

# Memo

**To:** President and Board of Directors  
**From:** Scott Randall, General Manager  
Linda Mayhood, Asst. to the General Manager  
**Date:** 1/27/2012  
**Re:** Declaration Process

---

In June of 2011, the POA board voted to present to the membership one proposed change to the Declaration. This proposal amends Article X, Section 4, by removing the one year limitation for special assessments and allows property owners to vote on the finance of capital projects over a number of years.

Exact Language of proposed amendment:

Article X. Section 4- Special Assessments for Capital Improvements **with vote of members**. In addition to the annual assessments authorized by Section 3 hereof, the Association may request and levy a special assessment **limited in time and specifically** for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of the water system, the sewer system, and the ways of access for vehicles and roads and streets within The Properties, even though the roads and streets may have been dedicated to the public, and also other capital improvements upon **or additions to** the common properties, including the necessary fixtures and personal property related thereto, provided that any such assessment shall have the assent of 51% of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members at least 30 days in advance and shall set forth the purpose of the meeting, **duration of the special assessment, and the specifics of the project.**

June – September, 2011- Presentations, Speakers bureau, press releases , town hall meetings conducted on proposed change.

September 9, 2011- 27,409 proxies mailed to members in good standing as of 8/10/11, needed 13,706 for a quorum, of which 66% of those voting would have to vote in the affirmative to pass the amendment.

January 26, 2012 – 14,320 proxies received to date, quorum met

February 15, 2012- Election Date- (convened as part of POA meeting) at which time POA legal counsel will announce any property owner that voted can change his/her vote by exchanging their proxy for a ballot. At the conclusion of the meeting, legal counsel will announce the result of the vote.

Spring, 2012 Advocate- March 2, 2012 - Article 14, Section 1. Duration,-States written notice must be given to all property owners 45 days in advance of the action taken. If passed, the amendment must be recorded at Garland and Saline Courthouse one year in advance (4/20/12)to become effective April 20, 2013.