

**Dear Neighbor,**

**Thank you for your responses to ballot 1 regarding declarant changes. All changes were approved by at least 2/3 of homeowners and are now official.**

**Continuing our CC&R cleanup efforts for 2018, this is electronic ballot #2 (of 3) which deals with more obsolete language, general cleanup, and specific instances of overreach which the CC&R committee feels are no longer needed or valuable.**

**We have added a new option on this ballot (per homeowner requests) which allows you to state that you agree with all of the changes being proposed by the CC&R committee and save yourself the trouble of agreeing to each individual line item.**

**Please take a few minutes to review this ballot and cast your vote. Voting will remain open through August 3, 2018 if needed to obtain 2/3 participation but please do not delay.**

**Thank you!**

Approve all changes

**Some homeowners asked to have a "party-line vote" where they could approve all changes on the ballot instead of reviewing every change.**

\* 1. Do you want to approve all changes proposed by the CC&R committee contained in this ballot?

- ☐ Yes I'd like to approve all changes at once
- ☐ No I would like to review and approve/reject each line item one by one

General cleanup

**There are numerous spelling mistakes, capitalization changes, and extraneous punctuation marks (too many to list) that we would like to correct. For example changing "Vintage On the River" to "Vintage on the River", removing extra periods from CC&R section 14.05, and changing the term "trustee" to "director" (as in Board of Directors) to create consistency throughout our governing documents. None of these changes would alter the meaning of any of our CC&Rs.**

2. Do you approve of the general cleanup of these items?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Bylaw 4.1

Proposed Change

## ARTICLE IV Nomination and Election of Trustees

**Section 4.1. Nomination.** Nomination for election to the Board of Trustees shall be made from the floor at the annual meeting of the Association. ~~Such nominations may be made from among Members or non-Members.~~

**Section 4.2. Election.** Election to the Board of Trustees shall be by secret written ballot. At such election the Members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected.

**Reason for change:** Only Vintage homeowners attend our annual meeting. It makes no sense to have a non-member (non Vintage homeowner) nominate somebody to serve on our Board of Directors.

Final Text

## ARTICLE IV Nomination and Election of Trustees

**Section 4.1. Nomination.** Nomination for election to the Board of Trustees shall be made from the floor at the annual meeting of the Association.

**Section 4.2. Election.** Election to the Board of Trustees shall be by secret written ballot. At such election the Members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected.

\* 3. Do you approve this change to Bylaw 4.1?

- ☐ Yes I approve this change to our Bylaws
- ☐ No I do not approve this change

Bylaw 5.1

Proposed Change

## ARTICLE V Meeting of Trustees

**Section 5.1. Regular Meetings.** The Board of Trustees shall hold a regular meeting at least semi-annually, without notice, at such place and hour as may be fixed from time to time by resolution of the Board of Trustees. ~~Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.~~

**Section 5.2. Special Meetings.** Special meetings of the Board of Trustees shall be held when called by the President of the Association, or by any four (4) trustees, after not less than three (3) days notice to each trustee.

Reason for change: Obsolete

Final Text

## ARTICLE V Meeting of Trustees

**Section 5.1. Regular Meetings.** The Board of Trustees shall hold a regular meeting at least semi-annually, without notice, at such place and hour as may be fixed from time to time by resolution of the Board of Trustees.

**Section 5.2. Special Meetings.** Special meetings of the Board of Trustees shall be held when called by the President of the Association, or by any four (4) trustees, after not less than three (3) days notice to each trustee.

\* 4. Do you approve this change to Bylaw 5.1?

- ☐ Yes I approve this change to our Bylaws
- ☐ No I do not approve this change

Bylaw 12

Proposed Change

## **ARTICLE XI Assessments**

All assessments shall be made in accordance with the general provisions of Article IV of the Declaration. The Treasurer shall keep detailed records of all receipts and expenditures, including expenditures affecting the Property, specifying and itemizing the maintenance, repair and replacement expenses of the Property and any other expenses incurred. Such records shall be available for examination by the Owners during regular business hours. In accordance with the actions of the Board of Trustees in assessing common expenses against the Lots and Owners, the Treasurer shall keep an accurate record of such assessments and of the payments thereof by each Owner.

