

HASLEY HILLS HOMEOWNERS ASSOCIATION

Castaic, California

December 20, 2004

To: Hasley Hills HOA Homeowners

From: Hasley Hills HOA Board Of Directors

Subject: CC&Rs Change Policy

The HOA Covenants, Conditions and Restrictions (CC&Rs) were written by builder-representative attorneys and sanctioned by the California Department of Real Estate before inception of the HOA. At closing, each homeowner agreed explicitly to abide by the CC&Rs. Frequent deference to CC&Rs in California Civil Code Title 6 Common Interest Developments makes them a de facto extension of the law.

The HOA Board of Directors does not have the authority to change the CC&Rs. A two-thirds *affirmative* vote (493 out of 739 homeowners) of the HOA is required for their change. An effort to change the CC&Rs will most likely require a tremendous grass-roots campaign by someone impassioned enough to educate the community on the change, develop support for the change and ultimately bring out the vote for the change. Please follow the following procedure if you would like to change the CC&Rs.

1. Brief the Board of Directors regarding your desired CC&R change. The board has significant insight into the governing documents and various points of view throughout the community and therefore may offer realistic advice on the viability of your proposal, suggest phraseology, provide you an opportunity to address the community in open session, maybe schedule a special session, etc.
2. Organize a temporary three to seven person CC&Rs Change Committee including chairperson to share your effort. A board member will be appointed liaison to your committee. The board may be able to suggest others who would like to help out on your committee.
3. Write a petition containing draft phraseology for your change and gather supporting signatures from 33% of the community (246 homeowners). The petition is intended to demonstrate enough preliminary support for your proposal that the HOA won't incur the significant cost of legal opinions and ballot mailings for proposals that have no chance of passage.
4. Present the signed petition to the Board of Directors in open session. The board will obtain an opinion of your proposed change from an HOA attorney to assure it complies with the law and does not conflict with other clauses in the governing documents. The board will use the legal opinion to assist you in preparing a formal ballot displaying "before" and "after" versions of the pertinent CC&Rs text.
5. Present the ballot to the homeowners in open session and propose a date for the vote. The Board of Directors will schedule the vote and the Management Company will distribute proxies to all homeowners.
6. Plan to conduct a comprehensive door-to-door campaign leading up to the vote.