# MOUNTAIN TRAILS COMMUNITY ASSOCIATION HOA

% Kinney Management Services 6303 S Rural Road Tempe, AZ 85283

> OPEN SESSION MEETING FEBRUARY 19, 2024

# CALL TO ORDER:

## **ATTENDANCE:**

# **MINUTES:**

Review and Approval of January Meeting Minutes (attached)

# FINANCIALS:

December 2024 and January 2025 Financials (attached)

# **OLD BUSINESS:**

Block Wall – East side – Neighboring HOA (legal opinion pending) Perimeter Fence – Repair and paint proposal received (additional bids pending) Pool lighting – Proposal for Motion Sensors requested (attached) Pool furniture – Inventory (updates received and submitted for revised estimate)

# **NEW BUSINESS:**

Agave – Entrance lighting (attached) Agave – Spring Planting (attached) Homeowner installed exterior lighting

# HOMEOWNERS SESSION: (2 MINUTES PER OWNER)

# **ADJOURNMENT:**

# MOUNTAIN TRAILS COMMUNITY ASSOCIATION HOA

% Kinney Management Services 6303 S Rural Road Tempe, AZ 85283

OPEN SESSION MINUTES JANUARY 15, 2024

# CALL TO ORDER: 7:04PM

## **ATTENDANCE:**

Robert Anderson, Kevin Busdeker, Kristen Mattes, Valerie Flower and Karon Thomas for the HOA; Jayna Van Den Einde for Kinney Management Services and there is 1 homeowner joining the meeting.

## **MINUTES:**

The December Meeting Minutes were reviewed. Kevin motioned to accept the minutes; Robert seconded and all say "I".

# **FINANCIALS:**

The December financials were not available for review. They will be reviewed in the February meeting.

# **OLD BUSINESS:**

- The Weather Matic valves have all been installed. Jayna suggested the Board get a tutorial from Agave on how the system operates. Robert asked about the water leak reported and Jayna communicated that it was gophers that chewed through the valve. Kevin then asked about the water flowing from the concrete box in the "planter" located in the natural area off Baseline. Jayna called the city but they would not provide any information as she is not listed on the account. Misty, head of accounting, will send that authorization to the city to add Jayna. Val communicated that it may be SRP's, not the city's. Kevin asked about how Agave operates their inspections/zones for trimming, etc. Val stated that the map is located in the HOA binders each Board member has. Kevin mentioned Agave needs to cap the drips where plants have been removed.
- Robert discussed the insurance renewal which is due. Jayna communicated that at the time of budgeting, the insurance was projected to increase 15%. Unfortunately, the actual increase year over year was 19%, which is approximately \$200 higher than budgeted. Kevin recommended that we shop for alternate coverage each year to see if we can capitalize on savings. Kristen asked if there is buying power to sign multiple HOA's. Jayna will ask the question. Jayna will shop prior to budgeting for 2026.
- Jayna asked if there was any other discussion for Old Business. There were none.

# **NEW BUSINESS:**

- Jayna discussed the perimeter wall on the east side near the canal that is failing. She has requested multiple bids but wanted to provide what had been received so far. She also reached out to the adjacent HOA (The Groves at South Mountain). Both VIVE Construction and Just Right Masonry stated that the integrity of the wall is compromised and they recommend the entire length be replaced. Both bids approximately the same at \$36K. VIVE also provided proposal for the rust, repair and paint of the wrought iron fencing. That proposal also around \$39K. Val stated that wall was originally installed prior to Mountain Trails construction approximately 20 years ago. Val will reach out to her point contact Chad Cooper to get additional information on the wall. Kristen asked if there is any recourse that can be pursued with Beazer. Val questioned the responsibility of the homeowners in the Groves not taking care of their yards, where on the Mountain Trails side it is a common area. Robert suggested getting a legal opinion. The Board unanimously approved Jayna to reach out to the attorney. Val will review back documentation from the litigation with the city to see if there is anything there.
- Kevin asked if there were other bids for the perimeter fence painting. Jayna requested additional bids and all will be reviewed together when received. Robert asked for this proposal just as a guideline of what could be expected. Karon talked about the iron that is rusting. Jayna stated that when installed, it was designed to Bettina and age as a specific look.
- Jayna mentioned getting the revised information together for the pool furniture. As we move into Spring, we'll need to get the proposal and items ordered for the pool season. It will take 4-6 weeks to manufacture and deliver the furniture. Robert wants to know how much of the Reserve is earmarked for the pool furniture so we can compare it to the proposal.
- Jayna asked if there were other proposals that Board wanted to get for preventative maintenance. Kristen spoke about a coating as option for the pool railings. She said she would look into that as a possible option.
- Robert asked if there were any other topics for New Business. There were none.

