

September 25, 2026

Re: Proposed Amendment to Crismark CCRs to Exclude New Development Property

Dear Crismark Homeowner,

We are writing to update you on the new development currently under construction adjacent to our community and to explain why you will soon receive documents related to a proposed amendment to our community's governing documents.

What Are CCRs?

CCRs (Covenants, Conditions, and Restrictions) are the legal documents that establish the rules, requirements, rights, and responsibilities for properties within a neighborhood. They govern how the community operates and define matters such as property use, homeowner obligations, and HOA governance.

Background

The property currently under construction consists of approximately 43 acres and is zoned for multifamily residential development, including townhomes and condominiums. This property is referred to in this letter as the **"New Development Property."**

Although the original developer did not intend for the New Development Property to be part of the Crismark HOA when the CCRs were recorded in 2000, the existing documents are not as clear as they could be. Because of this uncertainty, future owners within the New Development Property could potentially argue that their property is subject to the Crismark CCRs and that they are entitled to use Crismark HOA amenities.

The Crismark HOA Board and the current owner of the New Development Property, FS Development, Inc. (a Typar-related entity) (referred to in this letter as "Typar"), believe that separating the New Development Property from the Crismark HOA is in the best interest of our current homeowners. If separated, the New Development Property would have its own governing documents and would operate independently from Crismark.

Most importantly, residents of the New Development Property would **not** have rights to use Crismark HOA amenities.

Proposed Amendment

To remove any uncertainty, the HOA Board and Typar are proposing an amendment to the CCRs that would clearly state that the New Development Property is **not** part of the Crismark HOA and is **not** subject to the Crismark CCRs.

For the amendment to be approved:

- At least **67% of Crismark lots must approve the amendment.**
- If a lot has more than one owner, **all owners of that lot must sign the Consent form.**

- Each signature must be notarized.

What You Will Receive

Typar will be sending each homeowner a packet that includes:

1. A copy of the proposed amendment.
2. A Consent form allowing homeowners to approve the amendment.

For your convenience:

- A prepaid FedEx return package will be provided for returning signed documents.
- The HOA will schedule one or more sessions at the clubhouse where a notary will be available.
- Please remember that a notary must witness your signature and verify your identification.
- 3. A Complaint which is a lawsuit asking the court rule that the New Development Property is not subject to the Crismark CCRs or HOA.

What Happens If the Amendment Does Not Pass?

If the amendment does not receive the required approval, Typar will continue with the n as a **friendly lawsuit** asking the court to declare that the New Development Property is not subject to the Crismark CCRs or HOA.

Important points about this lawsuit:

- The lawsuit **will not seek any money or damages from homeowners or the HOA.**
- The HOA Board believes that obtaining a court ruling separating the New Development Property from Crismark would be in the best interest of the community.
- To make the court's ruling binding on all homeowners, Typar is required to name every Crismark property owner in the lawsuit.
- As a result, homeowners will receive a summons and complaint related to the case.
- If homeowners do not respond to the lawsuit, Typar will likely be able to obtain a court order confirming that the New Development Property is not part of the Crismark HOA or CCRs.

Summary

The HOA Board's goal is to ensure that the New Development Property remains separate from the Crismark HOA.

- If at least **67% of homeowners approve the amendment**, the New Development Property will be excluded from the Crismark CCRs, and the lawsuit will be dismissed.
- If the amendment does not receive sufficient approval, the lawsuit will proceed so that the court can decide the issue.

The Board believes that approving the amendment is the simplest, quickest, and least expensive way to clarify that the New Development Property is not part of the Crismark HOA and that future residents of that development will not have access to Crismark amenities.

We encourage all homeowners to review the amendment packet carefully and submit their completed Consent forms.

If you have questions, please contact: [**jkcricmark@gmail.com**](mailto:jkcricmark@gmail.com)

Important Notice

The HOA Board is not providing legal advice. Homeowners have the right to consult with an attorney of their choice regarding these matters. This letter is intended only to provide information about the proposed amendment and the documents you will receive.

Sincerely,

CRISMARK HOMEOWNERS ASSOCIATION, INC.