

EXHIBIT A
CHRONOLOGICAL RECORD OF EVENTS
275 Truehedge Trace, Roswell, Georgia 30076 - Will and Amanda Scroggin

March 16, 2026

Tomahawk Tree Service conducts a formal on-site arborist assessment of the Leyland Cypress cluster at the rear right corner of 275 Truehedge Trace. Findings documented in Estimate #13801: three Leyland Cypress trees (approximately 12" DBH each) improperly installed in close proximity to both the structure and one another; industry spacing standards of 8-10 feet not met; overcrowding produced compromised growth patterns and excessive structural encroachment toward the residence; dense canopy actively contributing to pest and wildlife access to the roofline and attic space; trees approaching or exceeding the 20-30 year typical lifespan for the species. Removal strongly recommended due to improper placement, declining viability, and associated structural and pest concerns.

March 19, 2026

ARC application titled 'Tree removal - backyard and side yard' formally submitted through TownSq at 10:39 PM by Amanda Scroggin. Sub-association listed: Parkside. Application includes photographic documentation, Fulton County property line information, and reasons for removal. Application is on record in the Foundation's own TownSq platform.

March 20, 2026

ARC representative contacts homeowners through TownSq requesting site visit availability.

March 23, 2026

ARC Committee Members Meghan Cherfoli and Fredrika Stillwater conduct the first in-person site visit at 275 Truehedge Trace at 2:00 PM. Will Scroggin is at work; Amanda Scroggin meets with the ARC representatives. Conversations regarding the trees in question were captured on Ring camera footage recorded at the property. ARC marks application open to vote. Homeowners informed a lot plot/survey may be required.

Later that evening, Will and Amanda Scroggin join an ARC call along with their neighbors, Mike and Hillary Graves. The Graves are directly affected parties: the backyard trees along the shared fence line have destroyed the Graves' fence and extend significantly into their yard. The Graves advocate on the call for approval of the backyard tree removals based on this documented fence damage and encroachment. Following the call, the ARC requests a follow-up site visit to specifically examine the backyard fence-line trees and the driveway tree the Scroggins had proposed for removal but retained because it was healthy and posed no structural risk.

March 25, 2026

Jeffrey West and Meghan Cherfoli contact Will Scroggin directly by personal text message to schedule a second in-person site visit for the express purpose of reviewing tree conditions. This is an ARC-initiated contact.

March 26, 2026

Jeffrey West (ARC) texts Will Scroggin: 'It would be useful to know more about the water main-line locations in relation to the trees under consideration.' This is a direct ARC inquiry into the infrastructure hazard documented in the arborist report. ARC directs homeowners to upload all documentation to TownSq so all ARC representatives may access it.

March 27, 2026

Meghan Cherfoli and Jeffrey West conduct the second in-person site visit at 275 Truehedge Trace, meeting with Will Scroggin -- the first time Will has met the ARC representatives in person. This visit was requested by the ARC following the March 23 evening call, specifically to examine the backyard fence-line trees and the driveway tree. Conversations regarding the trees in question were captured on Ring camera footage recorded at the property. Tomahawk arborist report uploaded to TownSq same day, per ARC direction.

March 30, 2026

ARC representative confirms by text message: 'we have entered all the notes into TownSquare.' These notes - entered into the Foundation's own records system by its own representatives following two separate site visits - have not been produced to the homeowners. A formal records request for these notes is contained within this appeal.

March 31, 2026

Homeowners submit additional context via TownSq explaining operational coordination with neighboring property (Graves). Homeowners confirm they have cancelled Tomahawk's scheduled permit photography appointment pending official ARC approval. Direct, documented evidence of good faith compliance with the ARC process.

April 3, 2026

ARC issues verdict letter: 'Approved with conditions.' Backyard removals approved. Cypress cluster deferred: 'These can be reevaluated when a fence plan is submitted.' No formal written denial of the cypress cluster issued. No safety determination issued. No rebuttal of the arborist's findings. The verdict letter is entirely silent on the documented hazard, the prior property damage, and the arborist's professional recommendation.

April 4, 2026

Will Scroggin texts Jeffrey West and Meghan Cherfoli requesting explanation for the cypress deferral, citing the dead condition, water line damage, roof repairs, canopy over the home. ARC responds: fence plan must be submitted before the

cluster will be considered. Homeowners request a follow-up site visit. Second ARC representative responds: 'Hi Will. I'll be in touch on Monday.' Amanda Scroggin posts formal written notice on TownSq: 'For future insurance purposes, I want to make sure it is known that the only reason this hazard remains is because the HOA insisted on it and refused removal.' No substantive written response to this notice is ever provided by the ARC, the Board, or any Foundation representative.

April 5, 2026

Jeffrey West conducts a third unannounced site visit at 275 Truehedge Trace, this time alone. He informs Will Scroggin verbally that the committee's basis for deferring the cypress cluster was that removing all of the trees at once would be too drastic a visual change for the neighborhood. He advises Will that the Scroggins could formally appeal the decision. Will tells Jeffrey West directly that the Scroggins will leave any trees that are not posing a hazard -- which is precisely what they did on April 13. No written follow-up issued. No formal denial letter issued. No written safety determination issued. No response to the April 4 liability notice ever provided.

April 13, 2026

Tomahawk Tree Service arrives at 275 Truehedge Trace to perform the ARC-approved removal work. Will and Amanda Scroggin are both away from the property. While on-site performing the approved work, the Tomahawk arborist physically examines the Leyland Cypress cluster and contacts Will Scroggin by telephone with a real-time field assessment: selective limb removal of the cypress trees would produce top-heavy, structurally compromised trees with a disproportionate canopy-to-trunk ratio, making them more likely to fall toward the house. No safe intermediate remediation option exists. Based on this on-site professional assessment, Will Scroggin authorizes removal of the Leyland Cypress cluster. On the same date, the Scroggins specifically direct Tomahawk not to remove the laurel tree and two evergreen trees the ARC had formally denied -- trees for which the Scroggins had already paid the full contracted price -- specifically to honor those ARC denials. This is the only removal work the Scroggins authorized that was not already approved by the ARC.