# HOMEOWNERS SESSION: (2 MINUTES PER OWNER)

- Kristen mentioned the neighbor's trees and weeds. Jayna had contacted the attorney and had notice sent for the tree and weeds.
- Jayna asked if there were any other homeowner concerns. There were none.

**ADJOURNMENT:** Robert adjourned the meeting at 7:50PM.

1/15/2025 10:38 AM		MOUN	TAIN TRAILS C Income Staten			
			Dec 31, 202	24		
			Account Num	ber		
DESCRIPTION		CURRENT	DATE	YEAR	то	DATE
	ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
INCOME						
OPERATING INCOME						
RESIDENTIAL ASSESSMENTS	28,019.57	27,370.00	649.57	317,079.58	328,440.00	11,360.42-
DELINQUENT INCOME	494.27	1,350.00	855.73-	23,369.15	16,200.00	7,169.15
FOB/GATE/KEY INC	25.00	100.00	75.00-	1,040.00	400.00	640.00
FINES/VIO/LT FEES	.00	.00	0.00	500.00	.00	500.00
WORKING CAPITAL/ESCROW	.00	.00	0.00	1,360.00	.00	1,360.00
RESERVE CONTRIBUTION/ESCR	.00	.00	0.00	1,360.00	.00	1,360.00
TOTAL OPERATING INCOME	28,538.84	28,820.00	281.16-	344,708.73	345,040.00	331.27-
RESERVE ALLOCATION	7,000.00	7,000.00	0.00	84,000.00	84,000.00	0.00
WORKING CAPITAL TRANSFER	.00	.00	0.00	1,360.00	.00	1,360.00-
RESERVE CONTRIBUTION	.00	.00	0.00	1,360.00	.00	1,360.00~
TOTAL INCOME	21,538.84	21,820.00	281.16-	257,988.73	261,040.00	3,051.27-
EXPENSES						
OPERATING EXPENSES						
MAINTENANCE & REPAIR						
LANDSCAPING CONTRACT	5,393.02	5,393.00	0.02-	64,716.24	64,716.00	0.24-
PEST CONTROL	600.00	200.00	400.00-	5,100.00	2,400.00	2,700.00-
ELECTRICAL LIGHTING REPAIRS	.00	.00	0.00	.00	400.00	400.00
WINTER OVERSEEDING	.00	.00	0.00	863.77	2,000.00	1,136.23
PLAYGROUND MAINT/INSPECT	.00	.00	0.00	2,255.00	2,250.00	5.00-
PLUMBING REPAIRS	.00	.00	0.00	480.00	.00	480.00-
PARKING SERVICE CONTRACT	480.00	480.00	0.00	5,760.00	5,760.00	0.00
POOL CONTRACT	60.00	630.00	570.00	8,561.20	8,710.00	148.80
POOL & SPA SUPPLIES	.00	400.00	400.00	5,640.00	5,700.00	60.00
POOL & SPA REPAIRS	350.67	.00	350.67-	1,398.12	4,000.00	2,601.88
GATE CONTRACT	.00	.00	0.00	2,030.00	2,000.00	30.00-
GATE MAINTENANCE, LABOR	.00	750.00	750.00	7,430.57	9,000.00	1,569.43
IRRIGATION REPAIRS	116.74	600.00	483.26	9,546.69	7,200.00	2,346.69-
TREE TRIMMING	.00	.00	0.00	23,170.00	20,000.00	3,170.00-
GENERAL MAINTENANCE	.00	.00	0.00	2,783.46	1,000.00	1,783.46-
BACKFLOW TESTING	.00	.00	0.00	.00	280.00	280.00
TOTAL MAINT. & REPAIR	7,000.43	8,453.00	1,452.57	139,735.05	135,416.00	4,319.05-
PARTS & SUPPLIES						
GATE/KEYS	.00	.00	0.00	2,618.46	900.00	1,718.46-
TOTAL PARTS & SUPPLIES	.00	.00	0.00	2,618.46	900.00	1,718.46-