## **~~ARTICLE XII Corporate Seal~~**

~~The Association may, but shall not be obligated to, have a seal in circular form having within its circumference the words: "Vintage on the River Homeowners Association, Inc.", or in lieu thereof the word "SEAL" may be placed adjacent to the signature of an authorized officer of the Association.~~

## **ARTICLE XIII Amendments**

**Section 13.1. Amendment Procedure.** These Bylaws may be amended, at a regular or special meeting of the Members, by a vote, either in person or by proxy, of Members holding two-thirds (2/3) or more of the voting power of the Association.

Reason for change: Obsolete

## ARTICLE XI Assessments

All assessments shall be made in accordance with the general provisions of Article IV of the Declaration. The Treasurer shall keep detailed records of all receipts and expenditures, including expenditures affecting the Property, specifying and itemizing the maintenance, repair and replacement expenses of the Property and any other expenses incurred. Such records shall be available for examination by the Owners during regular business hours. In accordance with the actions of the Board of Trustees in assessing common expenses against the Lots and Owners, the Treasurer shall keep an accurate record of such assessments and of the payments thereof by each Owner.

## ARTICLE XII Amendments

**Section 13.1. Amendment Procedure.** These Bylaws may be amended, at a regular or special meeting of the Members, by a vote, either in person or by proxy, of Members holding two-thirds (2/3) or more of the voting power of the Association.

\* 5. Do you approve this change to Bylaw 12?

- ☐ Yes I approve this change to our Bylaws
- ☐ No I do not approve this change

Section 3.07d

Proposed Change

(d) Within 120 days after the close of each fiscal year, the Association shall prepare and distribute to the Owners an annual report consisting of the following:

- (1) A balance sheet as of the end of the fiscal year.
- (2) An operating (income) statement for the fiscal year.
- (3) A statement of changes in financial position for the fiscal year.
- ~~(4) For any fiscal year in which the gross income to the Association exceeds \$75,000, a copy of the review of the annual report prepared in accordance with generally accepted accounting principles by a Certified Public Accountant.~~

**Reason for change:** An expensive CPA audit should not be required in our documents but be at the discretion of the HOA board as needed. Besides, our annual income has never approached \$75,000.

Final Text

(d) Within 120 days after the close of each fiscal year, the Association shall prepare and distribute to the Owners an annual report consisting of the following:

- (1) A balance sheet as of the end of the fiscal year.
- (2) An operating (income) statement for the fiscal year.
- (3) A statement of changes in financial position for the fiscal year.

\* 6. Do you approve this change to Section 3.07d?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change



Section 3.07e

Proposed Change

(d) Within 120 days after the close of each fiscal year, the Association shall prepare and distribute to the Owners an annual report consisting of the following:

- (1) A balance sheet as of the end of the fiscal year.
- (2) An operating (income) statement for the fiscal year.
- (3) A statement of changes in financial position for the fiscal year.
- (4) For any fiscal year in which the gross income to the Association exceeds \$75,000, a copy of the review of the annual report prepared in accordance with generally accepted accounting principles by a Certified Public Accountant.

~~(e) Within 60 days prior to the beginning of each fiscal year, the Association shall prepare and distribute to the Owners a statement describing the Association's policies and practices in enforcing lien rights or legal remedies for default in payment of assessments against Owners.~~

(f) The Association shall prepare a balance sheet, as of an accounting date that is the last day of the month closest in time to six months from the date of closing of the first sale of a Lot in the Development, and an operating statement for the period from the date of the first closing to the foregoing accounting date. The Association shall distribute this statement to the Owners within 60 days after the accounting date. This operating statement shall include a schedule of assessments received and receivable identified by the number of the Lot and the name of the Owner assessed.

Reason for change: Not needed. We have never done this.

(d) Within 120 days after the close of each fiscal year, the Association shall prepare and distribute to the Owners an annual report consisting of the following:

- (1) A balance sheet as of the end of the fiscal year.
- (2) An operating (income) statement for the fiscal year.
- (3) A statement of changes in financial position for the fiscal year.
- (4) For any fiscal year in which the gross income to the Association exceeds \$75,000, a copy of the review of the annual report prepared in accordance with generally accepted accounting principles by a Certified Public Accountant.

(e) The Association shall prepare a balance sheet, as of an accounting date that is the last day of the month closest in time to six months from the date of closing of the first sale of a Lot in the Development, and an operating statement for the period from the date of the first closing to the foregoing accounting date. The Association shall distribute this statement to the Owners within 60 days after the accounting date. This operating statement shall include a schedule of assessments received and receivable identified by the number of the Lot and the name of the Owner assessed.

