

BANBURY MEADOWS
2015 CC&R AMENDMENT & SURVEY
Ballot Form

TO:

Re: CC&R AMENDMENTS AND OPINION SURVEY

Dear Owner:

This is the ballot for the proposed CC&R amendments to update our governing documents for accuracy, clearer communication and a well-defined legal authority to enforce all provisions. Your votes and participation are key to keeping the Banbury Meadows Homeowners Association, Inc. functioning properly so it can work to preserve the equity of our homes and the value of our neighborhood.

The Board has combined a number of pending amendments and a survey into one form for your convenience and for efficiency. Please review and indicate how you vote. You can either approve all of the changes recommended by the Board by marking the first option, **or** indicate your vote for each issue separately. Then sign the ballot and submit the entire ballot in the enclosed self-addressed stamped envelope. Failure to submit the ballot has the same effect as voting **against** each proposal and each proposal must have a “yes” vote by 50% of all homeowners to pass. (Go to www.BanburyMeadows.org for complete CC&R’s)

Your vote is critical to every homeowner in Banbury Meadows to enhance and preserve our home values with effective CC&R’s. Thank you for your participation.

Sincerely,

Banbury Meadows
Board of Directors



BALLOT BEGINS ON REVERSE SIDE

BALLOT

Option 1 (Additional Responses Will Be Disregarded)

- ☐ I agree with each amendment recommended by the Board below, and agree with the Board's recommended course of action on the Opinion Survey.

Option 2 (Mark Each Part Individually)

PART 1

Amendments to Banbury Meadows Subdivision Restated Master Declaration of Covenants, Conditions and Restrictions (Instrument 108009071) ("Declaration")

The Board, with legal counsel, has developed a number of amendments to the Declaration pursuant to Article XV, Section 15.3.2 of the Declaration, to better facilitate the operation of the Association. A few of these amendments have been proposed to better harmonize the specific language of the Declaration to existing practices in the Association. The Board recommends adopting each amendment. Each amendment that receives the consent of the more than fifty percent (50%) of the votes in the Association will be recorded with the Ada County Recorder.

Article IV, Section 4.14. No Unscreened Boats, Campers and Other Vehicles. An amendment to include in the Declaration the current practice of permitting owners to park boats and recreational vehicles for a short period (currently up to 72 hours) for the purpose of loading and unloading them. The Board recommends amendment of §4.14 as follows.

To the end of §4.14 append the following: Notwithstanding the foregoing, the Board may permit, in published rules and regulations, Owners to place boats, campers and other vehicles covered by this Section 4.1.4 upon any portion of the Property for short periods of time for the purpose of loading and unloading them for use, which shall not waive the Association's restriction on long-term or regular parking.

- ☐ I agree with this amendment as proposed.
☐ I disagree.

Article IV, Section 4.24. Commencement of Construction. An amendment to update the construction requirement in light of the fact that Grantor is no longer involved in our Association. The Board recommends amendment of §4.24 as follows.

To the end of §4.24 append the following: Failure to commence construction in a timely manner shall be enforced by the Board in the same manner as any other violation of a covenant, condition or restriction. Following adoption of this amendment, nothing in this Section 4.24 shall prevent the Board from penalizing an Owner of a Building Lot for failure to commence the construction of a dwelling structure, using fines, limited assessments, or any other enforcement procedures, including by going to court, that the Board finds necessary to enforce compliance.

- ☐ I agree with this amendment as proposed.
☐ I disagree.

Article V, Section 5.7. Budgets and Financial Statements. An amendment to two subsections to permit the Association to save money and combine the mailing of financial statements to members. The Board recommends the amendment of §5.7.1 and §5.7.2 as follows.

Replace the first sentence of §5.7.1 with the following (changes in bold): A pro forma operating statement or budget, for each fiscal year **will be available upon request at the beginning of each year and distributed with the Annual Meeting Notice.**

Replace the first sentence of §5.7.2 with the following (changes in bold): ***At the annual meeting, or first regular meeting of the Master Association of the year, whichever is first,*** the Master Association shall cause to be prepared and deliver to Owner, a balance sheet as of the last day of the Master Association's fiscal year and operating statements reflecting the income and expenditures of the Master Association for its last fiscal year.

- ☐ I agree with this amendment (in both sections) as proposed.
☐ I disagree.

Article V, Section 5.8. Meetings of Master Association. An amendment to permit more flexibility in the scheduling of each year's annual meeting of the Master Association. The Board recommends the amendment of §5.8 as follows.

Replace the first sentence of §5.8 with the following (changes in bold): Each year the Master Association shall hold at least one meeting of the Members, according to the schedule for such meeting established by the Bylaws **and the Board**; provided, that such meeting shall occur no ***more than 14 months following the annual meeting of the preceding calendar year.***

- ☐ I agree with this amendment as proposed.
☐ I disagree.

Article XI: ARCHITECTURAL COMMITTEE and Article IV, Section 4.1.2. Architectural Committee Review. An amendment to bring the Declaration into harmony with the existing published Guidelines and practices of the Association, and to facilitate the easy cooperation of the ARC and Board. The Board recommends adoption of a new §11.11 as follows:

11.11 Coordination With Board. Notwithstanding anything else contained in this Declaration, the Architectural Committee shall be structured as follows: No recommendation, approval, or decision by the Architectural Committee is final unless or until it is approved by a vote of the Board of Directors. The Architectural Committee is an agent of the Board and its power is a delegation of the Board's overarching power. The Architectural Committee shall work in coordination with the Board pursuant to published guidelines that may be adopted and amended by the Board to best protect the values of the Association and the proper functioning of the Architectural Committee.

- ☐ I agree with this amendment as proposed.
☐ I disagree.

OPINION SURVEY – PART 2

1. **PHASE 8** - The Association has been asked by the Developer whether it would cooperate with the annexation of a new phase (#8) into the Association. The approved phase will include a high proportion of common area and only 26 homes (plat posted on www.BanburyMeadows.org), leading to a potential increase in assessment burdens for the existing phases in the Association. At this time and for this reason, the Board's recommendation is to **NOT** annex the Developer's Phase 8 into the Association, however the Board may change its recommendation if further negotiations appear beneficial to the Association. Nevertheless, for this important question, the Board would value the input of each member of the Association.

☐ I agree with the Board at this time. Do **NOT** annex Phase 8 into the Association.

☐ I disagree. Annex Phase 8 into the Association if possible.

2. **LAKESIDE BENCHES** – The Board has been asked to consider installing some benches on the Common Area around the lake on Chipper Way and Whiff Drive. The estimated cost of this improvement would be approximately \$2000.

☐ I agree with the installation of lakeside benches.

☐ I disagree.

The above represents the votes of the current ownership and voting rights of:

Name: (printed) _____

Property Address: _____

Signature: _____ Date: _____

PLEASE RETURN ALL PAGES OF THE BALLOT