

Upper Village HOA Members (HOA Presidents or Assignees)

The packet you received recently in preparation for the upcoming UVHOA Annual Meeting scheduled for December 6th has raised some questions from a number of HOA presidents. To expedite the meeting, we felt it would be beneficial for all to be aware of the questions ahead of time. Again, Myra Lansky, the lawyer who drafted the proposed Decs, will be present at the meeting to answer questions.

- 1) Why are new documents needed?
 - a. The original Decs written in 1971 were devised to protect the original developer of the then vacant land known as Four Seasons of Breckenridge Village Filing #2. The proposal to revise the Decs to protect the individual sites and owners instead of a long-defunct "Company" was put to the Owners before I joined the Board and has been a topic of discussion for at least six years.
 - b. Revising the Decs makes them consistent with the Policies and Procedures the Board passed last year to bring UVHOA into compliance with State Law SB100 and eliminates articles and conditions that applied to developing the sites but do not apply to an HOA that has achieved 100% build-out.
- 2) What are the significant changes to the documents, especially related to the authority of the Board of Directors?
 - a. The Board has no additional duties or responsibilities in the revised Decs.
 - b. As stated above, the proposed Decs protect the individual sites and owners instead of the original developer.
 - c. There are no changes to the membership of the association, use and occupancy of the sites and common areas, voting privileges, or the assessment for common expenses
- 3) Why do the Decs contain a section about the authority of an Architectural Review Committee?
 - a. Article IX of the original Decs spell out specific duties and responsibilities of a 5 person Architectural Review Committee that was mandated to include a licensed architect or landscape architect. Clearly, the conditions and restrictions the original developer put into place in 1971 no longer apply. However, the Board was advised that it would be prudent to revise the section to cover the possibility of a total tear-down and reconstruction on any of the member sites. To that end, items that protect such unanticipated issues such as the protection of view corridors are included in the proposed Decs. The right to appeal the decision of an Architectural Review Committee was also included in the proposed Decs.
- 4) How does the approval or disapproval of the proposed Decs affect the other items on the agenda (the proposed budget; the pool)?
 - a. The discussion and vote on the Decs is a separate issue and will not affect the other items. What to do about the pool has been a discussion item for a number of years and is a question we will need to discuss further at the meeting. The adoption of the budget for the next fiscal year will also be up for discussion.

The Board hopes you will be able to be present at the annual meeting on December 6th and lend your voice to these discussions. However, if you or your HOA's designated UVHOA attendee will not be able to attend the meeting, please send your proxy to your designated representative so we will have the necessary quorum.

Steve Carr, President UVHOA