April 5, 2026 through May 14, 2026

No communication of any kind is received from the ARC, the Board, or any Foundation representative during this forty-day period -- neither before the April 13 removal nor after it. Following completion of the removal work, the Scroggins immediately contract for stump grinding, yard grading, and soil remediation at their own expense, fully completing the work and improving the condition of the property. No courtesy notice, warning letter, or any other communication is received. The May 15, 2026 fine notice is the first and only communication received from the Foundation in forty days.

April 27, 2026

MLF Board holds its quarterly in-person meeting. The ARC representative had explicitly informed the Scroggins on March 30, 2026 that "our next meeting is April 27th" and that the committee would seek to resolve the application at or before that meeting. No communication is sent to the Scroggins before, during, or after this meeting. No written decision, denial, or status update is issued. The Scroggins are not notified of any action taken at this meeting with respect to their application.

May 12, 2026

Governor Brian Kemp signs Senate Bill 406 - the Georgia Property Owners' Bill of Rights Act - into law. Attorney fee notice and judicial reasonableness review provisions take effect July 1, 2026. Full registration and enforcement authority provisions take effect January 1, 2027.

May 15, 2026

ACC Violation Fining Notice issued by Erin Damiani, CAM, Homeside Properties, on behalf of Martin's Landing Foundation Board of Directors. Fine: \$1,800.00 (\$600 per tree x 3 - the maximum allowable amount under ARC Guidelines Section 9.b.i). Notice states: 'our records indicate that we do not have an architectural application on file for this modification.' This statement is factually incorrect. Notice cites only ARC Guidelines Section 5A. It makes no reference to Sections 7 or 13.b.v. It does not rebut the arborist's findings. It does not address documented prior damage. It does not acknowledge any of the three ARC-initiated site visits. It does not explain how a conditional deferral constitutes a final denial warranting maximum fines. Fine notice sent via regular mail rather than certified mail. This is the first communication of any kind received from the Foundation in forty days.

May 27, 2026

Homeowners submit this Formal Tier One Appeal, Formal Records Request, Formal Hearing Request, and Formal Recusal Requests, pursuant to the Declaration, By-Laws, ARC Guidelines, and O.C.G.A. §44-3-220 et seq.

May 28, 2026

Erin Damiani, CAM, Homeside Properties, leaves a voicemail on Amanda Scroggin's phone at 1:03 PM stating that MLF's appeal board has availability on Tuesday, June 2 and Thursday, June 4 after 10:00 AM, and that three appeal hearings need to be scheduled. Damiani states an email will also be sent and requests a call back at 770-992-6432. See Exhibit J.

May 28, 2026

MLF Office sends email at 1:14 PM to Will Scroggin via blind carbon copy, subject line "Martin's Landing Appeal Hearings June 2026," proposing June 2, 2026 or June 4, 2026 for the appeal hearing beginning at approximately 11:00

AM via Zoom in 15-minute intervals. The email does not address the substantive issues raised in the appeal, the outstanding records requests, or the recusal requests. See Exhibit J.

May 28, 2026

Will Scroggin submits written response to MLF via email at 2:18 PM. Response objects to the proposed June 2 and June 4 hearing dates, citing Amanda Scroggin's work travel and the minimum one-week notice required for non-work absences. Response requests scheduling no earlier than June 10, 2026; requests adequate time to walk through the full exhibit packet; reiterates outstanding recusal requests and records production requests as conditions that must be addressed prior to the hearing; and asks the Board to clarify the criteria used to determine the fine amount. See Exhibit J.

May 28, 2026

MLF Office responds via email at 4:43 PM, addressed to Will and Amanda Scroggin. MLF confirms it will aim to schedule the hearing between June 10 and June 18, 2026, and states it is looking into the records requests, recusal requests, and time allotment. The email asks who the Scroggins are requesting be recused from the hearing, describes the standard Appeal Board composition under the governing documents, and provides MLF's first written explanation of the fine amount formula: 00 per tree for ARC-approved removals and 00 per tree for removals not approved, citing the three Leyland Cypress trees as "not approved" under the conditional approval issued for the March 19, 2026 application. The email also asks for clarification on the records request, listing the Scroggins' exhibit packet index as the items requested — reflecting that MLF appears to have reviewed the Exhibit Packet cover page rather than the Appeal Letter itself, which contains the actual records request in Section XI. See Exhibit J.

May 28, 2026

Will and Amanda Scroggin submit written response to MLF's 4:43 PM email at 6:09 PM, with the Appeal Letter PDF re-attached. Response clarifies that the recusal requests are directed toward Joseph Fortin, Meghan Cherfoli, and Fredrika Stillwater as identified in Section I of the Appeal Letter, and that the anticipated board composition following those recusals is addressed in Section XII. Response notes that several questions raised in MLF's email are already addressed in the Appeal Letter itself — a separate document from the Exhibit Packet — and re-attaches the Appeal Letter PDF to help distinguish it from the Exhibit Packet and facilitate the Board's review. Response confirms availability June 10 through June 17, 2026, and notes that June 18 is not feasible as Amanda and Will depart the following morning for a previously scheduled two-

week international trip. All dates June 19 through July 6 are unavailable. See Exhibit J.

May 28, 2026

Martin's Landing Foundation issues a Courtesy Notice - Architectural Violation to Daniel and Manon Bernitt at 270 Truehedge Trace, the neighboring property identified in Exhibit F of this appeal. The notice, signed by Erin Damiani, CAM, Homeside Properties, cites Section 5A and assesses a fine of \$300.00 for tree removal without a prior ARC application. The notice states: 'the tree removal likely would have been approved had the proper ARC request been submitted in advance.' This determination was made with no application on file, no photographs submitted, and no arborist report or supporting documentation of any kind. The Scroggins, who submitted a formal ARC application, provided a professional arborist's report, cooperated with three ARC-initiated site visits, and documented years of resulting property damage, were assessed \$1,800.00 — the maximum allowable fine of \$600.00 per tree. The Bernitt fine was issued the day after the Scroggins' appeal specifically identified 270 Truehedge Trace as an unenforced removal in Exhibit F. See Exhibit K.