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1/15/2025

10:38 AM

# MOUNTAIN TRAILS COMMUNITY

Income Statement

Dec 31, 2024

Account Number

			Account Num	ber		
DESCRIPTION		CURRENT	DATE	YEAR	то	DATE
	ACTUAL	BUDGET	VARIANCE	ACTUAL	BUDGET	VARIANCE
ELECTRIC	2,968.35	3,000.00	31.65	36,248.98	36,000.00	248.98-
GATE TELEPHONE	2,368.50	275.00	7.43	3,212.86	3,300.00	87.14
GAS	65.44	64.00	1.44-	786.84	779.00	7.84-
WATER/SEWER	7,168.84	750.00	6,418.84-	58,285.44	45,500.00	12,785.44-
TOTAL UTILITIES	10,470.20	4,089.00	6,381.20-	98,534.12	85,579.00	12,955.12-
ADMINISTRATIVE						
LEGAL	516.70	.00	516.70-	7,252.48	2,900.00	4,352.48-
COLLECTIONS & LEGAL	433.50	500.00	66.50	4,810.20	6,000.00	1,189.80
BANK CHARGES	.00	.00	0.00	100.00	100.00	0.00
AUDIT & TAX PREP	.00	.00	0.00	975.00	925.00	50.00-
INSURANCE	.00	.00	0.00	5,379.00	5,250.00	129.00-
MEETINGS & COMMUNITY	.00	.00	0.00	.00	500.00	500.00
MANAGEMENT FEES	1,400.00	1,400.00	0.00	16,800.00	16,800.00	0.00
COPIES/POSTAGE/SUPPLIES	51.81	50.00	1.81-	1,980.53	1,350.00	630.53-
RECORD STORAGE	4.00	10.00	6.00	51.50	120.00	68.50
STATEMENTS	214.35	165.00	49.35-	2,545.97	1,980.00	565.97-
PERMITS/LICENSES	.00	.00	0.00	540.00	540.00	0.00
PROPERTY TAXES	.00	.00	0.00	7.70	.00	7.70-
INCOME TAXES	.00	.00	0.00	115.00	2,140.00	2,025.00
WEBSITE	.00	.00	0.00	431.88	300.00	131.88-
MISC ADMIN	.00	60.00	60.00	.00	240.00	240.00
TOTAL ADMINISTRATIVE	2,620.36	2,185.00	435.36-	40,989.26	39,145.00	1,844.26-
TOTAL OPERATING EXPENSE	20,090.99	14,727.00	5,363.99-	281,876.89	261,040.00	20,836.89-
NET OPER PROFITI/LOSS	1,447.85	7,093.00	5,645.15-	23,888.16	.00	23,888.16-
	N					
RESERVE ALLOCATIONS						
INTEREST INCOME	508.13	.00		2,308.14	.00	2,308.14
RESERVE INCOME FM OP	7,000.00	7,000.00		84,000.00	84,000.00	0.00
WORKING CAPITAL	.00	.00		1,360.00	.00	1,360.00
RESERVE CONTRIBUTION	.00	.00		1,360.00	.00	1,360.00
RESERVE EXPENSE	.00	.00	0.00	36,300.05	.00	36,300.05-
TOTAL RESERVE & EXPENSE	7,508.13	7,000.00	508.13	52,728.09	84,000.00	31,271.91-
NET PROFIT / (LOSS)	8,955.98	14,093.00	5,137.02-	28,839.93	84,000.00	55,160.07-

