

A brief synopsis of the changes to the restrictive covenants as made by the 14th Amendment is as follows:

1. The provision which restricted the rights of the Association to dedicate its property has now been amended to allow for dedication IF AND ONLY IF DEDICATION IS APPROVED by a vote of 51% of the Members in Good Standing.

Please note that this amendment DOES NOT DEDICATE the streets or any common area of the subdivision, it simply allows the Association to do so if the property owners choose to dedicate after a vote on the issue. The board recommends that a vote on the such issues require a special meeting to be called as outlined in the By-Lays..

2. The restrictive covenants now define a Member in Good Standing of the Association. Essentially, a Member in Good Standing is any LOT OWNER who is current in the payment of Association dues and assessments inclusive of late fees and interest. If a lot owner is not current in its obligations to the Association, the board has the right to suspend the voting privileges of the lot owner until such time as the payments are received. The board may allow a delinquent owner to vote, if that owner has made, and abided by, a payment arrangement with the Association, or if the owner has been excused for reasons of hardship.

Read together, the amendments summarized in items 1 and 2 above require that, in order for the Association to validly approve dedication of its streets to the public, the measure must be approved by a vote of 51% of the LOT OWNERS (Class A shares) who are current on their obligations to the Association or who have made other arrangements with the board. Delinquent owners will not be allowed to vote on any issues, and their lots will not be included in the total needed to calculate the 51% approval threshold.

Please note that the common Association shares held by the Developer (Class B shares) DO NOT COUNT in connection with the dedication vote. Since the Developer still holds title to 10 lots, it retains the right to vote those shares.

At the present time, there are 295 lots in River Oaks Estates (including those held by the Developer). If all of the homeowners were current on their obligations to the Association, then 151 homeowners would have to vote IN FAVOR of the measure in order to dedicate the streets. If the votes in favor of the measure were less than 151, the streets would remain private.

However if, for example, at the time of the vote, 40 lot owners are delinquent on their dues and/or assessments, then the total number of affirmative votes would be reduced. In that case, the total Members in Good Standing would be 255 (295-40) and the 51% threshold would be 131. Under that scenario, if the measure received 131 or more affirmative votes, it would be approved.

3. The restrictive covenants were amended to make clear that votes on issues such as dedication and other Association matters may be submitted in person at the meeting, or by way of a written ballot. A property owner may also grant a proxy to another property owner in order to allow the proxy to vote on the issue. The Board is currently working with its attorney to develop a form proxy and a form ballot to be used in connection with the dedication vote. In the near future, the board will mail the proposed ballots to property owners along with instructions regarding when and how to submit those votes in order to insure accuracy in the voting process.

4. The paperwork process by which the restrictive covenants can be amended has been clarified and simplified so that, in the future, an amendment to the restrictive covenants can be executed by the board, if approved by the property owners, instead of having to be signed by the owners directly.
5. The restrictive covenants were also amended to specify the requirements for approval of solar panels and to clarify the circumstances under which a property owner can be fined for violations of the street parking regulations.

In addition to the amendment of the restrictive covenants, the board has also recently adopted two additional resolutions affecting the neighborhood. The first resolution details the process by which the board will levy fines against a property owner for the continued violation of restrictive covenants. In the past, the board has issued as many as three preliminary notices prior to levying a fine. However, the process used by our property management firm, GNO properties, includes a fine at the time of issuing the third violation notice. The new resolution details that the board will follow the GNO procedure for future violations. The second resolution specifies that no signs or notices of any kind can be posted on any Association property (ESPECIALLY ON STREET SIGNS OR STOP SIGNS), except for signs placed by the Board to notify homeowners of meetings or other Association matters. The resolution also establishes fines for violations of these restrictions.

The entire text of the resolutions can be found on the Association website.