\* 7. Do you approve this change to Section 3.07e?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 3.07f

Proposed Change

(f) The Association shall prepare an annual balance sheet, ~~as of an accounting date that is the last day of the month closest in time to six months from the date of closing of the first sale of a Lot in the Development, and an operating statement and~~ for the period from the date of the first closing to the foregoing accounting date. The Association shall distribute this ~~statement~~ information to the Owners within 60 days after the accounting date upon which the information is based. ~~This operating statement shall include a schedule of assessments received and receivable identified by the number of the Lot and the name of the Owner assessed.~~

**Reason for change:** Simplified. We have never published a shame list of who is behind on payments. This is already available to any homeowner who requests it.

Final Text

(f) The Association shall prepare an annual balance sheet and operating statement and distribute this information to the Owners within 60 days after the accounting date upon which the information is based.

\* 8. Do you approve this change to Section 3.07f?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 3.07j

Proposed Change

(i) The Association shall pay all real and personal property taxes and assessments levied against it, its personal property, and the Common Area.

~~(j) The Association shall enter into an agreement with Provo City Corporation to provide garbage removal services to the Property.~~

(k) The Association shall be responsible to employ or contract with personnel to remove all snow from the private streets located in the Property.

Reason for change: Obsolete

Final Text

(i) The Association shall pay all real and personal property taxes and assessments levied against it, its personal property, and the Common Area.

(j) The Association shall be responsible to employ or contract with personnel to remove all snow from the private streets located in the Property.

\* 9. Do you approve this change to Section 3.07j?

☐ Yes I approve this change to our CC&Rs

☐ No I do not approve this change

Section 3.07I

Proposed Change

(k) The Association shall be responsible to employ or contract with personnel to remove all snow from the private streets located in the Property.

~~(l) In the event the Association determines to dedicate the private streets within the Property to Provo City Corporation, then the Association shall be responsible to improve all private streets according to width standards and other standards as required by Provo City Corporation.~~

(m) The Association shall be responsible to erect and maintain above-ground signs every fifty (50) feet on, at least, one side of the street which state: "NO PARKING - FIRE LANE - TOW AWAY ZONE."

Reason for change: Obsolete

Final Text

(k) The Association shall be responsible to employ or contract with personnel to remove all snow from the private streets located in the Property.

(l) The Association shall be responsible to erect and maintain above-ground signs every fifty (50) feet on, at least, one side of the street which state: "NO PARKING - FIRE LANE - TOW AWAY ZONE."

\* 10. Do you approve this change to Section 3.07I?

☐ Yes I approve this change to our CC&Rs

☐ No I do not approve this change

Section 3.07m

Proposed Change

(m) The Association shall be responsible to erect and maintain above-ground signs every fifty (50) feet on, at least, one side of the street which state: ~~"NO PARKING – FIRE LANE – TOW AWAY ZONE."~~indicate that parking is not allowed.

Reason for change: Allow for more flexibility in wording and more modern language.

Final Text

(m) The Association shall be responsible to erect and maintain above-ground signs every fifty (50) feet on, at least, one side of the street which indicate that parking is not allowed.

\* 11. Do you approve this change to Section 3.07m?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 4.08

Proposed Change

No late charge may be imposed more than once for the delinquency of the same payment. However, the imposition of a late charge on any delinquent payment shall not eliminate or supersede charges imposed on prior delinquent payments.

~~No late charge may be imposed more than once for the delinquency of the same payment. However, the imposition of a late charge on any delinquent payment shall not eliminate or supersede charges imposed on prior delinquent payments.~~

**Section 4.09. Enforcement of Assessments and Late Charges.** A delinquent regular or special assessment and any related late charges, reasonable costs of collection, and interest assessed in accordance with Section 4.08 of this Declaration, shall become a lien upon the Lot when a notice of delinquent assessment is duly recorded with the Utah County Recorder.

Reason for change: Remove duplicate paragraph.

Final Text

No late charge may be imposed more than once for the delinquency of the same payment. However, the imposition of a late charge on any delinquent payment shall not eliminate or supersede charges imposed on prior delinquent payments.

**Section 4.09. Enforcement of Assessments and Late Charges.** A delinquent regular or special assessment and any related late charges, reasonable costs of collection, and interest assessed in accordance with Section 4.08 of this Declaration, shall become a lien upon the Lot when a notice of delinquent assessment is duly recorded with the Utah County Recorder.