# ASSETS

CURRENT ASSETS	
MOUNTAIN TRAILS OPERATING	144,413.69
RESERVE ACCOUNTS	
MOUNTAIN TRAILS RESERVE	195,751.32
MOUNTAIN TRAILS ICS ACCT 402	152,297.56
CD #4801 2/18/25	30,102.50
CD #5601 5/18/25	30,102.50
CD #6401 8/18/25	30,102.50
CD #7201 11/18/25	30,102.50
UTILITY DEPOSITS	2,530.00
TOTAL CURRENT ASSETS	615,402.57
TOTAL ASSETS	615,402.57

### LIABILITIES & CAPITAL

CAPITAL	
PREPAIDASSESSMENTS	(10,577.62)
RETAINED EARNINGS	597,140.26
PROFIT /(LOSS) FOR PERIOD	28,839.93
TOTAL CAPITAL	615,402.57
TOTAL LIABILITIES & CAPITAL	615,402.57

2/12/2025 11:11 AM	MOUNTAIN TRAILS COMMUNITY Income Statement Jan 31, 2025 Account Number					
DESCRIPTION	ACTUAL	CURRENT BUDGET	D A T E VARIANCE	Y E A R ACTUAL	TO BUDGET	D A T E VARIANCE
INCOME OPERATING INCOME						
RESIDENTIAL ASSESSMENTS	28,513.47	29,785.00	1,271.53-	28,513.47	29,785.00	1,271.53-
DELINQUENT INCOME	1,120.00	1,350.00	230.00-	1,120.00	1,350.00	230.00-
FOB/GATE/KEY INC	115.00	50.00	65.00	115.00	50.00	65.00
TOTAL OPERATING INCOME	29,748.47	31,185.00	1,436.53-	29,748.47	31,185.00	1,436.53-
RESERVE ALLOCATION	7,000.00	.00	7,000.00-	7,000.00	.00	7,000.00-
3						
TOTAL INCOME	22,748.47	31,185.00	8,436.53-	22,748.47	31,185.00	8,436.53-
EXPENSES						
OPERATING EXPENSES						
MAINTENANCE & REPAIR						
LANDSCAPING CONTRACT	5,393.02	5,400.00	6.98	5,393.02	5,400.00	6.98
PEST CONTROL	400.00	350.00	50.00-	400.00	350.00	50.00-
PARKING SERVICE CONTRACT	518.40	515.00	3.40-	518.40	515.00	3.40-
POOL CONTRACT	30.00	750.00	720.00	30.00	750.00	720.00
POOL & SPA SUPPLIES	.00	500.00	500.00	.00	500.00	500.00
POOL & SPA REPAIRS	.00	1,000.00	1,000.00	.00	1,000.00	1,000.00
GATE CONTRACT	135.00	500.00	365.00	135.00	500.00	365.00
GATE MAINTENANCE, LABOR	935.59	1,000.00	64.41	935.59	1,000.00	64.41
IRRIGATION REPAIRS	1,087.59	400.00	687.59-	1,087.59	400.00	687.59-
GENERAL MAINTENANCE	.00	1,875.00	1,875.00	.00	1,875.00	1,875.00
TOTAL MAINT. & REPAIR	8,499.60	12,290.00	3,790.40	8,499.60	12,290.00	3,790.40
PARTS & SUPPLIES						
GATE/KEYS	.00	450.00	450.00	.00	450.00	450.00
TOTAL PARTS & SUPPLIES	.00	450.00	450.00	.00	450.00	450.00
UTILITIES						
ELECTRIC	2,953.93	3,250.00	296.07	2,953.93	3,250.00	296.07
GATE TELEPHONE	111.22	300.00	188.78	111.22	300.00	188.78
GAS	63.38	75.00	11.62	63.38	75.00	11.62
WATER/SEWER	35.70	750.00	714.30	35.70	750.00	714.30
TOTAL UTILITIES	3,164.23	4,375.00	1,210.77	3,164.23	4,375.00	1,210.77
ADMINISTRATIVE						
COLLECTIONS & LEGAL	817.00	650.00	167.00-	817.00	650.00	167.00-
INSURANCE	439.00	.00	439.00-	439.00	.00	439.00-
MANAGEMENT FEES	1,600.00	1,600.00	0.00	1,600.00	1,600.00	0.00

