



MASSACHUSETTS PUBLIC SHADE TREE TRUST
Services And Terms

I. Beneficiary Requirements

To participate as a Beneficiary under the **Massachusetts Public Shade Tree Trust** (Trust), a municipality:

1. Executes the Trust as a Beneficiary;
2. Executes an Assignment of Claims assigning to the Trust any claims for damage to its public shade trees caused by leaking natural gas.

II. Services Provided Beneficiary

Participation by a municipality as a Beneficiary in the **Massachusetts Public Shade Tree Trust** entitles the Beneficiary to the following services:

1. Gas Safety, Inc. (GSI) will survey the municipality's public property and document and report the existence of suspected natural gas leaks that have damaged or threaten to damage the municipality's public shade trees.
2. GSI will document and report the damage caused the municipality's public shade trees. The report will contain:
 - a. Evaluation by a certified tree and landscape appraiser and arborist who will give an assessment of damage which will include: appraised value of loss, replacement cost, and other associated costs for each damaged tree; and
 - b. Evaluation based on best records available concerning the value of the past loss of trees due to leakage of natural gas.

PUBLIC SHADE TREE TRUST

Services And Terms

Page 2

3. Legal and professional services necessary to obtain from the responsible parties the repair of the leaks and payment of appropriate compensation for damage to the municipality's public shade trees; and
4. GSI will provide appropriate training to the municipality's personnel responsible to ensure tree health to recognize and document suspected tree damage due to leakage of natural gas.

III. Performance Based Contract Terms

In the event of any recovery, the Trust shall deduct from the municipality's pro rata share of any such recovery, 40% to cover all expense, costs, and legal and professional fees for all services provided the municipality and the balance shall be paid to the municipality.

By:

Jan R. Schlichtmann, Esq.

Counsel to the **Massachusetts Public Shade Tree Trust**