

LYNWOOD SUBDIVISION HOMEOWNERS ASSOCIATION, INC
P.O. Box 3213, Grand Junction, Colorado 81502

Re: Action by Written Ballot to adopt the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Lynwood Subdivision and the Amended and Restated Articles of Incorporation of Lynwood Subdivision Homeowners Association, Inc.

Dear Lynwood Subdivision Homeowners Association Member and Lot Owner:

The Board of Directors of the Lynwood Subdivision Homeowners Association, Inc. (“Association”) is soliciting your vote by written ballot on the above-referenced matter. The written ballot is attached hereto/enclosed herewith, together with the Amended and Restated Declaration and the Amended and Restated Articles (“Amendments”).

If the ballot question passes with at least 67% of members voting “yes,” the Board, after certifying the vote, will sign and record the fully executed Amended and Restated Declaration of Covenants, Conditions and Restrictions of Lynwood Subdivision and the Amended and Restated Articles of Incorporation for Lynwood Subdivision Homeowners Association, Inc., and will cause the latter to be filed with the Colorado Secretary of State. Upon such recordation and filing, the Amendments will replace the original declaration and the original articles. The Amendments will not be signed, recorded, or otherwise made effective if the questions fail to pass.

Explanation of the Ballot Questions

In addition to the following explanation of the ballot questions, we will have a member meeting on **MAY 31, 2025** at **LYNWOOD PARK AT 10:00 AM** to present and discuss

the proposed Amendments, at which time you can ask questions or seek clarification on the proposed Amendments and the reasons therefor and otherwise discuss them.

Ballot Question 1: Declaration Amendment. The Original Declaration was recorded in 1979 and does not comply with applicable current law nor best practices in many respects. The Amended and Restated Declaration makes the following changes:

- Eliminates obsolete provisions relating to the Declarant; and
- Updates provisions to comply with current law and best practices; and
- Adds the lien and assessment provisions which are currently set forth in the Articles of Incorporation of the Association but which belong in and should be set forth in the Declaration; and
- To keep up with trends in working from home brought on by technological advances, allows home occupations if permitted by county regulations as long as there are no significant neighborhood impacts such as noise, outdoor activities, customer visits, employees on the premises; and

- Prohibits depositing and accumulation of trash and rubbish on common areas and within public rights of way abutting the Property; and
- Prohibits open burning and burning of trash or rubbish; and
- Brings the following provisions into compliance with applicable state law and removes provisions which may violate applicable law, including:
 - a. Percentage of members required to amend the Declaration (changed from 90% and 75% to 67%; 67% is the maximum percentage authorized by state law)
 - b. Prohibition of caring for the sick or disabled within the community; and
 - c. Prohibition of gathering in a home for occasional worship or social activities; and
 - d. Signage provisions slightly modified to avoid any inference that they are based on content in violation of public policy as provided in C.R.S. §38-33.3-106.5; and
- Defines the common areas and association property including the irrigation water, irrigation facilities, and the irrigation and drainage easements and establishes the uses and maintenance responsibilities therefore and thereof; and
- Allows inclusion of the public park in the common areas in anticipation of the County returning the park to the Association; and
- Provides a process for ratification/veto and adopting of the annual budget and using surplus funds; and
- Adds a mediation requirement for disputes between Owners and the Association; and
- Clarifies roles of the ACC and the Association Board and provides an appeal process for ACC decisions;
- Adds provisions requiring the Association to maintain insurance covering the Common Areas in reasonable amounts and authorizing the Association to maintain other forms of bonds and insurance, and providing for payment of insurance proceeds in the event of casualty or liability; and
- Describes the easement rights of the Association; and
- Includes greater detail in the description of what constitutes a nuisance activity; and
- Provides an appeal process from the ACC to the Board, if the ACC and the Board are differently constituted; and
- Includes other provisions that are standard in modern covenants.

The Amendment does not subject the Association or the Community to CCIOA; however, many of the provisions of CCIOA apply to pre-1992 common interest communities anyway. *See* C.R.S. §38-33.3-117.

