of the sanitary sewer line. Mr. Pires asked if the easement being requested is a utility easement that it is placed in because, if so, the Grant of Easement (GOE) is also typically granted to the County, where the County has an easement, otherwise it would not accept conveyance of the utility. Mr. Miller asked what the easement is for. Mr. Cole stated it is an easement for a sanitary sewer line and pointed out the location on a slide. Mr. Miller asked who the easement runs in favor of. Mr. Cole replied Collier County. Discussion ensued regarding why the County might be requiring an easement. Mr. DiNardo stated that the Developer applied for the easement; the County is asking the District to sign off on the easement vacation with no objection to it. The sanitary sewer line is needed in order to develop the Dorado village.

Ms. Viegas asked about a street light at the end of Dorado Run Court, where the easement is noted, because the plan stated it would be removed. Mr. DiNardo stated it will be relocated somewhere else, based on the fourplexes. Mr. Miller stated the Board had no objection to vacation of the easement, unless Mr. Cole discovers any utilities that the District needs, such that the District cannot vacate the easement, or if Mr. Pires finds any issues in his review.

On MOTION by Mr. Miller and seconded by Mr. Nuzzo, with all in favor, authorizing a No Objection to Vacation of Easement, subject to the District Engineer's review and confirmation that there are no utilities in the easement that the District needs, such that the District cannot vacate the easement, was approved.

Mr. Cole presented a request from GradyMinor to cross over a CDD-maintained drainage easement. This is related to a proposed wall that would be connecting to the easterly end of the wall at the Sandpiper Drive entrance and extend down the west side of Sandpiper Drive. The request stated that they are requesting to cross over a CDD-maintained drainage easement that connects the storm water drainage of Sandpiper Drive to the lake in Aviamar, with a concrete wall. The wall will be over the storm water pipe and there is sufficient clearance to not be an impact. CDD #2 will own and maintain the wall and it already owns and maintains the storm water drainage. He recommended that CDD #2 have no objection to the request. Mr. DiNardo stated that the wall is being paid for by CDD #2 construction funds.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, the request to cross over a CDD-maintained drainage easement, was approved.

Mr. Cole stated, after this meeting, he would meet with LandCare to review the two low lying sidewalk areas on Museo that were discussed at the last meeting. Discussion ensued regarding what might have caused the condition.

Ms. Viegas asked Mr. Cole if he had found a contractor to do the sidewalk and curb repairs in CDD #2. Mr. Cole stated that he received a proposal for CDD #1, which was four times the cost it should be, so he is still trying to locate another vendor; he is reaching out to Naples Pavers, who has worked for the District in the past. Ms. Viegas expressed her concern regarding the repairs, as more residents were coming back for season.

▪ **Consideration of Juniper Landscaping of Florida LLC, Tree Trimming Proposals**

This item, previously the Seventh Order of Business, was presented out of order.

Mrs. Adams recalled the discussion last month regarding the Developer's request to do a three-year crown reduction on the trees along Creative Lane. The Developer owns the first section and the District owns the rest. Since the District already maintains the area, the District

asked for an assignment agreement so the District can pay to trim the trees in the first section. Juniper, who is responsible for clearing out the staging area, was asked to submit a proposal because Mr. DiNardo felt they would be cheaper. The crown reduction was being requested as it buffers the future linear park.

Ms. Viegas asked if the cost is included in the budget and if the proposal was for three years or just the first year, since it did not specify. Mrs. Adams stated that it was included in the budget and the proposal is only for the first year. New proposals would be requested next year, and the year after.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, the Juniper Landscaping of Florida LLC, Tree Trimming Proposals, for one year, were approved.

SIXTH ORDER OF BUSINESS

Consideration of Gate Arm Replacement Proposals

- A. Affordable Openers**
- B. Megaarm.com**
- C. TEM Systems**
- D. Av-Tech**

Ms. Viegas asked why the proposals were not consistent, as it made it difficult to compare them. Ms. Puckett stated that, based on her calculations, she was recommending AV-Tech, who submitted the lowest proposal. Mr. Miller asked Ms. Puckett if she was familiar with AV-Tech. Discussion ensued regarding the gate arms and other gate functions.

Ms. Viegas stated that AV-Tech was not the lowest priced, because, according to the proposals, their price per gate was higher than the other bidders. Ms. Puckett stated that two of the bidders are online vendors so the freight and shipping expense, which was not included in the proposals, would be expensive. TEM Systems was less but they are the current provider and she was not happy with them.

