

FOR THE BOARD OF DIRECTORS 8 APRIL 2008

I NOTICED IN THE MINUTES OF THE 2007 GENERAL MEETING THAT THE SUBJECT OF ARCHITECTURAL VS FLAT 3-TAB SHINGLES WAS DISCUSSED. I GOT THE IMPRESSION THAT SOMEONE SAID/CONTENDED THAT THE REQUIREMENT IN THE ARCHITECTURAL STANDARDS WERE MERELY "SUGGESTIONS" AND NOT BINDING BECAUSE THE REQUIREMENT IS NOT IN THE COVENANTS THEMSELVES. THIS IS NOT THE CASE. THE BOARD IS NOT ONLY ALLOWED, BUT IS **REQUIRED** BY THE COVENANTS TO PRODUCE DOCUMENTS THAT DEFINE THE PARTICULAR RULES THAT ARE DETERMINED BY THE BOARD IN ORDER TO CARRY OUT THE MORE GENERAL PROVISIONS OF THE COVENANTS.

THE EASIEST EXAMPLE TO SHOW THE PROBLEM IS THAT OUR MEMBERSHIP DUES ARE NOT SPECIFIED IN THE COVENANTS, ONLY THE REQUIREMENT TO ESTABLISH DUES. WE CONSIDER AND HAVE LEGALLY ENFORCED THOSE DUES. IN THE SAME MANNER, WE ARE TASKED BY THE COVENANTS TO ESTABLISH RULES FOR CONSTRUCTION AND REVOVATION, ALSO **LEGALLY ENFORCEABLE**, AND WE HAVE EXERCISED THAT ENFORCEMENT.

FOR EXAMPLE, ARTICLE IX OF THE COVENANTS, SECTION 3: "THE ASSOCIATION, THROUGH ITS BOARD OF DIRECTORS, MAY **MAKE AND ENFORCE** RULES AND REGULATIONS GOVERNING THE USE OF THE PROPERTIES...IMPOSITION OF SANCTIONS SHALL BE AS PROVIDED IN THE BY-LAWS" CLEARLY THE BOARD CAN MAKE RULES AND ENFORCE THEM.

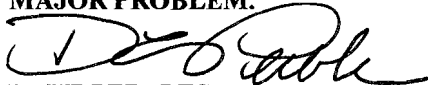
SPECIFICALLY REFERRING TO THE ARCHITECTURAL STANDARDS, NOW MANAGED BY THE ARCHITECTURAL STANDARDS COMMITTEE, WHICH RELACED THE NEW CONSTRUCTION AND MODIFICATIONS COMMITTEES....UNDER ARTICLE XI, "MAY PREPARE AND PROMULGATE DESIGN AND DEVELOPMENT GUIDELINES AND APPLICATION AND REVIEW PROCEDURES...THE COMMITTEE SHALL HAVE SOLE AND FULL AUTHORITY TO PREPARE AND AMEND THE GUIDELINES AND PROCEDURES" and here is the important language: '**OWNERS, BUILDERS AND DEVELOPERS SHALL CONDUCT THEIR OPERATIONS STRICTLY IN ACCORDANCE THEREWITH.**' IN SECTION 2. "TTHE COMMITTEE (MODIFICATIONS) **SHALL PROMULGATE DETAILED STANDARDS AND PROCEDURES GOVERNING ITS AREAS OF RESPONSIBILITY....PLANS AND SPECIFICATIONS SHOWING THE NATURE OF ... MATERIALS...SHALL BE SUBMITTED FOR APPROVAL OF EXTERNAL DESIGN ...**"

FURTHER, IN SECTION 4, THE COVENANTS SPECIFICALLY REQUIRE RESIDENTS TO GET AN OFFICIAL VARIANCE FROM THE BOARD TO DEVIATE FROM THE GUIDELINES. SO CLEARLY THE TERM "GUIDELINES" IS NOT MEANT TO BE JUST "SUGGESTIONS" THAT HAVE NO WEIGHT. THEY WERE MEANT TO BE FOLLOWED UNLESS A VARIANCE IS APPROVED. Section 4 "THE COMMITTEE MAY AUTHORIZE VARIATIONS FROM **COMPLIANCE** WITH ANY OF THE PROVISIONS OF THE DESIGN AND DEVELOPMENT GUIDELINES...BUT ONLY WITH ADOPTED RULES..."

IT WAS THE CLEAR AND SPECIFIC INTENT OF BOTH THE STANDARDS BOOKLET AND THE ARCHITECTURAL STANDARDS BOOKLET THAT THEY ARE BOARD-APPROVED RULES, NOT SUGGESTIONS. MANY OF OUR COMMONLY ACCEPTED RULES, SUCH AS ROOF PITCH, FENCE HEIGHT, AND SHINGLE TYPE ARE ONLY FOUND IN THE STANDARDS, NOT IN THE COVENANTS. **IF THE BOARD IGNORES THE SHINGLE STANDARD, THEN IT CANNOT EXPECT TO ENFORCE ANY STANDARD THAT ONLY EXISTS IN THE ARCHITECTURAL STANDARDS OR ANY RULE IN THE STANDARDS BOOKLET THAT EXISTS ONLY IN THE STANDARDS. THIS WOULD BE A REGRETABLE DECISION. USING THE LOGIC OF "SUGGESTIONS ONLY", IF A REQUIREMENT OF THE BOARD HAS TO BE IN THE COVENANTS IN ORDER FOR IT TO BE VALID, THEN THE BOARD WILL BE UNABLE TO COLLECT MEMBERSHIP DUES, BECAUSE THEY ALSO ARE NOT IN THE COVENANTS, ONLY THE REQUIREMENT TO ESTABLISH THEM.**

BY THE WAY, THE SHINGLE REQUIREMENT WAS ESTABLISHED IN 1988.

I RESPECTFULLY ASK THE BOARD TO PUBLISH THIS MEMO AS AN ATTACHMENT TO THE MINUTES OF THE NEXT BOARD MEETING. THIS IS A MUCH BIGGER DEAL THAN JUST SHINGLES, IT AFFECTS A NUMBER OF RULES, AND IF NOT FIXED, WILL BE A MAJOR PROBLEM.



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