Ballot Question 2: Amendment to Articles of Incorporation. The Original Articles were created and recorded in 1979. The Original Articles included authority and provisions for association activities (assessment, lien, that are more commonly today and really should be in order to give proper notice to prospective property buyers set forth within a recorded declaration of covenants, conditions and restrictions. Although the Original Articles were recorded, it is not certain that these will show up in the title work for each Lot. Therefore, in the Amended and Restated Articles of Incorporation, these provisions are eliminated (and instead are addressed in the Amended and Restated Declaration, which is the subject of Ballot Question 1). The Amended and Restated

Articles confer upon the Association all the powers authorized by and necessary to effectuate the applicable provisions of CCIOA, the Declaration, and the Bylaws of the Association.

Ballot Question 3; Amendment to the Bylaws of the Association. Generally speaking, the bylaws of any homeowners association are intended to establish the general procedures for the Association to operate and manage the business and affairs of the association; bylaws are not intended to contain or set forth substantive covenants or restrictions running with land or to define terms of such covenants, conditions, or restrictions. Also, the Bylaws should be usable and capable of being amended by the Board of Directors of the Association from time to time when such procedures prove unwieldy or hinder Association action, within the outer boundaries established by the Declaration and the Articles of Incorporation. For example, requiring 5/7 of members to establish a quorum for a subdivision containing 106 lots is very ambitious and is likely to make it difficult for board members to be elected and for budgets to be approved. The proposed amendments to the Bylaws are intended to accomplish the foregoing general goals. They include the following:

- Reducing the quorum for a member meeting from 5/7 (which is effectively 72%) to 30% (which is 32); and
- Authorizing amendment of the bylaws by a majority of the directors of the Association, rather than requiring member approval to amend the bylaws.

Voting by Written Ballot.

There are 106 voting lots in Lynwood Subdivision. For Ballot Questions 1 and 2, at least 72 “yes” / affirmative written ballot responses are required to approve the proposed Amendments (constituting at least 67% of the total allocated voting interests). For Ballot Question 3, at least 76 ballots must be returned, and at least 39 affirmative “yes” votes are required to pass the question.

In order for your vote to be counted, it must be received by the Association. **Your vote cannot be revoked or changed once submitted.**

The Board has considered the matter and recommends approval of the proposed Amendments, finding that it is in the best interest of the Lynwood Subdivision Homeowners Association and the Lynwood Subdivision common interest community.

Please complete and sign the attached/enclosed ballot form and return it to the Association by sending it by regular, first class U.S. mail, postage prepaid, to the following address:

LYNWOOD SUBDIVISION HOMEOWNERS ASSOCIATION, INC
P.O. Box 3213, Grand Junction, Colorado 81502

Or, you may hand-deliver the ballot form to the following address:

2778 1/2 Grant Ct. Grand Junction, CO 81503

Sincerely,

Jeff Welch, President
Lynwood Subdivision Homeowners Association, Inc.

BALLOT QUESTION 1

Shall the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Lynwood Subdivision, which is attached to this Ballot Question 1 as Exhibit A, be adopted for Lynwood Subdivision, to replace the Original Declaration?

VOTE (please check or mark one):

YES (for the Amendment): _____

NO (against the Amendment): _____

Owner Signature: _____

Date: _____

Owner Name (printed): _____

Property Address: _____

BALLOT QUESTION 2

Shall the Amended and Restated Articles of Incorporation for Lynwood Subdivision Homeowners Association, Inc., which are attached to this Ballot Question 2 as Exhibit B, be adopted to replace the Original Articles of Incorporation?

VOTE (please check or mark one):

YES (for the Amendment): _____

NO (against the Amendment): _____

Owner Signature: _____

Date: _____

Owner Name (printed): _____

Property Address: _____

BALLOT QUESTION 3

Shall the Bylaws of Lynwood Subdivision Homeowners Association, Inc. be amended as shown in the attached Exhibit C, to authorize amendment of the bylaws by the majority of the Board of Directors of the Association and to change the quorum requirement for member meetings from 5/7 to 30%?

VOTE (please check or mark one):

YES (for the Amendment): _____

NO (against the Amendment): _____

Owner Signature: _____

Date: _____

Owner Name (printed): _____

Property Address: _____