

Carrington Pointe Covenant Change Process

Version 1.1

Last Updated: 03/06/2024

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Description

This document defines the process used by members to propose changes to the Covenants, Conditions, and Restrictions (“CC&Rs”) within the Carrington Pointe Homeowners Association (“Association”).

Purpose

The purpose of this procedure is to ensure that all homeowners have a fair and equal opportunity to effect change to the CC&Rs within Carrington Pointe.

Eligibility

Any member of the Association (“Member”) eligible to vote (“Voting Member”) as per the Association Bylaws is also eligible to submit a Covenant Change Request Form. The Covenant Committee (“Committee”) can request for the Board of Directors to confirm if a Member is a Voting Member.

Thresholds

All percentages shall be rounded down to the nearest whole number. For example, 10% of 279 shall resolve to 27.

Process

Process Overview

The Covenant Change Process consists of milestones to guide a request from start to finish. These milestones are established to determine community support for change, minimize costs to the Association, and ensure each request has a fair and equal chance to be considered by all Members.

A Change Request (“Request”) is subject to acceptance criteria at select milestones that may preclude the Request from moving to the next milestone.

A change process that is implemented will pass through the following milestones:

- A Voting Member submits a Request (“Petitioner”)
- The Request is reviewed by the Committee, and a Change Number (“Change Number”) is issued
- The Petitioner collects Voting Member signatures on a petition
- The Committee validates the signatures as being from Voting Members

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- The Committee sends out an electronic survey to all Members
- The Committee schedules a Town Hall
- All Members discuss the change at the Town Hall and determine a final proposal
- The Board determines CC&R amendment verbiage
- Ballots are mailed to all members in advance of the Covenant Change Meeting.
- Ballots may be returned at any point prior to the Covenant Change Meeting.
- Any outstanding ballots may be turned in at the Covenant Change Meeting.
- The proposed change is incorporated, and a CC&R amendment is filed with the county

Milestones

Submission

To initiate a Request, a Petitioner may submit a [Covenant Change Request Form](#) to the Committee. The Committee will ensure that the same covenant change has not been requested since the last Annual Meeting.

If a Request has been opened since the last annual meeting for the same change and is still open, the Committee will provide the existing change number and status to the Petitioner. If the Request has already been closed and there is less than six months remaining before the next annual meeting, the Petitioner will be required to wait until after the next Annual Meeting to submit a new Request.

Otherwise, the Committee will document receipt of the Covenant Change Request Form, assign a Change Number, and provide the Petitioner with a [Covenant Change Petition](#) to collect supporting signatures.

Petition

Upon receipt of the Covenant Change Petition, the Petitioner will have a maximum of 90 days to collect signatures supporting their Request. The Petitioner must collect a number of signatures equal to or greater than 10% of the number of Voting Members. Once the Petitioner has collected the signatures, they must inform the Committee and provide a copy of the signatures collected. The Committee is responsible for validating that the signatures collected are all from Voting Members.

Additionally, any member of the Committee may contest any signature on the petition. For all contested signatures, the Petitioner will be contacted to advise of the contested signature(s). Any contested signatures must be confirmed by the Committee within 14 days of submission. The Petitioner may be called upon to provide additional support to the Committee within this time period. Any signature unable to be confirmed as valid or invalid within the prescribed time frame will be considered valid.

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If the Petitioner did not receive sufficient signatures, the Committee will notify the Petitioner that the Request will not move on to the electronic survey.

Electronic Survey

The Committee shall request the Association Board of Directors to send an electronic survey with description and response options as described in [Appendix III - Electronic Survey](#). Members must be given at least 30 days to respond to the electronic survey. The Association Board of Directors will provide the survey results to the Committee, who will in turn notify the Petitioner.

The survey must receive responses from at least 35% of Members to move forward.

If the Survey did not receive sufficient responses, or there were less than 50% of the number of responding Members on the Electronic Survey voting affirmative, the Committee will notify all Members, including the Petitioner, that the Request will not move on to the Town Hall.

Town Hall

The board will give permission and a budget to schedule a Town Hall meeting to discuss the change with all Members.

The Committee will provide assistance as required to the Petitioner in developing options for the change suitable to present at the Town Hall meeting. The Committee shall ensure a facility is booked for Members to meet and review the change, will place notice of the upcoming meeting in the next available community newsletter, and send out an electronic reminder notice of the upcoming Town Hall. Members shall receive no less than 30 days advance notice of the upcoming meeting.

During the Town Hall, the Petitioner will be responsible for presenting their Request. Members will be given the opportunity to ask questions and suggest any updates to the Request. Before the conclusion of the meeting, the Members present will determine a proposed covenant change to be sent to the Board of Directors.

Covenant Amendment

The board will cause a covenant amendment ("Amendment") for the Request to be created within 45 days. In the case of simple changes, the board may draft the update directly. For more complex changes, legal counsel may be retained. The Board will provide the verbiage to the Committee, who will in turn provide it to all Members, including the Petitioner.