May 27, 2026

VIA EMAIL AND TOWNSQ

Sue McConnell, President
MLF Board of Directors, Martin's Landing Foundation, Inc.
president@martinslanding.org

Chuck Bernath, Vice President
MLF Board of Directors, Martin's Landing Foundation, Inc.
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Joe Fortin, Treasurer and ARC Chair
MLF Board of Directors, Martin's Landing Foundation, Inc.
finance@martinslanding.org

Marilee Knellinger, Secretary
MLF Board of Directors, Martin's Landing Foundation, Inc.
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Helen Loiacono, Parkside Sub-Association Representative
MLF Board of Directors, Martin's Landing Foundation, Inc.
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MLF Board of Directors (Full Board)
MLFBOD@martinslanding.org

Erin Damiani, CAM, On-Site Community Manager
Homeside Properties, Managing Agent
mlf@martinslanding.org

**Re: FORMAL TIER ONE APPEAL / FORMAL RECORDS REQUEST / CONDITIONAL
HEARING REQUEST / FORMAL RECUSAL REQUESTS**
ACC Violation Fining Notice Dated May 15, 2026
Property: 275 Truehedge Trace, Roswell, Georgia 30076
Homeowners: Will and Amanda Scroggin

Dear President McConnell, Vice President Bernath, Secretary Knellinger, Board
Representative Loiacono, and Members of the MLF Appeal Board,

EXECUTIVE SUMMARY

Will and Amanda Scroggin are appealing a \$1,800.00 fine imposed at the maximum allowable rate for the removal of three Leyland Cypress trees at 275 Truehedge Trace. The trees were removed because a licensed arborist formally assessed them as hazardous, end-of-life, and beyond safe intermediate remediation - and because they had already caused a basement flooding event requiring extensive remediation and multiple years of documented roof damage from falling limbs. The Scroggins submitted a formal ARC application, cooperated fully with three separate ARC-initiated site visits, provided professional documentation at ARC direction, complied with every other ARC decision, and gave explicit written notice of the hazard and associated liability on the

Foundation's own platform. They received no response to that notice and no communication of any kind for forty days before the fine letter arrived.

This appeal asks the Board to do four things: (1) overturn the fine, which is premised on a factually false claim that no application existed and ignores the Foundation's own emergency hazard provisions; (2) confirm in writing that no additional fines, liens, or enforcement actions will be pursued while this appeal is pending; (3) produce the records the Scroggins are entitled to inspect under By-Laws Article 11.13 and O.C.G.A. §44-3-231; and (4) schedule a formal hearing at which the Scroggins can present the full evidentiary record.

ISSUES PRESENTED

1. Whether the fine is valid when the fine letter's foundational claim - that no application was on file - is demonstrably contradicted by the Foundation's own TownSq platform records.
2. Whether aesthetic preference constitutes a legitimate basis for denying removal of trees that a licensed arborist professionally assessed as hazardous and beyond safe intermediate remediation, in light of the Foundation's own emergency hazard provisions under ARC Guidelines Sections 7 and 13.b.v.
3. Whether the maximum allowable fine may be applied to homeowners who submitted a formal application, cooperated with three ARC-initiated site visits, provided professional documentation at ARC direction, and complied with all other ARC decisions - while an identical violation at a neighboring property goes unaddressed and unfined.

Pursuant to Article 12.5.1 through 12.5.3 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Martin's Landing Foundation, Inc. (recorded May 6, 2008, Deed Book 46704, Fulton County, Georgia land records) (hereinafter 'Declaration'); Article 8.6 and Article 12.5.2 of the Amended and Restated By-Laws for Martin's Landing Foundation, Inc. (hereinafter 'By-Laws'); Section 10 of the ARC Architectural Review Committee Guidelines (updated September 2025) (hereinafter 'ARC Guidelines'); and the Georgia Property Owners' Association Act, O.C.G.A. §44-3-220 et seq. (hereinafter 'POAA'), Will and Amanda Scroggin hereby submit this combined document comprising: (1) a Formal Tier One Appeal of the ACC Violation Fining Notice dated May 15, 2026; (2) a concurrent Formal Records Request pursuant to By-Laws Article 11.13 and O.C.G.A. §44-3-231; (3) a concurrent Formal Hearing Request pursuant to By-Laws Article 12.5.2; and (4) concurrent Formal Recusal Requests directed to ARC Chair and MLF Treasurer Joseph Fortin, ARC Committee Member Meghan Cherfoli, and ARC Committee Member Fredrika Stillwater.

The fine of \$1,800.00 - imposed at the maximum allowable rate of \$600 per tree under ARC Guidelines Section 9.b.i - is procedurally defective, factually unsupported, legally unjustifiable, and inconsistently applied. The Scroggins request that the Appeal Board: (1) overturn the fine in its entirety; (2) issue written confirmation that no continuing daily fines, lien, or further enforcement action will be pursued; (3) require recusal of conflicted members prior to deliberation and document the disposition of those requests on the record; (4) produce all records requested herein within the required timeframe; (5)

schedule a formal hearing; and (6) confirm in writing whether fines continue to accrue during the pendency of this appeal.

I. PRELIMINARY MATTER: FORMAL RECUSAL REQUESTS

The integrity of the appeal process depends on the Appeal Board being composed of members who can evaluate this matter without personal involvement in the underlying decision or facts. The Scroggins respectfully request the recusal of three ARC committee members from all deliberations and voting on this appeal, and request that the Appeal Board formally document the disposition of each recusal request on the record before proceeding to any substantive consideration.

A. Joseph Fortin - ARC Chair and MLF Treasurer

Joseph Fortin currently serves simultaneously as: (1) Chair of the Architectural Review Committee - the body whose decision is the subject of this appeal; (2) MLF Treasurer - one of the four officers of the Foundation who comprise the core of the Appeal Board under By-Laws Article 8.1.2; and (3) Chair of the Finance Committee. Mr. Fortin chairs the committee whose enforcement action the Scroggins are challenging. His participation in ruling on an appeal of a decision made by a committee he chairs is a structural conflict of interest that is inconsistent with the duty of good faith imposed on board members under O.C.G.A. §44-3-231 and Declaration Article 6.3. The Scroggins formally request that Joseph Fortin recuse himself from all deliberations and voting related to this appeal, and that the Appeal Board document the disposition of this request on the record before proceeding.

B. Meghan Cherfoli - ARC Committee Member, Landscape Committee Chair, North Shore Board Member

Meghan Cherfoli participated in the first two ARC-initiated site visits at 275 Truehedge Trace - on March 23, 2026 with Amanda Scroggin, and on March 27, 2026 with Will Scroggin. Conversations regarding the trees in question were captured on Ring camera footage at both visits. Her direct personal involvement in the site visits and her firsthand assessment of the conditions at the subject property make her participation in any appeal deliberation improper.

