

# Mallory Landscape and Design

40 Calle Cristiano, Santa Fe, NM 87508

phone [REDACTED] fax [REDACTED]  
[REDACTED]

*Inspired Landscapes for Gracious Living*

2013 Maintenance Contract

Client: **Zorro Ranch, Stanley, New Mexico** and Mallory Landscape and Design (MLAD) agree that MLAD will perform the services described below and provide necessary materials at **Zorro Ranch, Stanley, New Mexico** and that MLAD will be paid the amounts designated plus gross receipts tax.

TERMS AND FREQUENCY: MLAD will perform maintenance services as per the attached Maintenance Schedule. Contract to commence on **April 1, 2013** for nine calendar months. Weather or other events may require MLAD to reschedule a service date or time.

COST OF SERVICE: MLAD agrees to provide the described services at a rate of \$35 per man hour. All materials are billed in addition to the hourly rate and are noted on the Maintenance Schedule. There is a trip charge of two hours per man per visit which is included in the contract cost. Should either party wish to change the specific tasks to be performed, requests should be made in writing. MLAD may elect to renegotiate the cost of services as they relate to any request made in writing by either party. An accounting of services rendered is included in each monthly billing statement.

Additional unscheduled visits due to homeowner requests, such as tidying up prior to entertainment events or checking on the property during travel, may be scheduled by contacting MLAD 48 hours prior to the event. MLAD will make a good faith effort to accommodate the request. Telephone or email communication is strongly encouraged to expedite these requests. Additional hourly fees may apply to these services.

IRRIGATION SYSTEM ACTIVATION/WINTERIZATION: Irrigation system activation/winterization is part of this contract and is billed twice a year. Minor repairs such as blown emitters or reconnecting tubing are included in this fee. Repairing cuts in lines or troubleshooting extensive repairs over \$15 will be billed at time and materials. Activation and winterization will be scheduled at the appropriate times based on weather considerations.

PAYMENT: Billing options are listed on the signature page. Payment is due by the 15<sup>th</sup> of the following month. All past due accounts are subject to a finance charge of 1.5% per month.

CONTRACTOR'S INSURANCE: MLAD carries contractor's liability insurance with a limit of \$1,000,000 per occurrence, Workers Compensation insurance as required by the New Mexico Workers Compensation Law, and a contractor license code bond. Certificates of insurance will be provided upon request.

TERMINATION: This contract may be terminated wholly or in part by either party with one month's written notice.

DISCLAIMER: The staff at Mallory Landscape and Design shall make every reasonable attempt to identify, prevent, treat, and resolve problems as or before they occur. Pests can invade, disease can injure or kill plants and trees, and extreme weather can cause extensive damage. We believe that if a landscape is kept healthy with careful attention, many potentially adverse situations can be avoided. MLAD is not liable for damage or death to plants or trees due to natural disasters, animals, pests, or disease.

MLAD will monitor the irrigation system regularly to check for leaks and excessive water use. Irrigation systems can have problems and leaks can occur at any time. Rodents or other thirsty animals can chew holes in irrigation lines in search of water. Valves can fail and remain stuck open leaving water running for hours or even days before being discovered. Those items that are within the scope of work of MLAD will be repaired or resolved, or referred to another professional if resolution is beyond the purview of MLAD. MLAD is not responsible for excess water use due to leaks.

Upon acceptance of the terms of this contract, please sign below and return the original document and to Mallory Landscape and Design via email, fax, or mail. We look forward to working with you.

Jennifer Mallory  
Mallory Landscape and Design

The annual cost of this contract is **\$76,269.25** plus county gross receipts tax. We offer two different payment options listed below. Please choose the plan that you prefer. We accept all major credit cards.

EQUAL MONTHLY PAYMENTS:  
Monthly payments of **\$8,474.36**  
Plus gross receipts tax

PAY AS YOU GO:  
April **\$14,084.50**    May **\$5,705.75**    June **\$6,160.75**    July **\$6,314.50**  
Aug **\$ 7,280.75**    Sept **\$6,419.50**    Oct **\$11,358.25**    Nov **\$12,709.50**  
Dec **\$6,235.75**  
Plus gross receipts tax

Accepted:

\_\_\_\_\_  
\_\_\_\_\_

April 1, 2013

Date