\* 12. Do you approve this change to Section 4.08?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.01e

Proposed Change

(d) Perform any act or keep anything on or in any Lot or Exclusive Use Common Area or in the Common Area that will increase the rate of insurance on the Common Area without the Board's prior written consent. Further, no Owner shall permit anything to be done or kept in his or her Lot, in any Exclusive use Common Area appurtenant to the Lot, or in the Common Area that would result in the cancellation of insurance on any Lot or Exclusive Use Common Area or on any part of the Common Area or that would violate any law.

~~(e) Store gasoline, kerosene, cleaning solvents, or other flammable liquids in the Common Area or on any Lot; provided, however, that reasonable amounts of these liquids may be placed in metal containers and stored in the storage spaces.~~

(f) Conduct oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind, nor permit oil wells, tanks, tunnels, or mineral excavations or shafts upon the surface of any lot. No derrick or other structure designed for boring for water, oil, or natural gas shall be erected, maintained or permitted upon any lot.

Reason for change: Obsolete. Federal, State, and Local regulations supercede HOA rules. Metal containers for household gasoline use have been largely replaced with plastic containers.

Final Text

(d) Perform any act or keep anything on or in any Lot or Exclusive Use Common Area or in the Common Area that will increase the rate of insurance on the Common Area without the Board's prior written consent. Further, no Owner shall permit anything to be done or kept in his or her Lot, in any Exclusive use Common Area appurtenant to the Lot, or in the Common Area that would result in the cancellation of insurance on any Lot or Exclusive Use Common Area or on any part of the Common Area or that would violate any law.

(e) Conduct oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind, nor permit oil wells, tanks, tunnels, or mineral excavations or shafts upon the surface of any lot. No derrick or other structure designed for boring for water, oil, or natural gas shall be erected, maintained or permitted upon any lot.



\* 13. Do you approve this change to Section 5.01e?

☐ Yes I approve this change to our CC&Rs

☐ No I do not approve this change

Section 5.01f

Proposed Change

(e) Store gasoline, kerosene, cleaning solvents, or other flammable liquids in the Common Area or on any Lot; provided, however, that reasonable amounts of these liquids may be placed in metal containers and stored in the storage spaces.

~~(f) Conduct oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind, nor permit oil wells, tanks, tunnels, or mineral excavations or shafts upon the surface of any lot. No derrick or other structure designed for boring for water, oil, or natural gas shall be erected, maintained or permitted upon any lot.~~

(g) Display any sign to the public view on or from any Lot or the Common Area without the prior written consent of the Board, except a sign (approved by the Board) advertising the property for sale, lease, or exchange.

Reason for change: Obsolete. Federal, state, and local regulations apply.

Final Text

(e) Store gasoline, kerosene, cleaning solvents, or other flammable liquids in the Common Area or on any Lot; provided, however, that reasonable amounts of these liquids may be placed in metal containers and stored in the storage spaces.

(f) Display any sign to the public view on or from any Lot or the Common Area without the prior written consent of the Board, except a sign (approved by the Board) advertising the property for sale, lease, or exchange.

\* 14. Do you approve this change to Section 5.01f?

☐ Yes I approve this change to our CC&Rs

☐ No I do not approve this change

Section 5.01m

Proposed Change

(l) Park any automobile or other motor vehicle in the Common Area except in designated areas.

~~(m) Cut any living tree on any Lot in excess of two inches in diameter without the prior written consent of the Architectural Control Committee.~~

(n) Park any campers, trailers, boats, equipment, recreational vehicles, motor homes, or other similar vehicles on a Lot for more than 24 consecutive hours other than in an enclosed garage or behind a residential structure constructed on a Lot.

Reason for change: Difficult to enforce and many lots are overgrown now. Homeowners and their contractors need flexibility to care for their property without undue oversight.

Final Text

(l) Park any automobile or other motor vehicle in the Common Area except in designated areas.

(m) Park any campers, trailers, boats, equipment, recreational vehicles, motor homes, or other similar vehicles on a Lot for more than 24 consecutive hours other than in an enclosed garage or behind a residential structure constructed on a Lot.

