

August 2 2019

Declaration of Covenants – explanation for balloting on proposed changes dated May 6, 2019

This letter is being sent to all the members of Keyway Place HOA in an effort to help explain the upcoming voting procedures and tentative timeline on the proposed changes to our Declaration of Covenants. The Covenants Committee submitted these changes to the Board of Directors (BOD) at the May 2019 meeting. The BOD approved sending the changes to our attorney for legal review and preparation of paperwork required to create the ballots.

During the review, a few revisions will need to be done to reflect the proper legal wording. This should be complete by late July / early August, in time for the BOD to re-vote to approve at Aug BOD meeting. As discussed at the May meeting, the proposed changes will be voted on in two (2) parts due to the quantity of changes.

PART A - is mainly cleanup of Developer language in our current version issued by Ryland etc. at time of house purchase. The changes represent items such as: deletion of language no longer relevant (example # 1), changing "Declarant" to "Association" (example # 2) and a few simple clarifications that just made sense (example # 3).

Example # 1 - 2.2 General Plan of Development. The Community is a residential community ~~intended to include of~~ single-family residences, together with certain recreational and other ancillary facilities. The Community ~~is presently contemplated to contain approximately~~ **contains** seventy (70) single-family **lots**. ~~Lots, more or less, but the number of residential units may increase if Declarant adds additional phase(s). Declarant does not currently anticipate that any portion the Community will be submitted to the condominium form of ownership, but Declarant reserves the right to do so. Each Owner, by virtue of taking title to a portion of the Property, consents and understands that the foregoing estimate of the number of Homes within the Community is only an estimate. Declarant shall have the right, authority and power, in its sole discretion, to create more or fewer Homes in the Community from time to time.~~

Example # 2 - 2.3 Expansion of Community. **Declarant Association** has the right, acting in its sole discretion, but not the obligation, to expand the Community from time to time by adding additional land, or to change the number or kind of Homes, or other features of the Community.

Example # 3 - 3.12.1.7 Mailboxes. ~~Mailboxes shall be constructed and located by Declarant in its sole discretion, unless a central mailbox is required, and in accordance with United States Postal Service requirements. A perpetual, non-exclusive easement is hereby declared across the Common Property for purposes of permitting delivery of the mail. Replacement and maintenance of mailboxes shall be the obligation of the Lot Owner, provided that the replacement of a mailbox shall only be permitted if the replacement is of the brand and type specified by the ARC pursuant to the ARC Guidelines. If the mailbox structure contains a light fixture, the Lot Owner shall be responsible for changing the light bulb contained therein and otherwise performing maintenance, repairs and replacements of such fixture.~~ **Mailboxes are provided in a single structure of multiple mailboxes accessible by all lot owners and shall be maintained by the Association.**

Due to the quantity and type of revision, all of these proposed changes will be voted as one consolidated change – one single yes or no vote to simplify the process.

PART B – consists of approximately (25) proposed changes and will be voted individually, same as was done in the changes approved last year. Some of these changes are more major than others. The intent of the committee was to offer an alternative option to some of the existing Covenants and in others to expand / add clarification to the existing wording.

Voting: a 2/3rds majority of the total voting membership (70 homes) is required to approve any change to pass PART A in its entirety will require 47 single yes votes

To pass any single change in PART B, will require 47 yes votes. This means that some changes could be approved while others are not. NOTE: a non-vote on any change is the same as a no vote, as 47 affirmative votes are needed to pass.

Tentative timeline:

- Complete attorney recommended revisions by late July / early Aug on Part A & B. The Board has already approved sending changes to attorney to prepare ballot paperwork at the May 2019 mtg. Required paperwork outside actual Covenants can be done prior to Aug mtg.
- Aug 2019 Board mtg – To be legal, the Board has to re-approve proposed Covenant changes after attorney recommendations, then email to attorney to complete preparation of ballot paperwork.
- Upon completion of package, sent to Sunstate Management for printing
- By mid Sept, mail ballots to membership. Also, can post on Keyway Place HOA website for informational purposes only.
- Hold “Town Hall” type informational meeting early the week of 10/14/19 (most, if not all seasonal members should be back) with our attorney present to answer any questions on proposed changes. (Attorney will attend at no charge.) Post the meeting date on Community Bulletin Board, website and Facebook page. We understand there was confusion on last year’s ballot for proposed changes.
- Turn in ballots at mtg to be scheduled for early November.

The Committee’s goal was to have the updated / revised document in place and officially recorded prior to end of 2019. This will become the rules with which we collectively have agreed to live by.