Additionally, as Chair of the MLF Landscape Committee, Ms. Cherfoli presides over a committee that published the following guidance in the MLF 2026 Annual Meeting Slideshow, presented to the full MLF membership on March 8, 2026: 'Please remove all ivy growing on trees on your property... It's important to address ivy growth promptly, as many insurance companies may deny tree damage claims if ivy is present on the affected tree.' The Leyland Cypress trees at 275 Truehedge Trace were heavily covered in ivy - photographically documented and submitted to TownSq. The committee Ms. Cherfoli chairs was actively advising the MLF membership to remove ivy from trees for precisely the structural and insurance reasons the Scroggins' arborist had documented. The ARC committee on which Ms. Cherfoli sits then denied removal of those ivy-covered, professionally documented hazardous trees and the Foundation imposed maximum fines. The Landscape Committee's published guidance and the ARC's

enforcement action cannot be reconciled, and both bear Ms. Cherfoli's direct involvement.

The Scroggins formally request that Meghan Cherfoli recuse herself from all deliberations and voting related to this appeal, and that the Appeal Board document the disposition of this request on the record before proceeding.

C. Fredrika Stillwater - ARC Committee Member, North Shore

Fredrika Stillwater is an ARC Committee Member representing the North Shore sub-association, as identified in the MLF 2026 Annual Meeting Slideshow. Ms. Stillwater was present at the March 23, 2026 site visit at 275 Truehedge Trace. Conversations regarding the trees in question from that visit were captured on Ring camera footage recorded at the property. Her direct personal involvement in the underlying site visit makes her participation in any appeal deliberation improper.

The Appeal Board should also note that three of the ARC committee members most actively involved in the review and enforcement action related to this application - Ms. Cherfoli, Ms. Stillwater, and MLF President Sue McConnell - are all representatives of the North Shore sub-association, while the subject property is located in Parkside. President McConnell also sits on the Appeal Board. The Appeal Board should satisfy itself that this concentration of involvement from a single sub-association did not affect the objectivity of the underlying review or the enforcement decision.

The Scroggins formally request that Fredrika Stillwater recuse herself from all deliberations and voting related to this appeal, and that the Appeal Board document the disposition of this request on the record before proceeding.

II. THE FINE LETTER IS PREMISED ON A FACTUALLY INCORRECT FOUNDATION

The ACC Violation Fining Notice states: 'our records indicate that we do not have an architectural application on file for this modification.' This statement is demonstrably and materially false.

An ARC application titled 'Tree removal - backyard and side yard' was formally submitted through TownSq on March 19, 2026, at 10:39 PM by Amanda Scroggin, identified as a Parkside sub-association homeowner. This application was assigned to the Parkside sub-association, opened for ARC voting, generated three separate ARC-initiated site visits, and produced a formal written verdict letter dated April 3, 2026, conditionally approving portions of the requested work. The TownSq application record, the verdict letter, and all associated communications are enclosed as Exhibit B.

Under Declaration Article 12.4 and O.C.G.A. §44-3-223, enforcement actions must be grounded in accurate factual findings. A fine notice premised on the demonstrably false assertion that no application existed does not constitute a valid exercise of the Foundation's enforcement authority.

III. THE ARC ACTIVELY SOLICITED, DIRECTED, AND RECEIVED ALL HAZARD DOCUMENTATION

The Foundation cannot claim ignorance of the documented hazard conditions. The contemporaneous record demonstrates that the ARC actively engaged with, directed, and received all relevant documentation prior to rendering any decision:

On March 20, 2026, an ARC representative initiated contact through TownSq to schedule a site visit.

On March 23, 2026, Meghan Cherfoli and Fredrika Stillwater conducted the first in-person site visit at 275 Truehedge Trace with Amanda Scroggin. Conversations regarding the trees in question were captured on Ring camera footage.

On March 25, 2026, Jeffrey West and Meghan Cherfoli contacted Amanda Scroggin by text message to schedule a second site visit specifically to review tree conditions.

On March 26, 2026, Jeffrey West specifically requested information about water main-line locations in relation to the trees under consideration - a direct inquiry into the infrastructure hazard the arborist had documented.

On March 26, 2026, the ARC directed the homeowners to upload all documentation to TownSq so that all ARC representatives could access it.

On March 27, 2026, Meghan Cherfoli and Jeffrey West conducted the second in-person site visit at 275 Truehedge Trace with Will Scroggin. Conversations regarding the trees in question were captured on Ring camera footage.

On March 27, 2026, the Tomahawk arborist report was uploaded to TownSq per ARC direction.

On March 30, 2026, an ARC representative confirmed by text: 'we have entered all the notes into TownSquare.' These notes - the ARC's own contemporaneous record of two site visits - have never been produced to the homeowners.

The ARC possessed a professionally prepared arborist report, photographic documentation, property line information, and the ARC representatives' own observations from two separate site visits - all on file and accessible to the full committee prior to its decision. The fine letter's complete silence on all of this documentation is an omission that goes directly to the good faith basis of the enforcement action.

IV. THE LEYLAND CYPRESS TREES SATISFIED THE FOUNDATION'S OWN EMERGENCY HAZARD CRITERIA

A. Governing Document Standard

ARC Guidelines Section 7.b.i defines an emergency as 'immediate/imminent danger to life or property that is reasonably apparent.' Section 13.b.v specifically enumerates 'dead trees in immediate danger of falling' as a qualifying emergency condition and states that 'an arborist report should be provided noting the presence of one of the above immediately dangerous conditions.' Both standards were satisfied.

Under O.C.G.A. §44-3-223 and Declaration Article 12.4, enforcement actions must reflect a reasonable application of the governing documents. An enforcement action that imposes maximum fines while entirely ignoring the Foundation's own emergency provisions - provisions supported by professional documentation submitted at ARC direction - is not a reasonable application of the governing documents.

The Scroggins respectfully ask the Appeal Board to address the following question directly in its written decision: if the documented conditions at 275 Truehedge Trace - including a licensed arborist's formal assessment of end-of-life decline, structural encroachment, pest and wildlife access to the roofline, prior basement flooding caused by root intrusion, and multiple years of roof damage from falling limbs - did not satisfy the Foundation's own emergency hazard criteria, the Scroggins request a written explanation of what conditions would have been required to qualify.

