



BENT GRASS METROPOLITAN DISTRICT

Regular Board Meeting
Tuesday, July 1, 2025– 10:30 AM
119 North Wahsatch Ave
Colorado Springs, CO 80903
or

Please join my meeting from your computer, tablet or smartphone.

<https://video.cloudoffice.avaya.com/join/425501245>

You can also dial in using your phone.

United States: +1 (213) 463-4500

Access Code: 425-501-245

Board of Director	Title	Term
Randle W Case II	President	May 2029
Bryan T Long	Vice-President/ Secretary	May 2027
Stephanie Pierce	Treasurer	May 2029
Troy Smith	Director	May 2029
Erin Smith	Director	May 2027

AGENDA

1. Call to Order/Introductions
2. Approval of Agenda
3. Approval of the Minutes from Board Meeting on June 3, 2025 (see attached)
4. Public Comment (For items not on the Agenda)
5. Board President Report
6. Management Report
7. Legal Matters
8. Development Updates
9. Financial Report
 - a. Public Hearing on 2024 Budget Amendment
 - i. Review and consider approval of 2024 Budget Amendment Resolution (see attached)
 - b. Consider approval of unaudited Financial statements dated May 30, 2025 (see attached)
 - c. Ratify approval of payables through July 1, 2025 (see attached)
10. Old Business
 - a. Bond Refinance Update
 - b. Evergreen Development Easements
11. New Business
 - a. Review and Consider Approval of Fisk Lawnsapes Bid for Monument Sign Enhancement (see attached)
 - b. Bent Grass Meadows Drive Repair
 - c. Bent Grass Park Discussion

12. Confirm and Set Next Meeting
 - a. Scheduled for August 5, 2025 at 10:30 AM
13. Adjournment



**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE
BENT GRASS METROPOLITAN DISTRICT
HELD JUNE 3, 2025
AT 10:30 AM**

Pursuant to posted notice, the regular meeting of the Board of Directors of the Bent Grass Metropolitan District was held on Tuesday, June 3, 2025, at 10:30 am, at 119 North Wahsatch Ave and via tele/ videoconference: [https:// video.cloudoffice.avaya.com/ join/ 425501245](https://video.cloudoffice.avaya.com/join/425501245)

Attendance:

In attendance were Directors:

Randle W Case II,	President
Bryan T Long,	Vice-President/ Secretary
Erin Smith,	Director
Troy Smith,	Director

Directors Attending Virtually

Stephanie Pierce,	Treasurer
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Also in attendance were:

Adam Noel,	WSDM Managers
Rebecca Harris,	WSDM Managers
Peter Susemihl,	Susemihl, McDermott, and Downie
Chris Jorgensen,	BiggsKofford, P.C.
Ron Waldthausen,	Land First Inc.
Sean Murphy,	Evergreen Development
Steven Lazarowitz,	Bent Grass Resident
Zach Williams,	Bent Grass Resident

1. Call to Order:

The meeting was called to order at 10:30 am by President Case II.

2. Declaration of Quorum/ Director Qualifications/ Disclosure Matters:

President Case II indicated that a quorum of the Board was present, stating that each Director has been qualified as an eligible elector of the District pursuant to Colorado law. The Directors confirmed their qualifications. Mr. Noel informed the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Noel reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Mr. Noel inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest regarding any matters scheduled for discussion at the meeting. No additional disclosures were noted. The Board determined that the participation of the

members present was necessary to obtain a quorum or otherwise enable the Board to act.

3. Appointment of Officers:

Director Erin Smith moved to appoint the officers as Randle Case II as President, Bryan T. Long as Vice-President/ Secretary, Stephanie Pierce as Treasurer, Erin Smith as Director, and Troy Smith as Director; seconded by Director Pierce. Motion passed unanimously.

4. Approval of Agenda:

Director Pierce moved to approve the Agenda amended to include item 12(c) into the packet; seconded by Director Long. Motion passed unanimously.

5. Review and Consider Acceptance of the 2024 Audit Presentation:

After review, Director Pierce moved to accept the 2024 Audit as presented; seconded by Director Long. Motion passed unanimously.

6. Approval of May 6, 2025 Regular Board Meeting Minutes:

After review, Director Long moved to approve May 6, 2025 Regular Board Meeting Minutes as presented; seconded by Director Erin Smith. Motion passed unanimously.

7. Public Comment:

Discussion questions were raised by those residents in attendance to include plans for pocket parks and landscaping for the development as well as clarification for the fine schedule posted to the website.

8. Board President Report: There was no additional report from the Board President outside of items listed on the agenda.

