

Dear CLCA Owners,

The Board of Trustees has determined that making some amendments to the Association Bylaws is in the best interest of the community. While CLCA was not formed as a traditional homeowners association, we have received opinions from two law firms that we are subject to (and receive the benefits from) the provisions of the Planned Real Estate Development Full Disclosure Act. A portion of the Act, commonly known as “The Radburn Act” is designed to provide protections for owners in a covered development and these Bylaw amendments are being proposed in accordance with those protections and provisions.

One provision of the Act recognizes that amendments to Bylaws are often impossible to get passed because not enough people are motivated to even cast a ballot. Therefore, the Act has created what has come to be known as the “10% rule”. It provides that, if the Board of Trustees proposes amendments to Bylaws and less than 10% of the owners object, the Bylaws are automatically adopted without a formal election. Additionally, no vote/opposition of any kind is required if the amendment is simply to bring the Bylaws in conformance with the law.

Below is an explanation for the Board’s decision to propose each amendment. **If you do not oppose these amendments, you do not need to do anything.** If you do oppose any of these proposed amendments, please indicate which ones you oppose on the bottom of this letter and return it to AVC Property Management LLC, Attn: Collings Lakes Civic Association, 680 US Highway 130, Unit 9972, Hamilton NJ 08650 within 30 days of the date of this letter.

1. The first proposed amendment simply makes clear that all meetings and elections must be conducted in accordance with the Radburn Act discussed above. Again, these laws are designed to protect owners. Some examples include - the law bans the Association from having rules that prevents any owner in good standing from running for the Board. It also provides for ample notice of the elections and mandates that all board meetings be open to all owners (with limited exceptions for confidential matters such as litigation issues). This is required by law so no vote or opposition is necessary.

2. The second proposed amendment prevents two people from the same unit from being on the Board of Trustees at the same time. This is specifically allowed under the Radburn Act and is designed to ensure that one household cannot control nearly 30% of the votes on the Board. The intent of the original Bylaws which mandates representatives from each tier are designed to ensure representation of as many interests in the community as possible. Combining two Trustee positions into what would essentially be one seat with double the voting power would work contrary to that intent.

3. The third amendment simply moves the due date for yearly assessments to March 1 instead of January 1 as the Bylaws currently require. Having a due date so soon after the holidays is an unfair burden on many families, so the Board is proposing simply moving it back two months.

4. The fourth amendment is designed to clarify section 3.1 which does not make clear that member meetings and board meetings are different. Most importantly, it allows meetings to be conducted on Zoom at the Board’s discretion which encourages participation by a larger number of owners.

5. The fifth amendment allows for electronic (email) notice in lieu of USPS mailing of all the required notices and ballots which will save the Association a lot of money in postage and supplies. If you wish to continue to receive your notices and ballots by regular mail, all that you must do is notify the Association in writing and you will continue to receive everything by regular mail. Additionally, you can change your preference at any time. Therefore, this amendment does not prejudice anyone and if you do not have internet/email capability, you can still be notified the old-fashioned way.

The fifth amendment also gives the Board the option to conduct elections electronically. Again, the Association still must allow owners to vote in person if that is their preference, but electronic voting has been shown to result in more participation in elections by owners which is good for a better cross-representation of the community in elections.

To clarify, **if you do not oppose any of these amendments, you do not to do anything.** If you do oppose any of them, please fill out the bottom of this page and return it to the Association address within 30 days of the date of this letter. Be sure that your return address is on the envelope so that the AVC can confirm that you are an owner in the community. Oppositions returned in unidentified envelopes will not be counted.

\_\_\_\_\_ I oppose the amendment preventing two people from the same household from serving on the Board simultaneously.

\_\_\_\_\_ I oppose the amendment moving the due date for assessments to March 1 from January 1.

\_\_\_\_\_ I oppose the amendment allowing all meetings to be held by Zoom (with alternate access to those who do not have Zoom access).

\_\_\_\_\_ I oppose electronic notices and electronic elections.

Optional - include your reasons for your opposition for the Board's consideration.

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