

**MEADOWS AT SHAWNEE
HOMEOWNERS ASSOCIATION, INC.**

PO Box 475, Milford, DE 19963

Website: www.meadowsatshawnee.com

Email: HOA@meadowsatshawnee.com

POLICY NUMBER: 2022-001: Effective Date January 12, 2022.

SUBJECT: Procedural Guidance for Administering Referendums to amend or change the Meadows at Shawnee Homeowners Association's governing documents: the Corporate By-Laws and the Declaration of Restrictive Covenants.

1. AUTHORITY:

a. The Meadows at Shawnee Homeowners Association (HOA) Corporate By-Laws, Article VI "Powers and Duties of the Board," Sections 1a) and (b) "Powers." The Board of Directors shall have the power to:

i. Adopt and publish rules and regulations governing the use of the common properties and facilities, and the personal conduct of the members and their guests, and to establish penalties for infractions; and

ii. Exercise for the Corporation all powers, duties and authority vested in or delegated to this Corporation and not reserved to the membership by other provisions by these bylaws, the Articles of Incorporation, or the Maintenance Declaration.

b. Amending or changing the Meadows at Shawnee Homeowners Association's Governing Documents the Corporate By-Laws and its Declaration of Restrictive Covenants

i. The HOA's By-Laws may be amended, altered, repealed or added by an affirmative vote of seventy-five percent (75%) of members (Article XIV).

ii The Declaration of Covenants and Restrictions may be changed, altered, modified or extinguished in whole or in part, at any time, by the instrument in writing signed by the record owners of two-thirds (2/3) of the Lots (Article II).

2. PURPOSE AND TERMS: This document provides standardized procedural guidance for administering a referendum, or vote, to make amendments, or changes, in part or in whole, to current corporate governing documents, the Meadows at Shawnee HOA's By-Laws and Declaration of Restrictions.

a. The terms "referendum" and "vote" are interchangeable.

b. The terms "Lots" and "Houses" are interchangeable, as are the terms "Owner(s)" and "Homeowner(s)." The terms "Joint Tenants" and "Tenants in Common" refer to lots with multiple owners listed on the title.

c. "Members" and "Owners" are defined as meaning the registered owner or owners as named on the title for each of the one hundred eighty-three (183) lots (houses) in the Meadows At Shawnee subdivision.

d. Only one (1) vote shall be cast with respect to each lot in the subdivision of the Meadows at Shawnee. In the event that members who hold title to any lot either by the entirety, or as joint tenants, or as tenants in common, attempt to cast the vote for such lot in conflicting ways, such vote will be counted as a fractional vote (HOA By-Laws: Article III, Section 6).

3. PROCEDURES: The following procedural guidance shall be followed when initiating a request for a change to the HOA's By-Laws or its Declaration of Restrictions.

a. Any lot owner, as a member of the HOA, may initiate a petition to change the HOA's governing documents by following the steps:

(1) Download the *Petition to Amend or Change the HOA Governing Documents* (By-Laws or Declaration of Restrictions) form from the HOA's website at: <http://www.meadowsatshawnee.com/bylaws-and-restrictions.html>

(2) Select the appropriate document requested to be amended or changed, the By-Laws or the Declaration of Restrictions

(3) Provide an explanation and purpose for the each requested amendment or change

(4) Secure the signature of twenty (20) homeowners representing twenty (20) separate lots or houses for each petition initiated

(5) Submit the completed petition form(s), with the required signatures, to the Secretary of the HOA Board of Directors in person or mailed to: The Meadows at Shawnee HOA, P.O. Box 475, Milford, DE 19963. If the request is found to be deficient the Secretary will notify the originator for any correction.

(6) A completed petition must be received no later than April 15th, or sixty (60) days prior to the HOA's regularly scheduled annual meeting to allow sufficient time to review, accept or reject the petition, and to print and mail ballots if needed.

b. Once received, the HOA's Secretary will validate the completeness and aptness of the petition and present it to the Board of Directors for a final decision.

c. The petitioner will be notified of the Board of Director's decision.

4. ADMINISTERING THE VOTE ON PROPOSED AMENDMENTS OR CHANGE(S): If after review by the Board of Directors, a petition to amend or change the By-Laws or the Declaration of Restrictions is found to meet the requirements necessary to be placed before the

HOA membership for a referendum/vote the Board shall set the date of the vote to coincide with the HOA's Annual Meeting.

a. The Board of Directors shall prepare a ballot showing the proposed amendment(s) change(s) written in unambiguous language that clearly states the proposed amendment or change to be incorporated into the appropriate governing document (By-Laws or Declaration of Restrictions) if approved.

b. Prepared ballots shall be mailed to each Lot owner(s) with the written notice of the HOA's annual meeting so as to arrive no later than fifteen (15) days prior to the annual meeting, the referendum's/vote closing date.

c. Each ballot shall clearly state the date and time by which all ballots must be received by the Secretary of the HOA Board of Directors, and the votes validated and counted.

d. In the event that members who hold title to any lot either by the entireties, or as joint tenants, or as tenants in common, attempt to cast the vote for such lot in conflicting ways, or separately, such vote shall be recorded as a fractional vote.

e. Upon finalization of the vote the results will be posted to the Meadows At Shawnee website within forty-eight (48) hours of completing the vote count. Notification will also be mailed to the property/lot owner(s) announcing the voting results within fifteen (15) days.

5. LIMITATIONS: No proposed amendment or change to any Article or Section of the By-Laws, or the Declaration of Restrictions, having previously been voted on and rejected by the HOA membership shall be placed before the membership for another vote for a period of no less than two (2) years from the date of the previous failed vote.

APPROVED: By the Meadows at Shawnee HOA Board of Directors on **January 12, 2022.**