

# RECOMMENDED COVENANTS & RESTRICTIONS AMENDMENT PROCEDURE

## THE OAKS OF EDWARDSVILLE HOMEOWNER'S ASSOCIATION

REVISION C - 05/09/13

Attachment: Sample Amendment Written Per Recommended Procedure

Per the Covenants and Restrictions for The Oaks Subdivision dated 03-25-2004, page 1, Section 1, *"Hereafter, these covenants and restrictions may be rescinded or amended at any time prior to March 1, 2024 or thereafter by approving vote of all of the Owners of at least 67% of the lots, which shall be effective upon recording of said rescission or amendment, together with an affidavit certifying said vote by the secretary of the Homeowner's Association herein below established, in the recorders office of Madison County, IL "*

The following procedure and related attachment(s) has been developed by the Board of Directors for The Oaks of Edwardsville Homeowner's Association (HOA) as the **recommended** process to be used by homeowners to propose an amendment to the Covenants and Restrictions (C&R).

This recommended process is as follows:

1. All costs associated with a proposed amendment to the C&R (including, but not limited to, printing, postage, notary fees, recording fees and distribution of amended C&R) are to be paid by the Requestor.
2. The Requester is responsible to draft the proposed amendment to the C&R. Please see the attached sample amendment.
  - a. The proposed amendment can be written either for a general amendment that would affect all lots or can be written to affect only a particular lot (or lots).
  - b. The proposed amendment should include the following:
    - i. Case and revision number (as assigned by the Board - see #3b below). Please include this number on ALL pages of the document,
    - ii. Full description of proposed amendment, including
      1. Current language to be amended in the C&R
      2. Exact language to be incorporated into the C&R
    - iii. Printed name of homeowner
    - iv. Address of homeowner
    - v. Lot number of homeowner
    - vi. An Approval and Rejected line for the homeowner to sign to indicate their vote,
    - vii. Address to return (The Oaks HOA P.O. Box or given to the Secretary)
3. The Requester is to submit the proposed amendment to the Board for initial review before submitting to homeowners of the subdivision.
  - a. The Board will review the proposed amendment for any obvious problems or unclear language.
  - b. The Secretary will assign a case and revision number to the request. This number will be incorporated onto the proposed amendment document and will be used as the official title for the proposed amendment.

4. Upon approval from the Board, Requester will distribute proposed amendment to each lot owner either via mail or by dropping off at individual mailboxes.
  - a. The Board does not condone the Requester presenting the proposed amendment directly to homeowners (i.e. face-to-face) at this point in the process.
  - b. A cover letter from the Board explaining the procedure should also be distributed with the proposed amendment. This letter will explain that if no vote is received by a stated deadline (14 days from date of letter), the Requester may follow up with the homeowner.
  - c. Cast votes are to be mailed either to the PO Box or given to the Secretary.
5. After return deadline has expired, the Requester will have the opportunity to send a second distribution of the proposed amendment to homeowners that have not cast a vote.
  - a. The Secretary of the Board will log in returned votes. A list of non-returned homeowners will be given to the Requester. The Secretary will not reveal actual vote casting of particular homeowners to the Requester.
  - b. Requester will distribute proposed amendment to each lot owner that has not cast a vote either via mail or by dropping off at individual mailboxes
  - c. The Board does not condone the Requester presenting the proposed amendment directly to homeowners (i.e. face-to-face) at this point in the process.
  - d. A cover letter from the Board explaining the procedure should also be distributed with the proposed amendment. This letter will explain that if no vote is received by a stated deadline (14 days from date of letter), the Requester may follow up with the homeowner.
  - e. Cast votes are to be mailed either to the PO Box or given to the Secretary.
6. After the 2<sup>nd</sup> return deadline has expired, the requester may contact the homeowners that have not returned votes directly.
  - a. The Secretary of the Board will log in returned votes. A list of non-returned homeowners will be given to the Requester. The Secretary will not reveal actual vote casting of particular homeowners to the Requester.
  - b. Requester may now directly collect signatures from individual homeowners.
  - c. A cover letter from the Board explaining the procedure should also be distributed with the proposed amendment. This letter will explain that if no vote is received by a stated deadline (30 days from date of letter), their vote will be cast as a "Rejected" vote.
  - d. Cast votes are to be mailed either to the PO Box or given to the Secretary.
7. Votes are to be tallied by the Secretary and verified.
  - a. Secretary will not reveal actual vote casting of particular homeowners to the Requester.
  - b. The Secretary will distribute a form letter to each homeowner stating that their vote will be recorded as "Approved" or "Rejected". A deadline of 14 days from the date of the letter will be established for the homeowner to contact the Secretary if they feel their vote has not been stated correctly.
8. After the verification deadline has passed, the Secretary will issue an official document stating the results for the proposed amendment.
  - a. For any amendment to pass, 67% of the 112 lots are to vote in favor of the amendment.
  - b. If passed, the amendment will be added to the C&R and will be notarized and recorded at City Hall.
  - c. New copies of the amended C&R will be distributed to all homeowners.

**Proposed Amendment for the Covenants and Restrictions for  
The Oaks of Edwardsville  
Case # XXXRev1**

Submitted: *date* Approved by the Board of Directors  
for submittal to homeowners for approval on *date*

**Description of Proposed Amendment**

*Insert description of amendment here - this would include any background information that you wish to include, pictures, etc.*

**1. Current C& R language**

*Insert, in quotations, EXACT language from C&R that is impacted as a result of this amendment. Please include page number and section number.*

**2. Exact language to be incorporated into the C&R**

*Insert proposed language to be incorporated (added into, revised, deleted, etc) into the C&R. Please be as specific as possible. This will be the exact language that would be amended into the C&R should the proposed amendment pass.*

**Homeowner Vote**

Address of homeowner

Lot number of Homeowner

Please sign ONE line below to indicate vote on proposed C&R amendment:

APPROVED

REJECTED

DATE

PRINTED NAME

Please return this document by the date specified in the cover letter to the Board Secretary directly or to the following address:  
Board Secretary, c/o The Oaks Homeowner's Association, P.O Box 596, Edwardsville, IL 62025