Mr. Nuzzo asked if the \$9,425 price includes installation. Ms. Puckett replied affirmatively. Discussion ensued regarding the length of the gate arms. Mr. Miller asked if any inventory would be kept. Ms. Puckett replied affirmatively; one of each gate arm, as they are

two different lengths. In response to the question of how many the District goes through, Ms. Puckett replied a lot, recently. Ms. Viegas asked if AV-Tech would still honor the \$9,425 pricing, since the proposal was dated May 21, 2018. Ms. Puckett replied affirmatively. Discussion ensued regarding insurance on the gates, whether there is any trade in value on the arms and if the District pursues people who damage the gates, etc.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, the AV-Tech proposal, in the amount of \$9,425, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Juniper Landscaping of Florida LLC, Tree Trimming Proposals

This item was presented following the Fifth Order of Business.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Woodward, Pires and Lombardo, P.A.*

Mr. Miller provided a recap of the storm water fee issue involving the County, which was discussed at the last meeting.

Mr. Pires stated he was not able to attend the BOCC meeting yesterday but understood that the BOCC did not take action but referred it to the productivity committee. He believed the committee meets on December 13. He would meet with numerous people from other communities, on Monday, to learn what is going on and the impact on and from CDDs and will email the Board after the meeting. He believed two or three commissioners are against the fee, but some commissioners are in favor of it.

Mr. Miller asked Mr. Pires and Mr. Cole to attend the December 13 productivity committee meeting, if possible. Mr. Miller suggested that Mr. Pires send his presentations to the productivity committee, prior to that meeting. Mr. Pires already planned to do so. Mr. Miller asked Mr. Pires to ask Mr. Schmitt, from CDD #1, to also attend.

Discussion ensued regarding the quality of the report being used by the County, the productivity committee, etc.

B. District Manager: *Wrathell, Hunt and Associates, LLC*

- i. **NEXT MEETING DATE: December 12, 2018 at 10:00 A.M.**

The next meeting will be held on December 12, 2018 at 10:00 a.m.

C. Operations Manager: *Wrathell, Hunt and Associates, LLC*

Mrs. Adams stated the Board received her report in advance. She reported the following:

- A proposal for \$8,000 was received from Lykins-Signtek (Lykins) to restore the name plates on the Veneta entry monuments. If other bids cannot be obtained, she wants to give Lykins approval to proceed.
- The Aviamar stone bench was repaired.
- The wind sensor on the Aviamar fountain was reduced from seven mph to five mph so the chemicals from the fountain would not blow onto the new plantings. Since the dry season is commencing, the speed was increased back to eight mph, but the system will shut down, when necessary. Ms. Viegas stated it is better and not going down as much.
- Lake Erosion Repairs in Veneta: DR Horton asked GulfScapes to oversee the repairs but they declined, since they are not completing the repairs. Once completed, Mrs. Adams will inspect the repairs with Mr. Cole.
- Lake 85 Littoral Shelf: Lake 85 abuts Callista Court and Aviamar Circle. A resident asked if there was anything that could be done to improve the appearance of the littoral shelf. The wax myrtles were cut back to promote new growth after being damaged by Hurricane Irma. Many of them have died and she would like to replace them all with cord grass. Mr. Cole was asked if the District would be in violation of its permit for the littoral shelf with this type of replacement. Mr. Cole stated that it would not be a violation.

Ms. Viegas asked if all the wax myrtles should be replaced because many are showing new growth, while others are definitely dead. Mrs. Adams said all would be replaced. Mr. Klug felt that a precedent would be set. Mr. Miller stated the question is if it is a good idea to replace plants that are growing, rather than just the dead ones. Mrs. Adams felt that it would be a good idea because it would be more aesthetically pleasing. Mr. Klug stated that could open the District up to requests from other residents who do not like plants in other littoral shelf areas. Discussion ensued regarding the condition of the wax myrtles, whether they were completely dead, etc. Mrs. Adams would obtain the cost to replace only the dead myrtles.

- Landscape Beds: Since Juniper completed the restoration plantings, Staff inspected them and identified 21 landscape bed areas between Museo Circle and Campanile

Circle that require additional fill in or replacement plants. The areas and suggested plantings were reviewed with Ms. Cathy Feser and sent to the Design Review Committee (DRC) for approval. A \$34,342 quote was received from LandCare, which was within budget, and an additional quote had been requested from Juniper Landscape.

Mr. Klug requested that the LandCare proposal be included as an attachment to the minutes.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, authorizing Staff to proceed with the proposed landscape work, in a not-to-exceed amount of \$34,342, was approved.

- White Fly: Multiple areas were treated in October. Discussion ensued about the need for the villages in the community to treat for white fly. Mr. Albeit will email the villages and property management companies asking them to treat as well.
- Mulching is scheduled to commence on December 3.
- Irrigation: The Irrigation Design Group will attend the December meeting; they did not realize the November meeting was early, due to Thanksgiving.
- Street Light Replacement: The street light for Aviamar and Amaranda was ordered and installation should be completed in the next week. The cost was \$4,269. The invoice was sent to Mr. Albeit, as Mr. DiNardo asked to assist with recovering the cost from Pulte or Lennar.
- Street Light Pole and Signage Painting: The project is underway and should be completed soon.