B. Professional Arborist Documentation

Tomahawk Tree Service documented the following in Estimate #13801, dated March 16, 2026 - seven days before the first ARC site visit and sixty days before the fine letter was issued:

Three Leyland Cypress trees (approximately 12" DBH each) improperly installed in close proximity to both the structure and one another;

Industry spacing standards of 8-10 feet not met;

Overcrowding produced compromised growth patterns and excessive encroachment toward the residence;

Dense canopy actively contributing to pest and wildlife access to the roofline and attic;

Trees approaching or exceeding the typical 20-30 year lifespan for Leyland Cypress; and

Removal strongly recommended due to improper placement, declining viability, and associated structural and pest concerns.

On April 13, 2026, while physically on-site performing the ARC-approved removal work, the Tomahawk arborist provided a real-time field assessment by telephone: selective limb removal of the cypress cluster would produce top-heavy, structurally compromised trees with a disproportionate canopy-to-trunk ratio, increasing fall risk toward the house. No safe intermediate remediation option existed. This was not a prior phone consultation -- it was a professional field assessment made by an arborist physically standing at the trees during active removal work.

The Scroggins also ask: did the ARC consult or obtain any contrary expert arborist opinion rebutting Tomahawk's professional findings prior to rendering its decision? If so, that opinion should be produced as part of the records request in Section XI. If no contrary expert opinion was obtained, that fact is itself relevant to whether the ARC

exercised reasonable judgment or substituted aesthetic preference for professional assessment.

C. The Landscape Committee's Own Published Guidance Supports Removal

The MLF Landscape Committee - chaired by Meghan Cherfoli - published the following in the 2026 Annual Meeting Slideshow presented to the full MLF membership on March 8, 2026: 'Please remove all ivy growing on trees on your property... It's important to address ivy growth promptly, as many insurance companies may deny tree damage claims if ivy is present on the affected tree.' The Leyland Cypress trees at 275 Truehedge Trace were heavily covered in ivy - photographically documented and submitted to TownSq. The Foundation's own Landscape Committee was advising homeowners to remove ivy from trees for precisely the structural and insurance reasons the Scroggins' arborist had documented. The ARC then denied removal of those ivy-covered trees and imposed maximum fines. These positions cannot be reconciled.

D. Documented History of Prior Property Damage

These trees had already caused repeated, documented damage over multiple years prior to this application. A water line failure caused by root intrusion resulted in significant basement flooding with documented insurance payments of approximately \$56,932 (Auto-Owners Insurance Claim No. 300-0442175-2024, Date of Loss: July 15, 2024). A falling limb subsequently breached the roof, causing water intrusion and wildlife entry. The Scroggins paid \$1,549.76 out of pocket for squirrel trapping and full-perimeter wildlife exclusion services (Southern Wildlife Management, LLC, January 2025) and an additional \$1,200.92 for roof shingle and decking repairs (Dr. Roof Atlanta, Invoice No. 161663, June 2025), for a combined out-of-pocket expense of \$2,750.68. These invoices and the insurance claim activity record are produced as Exhibit I. This damage history was communicated to the ARC through TownSq on April 4, 2026, in writing, with an explicit offer to provide receipts from the roof company documenting prior damage. The ARC did not respond.

V. THE STATED BASIS FOR NON-APPROVAL IS NOT A LEGITIMATE EXERCISE OF ARC AUTHORITY

Jeffrey West verbally informed Will Scroggin on April 5, 2026, that the committee's decision was based on the drastic visual difference that would result from removing all of the trees at the same time. No written denial was issued. No formal safety determination was issued. No response to the April 4 liability notice was ever provided.

Aesthetic impact is not a legitimate basis for denying removal of trees that a licensed arborist has professionally assessed as hazardous, end-of-life, and structurally threatening to the residence. By-Laws Article 8.4 grants the ARC broad discretion, including authority to consider aesthetic factors. However, that discretion is bounded by the ARC's own emergency provisions under ARC Guidelines Sections 7 and 13.b.v, by the Declaration's purpose of protecting property values (Article 1.2), and by the duty of good faith imposed on the Foundation under O.C.G.A. §44-3-231.

The cypress cluster was never formally denied in writing - it was conditionally deferred pending a fence plan submission. A conditional deferral is not a denial. The Foundation is retroactively characterizing a deferral as a final denial to justify maximum fines. This characterization is not supported by the text of the April 3, 2026 verdict letter.

The fine letter cites only ARC Guidelines Section 5A - the general prior approval requirement. It makes no reference to Section 7 (Emergency Approvals), Section 13.b.v (Tree Emergency Situations), or the constructive approval provision of By-Laws Article 8.4. A fine notice that applies the maximum allowable penalty while ignoring its own emergency provisions and the professional documentation it directed the homeowners to submit is not a facially valid enforcement action under O.C.G.A. §44-3-223 or the Declaration.

VI. THE HOMEOWNERS DEMONSTRATED CONSISTENT GOOD FAITH COMPLIANCE THROUGHOUT

The Scroggins did not want to remove the Leyland Cypress trees. They provided shade and habitat that the family genuinely valued. The Scroggins were first advised to remove them following the basement flood caused by root intrusion but could not afford to do so at the time. They chose to live with a documented risk rather than remove trees they cared about.

When the Scroggins submitted their ARC application, it included trees they wanted removed for practical reasons unrelated to safety. The ARC denied several of those requests. On April 13, 2026 -- the same day the Leyland Cypress trees were removed -- the Scroggins specifically directed Tomahawk not to remove a laurel tree and two evergreen trees that the ARC had formally denied. The Scroggins had already paid the full contracted price for the removal of those trees. They paid in full and left those trees standing because the ARC said no. That is not the conduct of homeowners who disregard the ARC process. They also cancelled Tomahawk's scheduled permit photography appointment when they learned the ARC decision on the cypress cluster was still pending, specifically to avoid proceeding without official approval. This is documented in the March 31, 2026 TownSq submission.

Following the April 13 removal, the Scroggins immediately contracted for stump grinding, yard grading, and soil remediation at their own expense -- fully completing the work and improving the condition of the property. The Scroggins then assumed, reasonably, that the matter had been resolved. No communication of any kind was received from the ARC, the Board, or any Foundation representative from April 5, 2026, through May 14, 2026 -- a period of forty days. The May 15, 2026 fine notice was the first and only communication received during that forty-day period, and it arrived as a maximum fine with no prior warning, no courtesy notice, and no opportunity to respond before the fine was assessed.

