

## **A QUICK GUIDE TO THE PROPOSED AMENDED COVENANTS**

At first glance, residents reviewing this document may be overwhelmed and have difficulty assessing the proposed changes. In an effort to alleviate this situation, the following brief guide has been prepared to assist you in your evaluation of the proposed changes.

There are very few basic changes in the document. They are as follows:

- **AMENDMENTS-** The single most important change to our existing Covenants addresses the procedure required for amending these Covenants (Clause III, #1, page 10). Presently, in order to amend the Covenants, approval by owners of 51% of the “front feet” is required. All individuals on the title must sign and those signatures must be notarized. The proposed amended Covenants (Article 8, Voting Rights, page 21) simplifies this provision to require one vote per lot, one signature per lot with no requirement for notarization. In addition, the provision for making amendments only at ten year intervals has been deleted.
- **DISPUTE RESOLUTION-** Our existing Protective Covenants call for binding arbitration as the sole means of dispute resolution (Clause III, #7, page 12). In Article 9 (page 21) of the draft of the Amended Covenants which was mailed to residents this past January, enforcement action in court replaced arbitration as the means of resolving disputes. This matter was discussed at the annual meeting on February 4th and subsequent extensive study by the Board was devoted to retaining binding arbitration in favor of court action. In the end, the Board was unable to establish arbitration provisions which our attorney was willing to endorse and, therefore, court action stands as the proposed method of dispute resolution.
- **HEIGHT RESTRICTIONS-** There are no definitive height restrictions contained within the current Covenants. In order to correct this omission, the height restrictions presently included in our Guidelines have been incorporated in the amended Covenants (Article 2.14.3, page 10).
- **LANDSCAPE PROVISIONS-** There is a very limited reference in the current Covenants which address landscape issues (Clause II, # 3, page 3 & #12, page 7). In an effort to broaden landscape coverage, the requirement for design review of landscape changes has been introduced (Articles 1.8, page 5 & 2.3, page 7).

The majority of the changes in the Covenants were made to up-date the document and make it easier for residents to navigate. This endeavor included the following areas:

- Reformatting the entire document to be consistent with current homeowner association standards and The Planned Communities Act. In this process, each paragraph has been numbered and an index has been added to facilitate navigation of the document.
- Modification of existing provisions to take into account State statutes which impact our Covenants (for sale signs and solar installations).
- Remove outdated and redundant wording and provisions (“coping”, “specifications”).
- Reword paragraphs for the sake of clarification (setback requirements, Clause II, #19, page 8 modified, see Article 2.14.2, page 10).
- Change the title of the “Architectural Review Committee” to the “Project Review Committee” to better define the scope of projects currently being reviewed by the Committee.

A significant element of this revision process is the seamless integration of all the governing documents of the Association. Accordingly, upon approval of the Amended and Restated Covenants, the Board will adopt a revised set of Bylaws and amended Guidelines to be titled, Architectural, Landscape and Land Use Guidelines.