Proposed Changes to the Declaration of Covenants, Conditions and Restrictions and Articles of Incorporation for

Colony Biltmore-Greens Homeowners Association, Inc.

In addition to updating the Declaration and Articles to comply with current federal and state law, and removing outdated references (such as those to the Declarant), the Board proposes the following additional substantive changes to the Declaration and Articles:

Declaration of Covenants, Conditions and Restrictions	
Section	Proposed Change
Article II - Easements	Allows companies to install, maintain utility lines with Board
	approval; allows Association to change the use of Common
	Area with approval of majority of Owners; requires approval
	of three-fourths (3/4 th) of membership to mortgage, transfer
	or encumber Common Area.
Article III, Section 1 (A) –	Clarifies the types of business an Owner may conduct from
Residential Use	his/her Lot.
Article III, Section 1 (B) –	Permits only one private single family residence together with
Permitted Structures	a two-car garage. A storage shed of less than six feet is allowed
	if not visible to neighbors.
Article III, Section 1 (D) –	Updates Declaration to comply with federal law regarding over
Antennas	the air reception devices.
Article III, Section 1 (K) – Signs	Clarifies that all signs must conform to state law (A.R.S. 33-
	1808).
Article IV – Maintenance	Clarifies maintenance responsibilities of both Association and
	Owners regarding lots, Common Areas, and party walls/fences.
Article V, Section 1 – Board	States that the Board shall consist of 5 to 7 members serving
	staggered terms. Board vacancies due to resignations or
	removals will be filled by the Board and the replacements shall
	serve out the remainder of the term.
Article V, Section 3 – Bylaws	Requires the Board to post/email proposed Bylaws or Rule
and Rules	changes to Owners at least thirty (30) days prior to their
	effective date; allows Owners to appeal actions of any
	committee; states that at least one Board member will ideally
	serve on each committee.
Article VI, Section 2 – Class of	Removed Class C membership, since the Declarant/Developer
Members	no longer owns any land.
Article VI, Section 4 –	Removes Owners' right to cumulate their votes in Board
Cumulative Voting	elections. There will be a separate line item on the ballot to
Adda M. Castina C	eliminate cumulative voting.
Article VI, Section 6 –	Authorizes the Association to suspend the voting rights of
Suspension of Voting Rights	failure to pay assessments or any other violation of the Declaration.
Article VIII Section 4	
Article VII, Section 4 – Maximum Annual	Changes approval requirement to increase assessments from
	two thirds of all eligible votes to two thirds of those voting in
Assessments	person or by absentee ballot.

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Colony Biltmore-Greens Homeowners Association, Inc.

Fee from new Lot purchaser for the purpose of funding reserves and capital expenditures only. Funds borrowed from the Reserve account must be repaid. Article VII, Section 7 — A committee of 3 to 5 members shall be formed to study the Association's fees and expenses and provide reports to the community. Article VII, Section 10 – Use of Association Funds Article VII, Section 11 – Fines Gives Association the authority to fine owners for violations of governing documents. Article VII, Section 12 — Permits Association to charge a disclosure fee pursuant to A.R.S. Section 33-1806. Article VIII, Section 2 — Review Fee Association to charge a disclosure fee pursuant to A.R.S. Section 33-1806. Article VIII, Section 2 — Permits the Architectural Committee to charge a fee if expert assistance is needed to review a request and allows extra time for review of an application if expert assistance is required. Article VIII, Section 2 — Permits the Architectural Committee to grant a variance to any provisions of the Architectural Rules Article VIII, Section 4 — Architectural Committee (AC) composition to 5 permanent members; clarifies that all AC decision are appealable to the Board. Article VIII, Section 9 — Requires owners submitting an architectural request to discuss proposed changes with all immediately affected neighbors. Article X, Section 1 — If the Association incurs legal fees to enforce the Declaration, the Owner shall be responsible for the legal fees regardless of whether a lawsuit is filed. Articles II and II Updated the mailing address and statutory agent of the Association. Article IX — Insurance Articles of Incorporation Removed reference to Class C membership; removed ability of owners to cumulate their votes (as mentioned above, this will be a line item on the ballot). Article IX — Clarify that the Board of Directors shall have no fewer than five (S) and no more than seven (7) members. Change approval requirement to amend Articles from a two-thirds vote to a majority vote of the Members.	Article VII, Section 6 – Capital	Added authority for Association to collect Capital Improvement
Article VII, Section 7 – Financial Advisory Committee Financial Advisory Committee Acommittee of 3 to 5 members shall be formed to study the Association's fees and expenses and provide reports to the community. Article VII, Section 10 – Use of Association Funds Article VII, Section 11 – Fines Gives Association the authority to fine owners for violations of governing documents. Article VII, Section 12 – Dermits Association to charge a disclosure fee pursuant to A.R.S. Section 33-1806. Article VIII, Section 2 – Review Fee Article VIII, Section 2 – Permits Association to charge a disclosure fee pursuant to A.R.S. Section 33-1806. Article VIII, Section 2 – Permits the Architectural Committee to charge a fee if expert assistance is needed to review a request and allows extra time for review of an application if expert assistance is required. Permits the Architectural Committee to grant a variance to any provisions of the Architectural Rules Article VIII, Section 4 – Architectural Committee Article VIII, Section 9 – Consultation with Affected Owners Article IX – Insurance Updated insurance provisions, clarified that owners are responsible to insure their own individual property. If the Association incurs legal fees to enforce the Declaration, the Owner shall be responsible for the legal fees regardless of whether a lawsuit is filed. Article IX – Insurance Updated the mailing address and statutory agent of the Association. Article III and II Article VIII Removed reference to Class C membership; removed ability of owners to cumulate their votes (as mentioned above, this will be a line item on the ballot). Article IX Clarify that the Board of Directors shall have no fewer than five (5) and no more than seven (7) members.	Contribution Fee	Fee from new Lot purchaser for the purpose of funding
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9 11 1		(5) and no more than seven (7) members.
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		thirds vote to a majority vote of the Members.