9. Management Report:

Mr. Noel discussed updates from the District landscaper, Fisk Lawnsapes, and that they have completed irrigation activations and will be addressing irrigation repairs as needed. The first native mowings were completed in the District. In the month of June, Fisk Lawnsapes will be performing fertilization as needed, weed control, regular irrigation checks, as well as enhancement projects to be presented to the Board. The first enhancement project was presented to include creating a mulch bed at the entrance monument sign along Bent Grass Meadows Drive in the amount of \$2,732. The Board requested an updated proposal to remove the mulch enhancement and to ensure a proper drip system is installed to all plants in the area. Mr. Noel discussed the added complaints from resident in the Bent Grass Community regarding motorized dirt bikes being driven in and around the new drainage channel installed by Challenger. Signs were installed in specific areas through the access roads around the channel by Challenger and the Board tabled the item until further notice.

10. Legal Matters: There were no additional legal matters brought from legal counsel.

11. Development Updates:

Mr. Waldthausen updated the Board regarding commercial sales in the District and that proposed tenants may include a school for those on the autism spectrum, firehouse subs, virtual golf, and a pizza restaurant. Director Smith discussed that Challenger Communities is finishing up with vertical alignment and the channel has been preliminary accepted. Mr. Murphy with Evergreen discussed that they are continuing to make progress with the concept plan and the commercial project. President Case updated the Board on the Falcon School District Administration to be building two new buildings North of the current building along Bent Grass Meadows Drive.

12. Financial Matters:

- a. Public Hearing on 2024 Budget Amendment: President Case moved to go into public hearing at 11:10 AM. Mr. Noel presented the 2024 Budget Amendment. With no public comment, President Case moved out of public hearing at 11:18 AM. After discussion, Director Pierce moved to approve the 2024 Budget Amendment Resolution to amend the General Fund from \$118,949 to \$122,824; the Debt Service Fund from \$476,567 to \$364,799; and the Capital Projects Fund from \$10 to \$569,005; seconded by Director Erin Smith. Motion passed unanimously.
- b. Approve Unaudited Financial Reports through April 30, 2025: Mr. Noel presented the unaudited financials. After discussion, Director Pierce moved to approve the Unaudited Financial Reports through April 30, 2025; seconded by Director Erin Smith. Motion passed unanimously.
- c. Ratify and Approve Payables through June 3, 2025: Mr. Noel presented the Payables for the period. After discussion, Director Pierce motioned to approve the payables as presented; seconded by Director Erin Smith. Motion passed unanimously.

13. Old Business:

- a. Bond Refinance Update: President Case II reported that the bonds are expected to close within the next 48 hours and that the District is hopeful to get them closed at an interest rate of 5.75%. President Case II and Director Erin Smith will continue to act as representatives through the closing process.
- b. Evergreen Development Easements: Mr. Murphy and his team is continuing to gather information on the vacating of easements, but did not have an update for the Board at the time.
- c. Consider adoption of Fee Resolution Establishing Fine Schedule: The Board discussed options for appropriately distinguishing the fine schedule as it pertains to the District. After discussion with legal counsel, Ms. Harris with WSDM expressed her concerns with receiving conflicting legal advice on this topic than the District has in the past. After discussion, Director Erin Smith moved to approve the Fee Resolution Establishing Fine Schedule as presented; seconded by Director Troy Smith. Motion passed unanimously.

14. New Business: There was no new business.

15. Adjourn: President Case II adjourned the meeting at 11:56 am.

- a. Next Regular Meeting scheduled: July 1, 2025 at 10:30 am.

Submitted by: Recording Secretary

THESE MINUTES ARE APPROVED AS THE OFFICIAL JUNE 3, 2025, REGULAR MEETING MINUTES OF THE BENT GRASS METROPOLITAN DISTRICT.

Approved by: Secretary of the Board



**BENT GRASS METROPOLITAN DISTRICT
RESOLUTION TO AMEND 2024 BUDGET**

WHEREAS, the Board of Directors of Bent grass Metropolitan District (the “**District**”) certifies that at a regular meeting of the Board of Directors of the District held on July 1, 2025, a public hearing was held regarding the 2024 amended budget, and, subsequent thereto, the following Resolution was adopted by an affirmative vote of a majority of the Board of Directors:

WHEREAS, the Board of Directors of the District adopted a budget and appropriated funds for fiscal year 2024 as follows:

General Fund	\$118,949
Debt Service Fund	\$476,567
Capital Projects Fund	\$10

and;

WHEREAS, the necessity has arisen for additional expenditures by the District due to additional costs that could not have been reasonably anticipated at the time of adoption of the budget, requiring the expenditure of funds in excess of those appropriated for fiscal year 2024; and

WHEREAS, funds are available for such expenditure.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District does hereby amend the adopted budget for fiscal year 2024 as follows:

General Fund	\$122,824
Debt Service Fund	\$364,799
Capital Projects Fund	\$682,538

BE IT FURTHER RESOLVED that such sums are hereby appropriated from the revenues of the District to the funds named above for the purpose stated and that any ending fund balances shall be reserved for purposes of complying with Article X, Section 20 of the Colorado Constitution.

