

ANALYSIS OF RA SECTION 18 *(written in blue italics)*

EXISTING RA SECTION 18

“18. AMENDMENTS. These restrictions may be amended all or in part at any time in a meeting of the lot owners. Amendment procedures are to be initiated by and at the discretion of the Trustees. Notices setting forth the proposed amendments shall be sent by first class mail postage prepaid to all lot owners to their last known address ten (10) days prior to said meeting. Notices shall also contain date, place and time of meeting. The owner or owners of the property shall be entitled to one vote for each lot owned by him, her, it, or them. Voting is to be by secret ballot unless all persons attending the meeting are agreeable to waving this provision. A majority of the lot owners present and voting at any meeting so called may amend these restrictions.”

This section of the RA was intended to provide for the opportunity of the Board of Trustees based on recommendations from lot owners and/or the Trustees belief an amendment was necessary. Such amendments may be revisions or cancelations to existing amendment(s) or even altogether new amendment(s). It required advance notice of the proposed amendment(s) and voting thereon only at an in-person meeting of the lot owners. At such a meeting, only a majority vote of the lot owners attending could pass the proposed amendment(s). There is no required number of lot owners attending such a meeting for such vote and passage is not quantified relative to any percentage of all lot owners having to be in attendance either to meet a quorum to conduct the business or a minimum number of voters in relation to the entire number (187) of lot owners.

PROPOSED AMENDMENT to RA SECTION 18 **(written in red)**

18. AMENDMENTS. **With the exception of Restrictive Agreement (RA) Section 17, These restrictions in the RA may be amended all or in part at any time in a meeting of the lot owners.** Amendment procedures are to be initiated by **and at the discretion of** the Board of Trustees **and this shall include an initial distribution of same inclusive of an analysis of the amendment(s). Lot owners will be asked for comment thereon and given at least two (2) weeks to provide the Trustees with their comment(s) thereon.. Thereafter, Notices notices** setting forth the proposed

amendment(s) shall be sent by first class mail postage prepaid to all lot owners to their last known address ten (10) days prior to said meeting. Notices shall also contain date, place, ~~and~~ time of meeting **and a mail in ballot which may be used in lieu of attending this meeting**. The owner or owners of the property shall be entitled to one vote for each lot owned. Voting is to be by secret ballot unless all persons attending the meeting are agreeable to waving this provision. ~~A majority of the lot owners present and voting at any meeting so called may amend these restrictions.~~ **If a majority of the lot owners present in person at this meeting together with the number of all other lot owners that cast absentee ballots voting thereon do constitute a required quorum (see RA Section 29), then action may be taken to thereby amend any part of the Restrictive Agreement except Section 17 which to be amended will require a majority of all lot owners in the subdivision to be approved.**

These proposed changes to this section of the RA are necessary for a number of reasons, as follows:

- *The proposed amendment of RA Section 17 provided before this amendment alteration will provide an avenue for a change of our governance from a Trusteeship to anything else ONLY with a majority (at least 50%) approval of the lot owners, i.e., at least 94 out of 187 of the lot owners*
- *This revision also requires the distribution of any proposed amendment(s) to every lot owner for review and comments before further amendment action. In turn, the Trustees shall take comments received under advisement and, if warranted, make requisite change(s) to the amendment(s) to be proposed. Only then shall such amendment(s) proceed to be brought to a vote in an in-person homeowners association meeting, when votes taken there will be counted along with absent ballots – where absentee balloting is being made possible by a provision in the proposed new amendment identified as Section 29. (See that Section 29 following this analysis).*
- *Lastly, a “quorum” requirement of voters for any such action is factored into this proposed amendment. By quorum we are suggesting that the importance of any and all RA amendments to our subdivision and those who own lots herein is such that a minimum percentage of all lot owners must either have cast an absentee ballot or be in attendance at such a HOA business meeting for such business to proceed. Later in the analysis of the proposed new RA Section 29 this is further identified and discussed. Absent such a quorum will mandate that a second meeting be set by the Trustees and follow the requirements herein on notification of such a meeting.*