Mrs. Adams reviewed some other outstanding street sign issues.

- Pressure Cleaning Rust Stained Areas: At last month's meeting it was stated the rust stains on the streets were due from the rotting vegetation in the bottom of the ponds coming out the irrigation heads. Based on further inspection of the rust stains on the streets and since the staining is not everywhere, Staff believed it is from fertilizer runoff. Chemical cleaner information was given to Ms. Puckett so the stains can be pressure washed. Concerns were raised regarding runoff into the drainage system.

Ms. Puckett distributed the Safety department monthly status report. Mr. Miller asked about the number of irrigation repairs. Ms. Puckett stated the number was high, due to all the

replanting by Juniper. Mr. Miller asked about the large number of civil complaints. Ms. Puckett stated they were mostly noise complaints from neighbors about loud parties, dogs barking, etc. Mr. Miller asked about the large number of parking violations and what happens. Ms. Puckett confirmed that the District has a lot of parking issues; violators are asked to move their vehicles, stickers are attached, a report is filed after numerous violations, etc.

Ms. Viegas asked about the outstanding items on the financials presented at the last meeting, especially the \$46,985 landscaping contingency expense, the \$15,669 street light contract charge, and the \$0 charge for access control. Mrs. Adams did not have a chance to research them. Ms. Viegas asked Mrs. Adams to email her with her findings.

Mr. Pires stated he reviewed the BOCC meeting information and found that the storm water fee issue was moved to the productivity committee who was asked to come up with three specific alternative solutions and present them at the February, 2019 BOCC meeting. Mr. Miller hoped that dropping it all together was one of the alternatives and he asked Mr. Pires to make that point.

NINTH ORDER OF BUSINESS

Supervisors’ Requests

There being no Supervisors’ requests, the next item followed.

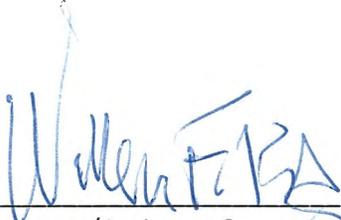
TENTH ORDER OF BUSINESS

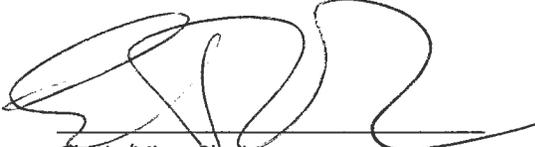
Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, the meeting adjourned at 11:38 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair

ATTACHMENT

Fiddler's Creek CDD2 Veneta
 8152 Fiddlers Creek Pkwy
 Naples, FL 34114
 (O)239-498-9020
 (C)
 crismondc@whhassociates.com

Kenneth Flage
 kenneth.flage@landcare.com
 CO # 3123358
 November 7, 2018

Authorization for Extra Work - PLANT REPLACEMENTS FOR SPLIT LEAF BEDS ON MUSEO AND CAMPANILE CIRCLE

LandCare hereby submits specifications and estimates for the following work: Removing old split leaf philodenron plants from beds on Museo and Campanile circle and install new plantings. No pine straw is included in proposal and Please see attach for drawings

<u>Qty</u>	<u>UOM</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
207.00	Each	Arbicola trinette #3	\$12.50	\$2,587.50
133.00	Each	Dwarf Firebush #3	\$12.50	\$1,662.50
87.00	Each	Mammy Croton #3	\$14.50	\$1,261.50
84.00	Each	Petra Croton #3	\$14.50	\$1,218.00
45.00	Each	Gold Mound Duranta #3	\$12.50	\$562.50
40.00	Each	green arbicola #3	\$12.50	\$500.00
10.00	Each	Dwarf Red Ixora #3	\$12.50	\$125.00
125.00	Each	Coco Plum #3	\$12.50	\$1,562.50
225.00	Each	Arbicola Capella #3	\$12.50	\$2,812.50
90.00	Each	Arbicola trinette #7	\$45.00	\$4,050.00
290.00	HR	labor to remove plants and prep bed	\$40.00	\$11,600.00
160.00	HR	labor to install	\$40.00	\$6,400.00
			SubTotal	\$34,342.00
			Tax	\$0.00
			Total	\$34,342.00



Warranty:

All new woody plant material will carry a one year material and labor warranty. This warranty will be honored only if the plant material is watered, fertilized and maintained to defined standards. This warranty is limited to a one time replacement. This warranty is subject to payment of the original invoice being made within the terms of the sale and account being current.

PAYMENT TERMS:

Payment terms are Due Upon Receipt. A service charge of 1.5% per month will be added to all balances not paid within thirty (30) days of invoice date. This represents an annual rate of 18%. In addition to all service charges there shall also be paid the reasonable costs of collection including attorney's fees and court costs.

By _____
Kenneth Flage

Date 11/7/2018
LandCare

By _____

Date _____
Fiddler's Creek CDD2 Veneta