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ADOPTED JULY 1st, 2025

DISTRICT:

BENT GRASS METROPOLITAN DISTRICT,
a quasi-municipal corporation and political
subdivision of the State of Colorado

By: _____
Officer of the District

Attest:

By: _____

APPROVED AS TO FORM:

General Counsel to the District

STATE OF COLORADO
COUNTY OF EL PASO
CATHEDRAL PINES METROPOLITAN DISTRICT

I hereby certify that the foregoing resolution constitutes a true and correct copy of the record of proceedings of the Board adopted at a meeting held via teleconference and in person on July 1st, 2025, as recorded in the official record of the proceedings of the District.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of July, 2025.



Bent Grass Metropolitan District

Balance Sheet

As of May 31, 2025

	May 31, 25
ASSETS	
Current Assets	
Checking/Savings	
1110 · BGMD Herring (CSB) Checking	
Traffic Signal Fees	122,957.89
1110 · BGMD Herring (CSB) Checking - Other	25,709.10
Total 1110 · BGMD Herring (CSB) Checking	148,666.99
1111 · UMB-2020 Bond Fund 153518.1	632,681.67
1112 · UMB-2020 Reserve Fund 153518.2	568,204.60
1113 · UMB-2020 Surplus Fund 153518.3	568,630.49
1115 · UMB-2020 Project Fund 153518.4	2,398.99
Total Checking/Savings	1,920,582.74
Accounts Receivable	
1210 · Accounts Receivable	16,910.00
Total Accounts Receivable	16,910.00
Other Current Assets	
1200 · Property Tax Rec-Debt Service	203,916.54
1215 · Property Tax -General Fund	67,771.26
Total Other Current Assets	271,687.80
Total Current Assets	2,209,180.54
Fixed Assets	
1540 · Accumulated Depreciation	-74,932.00
1560 · Landscaping & Ponds	500,000.04
Total Fixed Assets	425,068.04
TOTAL ASSETS	2,634,248.58
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2010 · Accounts Payable	749.59
Total Accounts Payable	749.59
Other Current Liabilities	
2015 · Developer Advance - DeYoung	807,348.00
2016 · Interest Payable - DeYoung	108,929.98
2017 · Developer Advance - Land First	569,000.00
2020 · Deferred Property Tax-General	67,771.26
2022 · Deferred Property Tax-Debt	203,916.54
2030 · Interest Payable	29,531.25
Total Other Current Liabilities	1,786,497.03
Total Current Liabilities	1,787,246.62
Long Term Liabilities	
2-2020 · 2020 Bond Fund	6,750,000.00
Total Long Term Liabilities	6,750,000.00
Total Liabilities	8,537,246.62
Equity	
3910 · Retained Earnings	-6,178,598.51
Net Income	275,600.47
Total Equity	-5,902,998.04
TOTAL LIABILITIES & EQUITY	2,634,248.58

Bent Grass Metropolitan District
Profit & Loss Budget vs. Actual
January through May 2025