Notice

A ballot will be prepared following receipt of verbiage from the Board of Directors, following the examples in [Appendix IV - Ballot Verbiage](#) for the covenant change text and generating the ballot as indicated in [Appendix V - Ballot Template](#). This ballot will be mailed out to Members at

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least 30 days prior to the deadline for ballots to be received. A covenant change meeting will be scheduled. Covenant Change Meetings will typically be at the Association Annual Meeting, but may be scheduled for a different date as needed by the Board of Directors. Ballots may preferably be returned to the Association management company at any time prior to the Covenant Change Meeting. In the case that a Member is unable to return the ballot to the Association management company, they may return it to any member serving on the Board of Directors and verify their vote was received unaltered by contacting the Association management company.

Covenant Change Meeting

All ballots to be counted must have been turned in before the closing of the Covenant Change Meeting. The threshold required for the covenant change to be accepted are defined in the Association Bylaws. Per Association understanding of state law, the ballot must be signed by all parties on the title to Member properties and must be notarized.

If the Amendment did not meet the threshold required for covenant change as per the Association Bylaws, the Committee will notify the all Members, including the Petitioner, that the change will not be made.

Update Covenants

The covenants are updated to match the verbiage provided by the Board of Directors, and the Secretary of the Board of Directors files the changes with the County.

Appeals

At any point, any Member may appeal any action taken in the course of this process. The appeal will be heard by the Association Board of Directors at the next scheduled board meeting, or at a newly scheduled meeting within 30 days, whichever is sooner.

The Association Board of Directors will be determined by voting as per section 3.10 of the Association Bylaws. The outcome will indicate if the action was in compliance with the Covenant Change Process or if an exception has been granted.

Appendix I: Covenant Change Request Form

Covenant Change Request Form

Member Name: _____

Member Address: _____

Change Type:

- ☐ Add New Covenant
- ☐ Modify Existing Covenant
- ☐ Remove Covenant

Change Description:

By signing below, I affirm that I am:

- A member of Carrington Pointe Homeowners Association, and
- My account is in good standing

Date: _____

Signature: _____

Covenant Committee Use Only:

Received On:	
Verified By:	
Change Number:	

Appendix II: Covenant Change Petition

Covenant Change Petition

Change Number: [##]

Change Description:

By signing below, I affirm that I am:

- A member of Carrington Pointe Homeowners Association,
- I am eligible to vote per Carrington Pointe Homeowners Association Bylaws,
- I have seen a completed Covenant Change Request Form
- I would like to petition for the covenant change in the Covenant Change Request Form to be reviewed for potential implementation into the Covenants, Conditions, and Restrictions for Carrington Pointe Homeowners Association.

#	Date	Name	Address	Phone Number	Signature
1					
2					
3					

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#	Date	Name	Address	Phone Number	Signature
4					
5					
6					
7					
8					
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#	Date	Name	Address	Phone Number	Signature
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Carrington Pointe Covenant Change Process

#	Date	Name	Address	Phone Number	Signature
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39					

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#	Date	Name	Address	Phone Number	Signature
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Carrington Pointe Covenant Change Process

#	Date	Name	Address	Phone Number	Signature
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63					

Carrington Pointe Covenant Change Process

#	Date	Name	Address	Phone Number	Signature
64					
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72					
73					

Appendix III: Electronic Survey

New Covenant

The following new covenant has been proposed:

[Verbiage from Petitioner Request inserted here]

- ☐ "Yes, I am in agreement with further discussing the proposed change"
- ☐ "No, I am not in agreement with further discussing the proposed change"

Update Covenant

A change has been proposed for the existing covenant:

[Entire existing covenant printed here]

The updated covenant would read as follows:

[Entire covenant printed here, including verbiage from Petitioner Request]

- ☐ "Yes, I am in agreement with further discussing the proposed change"
- ☐ "No, I am not in agreement with further discussing the proposed change"

Remove Covenant

Removing the following covenant has been proposed:

[Entire existing covenant printed here]

- ☐ "Yes, I am in agreement with further discussing the proposed change"
- ☐ "No, I am not in agreement with further discussing the proposed change"

Appendix IV: Ballot Verbiage

New Covenant

The following new covenant has been proposed:

[Verbiage from Association Board of Directors inserted here.]

- ☐ “Yes, I am in agreement with adding the proposed covenant”
- ☐ “No, I am not in agreement with adding the proposed covenant”

Update Covenant

A change has been proposed for the existing covenant:

[Entire existing covenant printed here]

The updated covenant would read as follows:

[Entire covenant printed here, including verbiage from Association Board of Directors]

- ☐ “Yes, I am in agreement with the change proposed to the covenant”
- ☐ “No, I am not in agreement with the change proposed to the covenant”

Remove Covenant

Removing the following covenant has been proposed:

[Entire existing covenant printed here]

- ☐ “Yes, I am in agreement with removing the covenant”
- ☐ “No, I am not in agreement with removing the covenant”

Appendix V: Ballot Sample

[INSERT BALLOT VERBIAGE]

Lot/Block Number of Physical Address:

Owner Signature

Print Name/Title:

[SEAL]

Owner Signature

Print Name/Title:

Notary Public