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2/12/2025

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### 11:11 AM

### MOUNTAIN TRAILS COMMUNITY Income Statement

Jan 31, 2025

# Account Number

DESCRIPTION	ACTUAL	CURRENT BUDGET	D A T E VARIANCE	Y E A R ACTUAL	TO BUDGET	D A T E VARIANCE
COPIES/POSTAGE/SUPPLIES	27.00	75.00	48.00	27.00	75.00	48.00
RECORD STORAGE	4.00	15.00	11.00	4.00	15.00	11.00
STATEMENTS	214.35	225.00	10.65	214.35	225.00	10.65
WEBSITE	300.00	300.00	0.00	300.00	300.00	0.00
TOTAL ADMINISTRATIVE	3,401.35	2,865.00	536.35-	3,401.35	2,865.00	536.35-
TOTAL OPERATING EXPENSE	15,065.18	19,980.00	4,914.82	15,065.18	19,980.00	4,914.82
NET OPER PROFITI/LOSS	7,683.29	11,205.00	3,521.71-	7,683.29	11,205.00	3,521.71-
RESERVE ALLOCATIONS						
INTEREST INCOME	524.60	.00	524.60	524.60	.00	524.60
RESERVE INCOME FM OP	7,000.00	7,000.00	0.00	7,000.00	7,000.00	0.00
TOTAL RESERVE & EXPENSE	7,524.60	7,000.00	524.60	7,524.60	7,000.00	524.60
NET PROFIT / (LOSS)	15,207.89	18,205.00	2,997.11-	15,207.89	18,205.00	2,997.11-

# ASSETS

CURRENT ASSETS	
MOUNTAIN TRAILS OPERATING	152,103.56
RESERVE ACCOUNTS	
MOUNTAIN TRAILS RESERVE	202,796.37
MOUNTAIN TRAILS ICS ACCT 402	152,345.41
CD #4801 2/18/25	30,208.78
CD #5601 5/18/25	30,208.78
CD #6401 8/18/25	30,208.78
CD #7201 11/18/25	30,208.78
UTILITY DEPOSITS	2,530.00
TOTAL CURRENT ASSETS	630,610.46
TOTAL ASSETS	630,610.46

# LIABILITIES & CAPITAL

CAPITAL	
PREPAIDASSESSMENTS	(10,577.62)
RETAINED EARNINGS	625,980.19
PROFIT /(LOSS) FOR PERIOD	15,207.89
TOTAL CAPITAL	630,610.46
TOTAL LIABILITIES & CAPITAL	630,610.46



MEH Pool Services Inc. / Bobbis Leisurescapes 6050 N Black Cyn Hwy AZ 85017 tel:602-993-0552 Sales Rep:Hayley Hart Tax Number: 41-2116856 **Att** :Mountain Trails C/O Kinney Management **Sent to**: jayna@kinneymanagement.com

### Quote 15454 (this is not an invoice) Created: 28-Jan-25

7924 S 24th Pl. Tempe Arizona 85285 tel:4808203451

Product	Qty	Price	Subtotal/ per unit
Intermatic 7 day / 24 hour digital timers with outdoor weather tight boxes (MISC-ELECTRICAL)	2	\$287 50	\$575.00
1 year manufacturer warranty on new timers	Z	Ψ207.00	φ070.00
LABOR (srv-SRVItems-66-200)			
To install digital timers on the pool lights and the pool water feature at Mountain Trails East Pool	1	\$247.50	\$247.50

