

CHURCH POINT HOMEOWNERS ASSOCIATION, INC.

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TO: CHURCH POINT HOMEOWNERS
FROM: BOARD OF DIRECTORS
DATE: NOVEMBER 22, 2023
RE: Budget and Amended and Restated Documents

We write in advance of the Annual Meeting to respond to the anonymous mailer and several complaints, and to provide accurate information.

First and foremost, the Board has acted in the best interest of the community to add value and ensure our community remains a premier place to live. Board members are volunteers and your neighbors, who devote personal time and effort to making decisions according to law, our governing documents and best practices.

The Board is obligated to make provision for the expenses of the Association and to take care of the common areas. The budget increase did that.

As you know, the Board of Directors undertook to amend and restate the Association's governing documents (Declaration, Bylaws and Article of Incorporation) to bring them current with the law, practice and technology, and to delete obsolete provisions. To be as transparent as possible, you were provided a "redline" version of the Amended and Restated Declaration showing all changes, most of which were not substantive, rather than a summary. The Amended and Restated Bylaws approved by the Board were provided to you with the annual meeting materials. Other documents, such as Rules, are available upon request.

The following is to clarify noted changes to the Declaration:

Gas Lights (Section 9). The restriction requiring a gas post lantern and/or sconce has been in the Declaration from inception. The revision would expand it to also permit an electric flickering/torch like bulb, which would lead to fewer violations. If the community wants the restriction deleted, then an amendment is needed.

Enforcement (Section 20). The time frame was deleted to be more reasonable and provide time to resolve violations. We all bought into a community with restrictions in place to preserve our home values. If a violation occurs, the 180 provision would force the Association to take legal action sooner. This can be expensive, not reasonable and not the best way to work with neighbors. Waiver is also an issue. The time to take action is not infinite, it is measured by what is reasonable and any applicable statutes of limitations. The goal is to allow more flexibility in the process depending on the situation and resolve problems by having to take legal action.

Inspection (Section 1). Alterations need approval. This provision gives the Association the ability to ensure the alterations are consistent with the approval. Some violations are not identified/known until after completion. Consistency and reasonableness are the goals.

Review Fee (Section 1). The fee that can be charged is a reasonable fee. Clarifies it is the Association rather than the Declarant.

Resale (old Section 14). This is governed by the Resale Act, Va. Code Section 55.1-2307, *et seq.* Inspection, disclosures, and fees are governed by statute. The duty is on the seller to request a resale package.

Noise (Section 5). Only the restriction on lawn mowing and similar noises was removed, as the time limits did not work. A prohibition on disturbing noise remains.

Rules. Owners have always been responsible for the conduct of guests that is in violation. Rules not being changed.

Declaration. The Declaration has always involved restrictions, limitations and conditions.

Removal of Directors. Voting is permitted in person or by proxy, and now also by absentee ballot. Proxies and absentee ballots may be used for quorum. This does not suggest presence is only in person. To the contrary, there are multiple ways to vote.

We look forward to seeing you at the meeting on November 30, 2023.