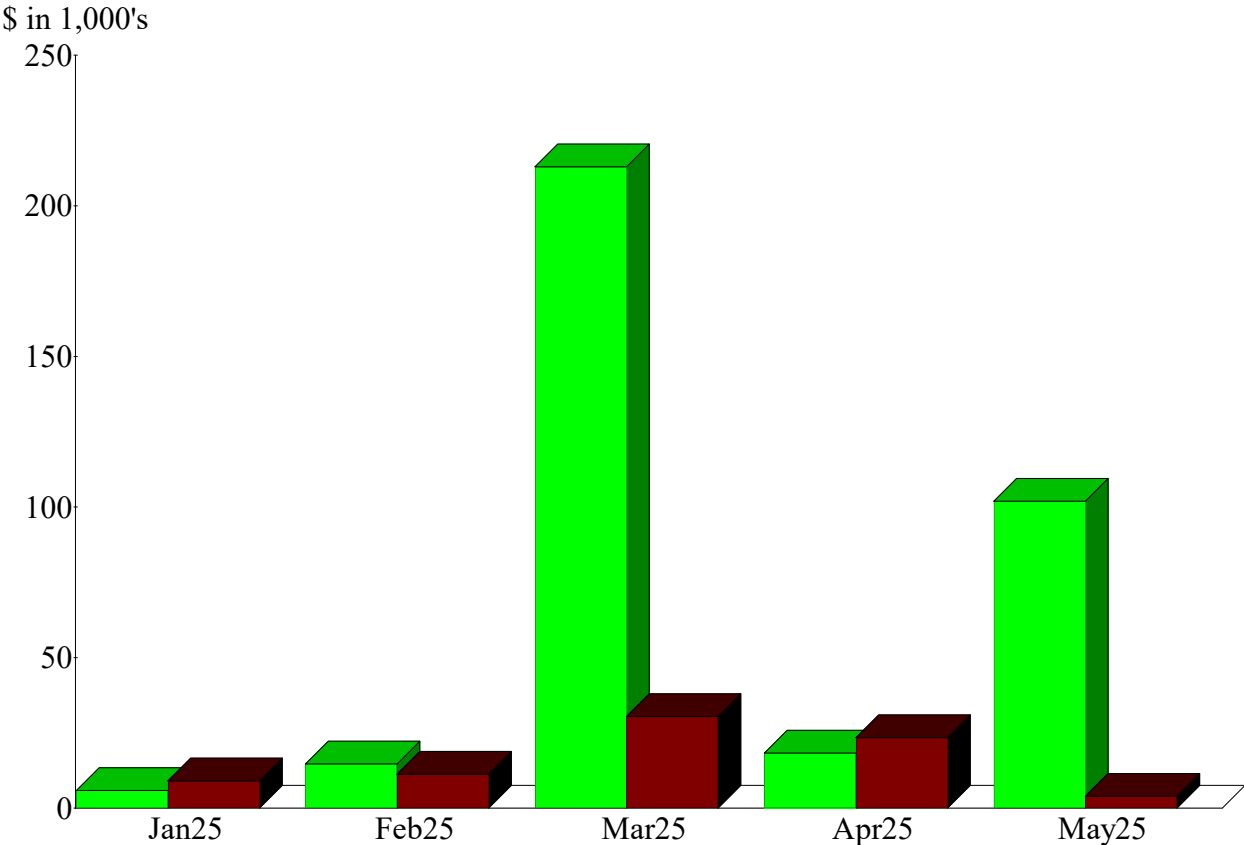
	General Fund				
	TOTAL				
	May 25	Jan - May 25	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense					
Income					
CCR Violation Fines	950.00	1,800.00			
Fees					
Facility Fees	10,000.00	19,000.00	30,000.00	-11,000.00	63.33%
Platting	0.00	0.00	55,000.00	-55,000.00	0.0%
Taxes					
Abatement Tax	0.00	-134.54			
Abatement Interest	0.00	-6.73			
Current Year Taxes	20,255.80	72,126.54	119,642.00	-47,515.46	60.29%
Specific Ownership Tax	903.88	3,803.60	8,375.00	-4,571.40	45.42%
Total Taxes	21,159.68	75,788.87	128,017.00	-52,228.13	59.2%
Traffic Signal	0.00	0.00	30,000.00	-30,000.00	0.0%
Total Fees	31,159.68	94,788.87	243,017.00	-148,228.13	39.01%
Total Income	32,109.68	96,588.87	243,017.00	-146,428.13	39.75%
Gross Profit	32,109.68	96,588.87	243,017.00	-146,428.13	39.75%
Expense					
Director Fee	500.00	2,500.00	6,000.00	-3,500.00	41.67%
6025 · Audit	0.00	0.00	10,500.00	-10,500.00	0.0%
Treasurers Collection Fee	303.83	1,081.90	1,795.00	-713.10	60.27%
6060 · Bank Service Charges	0.00	0.00	1,000.00	-1,000.00	0.0%
6145 · Copies & Postage	0.00	253.88			
6160 · Dues and Subscriptions	0.00	641.55	1,500.00	-858.45	42.77%
6170 · Election	0.00	1,991.18	5,000.00	-3,008.82	39.82%
6180 · Insurance	0.00	3,187.00	8,000.00	-4,813.00	39.84%
6490 · Office Supplies	0.00	89.37			
6570 · Professional Fees					
District Management	0.00	20,000.00	60,000.00	-40,000.00	33.33%
Landscaping Maintenance	1,883.60	7,834.41	35,000.00	-27,165.59	22.38%
6572 · Legal Fees	0.00	3,317.70	8,000.00	-4,682.30	41.47%
Total 6570 · Professional Fees	1,883.60	31,152.11	103,000.00	-71,847.89	30.25%
6610 · Postage and Delivery	0.00	0.00	500.00	-500.00	0.0%
Total Expense	2,687.43	40,896.99	137,295.00	-96,398.01	29.79%
Net Ordinary Income	29,422.25	55,691.88	105,722.00	-50,030.12	52.68%
Other Income/Expense					
Other Income					
7030 · Other Income					
7010 · Interest Income	69.60	320.00			
Total 7030 · Other Income	69.60	320.00			
Total Other Income	69.60	320.00			
Other Expense					
8010 · Other Expenses					
Transfer to Debt Service Fund	0.00	0.00	223,868.00	-223,868.00	0.0%
Total 8010 · Other Expenses	0.00	0.00	223,868.00	-223,868.00	0.0%
Total Other Expense	0.00	0.00	223,868.00	-223,868.00	0.0%
Net Other Income	69.60	320.00	-223,868.00	224,188.00	-0.14%
Net Income	29,491.85	56,011.88	-118,146.00	174,157.88	-47.41%