The Scroggins' compliance record with the ARC process extends well beyond this application. Prior to this matter, the Scroggins submitted ARC applications for two separate projects at 275 Truehedge Trace -- a tree removal and an exterior repaint of the house and porch -- and complied fully with the ARC process on both occasions

without incident. Those applications predate the TownSq platform and are not available in the current digital system, but the Foundation's own records should confirm this history. The Scroggins have never been fined, never undertaken a modification without seeking approval, and have consistently treated the ARC process as a requirement to be followed, not an obstacle to be avoided.

Imposing the maximum allowable fine - the same rate applied to a homeowner who ignores the ARC process entirely - is not proportionate to this conduct and is not consistent with the good faith standard the Foundation is required to maintain under O.C.G.A. §44-3-231 and Declaration Article 9.6.

VII. THE HOMEOWNERS PROVIDED EXPLICIT WRITTEN NOTICE OF ONGOING HAZARD AND FOUNDATION LIABILITY

On April 4, 2026, Amanda Scroggin posted the following statement on TownSq, timestamped and permanently on record within the Foundation's own platform: 'For future insurance purposes, I want to make sure it is known that the only reason this hazard remains is because the HOA insisted on it and refused removal.'

This constitutes explicit written notice to Martin's Landing Foundation, Inc. that the Foundation's refusal to approve removal of professionally documented hazardous trees created ongoing liability exposure. No substantive response to this notice was ever provided by the ARC, the Board, or any Foundation representative. The Foundation was warned in writing on its own platform. The Foundation did not act. The Scroggins proceeded to remove the trees to protect their property from further damage after all reasonable efforts to obtain approval had been exhausted.

O.C.G.A. §44-3-231(g) expressly authorizes member tort actions against associations for negligence or willful misconduct. Declaration Article 6.3 limits indemnification of ARC committee members for their own willful misfeasance or malfeasance. Imposing maximum fines on homeowners who provided explicit written notice of hazard and liability, received no response, and then acted to protect their property raises serious questions about the good faith basis of this enforcement action.

VIII. THE FINE HAS NOT BEEN APPLIED CONSISTENTLY

Under Georgia law, an HOA's enforcement of its governing documents must be 'procedurally fair and reasonable' and its decisions must be made 'in good faith... reasonable and not arbitrary and capricious.' *Saunders v. Thorn Woode Partnership, L.P.*, 265 Ga. 703, 462 S.E.2d 135 (Ga. 1995).

A neighbor directly across the street from 275 Truehedge Trace had a large, prominently visible front-yard tree removed without ARC approval on the exact same date as the Scroggins' removal, performed by the same contractor (Tomahawk Tree Service). That neighbor left a freshly cut stump visible from a main road with no remediation. That stump remains in place to date and is photographically documented alongside a prior Google Earth image confirming the tree's existence as Exhibit F. No fine or formal notice was issued to that property. The Scroggins, who submitted a formal

application, provided professional documentation, cooperated with three ARC-initiated site visits, complied with all other ARC decisions, completed the work professionally, and immediately improved the property, received the maximum allowable fine. That disparity is not a reasonable exercise of enforcement discretion under Declaration Article 9.6 and is inconsistent with the standard established in Saunders.

The records request in Section XI will allow the data to speak to whether this disparity reflects a broader pattern of inconsistent enforcement.

IX. APPLICABLE LEGAL FRAMEWORK

Martin's Landing Foundation, Inc. has expressly elected to be governed by the Georgia Property Owners' Association Act, O.C.G.A. §44-3-220 et seq., as stated in the 2008 Amended and Restated Declaration. The following provisions are directly applicable:

O.C.G.A. §44-3-223 - Fines must be authorized by the governing documents, based on accurate factual findings, and imposed through a procedurally compliant enforcement process.

O.C.G.A. §44-3-231 - The Foundation has an affirmative duty to maintain accurate records and act in accordance with its governing documents. Members are expressly authorized to assert tort actions against the association for negligence or willful misconduct under subsection (g).

O.C.G.A. §44-3-231(a) - The Association's powers must be exercised in a manner consistent with its governing documents and in good faith.

By-Laws Article 11.13 - 'The books, records and papers of the Foundation shall at all times, during reasonable business hours, be subject to inspection by any Member.'

By-Laws Article 8.4 - Constructive approval provision: failure to formally disapprove within 45 days of complete submission, followed by homeowner notice and Foundation non-response within 15 days, results in deemed approval. A conditional deferral is not a formal disapproval.

Declaration Article 6.3 - ARC committee members are not indemnified for willful misfeasance or malfeasance.

Declaration Article 9.6 - Enforcement actions must be proportionate and reflect a reasonable exercise of the Foundation's discretionary authority.

Declaration Article 12.5.5 - The Foundation may decline enforcement where a violation is not of such a material nature as to be objectionable to a reasonable person.

Saunders v. Thorn Woode Partnership, L.P., 265 Ga. 703, 462 S.E.2d 135 (Ga. 1995) - HOA enforcement must be procedurally fair, reasonable, and not arbitrary or capricious.

Georgia Senate Bill 406 - the Georgia Property Owners' Bill of Rights Act - was signed into law by Governor Brian Kemp on May 12, 2026, having passed the Georgia Senate

51-0 and the House 155-10. Effective July 1, 2026, before any attorney's fees may be collected or sought, associations must provide written notice of alleged violations, a 30-day opportunity to pay, and an itemized list of attorney's fees; courts must make an explicit judicial finding of reasonableness before awarding fees. Effective January 1, 2027, associations must register with the Georgia Secretary of State to maintain authority to collect fines, issue liens, or initiate foreclosure.