Subtotal \$822.50 State \$32.20 City \$13.23 County \$4.02 Total \$871.95

#### **Policies/Notes**

Thank you for your business. Payment due on receipt. Please send payments to M.E.H. Pool Services, Inc - PO Box 43736, Phoenix, AZ 85080. Zelle payments at Tiffany@mehpoolservices.com. Text or Call at 602-993-0552



MEH Pool Services Inc. / Bobbis Leisurescapes 6050 N Black Cyn Hwy AZ 85017 tel:602-993-0552 Sales Rep:Hayley Hart Tax Number: 41-2116856 **Att** :Mountain Trails C/O Kinney Management **Sent to**: jayna@kinneymanagement.com

### Quote 15453 (this is not an invoice) Created: 28-Jan-25

7924 S 24th Pl. Tempe Arizona 85285 tel:4808203451

Product	Qty	Price	Subtotal/ per unit
Intermatic 7 day / 24 hour digital timers with outdoor weather tight boxes (MISC-ELECTRICAL)	2	\$287 50	\$575.00
1 year manufacturer warranty on new timers	Z	Ψ207.00	φ070.00
LABOR (srv-SRVItems-66-200)			
To install digital timers on the pool lights and the pool water feature at Mountain Trails West Pool	1	\$247.50	\$247.50

Subtotal \$822.50 State \$32.20 City \$13.23 County \$4.02 Total \$871.95

#### **Policies/Notes**

Thank you for your business. Payment due on receipt. Please send payments to M.E.H. Pool Services, Inc - PO Box 43736, Phoenix, AZ 85080. Zelle payments at Tiffany@mehpoolservices.com. Text or Call at 602-993-0552



# LANDSCAPE IRRIGATION PROPOSAL/AGREEMENT

Name:	MOUNTAIN TRAILS	Date:	11/11/2024
Site:	EAST ENTRANCE IN / OUT GATE	Job Name:	LANDSCAPE LIGHTING REPAIRS
Phone/Email:	jayna@kinneymanagement.com	Job # / Phase	50-22003-00

The Contractor agrees to provide all labor, equipment and materials necessary to perform the below described work.

**SCOPE OF WORK: 'LANDSCAPE LIGHTING REPAIRS / REPLACEMENTS EAST SIDE ENTRANCE AND PARK'' (120V System)** Landscape lighting for the individual small wall sections "both sides of gates inside and outside gate and 2 wall sections west side of park" is north working - After checking clock settings and insuring power to this section, tracing / toning wires for breaks in wire, ensuring power provided to each fixture, locating burried junction boxes, and removal of fixtures, it has been determined grounding of the wires at the fixtures is causing the issue, along with the spot light fixture itself corroded and grounding power to earth. There are 8 spot fixures on this section, 2 of the fixutes can be reused, 6 will need to be replaced and installed in an enclosed tube to prevent the same issues in the future. 1 Bullard light at the park is not working, this is an integrated fixture so the light "bulb is a led circuit board" the balast and circuit board are bad and will need replaced. 2 tree uplight fixtures are out at east side of monument sign, re-splicing of 2 wires will solve this issue. 1 spot light fixture at the west entrance is out, a bulb replacement is needed. Rqaise wire juntion boxes.

Quantity		Description	Each	Total
	MATERIALS:			
6		Spot light fixture (Bronze 120V fixture quoted)	\$235.00	\$ 1,880.00
9		Bulb -	\$36.00	\$ 324.00
8		High voltage in ground enclosures	\$85.00	\$ 680.00
26		Direct bury wire splice DBRY	\$4.99	\$ 129.74
1		Ballast / led circuit board assembly	\$125.00	\$ 125.00
		MATERIALS TOTAL:		\$ 3,138.40
		LABOR TOTAL:		\$ 1,850.00
	Labor Detail:	Install fixtures and bulbs		
		Intall fixure wire / splices in protected tube enclosure		
		Repair 1 Bullard lighting		
		Minor repairs and initial work provided		
his proposa	is based on the	complete job as proposed, units costs will change if quantities	s change	

\$4,988.40

 Owner:
 Mountain Trails HOA
 Contractor:
 AGAVE Environmental Contracting, Inc.