Bent Grass Metropolitan District
Profit & Loss Budget vs. Actual
January through May 2025

Debt Service Fund

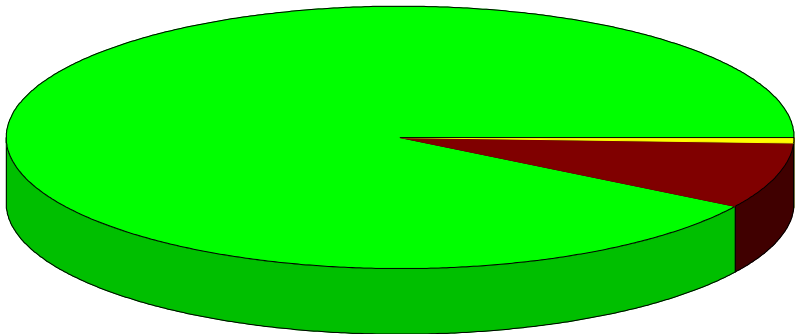
	TOTAL				
	May 25	Jan - May 25	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense					
Income					
Fees					
Taxes					
Abatement Tax	0.00	-404.82			
Abatement Interest	0.00	-20.24			
Current Year Taxes	60,947.91	217,022.37	359,660.00	-142,637.63	60.34%
Specific Ownership Tax	2,719.71	11,444.73	25,199.00	-13,754.27	45.42%
Total Taxes	63,667.62	228,042.04	384,859.00	-156,816.96	59.25%
Total Fees	63,667.62	228,042.04	384,859.00	-156,816.96	59.25%
Total Income	63,667.62	228,042.04	384,859.00	-156,816.96	59.25%
Gross Profit	63,667.62	228,042.04	384,859.00	-156,816.96	59.25%
Expense					
Treasurers Collection Fee	914.21	3,255.32	5,400.00	-2,144.68	60.28%
6060 · Bank Service Charges					
Lender/ Trustee Fees	0.00	0.00	4,000.00	-4,000.00	0.0%
6060 · Bank Service Charges - Other	346.23	1,602.88			
Total 6060 · Bank Service Charges	346.23	1,602.88	4,000.00	-2,397.12	40.07%
6075 · Bond Expense					
Cost of Issuance	0.00	32,500.00			
Debt Service Interest	0.00	0.00	354,375.00	-354,375.00	0.0%
Total 6075 · Bond Expense	0.00	32,500.00	354,375.00	-321,875.00	9.17%
Total Expense	1,260.44	37,358.20	363,775.00	-326,416.80	10.27%
Net Ordinary Income	62,407.18	190,683.84	21,084.00	169,599.84	904.4%
Other Income/Expense					
Other Income					
7030 · Other Income					
7010 · Interest Income	6,124.47	28,904.75	30,000.00	-1,095.25	96.35%
Transfer from General Fund	0.00	0.00	223,868.00	-223,868.00	0.0%
Total 7030 · Other Income	6,124.47	28,904.75	253,868.00	-224,963.25	11.39%
Total Other Income	6,124.47	28,904.75	253,868.00	-224,963.25	11.39%
Net Other Income	6,124.47	28,904.75	253,868.00	-224,963.25	11.39%
Net Income	68,531.65	219,588.59	274,952.00	-55,363.41	79.86%