X. RELIEF REQUESTED

Will and Amanda Scroggin respectfully request that the Appeal Board:

1. Overturn the \$1,800.00 fine in its entirety on the grounds that: (a) the fine notice is premised on a factually false assertion that no application was on file; (b) the trees met the Foundation's own emergency hazard criteria under ARC Guidelines Sections 7 and 13.b.v; (c) the stated basis for non-approval was aesthetic preference, which is not a legitimate basis for overriding a professionally documented safety hazard; (d) the homeowners demonstrated consistent good faith compliance throughout the ARC process; (e) the maximum fine is not proportionate to the homeowners' conduct; and (f) the fine has not been applied consistently;
2. Issue written confirmation that no continuing daily fines, lien, or further enforcement action will be pursued in connection with this matter;
3. Confirm in writing whether fines are continuing to accrue during the pendency of this appeal and whether any lien action is stayed pending resolution;
4. Require the recusal of Joseph Fortin, Meghan Cherfoli, and Fredrika Stillwater from all deliberations and voting, and document the disposition of each recusal request on the record before any vote;
5. Produce all records requested in Section XI within the timeframe required by By-Laws Article 11.13 and O.C.G.A. §44-3-231; and
6. Schedule a formal hearing pursuant to By-Laws Article 12.5.2 as described in Section XII.

XI. FORMAL RECORDS REQUEST

Pursuant to By-Laws Article 11.13 and O.C.G.A. §44-3-231, Will and Amanda Scroggin formally request production of the following records within ten (10) business days of receipt of this letter. The Scroggins are data-driven and intend to review these records analytically to determine whether the enforcement action taken against them is consistent with how the Foundation has applied its governing documents across the community.

1. A complete record of all ACC/ARC violation notices issued to any property within Martin's Landing Foundation from the Foundation's inception or as far back as records are maintained, including property address, date of notice, violation

type cited, fine amount assessed, and whether a corresponding ARC/ACC application was on file at the time the notice was issued;

2. A complete record of all fines collected, reduced, or waived by the Foundation for the same period referenced in item 1 above, including property address, original fine amount, and final disposition;

3. A complete record of all ARC violation appeals filed during the same period referenced in item 1 above, including property address, violation type, appeal outcome, and any fine adjustment resulting from the appeal;

4. Minutes from all ARC meetings held between March 19, 2026 and the date of production of these records, including any meeting at which the application submitted by Amanda Scroggin on March 19, 2026 was discussed, voted upon, or otherwise considered, and including the individual vote record for each ARC committee member on that application;

5. Minutes from all full Board of Directors meetings from the Foundation's inception or as far back as minutes are maintained, including the individual vote record for each board member on any motion concerning enforcement policy, the fine schedule, the fine amount range under ARC Guidelines Section 9.b.i, or any specific enforcement action taken against a homeowner. This request specifically and expressly includes the minutes from the May 26, 2026 quarterly board meeting, at which the Scroggins understand this matter may be discussed. The Scroggins request that the May 26, 2026 meeting minutes be produced separately and on a priority basis as soon as they are finalized;

6. All notes entered into TownSq by ARC representatives in connection with the Scroggin application, specifically including the notes referenced in the March 30, 2026 text message confirming 'we have entered all the notes into TownSquare' following the three site visits at 275 Truehedge Trace;

7. Any written communications, including emails, text messages, or platform messages, between ARC committee members, board members, or Homeside Properties staff regarding the Scroggin application, the site visits, the fine notice, or any deliberation concerning the fine amount imposed;

8. Any arborist opinion, expert report, or contrary professional assessment obtained or consulted by the ARC, the Board, or Homeside Properties in connection with the Scroggin application or the Leyland Cypress trees at 275 Truehedge Trace, including any assessment that informed the decision to deny removal of the cypress cluster;

9. Any written policy, criteria, or guidelines governing how the ARC or Board determines the fine amount within the allowable range under Section 9.b.i, including the specific basis for imposing the maximum allowable fine of \$600 per tree in this matter rather than a lesser amount;

10. The Foundation's current directors' and officers' liability insurance policy declarations page, as referenced in Declaration Article 7.2 and By-Laws Article 7.2; and

11. All ARC applications, approvals, and related correspondence previously submitted by Will and Amanda Scroggin for the property at 275 Truehedge Trace, including applications for a prior tree removal and an exterior repaint of the house and porch. These applications predate the TownSq platform. The Scroggins request confirmation that these prior applications and approvals are on file in the Foundation's records.

The Scroggins note that the ten (10) business day production deadline applies to all records listed above. With respect to the May 26, 2026 quarterly board meeting minutes specifically, the Scroggins request production within five (5) business days of the meeting's conclusion, or as soon as the minutes are finalized and approved, whichever is sooner. Any discussion, vote, or action taken at that meeting concerning this fine, this appeal, or the Scroggin property is directly relevant to this proceeding and must be preserved and produced.

If any portion of this request is denied, the Scroggins request a written explanation identifying the specific legal authority for each denial.

XII. CONDITIONAL HEARING REQUEST

The Scroggins believe the record presented in this appeal is complete and unambiguous, and they respectfully request that the Appeal Board resolve this matter in full through the written appeal process. No hearing should be necessary. However, in the event that this appeal is not granted in its entirety, the Scroggins hereby preserve and assert their right to a formal hearing before the Appeal Board pursuant to By-Laws Article 12.5.2. This notice is timely, submitted within fourteen (14) days of the May 15, 2026 fine notice.

Following the recusals requested in Section I, the properly constituted Appeal Board should comprise: President Sue McConnell; Vice President Chuck Bernath; Secretary Marilee Knellinger; one Member-at-Large from the MLF Board; one member of the MLF Landscaping Committee other than Meghan Cherfoli; and Helen Loiacono as the Parkside sub-association representative where the subject property is located, per By-Laws Article 8.1.2.

At the hearing, the Scroggins intend to present the full documentary record referenced in this appeal, including the Tomahawk arborist report, photographic documentation, text message records, the full TownSq application record, prior damage documentation, and evidence of inconsistent enforcement. The Scroggins reserve the right to present testimony from Tomahawk Tree Service regarding the professional assessment and the absence of any safe intermediate remediation option.

The hearing should be scheduled no earlier than June 10, 2026, to allow time for production of the records requested in Section XI. The Scroggins are traveling internationally from June 19 through July 3, 2026, and are unavailable during that period.

CONCLUSION

The record in this matter is not ambiguous. The Scroggins submitted a formal application. The ARC initiated three separate site visits. The ARC directed professional documentation submission. That documentation confirmed an emergency hazard under the Foundation's own guidelines. The Scroggins gave explicit written notice of ongoing liability. They complied with every ARC decision they disagreed with, cancelled contractor appointments to avoid proceeding without approval, removed only the trees a licensed arborist formally assessed as structurally hazardous with no safe intermediate option, and immediately completed and improved the property at their own expense. They then heard nothing for forty days.

