

# Special Election of *The North Brook Home Owners Association*

At the request of the membership, the Board of Directors of *The North Brook Home Owners Association* has set an election concerning certain amendments of the Association's *Declaration of Covenants, Conditions, Restrictions, and Easements of North Brook*, originally made and executed on December 16, 1994, and as amended or supplemented from time to time.

Pursuant to the *Homes Association Declaration of the North Brook Home Owners Association*, Article IV, Section 4.05, (Voting by Mail), the Association's Secretary provides the following written notice to all Members in good standing\*:

- (i) the enclosed Ballot;
- (ii) that the Members are entitled to vote by mail for or against such proposal;
- (iii) that the poll officially closes at 5:00 p.m., Wednesday, November 8, 2017. All ballots received after that deadline shall not be counted; and
- (iv) All ballots must be sent to The North Brook Home Owners Association, c/o First Service Residential, 11125 Ambassador Drive, Suite 200, Kansas City, Missouri 64153.

\*(voting rights of any Member in default on payment of any Assessment levied by the Association is suspended during any period in which such Member is in default.)

Pursuant to the *Bylaws of the North Brook Home Owners Association* the following parties are allowed to vote in this election.

- Owners shall be entitled to vote on Association matters on the basis of one (1) vote for each Lot owned;
- When more than one person holds an interest in any Lot, all such persons shall be Members and the vote for such Lot shall be exercised as they shall determine among themselves and notify the Secretary of the Association in writing;
- Fractional votes shall be permitted but in no event shall there be more than one (1) total vote cast with respect to any such Lot;
- With respect to this election, if both yes, and no are selected for any individual question the dual response is deemed to indicate a fractional vote, and a single yes, or no vote for a particular question is deemed a Member's complete, undivided whole vote on that particular question;

Explanation: If one joint owner votes in favor of the new language, and selects, "yes", and the other joint owner does not agree with the new language, and selects, "no", each joint owner's vote is considered a *fractional vote*. If both joint owners agree on the issue, only one answer, yes or no, would be selected and that would constitute a whole vote.

*(Examples of both a Fractional Vote, and Whole Vote on the following page.)*

- The fractional votes for such Lot shall be exercised by the person or persons (who may be a tenant of an Owner) either shown on the Association's records or appointed by proxy in accordance with the Bylaws. In the absence of a proxy, the fractional votes allocated to such Lot shall be suspended in the event a person or entity seeks to exercise the right to vote more than his or its fractional share then shown on the Association's records;
- Any Owner of a Lot which is leased may assign his voting right to his tenant, provided that a copy of a proxy appointing the tenant is furnished to the Secretary of the Association prior to any meeting in which the tenant exercises the voting right. In no event shall more than one (1) total vote be cast with respect to any one (1) Lot.

Graphic examples of a "Fractional" Vote, and a "Whole" Vote.

Figure One:

**Example of a Fractional Vote: These will be recorded as 1/2 YES and 1/2 NO votes.**

Question #1	
<p>Shall Article III, Section 3.1, paragraph G, of the <i>Declaration of Covenants, Conditions, Restrictions and Easements of North Brook</i> be amended to read as follows:</p> <p>No fencing of any type shall be erected or installed without the prior approval of the Architectural Control Committee (ACC). Fencing materials may consist of wood, wrought iron, vinyl, or other composite materials, which materials shall harmonize with the external design of the Residence and/or Subdivision, all subject to approval by the ACC. No fence may consist of chain link material.</p> <p>The height of any fence cannot be less than four feet tall, or greater than six feet tall. Fences may come up the side yard of the property but not past the midline of the residence.</p>	
Yes	No
<input checked="" type="radio"/>	<input checked="" type="radio"/>

Figure Two:

**Example of a Vote: This indicates one YES vote.**

Question #1	
<p>Shall Article III, Section 3.1, paragraph G, of the <i>Declaration of Covenants, Conditions, Restrictions and Easements of North Brook</i> be amended to read as follows:</p> <p>No fencing of any type shall be erected or installed without the prior approval of the Architectural Control Committee (ACC). Fencing materials may consist of wood, wrought iron, vinyl, or other composite materials, which materials shall harmonize with the external design of the Residence and/or Subdivision, all subject to approval by the ACC. No fence may consist of chain link material.</p> <p>The height of any fence cannot be less than four feet tall, or greater than six feet tall. Fences may come up the side yard of the property but not past the midline of the residence.</p>	
Yes	No
<input checked="" type="radio"/>	<input type="radio"/>