Income and Expense by Month
January through May 2025



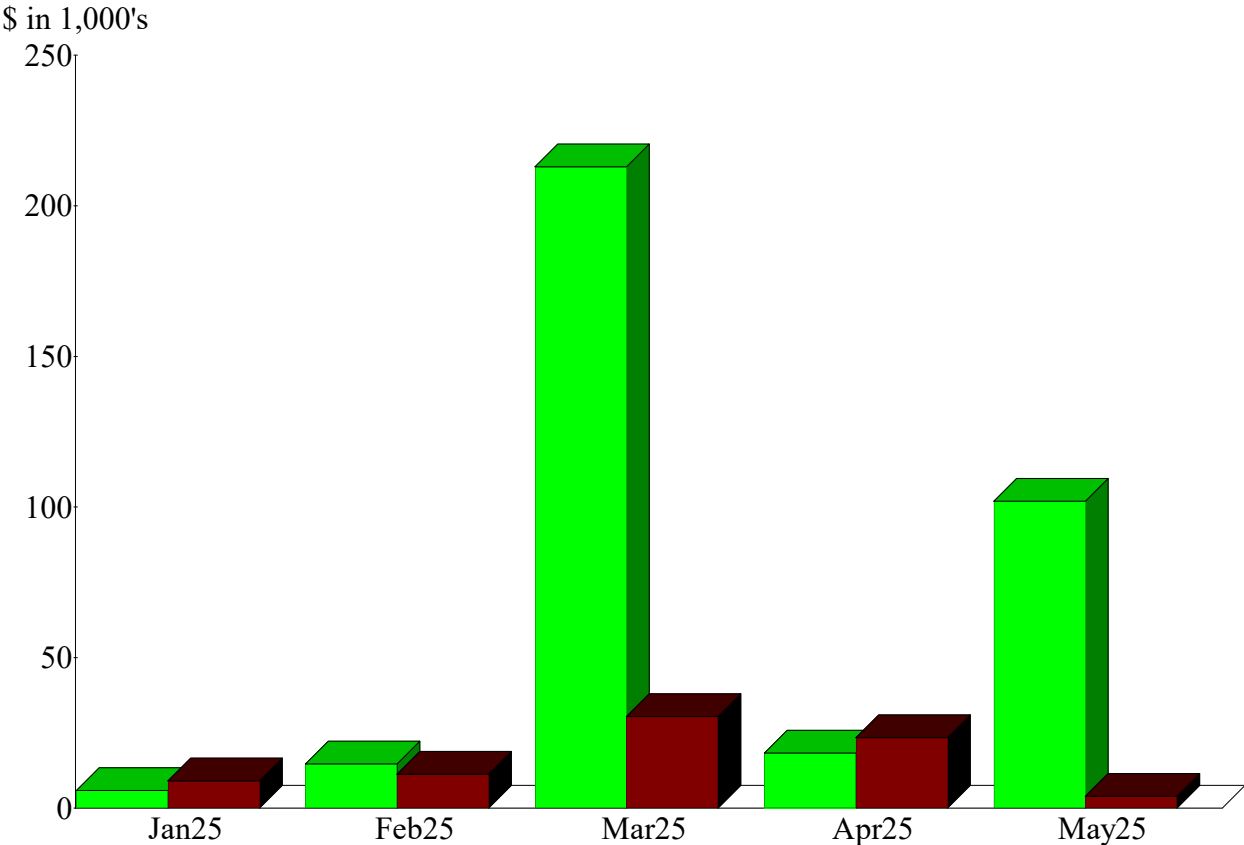
Income Summary
January through May 2025

Fees	91.23%
7030 - Other Income	8.26
CCR Violation Fines	0.51
Total	\$353,855.66



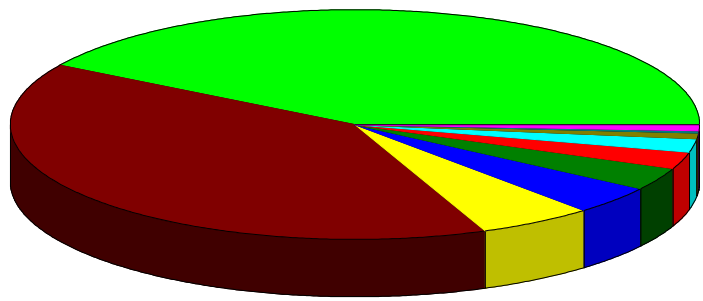
By Account

Income and Expense by Month
January through May 2025



Expense Summary
January through May 2025

6075 · Bond Expense	41.53%
6570 · Professional Fees	39.81
Treasurers Collection Fee	5.54
6180 · Insurance	4.07
Director Fee	3.19
6170 · Election	2.54
6060 · Bank Service Charges	2.05
6160 · Dues and Subscriptions	0.82
6145 · Copies & Postage	0.32
6490 · Office Supplies	0.11
Total	\$78,255.19