The fine letter claims no application was on file. There was one. It characterizes a conditional deferral as a final denial. The governing documents do not support that characterization. It imposes maximum fines on homeowners who engaged more thoroughly with the ARC process than the governing documents require, while an identical violation directly across the street goes unaddressed. It is issued by a body whose chair simultaneously chairs the ARC whose decision is being appealed.

The Appeal Board has both the authority and the obligation under the Declaration, the By-Laws, the ARC Guidelines, *Saunders v. Thorn Woode Partnership, L.P.*, 265 Ga. 703, 462 S.E.2d 135 (Ga. 1995), and O.C.G.A. §44-3-220 et seq. to correct this enforcement action. The Scroggins trust that it will.

We remain hopeful that this matter can be resolved fairly and finally through the appeal process and that further action will not be necessary.

Respectfully submitted,

Will Scroggin Amanda Scroggin
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EXHIBIT INDEX

The following exhibits are submitted with this appeal. Each exhibit is identified below with a brief statement of what it contains and what it establishes.

Exhibit A - Chronological Record of Events

What this establishes: The complete factual timeline from March 16, 2026 through May 27, 2026, documenting every ARC interaction, every homeowner submission, all three ARC-initiated site visits, the forty-day period of silence before the fine, and the post-removal property improvements at the Scroggins' own expense.

Exhibit B - TownSq Application Record, Full Communications Thread, and Verdict Letter (April 3, 2026)

What this establishes: Directly contradicts the fine letter's foundational claim that no application was on file. Shows the full ARC review process, all homeowner submissions including the arborist report, Amanda Scroggin's April 4 liability notice, and the partial approval verdict.

Exhibit C - Tomahawk Tree Service Arborist Report and Estimate #13801 (March 16, 2026)

What this establishes: The professional basis for removal: end-of-life trees, structural encroachment toward the residence, pest and wildlife access to the roofline, root intrusion risk to underground utilities, and the arborist's determination that selective limb removal was not a safe intermediate option.

Exhibit D - Text Message Records with Fredrika Stillwater, Jeffrey West, and Meghan Cherfoli (March 23 - April 5, 2026)

What this establishes: All three site visits were ARC-initiated; Jeffrey West specifically inquired about water main proximity to the trees; the ARC directed all documentation upload; and Jeffrey West verbally cited aesthetics - not safety - as the sole basis for the denial on April 5, 2026.

Exhibit E - Photographic Documentation - Tree Condition, Ivy Coverage, Proximity to Structure, Canopy Over Roofline

What this establishes: The trees were in immediate proximity to the structure with canopy extending directly over the roofline; the upper canopy showed visible decline and dead branching consistent with end-of-life status; and multiple trunks were heavily covered in ivy, consistent with the Landscape Committee's own published guidance on structural and insurance risk.

Exhibit F - Photographic Documentation of Unenforced Tree Removal at Neighboring Property (Timestamped)

What this establishes: A neighbor directly across the street had a tree removed without ARC approval on the same date as the Scroggins' removal, by the same contractor (Tomahawk Tree Service). The stump remains visible from a main road with no remediation and no enforcement action. The Scroggins submitted a formal application, cooperated fully, and received the maximum fine.

Exhibit G - ACC Violation Fining Notice Dated May 15, 2026

What this establishes: The subject of this appeal. Contains five material deficiencies: a false claim that no application was on file; citation of only Section 5A with no reference to emergency provisions; no rebuttal of the arborist's findings; delivery via regular mail rather than certified mail; and maximum fine applied with no explanation of the basis for maximum rather than lesser amount.

Exhibit H - MLF Landscape Committee Ivy Removal Guidance - 2026 Annual Meeting Slideshow (March 8, 2026)

What this establishes: The Foundation's own Landscape Committee published guidance advising homeowners to remove ivy from trees for structural and insurance reasons on March 8, 2026 - directly contradicting the ARC's denial of removal of ivy-covered, professionally documented hazardous trees.

Exhibit I - Prior Property Damage Documentation: Insurance Claim Activity, Wildlife Remediation Invoices, and Roof Repair Invoice

What this establishes: The hazard was not theoretical. Auto-Owners Insurance Claim No. 300-0442175-2024 (Date of Loss: July 15, 2024) documents approximately \$56,932 in insurance payments for a water line failure and resulting basement flooding at 275 Truehedge Trace. Paid invoices from Southern Wildlife Management, LLC (January 2025, \$1,549.76) and Dr. Roof Atlanta (June 2025, \$1,200.92) document \$2,750.68 in additional out-of-pocket expenses for wildlife trapping, full-perimeter exclusion services, and roof repairs resulting from a falling limb breach. The Leyland Cypress trees were the only trees overhanging the affected roof area.

Exhibit J - Post-Submission Communications from MLF (May 28, 2026)

What this establishes: Documents all post-submission communications between the Scroggins and MLF on May 28, 2026: MLF voicemail (1:03 PM) and scheduling email via blind carbon copy (1:14 PM) proposing June 2 or June 4 hearing dates in 15-minute intervals; Scroggin written objection (2:18 PM) requesting no earlier than June 10 and raising five procedural issues; MLF reply (4:43 PM) confirming June 10-18 availability, providing first written explanation of the fine amount formula, and asking for records clarification using the exhibit packet index rather than the appeal letter records request — indicating MLF had not yet reviewed the Appeal Letter PDF; and Scroggin follow-up (6:09 PM) re-attaching the Appeal Letter PDF, clarifying recusal requests by reference to Sections I and XII, clarifying the records request scope, and confirming final availability of June 10-17, 2026.

Exhibit K - Neighboring Property Fine Notice — 270 Truehedge Trace (May 28, 2026)

What this establishes: On May 28, 2026 — the day after the Scroggins' appeal identified 270 Truehedge Trace as an unenforced removal in Exhibit F — MLF issued a \$300 fine to the neighboring homeowners for removing a tree with no ARC application, no photos, and no supporting documentation. The fine notice states the removal 'likely would have been approved' based on no evidence. Under MLF's own stated formula (\$300 for approvable removals, \$600 for non-approvable), this determination was made with nothing on file. The Scroggins provided a formal application, a professional arborist's report, and years of damage documentation — and received \$1,800. The disparity directly undermines MLF's claim that the maximum fine was justified and that the fine formula was applied consistently and objectively.