

Highlights of Changes to Governing Documents

-----CC&Rs-----

General: References to Declarant (Triad, the master developer) have been removed and various Corporation Code sections added where applicable (the Association functions as a non profit mutual benefit corporation, subject to corporation laws)

RECITALS

ADD: *Whereas the Development does not contain any "common area" as defined in Civil Code section 4095 and is not a "common interest development" as defined in Civil Code section 4100 the association does not operate under State "Davis Stirling" law (NOTE: the four sub associations in Hiddenbrooke are subject to these laws because they own and maintain Common Area).*

Article 1 - DEFINITIONS

NEW: Sections 1.35 and 1.36 Defining "Repair" and "Replacement"

NEW Article 2 - HOMEOWNER ASSOCIATION

NEW: Section 2.7 Safety and Security

NEW Article 3 - OWNERSHIP RIGHTS AND EASEMENT

NEW: Section 3.6 No Right to a View

Article 4 - USE RESTRICTIONS

NEW: Section 4.4 Child Care Facilities

NEW: Section 4.5 Residential Care Facilities

NEW: Section 4.9 Accessory Dwelling Units

4.9.1 Construction of ADUS

4.9.2 Use of ADUs

4.9.3 Rental of ADUs

CORRECTION: Section 4.10. New language inadvertently left out: *Basketball hoops may not be attached anywhere to a Residence. Portable basketball hoops are allowed in the side or back yards, but not in the front yard or street.*

CORRECTION: Section 4.16.5 Animals and Pets – delete section on Board Authority; Board did not want to include this restriction

MODIFIED Section 4.21 Vehicles and Parking

NEW: Section 4.23 Definition of Commercial Vehicle

NEW: Section 3.24 Parking Enforcement; Parking Rules

MODIFIED: Section 4.25 Garages

NEW: Section 4.36 Outdoor Holiday Decorations (formerly in Design Guidelines)

NEW Article 5 – RENTING OR LEASING

-Includes new sections: Requirements for Renting, Rental of Lots and Residences, Subleases, Short Term Rentals, Time Share Arrangements, Owners Responsible for Tenant Actions, etc.

NEW Article 6 – MAINTENANCE, REPAIR AND REPLACEMENT RESPONSIBILITIES

-Applies to lots and residences, landscaping, utilities, etc.

NEW: Section 6.1 – adds requirement to maintain owner’s residence in good condition

CORRECTION: Section on maintenance of landscaping inadvertently left out; some modifications.

All new and existing landscaping shall be maintained in a clean, attractive and well-kept condition similar to other well-maintained yards in the Development through regular trimming, mowing watering and fertilization. Landscape care shall be in accordance with the Design Guidelines, City of Vallejo and Specific Plan requirements (including without limitation those related to fire resistance and water conservation). Areas of bare ground should be vegetated and/ or covered with mulch, except that large areas of mulch and bark are not allowed per the Design Guidelines. No City Street Tree shall be “topped” or severely trimmed in a manner that will permanently damage the structure and appearance of the tree.

Article 8 – ARCHITECTURAL REVIEW

NEW: Section 8.1.5 ADUs

MODIFIED Section 8.5 and 8.6 to be consistent with current HARC procedures

MODIFIED Section 8.11 to be consistent with current HARC procedures

MODIFIED Section 8.16 Variances

Article 10 – ASSESSMENTS AND LIENS

CORRECTION: Section 10.6.4 Increases in Annual Assessments - *The Board’s direction was to increase the base dues to \$85 a year and then use the Bay Area Consumer Price Index to limit dues increases going forward. The proposed increase is based on the latest budget analysis of expenses and cost trends and is needed to maintain adequate reserves. Also a definition is needed for “extraordinary expenses”, i.e., an expense that is unanticipated, significant, and of extended duration that would otherwise be limited by the CPI.*

KEEP AS IS Section 10.12 Delinquent Assessments. This section would continue to prohibit the Board from foreclosing on a lien to collect past due assessments

Article 12 – INSURANCE

-Expanded description of insurance requirements

EXHIBIT A – Legal Description of Encumbered Properties

UPDATED: The legal description of the properties constituting the Hiddenbrooke Development and subject to the CC&Rs has been reviewed and updated

-----BYLAWS-----

Article 2 – DEFINITIONS

DELETE: definitions for “Capital Improvements” and “Common Area”

Article 4 – MEMBER MEETINGS AND VOTING

MODIFIED: Section 4.6 - would allow electronic ballots except for the election of Directors which must be conducted by written ballot

MODIFIED: Section 4.8.1 Election of Directors - the number of ballots received by the deadline shall constitute a quorum

MODIFIED: Section 4.8.4 Quorum for Amendments to Governing Documents - would change quorum from 1/3 of members to 1/4 and would change quorum needed for an extended vote from 25% to 15% of members

MODIFIED: 4.10 Proxies - optional for all ballots except election of Directors.

Article 5 –BOARD OF DIRECTORS ELECTION; TERM OF OFFICE

CORRECTION: Section 5.1 Number of Directors. - *Board's intent is to reduce the number of Directors from the current 7 to 5 going forward*

MODIFIED: Section 5.4 Election - write in candidates would not be permitted

NEW: Section 5.5 Election by Acclamation - if number of Board candidates equal to or less than open positions candidates may be declared elected by the Board without sending out ballots

Article 7 – POWERS OF THE BOARD

MODIFIED: Section 7.1.4 Sanctions - timing of hearing notice and continuing violation

Article 8 – DUTIES OF THE BOARD

CORRECTION Article 8.5 -*the Association will not foreclose on a lien to collect assessments*

MODIFIED: Article 8.7 Annual and Periodic Notices and Disclosures – member's right to receive financial statements

NEW: Article 8.8 Results of Member Votes – must respond to written requests from member for voting results at a meeting for a period of 60 days following the vote

Article 11 – BOOKS, RECORDS, AND FUNDS

MODIFIED: Section 11.4 Fiscal Year - establishes dates for Fiscal Year as July 1 to June 30

-----ARTICLES OF INCORPORATION-----

DELETE: Article 3 – STATEMENT REQUIRED BY CIVIL CODE SECTION 4280 – this section classified the Association as a common interested development under the Davis Stirling Common Interest Development Act. It is removed because the Act does not apply to the Association.