By Account



Bent Grass Metropolitan District

PAYMENT REQUEST

6/21/2025

GENERAL FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
Randle Case II	60125RC	6/1/2025	\$ 100.00	
Bryan Long	60125BL	6/1/2025	\$ 100.00	
Stephanie Pierce	60125SP	6/1/2025	\$ 100.00	
Troy Smith	60125TS	6/1/2025	\$ 100.00	
Erin Smith	60125ES	6/1/2025	\$ 100.00	
Biggs Kofford	119940	5/19/2025	\$ 10,100.00	
Fisk Lawnsapes	655696	6/23/2025	\$ 100.00	
Fisk Lawnsapes	655606	6/1/2025	\$ 1,149.00	June Monthly Contract
Fisk Lawnsapes	655236	5/1/2025	\$ 1,149.00	May Monthly Contract
Susemihi, McDermott & Downie, PC	37246	5/31/2025	\$ 843.75	
Woodmen Hills Metro District	53125	5/31/2025	\$ 341.43	
WSDM Managers	797	5/31/2025	\$ 5,061.86	
TOTAL			\$ 19,245.04	

DEBT SERVICE FUND ACCOUNT

Company	Invoice	Date	Amount	Comments
UMB - Bent Grass Metro District	61025	6/10/2025	\$ 4,698.22	May Pledged Revenue
TOTAL			\$ 4,698.22	

\$23,943.26

Bent Grass Metropolitan District

Herring Bank Before Payables	\$	154,926.19
Payables for this month	\$	(23,943.26)
Herring Bank after Payables	\$	130,982.93





Bent Grass MD Entrance Sign Plantings

Fisk Lawns LLC

Client Name: Bent Grass Metropolitan District
Project Name: Bent Grass MD Entrance Sign Enhancement
Jobsite Address: Bent Grass Meadows Drive Colorado 80831 Billing Address: Bent Grass Meadows Drive Colorado 80831
Estimate ID: EST5395879 Drawing #: 2025
Date: Jun 27, 2025

Fisk Lawns LLC, DBA Fisk Lawns LLC agrees to perform, and customer agrees to pay for, the below services as set forth herein. Additional contract terms set forth below in this agreement.

Entry Sign Renovation	\$2,589.00
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Fisk will renovate the existing bed in front of main monument sign by:

1. Existing plants will be removed and if still in good health re planted. Edging will be installed to create a planting bed to separate the flowers from the rock giving the bed a cleaner look.
2. This bed will be planted with mixed heights, varieties, and colors for optimal appearance. The following plant material will be installed in existing rock with mulch rings around each plant. Mulch rings will help improve soil health, protect the plant, and retain moisture better than plants directly in rock.
 - Ornamental Grass, Feather Reed, Korean (2)
 - Russian Sage (4)
 - Gold Flame Spirea (3)
 - Barberry Crimson Pygmy (2)
3. Drip irrigation will be run to each plant.
4. Conduct Job Site Cleanup

All planted material we install are backfilled with a mix of native soil, compost, and topsoil. During the backfill process an organic fertilizer with Mycorrhizae, a fungal organism that works symbiotically with a plants roots, is also used. A large amount of research has proven that this symbiotic relationship encourages vascular growth and cellular development. Mycorrhizae aids in minimizing the effects of transplant trauma as well as encases and protects root development allowing for maximum water absorption.

Subtotal	\$2,589.00
Taxes	\$0.00
Estimate Total	\$2,589.00

TERMS & CONDITIONS

GENERAL PROVISIONS

Total Cost: Total cost above includes all labor, materials, tools, and equipment except items noted above.

Right To Rescind: This contract is subject to a three-day right-to-rescind, and is valid for 30 days from release/revised date.

Independent Contractors: Nothing contained in this agreement shall be deemed to constitute the relationship between the customer and Fisk Lawnsapes as that of partners or joint venturers, nor principal and agent, or employer and employee. The customer and Fisk Lawnsapes expressly agree their relationship is that of independent contractors.

Indemnification: Customer agrees to indemnify and hold harmless Fisk Lawnsapes for injury, accident, damage, or claims on persons or property resulting from the work or activity of Fisk Lawnsapes except in cases of clear and gross negligence on the part of Fisk Lawnsapes. The customer hereby assumes all responsibility for any damage that may occur to their property, above ground or below, including but not limited to concrete/asphalt sidewalk, street, curb, or driveway, stucco, siding, fencing, landscaping sprinkler systems, and other underground services as a result of services performed and materials delivered, except in cases of gross negligence or direct neglect.

