



## 2021 BALLOT FOR LAVA SPRINGS OWNERS ASSOCIATION

### PROPOSED CHANGES TO BYLAWS & CC&Rs

#### Bylaws

#### Proposed Amendment:

#### Article 4 Section 4.5 (second paragraph)

At the first annual meeting of the Corporation, and thereafter at each annual meeting of the Corporation, new Directors shall be elected by secret written ballot by a plurality of the votes of the Members present and entitled to vote at such meeting as provided in these Bylaws. Cumulative voting is not permitted. The term of the Directors shall be for one (1) year. In the event that an annual meeting is not held, or the Directors are not elected at the annual meeting, the Directors may be elected at any special meeting held for that purpose. Each Director shall hold office until a successor has been elected or until death, resignation, removal or judicial adjudication of mental incompetence. Any person serving as a Director may be re-elected, and there shall be no limitation on the number of terms during which a Director may serve.

#### Proposed Amendment of said Section 4.5 (second paragraph) of Article 4 to read as follows:

At **each** annual meeting of the Corporation, and thereafter at each annual meeting of the Corporation, a **minimum of 50% of the existing Directors shall be replaced with new Directors** elected by secret written ballot by a plurality of the votes of the Members present and entitled to vote at such meeting as provided in these Bylaws. Cumulative voting is not permitted. The term of the Directors shall be **on a two (2) year partial rotation, to allow for transfer of knowledge and to mitigate an impact to the HOA caused by a complete turnover, as follows:**

- 1. At the Annual Meeting in May of 2022 new Board Members will be elected to replace those Board Members holding the offices of President, Treasurer, Assistant Secretary and at least one Board Member who is not an Officer. This process will occur every other year.**
- 2. At the Annual Meeting in May of 2023 new Board Members will be elected to replace the Board Members holding the offices of Vice President, Secretary Sergeant-At-Arms, and any remaining Board Members not holding an office. This process will occur every other year.**

In the event that an annual meeting is not held, or the Directors are not elected at the annual meeting, the Directors may be elected at any special meeting held for that purpose. Each Director shall hold office until a successor has been elected or until death, resignation, removal or judicial adjudication of mental incompetence. Any person serving as a Director may be re-elected, and there shall be no limitation on the number of terms during which a Director may serve.

Vote in favor of change to Article 4 Section 4.5 (second paragraph) \_\_\_\_\_

Vote against change to Article 4 Section 4.5 (second paragraph) \_\_\_\_\_

**Declaration of Covenants, Conditions & Restrictions for Lava Springs Subdivision**

**Proposed Amendment:**

**Article V Section 5.7**

Section 5.7 Prohibited Buildings and Activities. No trailer or other vehicle, tent, shack garage, accessory building shall be used as a temporary or permanent residence. No noxious or offensive activities shall be conducted on any Lot nor shall anything be done thereon which maybe or become unreasonable annoyance or nuisance to the Occupant(s) of the other Lots within the Property by reason of unsightliness of the excessive emission of fumes, odors, glare vibration, gases, radiation, dust, liquid waste, smoke or noise. No building shall be moved onto a Lot unless approved by the ACC. Boats, recreational vehicles, all terrain vehicles and similar recreational equipment, trailer, riding lawn mowers and haulers may be parked on Public roads and in driveway on a temporary basis, no longer than twenty-four (24) hours. Any such vehicles or equipment may only be stored on a lot if said vehicle or equipment does not exceed the height of the fence and is stored only behind a fence and behind the back elevation and the side elevation of a home.

**Proposed Amendment of said Section 5.7 of Article V to read as follows:**

Section 5.7 Prohibited Buildings and Activities. No trailer or other vehicle, tent, shack garage, accessory building shall be used as a temporary or permanent residence. No noxious or offensive activities shall be conducted on any Lot nor shall anything be done thereon which maybe or become an unreasonable annoyance or nuisance to the Occupant(s) of the other Lots within the Property by reason of unsightliness of the excessive emission of fumes, odors, glare vibration, gases, radiation, dust, liquid waste, smoke or noise. No building shall be moved onto a Lot unless approved by the ACC. Boats, recreational vehicles, all terrain vehicles and similar recreational equipment, trailer, riding lawn mowers and haulers may be parked on Public roads and in a driveway on a temporary basis, no longer than **seventy-two (72)** hours. Any such vehicles or equipment may only be stored on a lot if said vehicle or equipment does not exceed the height of the fence and is stored only behind a fence and behind the back elevation and the side elevation of a home.

**Vote in favor of change to Article V Section 5.7 \_\_\_\_\_**

**Vote against change to Article V Section 5.7 \_\_\_\_\_**

**Declaration of Covenants, Conditions & Restrictions for Lava Springs Subdivision**

**Article VII Section 7.7 (a)**

Budget. A pro forma operating statement (budget) for each fiscal year shall be distributed not less than (30) days after the beginning of each fiscal year.

**Proposed Amendment of said Section 7.7 (a) of Article VII to read as follows:**

Budget. A pro forma operating statement (budget) for each fiscal year shall be distributed within ninety (90) days after the beginning of each fiscal year.

**Vote in favor of change to Article VII Section 7.7 (a) \_\_\_\_\_**

**Vote against change to Article VII Section 7.7 (a) \_\_\_\_\_**

**As required in Article IX 9.2 (b) of the Declaration of Covenants, Conditions & Restriction for Lava Springs Subdivision, by my signature below, I (print homeowner name here) \_\_\_\_\_ acknowledge receipt of the 2021 Ballot for Lava Springs Owners Association containing proposed changes to the Bylaws and CC&Rs and do hereby cast my vote.**

\_\_\_\_\_  
Homeowner Name

\_\_\_\_\_  
Homeowner Address

\_\_\_\_\_  
Date vote cast