 By:
 By:

Signature

Print Name

Date

By: David Graves 11/1/2024 Name

NOTE: This quote is good for 30 days from date of proposal. The proposal is promised based on the terms and conditions on page 2 of this document.



# LANDSCAPE ENHANCEMENT PROPOSAL/AGREEMENT

Site:	Mountain Trails	Date:	1/15/2025		
Name:	Jayna Van Den Einde	Job Name:	Plant Replacements at Entrances		
Phone/Email:	jayna@kinneymanagement.com	Job # / Phase	40-22003-70		

The Contractor agrees to provide all labor, equipment and materials necessary to perform the below described work.

Item #	Description and location(s)							otal
1	5 Gallon Dallas Red Lantana		12	Ea. @	\$	35.00	\$	420.0
2	5 gallon Baja Ruellia		17	Ea @	\$	35.00	\$	595.0
3	5 Gallon Outback Sunrise		59	Ea. @	\$	35.00	\$ 2	,065.0
4	5 Gallon Firestick		2	Ea. @	\$	35.00	\$	70.0
5	5 Gallon Fern Leaf Lavander		6	Ea. @	\$	35.00	\$	210.0
lobilize crew	and equipment to complete stat	QUALIFI	ERS:					
	is based on the complete job as		sts will change if quan	tities change				
<u> </u>		<u> </u>		TOTA			\$3,3	360.00
)wner:			Contractor:	AGAVE	Environmer	ntal Contracting	g, Inc.	
B	ву:		_					
	Signature							
			By: John	Nesteruck			1/15	5/2025
		Date		Name				

#### NO IMPLIED WARRANTIES EXCEPT AS CONTAINED HEREIN.

#### TERMS OF PAYMENT:

- NET 30 DAYS

- NOTE: A service charge of 1.0% per month will be added to any unpaid balance exceeding 30 days from invoice date. Purchaser agrees to pay any and all court costs and/or costs of third parties associated with the payment collection, beyond the terms abo

(The finance charge is an annual percentage rate of 12%).

#### SPECIFICATIONS:

PLANTINGS: All plantings to be true to their size and type according to accepted nursery practice.

**ROCK:** All rock, including granite, will be installed in the size, density, and color indicated in the Proposal. Color may vary due to age of existing materials. The contractor is not responsible for exact color matches which vary due to exposure and source.

**IRRIGATION:** All irrigation installation/repairs shall be conducted in a professional manner consistent with established practices in the industry and public codes. All material will be of new quality unless otherwise specified.

**UNDERGROUND EXCAVATION:** AGAVE Environmental Contracting, Inc. will abide by all blue stake ordinances in effect at the time of this agreement. It is the responsibility of the owner or agent to notify this contractor of any underground utilities or other obstructions in all areas where blue stake is not provided or for other utilities/obstructions not part of a blue stake service. Should damage occur as a result of failure to notify the contractor, the owner/agent agrees to pay for any and all damages.

#### WARRANTY FOR REPLACEMENTS / REPAIRS:

**PLANTINGS:** All plants will be replaced with the same species and size, should plant death occur within the time specified below, at no cost to the owner. Plant death must be associated with the contractor; specifically poor stock or improper installation. AGAVE Environmental Contracting, Inc is not responsible for circumstances beyond its control, acts of God, vandalism, owner neglect, or non irrigated plantings, except cactus.

Replacement / Repair Period

90 DAYS FROM COMPLETION

(30 days if not otherwise stated)

**IRRIGATION:** Defects in workmanship will be repaired at no cost to the owner for the period indicated below. Corrective work must be consistent with the original request. Circumstances beyond the control of the contractor, acts of God, vandalism, and acts of third parties are not covered. Cost of such repairs is limited to the repair of the irrigation system only.

Replacement / Repair Period

DAYS FROM COMPLETION

(30 days if not otherwise stated)

#### WARRANTY WORK WILL NOT APPLY TO PAST DUE ACCOUNTS