Media: Customer agrees that any pictures and video of property/house/landscape taken by Fisk Lawnsapes become the property of Fisk Lawnsapes and may be used for advertising purposes.

WARRANTY & EXCLUSIONS

Workmanship Warranty: Fisk Lawnsapes includes a 3-year warranty on all workmanship. The customer hereby agrees that this does not include any additional warranty for materials. Fisk Lawnsapes reserves the right to determine what defines workmanship failure verses material failure. The workmanship warranty will become void if the customer tampers with or alters original work on property.

Plant Warranty: Fisk Lawnsapes also includes a one-year planted material warranty covering delivery, fertilizer, installation, drip emitter check, haul away, and disposal. The client is responsible for the retail cost of the replacement plant material. All plant evaluations are conducted per the clients request after June 15th to allow for late emergent plants to show growth. This warranty is only valid, when bi-weekly winter watering has been performed.

Pre-Existing Condition: Customer agrees that it will not hold Fisk Lawns LLC, DBA Fisk Lawnsapes, liable for any negative or adverse conditions of turf, plants, trees, or exterior conditions that pre-exist the inception of this agreement, and customer further agrees that it will not hold Fisk Lawnsapes liable for any negative or adverse conditions of turf, plants, trees, or exterior conditions which occur after the inception of this agreement which are not attributable to the direct neglect of Fisk Lawnsapes.

Materials Disclaimer: All decorative rock products come from quality vendors in the region. This includes but is not limited to rock sizes from 3/8" to 24". As all of these rocks are produced in a quarry, they carry dirt and rock fines/fragments with them. When rock is being installed on your project, dirt and rock fines may be installed. No rock is washed ahead of installation. Rock installation is not bid to be pre-washed as this would be cost prohibitive and your rock may appear dirty until a rainstorm washes it off.

Acts of God: Customer agrees Fisk Lawnsapes shall not be responsible for an act of God: any act outside of and beyond Fisk Lawnsapes control. This includes but is not limited to: flood, fire, drought, tornado, blizzard, and hail. Fisk Lawnsapes shall not be responsible for other possible delays outside of Fisk Lawnsapes control; this includes but is not limited to strikes, labor disputes, delivery of materials to suppliers, and delivery of materials to worksite. Due to material and labor market volatility, total costs are subject to increasing not to exceed 5% of total contract cost. The parties further agree that Fisk Lawnsapes shall not be liable for any damage or deterioration, which occurs as a result of any water, or other restrictions, imposed by any public entity.

Concrete: Warranty does not cover acts of God or damages caused directly from abuse outside of normal usage. We do not warrant chips, flaking, spalling, or surface wear in any way. Concrete steps, walks, walls, drives, and patios can develop cracks that do not affect the structural integrity of the project. These cracks are caused by characteristics of concrete itself. While we work towards eliminating reasons for cracking such as thoroughly compacting the base, installing rebar reinforcement grid, and using 4000 psi exterior grade cement mix, no method eliminates all cracking. Random cracking of exterior concrete will occur and is to be expected at any point during its lifetime. These cracks are generally hairline or less than 1/4" in nature, do not affect the strength of the project and is not considered a construction defect. It is the owner's responsibility to caulk cracks on a timely basis to prevent moisture infiltration with a quality waterproof concrete caulk. On colored and/or stamped concrete, color and texture variations are to be expected. The homeowner should take precaution to reduce or eliminate the exposure of exterior concrete to salt, chemicals, mechanical implements, and other factors which could damage the concrete surface. Concrete Sealer: the sealers glossy when first applied but will fade in sheen over the first few months to a more natural matte finish. Some small imperfections (sheen consistency, small air pockets, color variation) are normal in a sealer coat and will fade with time. The homeowner should have their concrete re-sealed with a high quality

concrete sealer every 2-5 years depending on site conditions.

PAYMENTS & MODIFICATIONS

Payment Schedule: Initial payment of 33% due upon signing, 33% due on the start date, and balance due upon completion, unless otherwise stated. If customer fails to make payment according to the above schedule then a 4% finance charge, per month, to begin accruing at one day past due, may be added to the overdue portion of the total cost. Contract total reflects a 3% cash/check discount; credit card payments are ineligible for this discount.

Modification of Agreement: Any modification of this Agreement, or additional obligations assumed by either party in connection with this agreement, shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

I hereby authorize and have the authority to execute this agreement with Fisk Lawnsapes to perform work on my property, as described above, and accept all terms and conditions herein.

Estimate authorized by: _____
Company Representative

Estimate approved by: _____
Customer Representative

Signature Date: _____

Signature Date: _____