

# UNDERSTANDING OF GRASS CUTTING TERMS

Between

Mixon Creek Homeowners' Association & Midyette Landscaping, Inc.

September, 2005

Midyette Landscaping, Inc. (MLI) agrees to provide suitable grass cutting services in the Mixon Creek Subdivision for the benefit of the Mixon Creek Homeowners' Association (MCHOA) under the following terms and conditions until either party notifies the other of termination or modification of this understanding.

The frequency of cutting services will be determined by the reasonable judgment of MLI considering growing conditions and weather, with advice from MCHOA. It is contemplated that cutting services will be provided approximately twice per month during the active grass-growing season.

In order to provide efficiency to MCHOA in its grass cutting costs, MLI will provide two levels of cutting services on an alternating basis. These types are known as a "Full Cut" and a "Partial Cut".

A "Partial Cut" will consist of cutting only those areas between the ditches along the roadways through the entire subdivision that can be reached with a "tractor" type mower and will not include any "weed-eater" trimming. This means there may be some areas that do not get cut even though they are between the roadway side of the ditches. However, all of the common area at the West side of the intersection of Mixon Creek Drive and Mill Creek Lane will be cut and trimmed as needed using all appropriate equipment. Likewise, all the roadside areas will be cut and trimmed on both sides of the ditches from that intersection along Mixon Creek Drive to its intersection with NC Hwy 92.

A "Full Cut" will consist of all the items and areas included in the "Partial Cut" but will additionally include any necessary trimming using a weed-eater or other equipment as appropriate as follows:

**IMPROVED LOTS:** This additional trimming will be limited to the area between the ditches adjoining the roadway on lots that have houses on them and does not include lawn areas on the house side of ditches.

**UNIMPROVED LOTS:** For lots without houses, MLI will cut and trim the areas on both sides of the ditches to the wood line. This would include the side of the ditch nearest where a house might be placed in the future

A "Full Cut" will be provided for the first cut of the season and the final cut at the end of the season.

A "Full Cut" will be charged at the rate of \$500.00 per cut until further notice.

A "Partial Cut" will be charged at the rate of \$250.00 per cut until further notice.

Payment will be made promptly by MCHOA to MLI upon receipt of appropriate invoices.