\* 15. Do you approve this change to Section 5.01m?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.01p

Proposed Change

(p) Allow trash, garbage, or other waste to be kept in other than sanitary containers. All rubbish, trash and garbage shall be regularly removed from the properties, and shall not be allowed to accumulate thereon. ~~Each owner shall acquire and utilize a trash compactor at the time of completion of each dwelling.~~ All clotheslines, refuse containers, woodpiles, storage areas and machinery and equipment shall be prohibited upon any lot unless obscured from view of adjoining lots and streets by a fence or appropriate screen.

Reason for change: Overreach, obsolete, and impossible to enforce.

Final Text

(p) Allow trash, garbage, or other waste to be kept in other than sanitary containers. All rubbish, trash and garbage shall be regularly removed from the properties, and shall not be allowed to accumulate thereon. All clotheslines, refuse containers, woodpiles, storage areas and machinery and equipment shall be prohibited upon any lot unless obscured from view of adjoining lots and streets by a fence or appropriate screen.

\* 16. Do you approve this change to Section 5.01p?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.01q

Proposed Change

(p) Allow trash, garbage, or other waste to be kept in other than sanitary containers. All rubbish, trash and garbage shall be regularly removed from the properties, and shall not be allowed to accumulate thereon. Each owner shall acquire and utilize a trash compactor at the time of completion of each dwelling. All clotheslines, refuse containers, woodpiles, storage areas and machinery and equipment shall be prohibited upon any lot unless obscured from view of adjoining lots and streets by a fence or appropriate screen.

~~(q) Erect, construct, place or permit to remain on any of the dwellings or structures in the Development any television, radio, satellite dishes larger than 3 feet in diameter, shortwave or other electronic antenna or device of any type unless and until the same shall be approved in writing by the Architectural Committee of the Association. Satellite dishes smaller than 3 feet in diameter must be located on the back of the dwelling and not viewable from the street.~~

(r) Allow any erosion from all slopes or terraces on any lot so as to prevent any erosion thereof upon adjacent streets or adjoining property.

**Reason for change:** The FCC prohibits HOAs from regulating where residents place satellite dishes on personal property. Generally speaking, under federal law homeowners are allowed to place dishes wherever they get the best reception. Also, widespread availability of broadband internet and video streaming services are making satellite dishes less relevant.

Final Text

(p) Allow trash, garbage, or other waste to be kept in other than sanitary containers. All rubbish, trash and garbage shall be regularly removed from the properties, and shall not be allowed to accumulate thereon. Each owner shall acquire and utilize a trash compactor at the time of completion of each dwelling. All clotheslines, refuse containers, woodpiles, storage areas and machinery and equipment shall be prohibited upon any lot unless obscured from view of adjoining lots and streets by a fence or appropriate screen.

(q) Allow any erosion from all slopes or terraces on any lot so as to prevent any erosion thereof upon adjacent streets or adjoining property.

\* 17. Do you approve this change to Section 5.01q?

☐ Yes I approve this change to our CC&Rs

☐ No I do not approve this change

## Section 5.02

### Proposed Change

**Section 5.02. Required Trees, and Mailbox Enclosures and Street Light Fixtures.** Each Lot upon which a residential dwelling is constructed shall have planted thereon at the Owner's sole expense, a minimum of three (3) one and one-half (1/2) inch caliper deciduous trees or three (3) evergreen trees which stand four (4) feet tall and four shrubs and foundation planting of appropriate shrubs, flowers or ground-covers. The location of trees shall be approved by the Architectural Control Committee. An Owner may, if approved by the Committee in its sole discretion, satisfy said requirement with existing trees. ~~Any owner of any Lot shall not remove any existing, living trees of six (6) inches in diameter without prior, written approval of the Committee.~~ Each Lot upon which a residential dwelling is constructed shall have constructed thereon at the Owner's sole expense, a masonry mailbox enclosure ~~and a street light fixture~~ which shall conform as to size, style and location as determined by the Architectural Control Committee.

**Reason for change:** The HOA discontinued implementing new street lights long ago. Homeowners and their contractors need flexibility to care for their property without undue oversight.

### Final Text

**Section 5.02. Required Trees and Mailbox Enclosures.** Each Lot upon which a residential dwelling is constructed shall have planted thereon at the Owner's sole expense, a minimum of three (3) one and one-half (1/2) inch caliper deciduous trees or three (3) evergreen trees which stand four (4) feet tall and four shrubs and foundation planting of appropriate shrubs, flowers or ground-covers. The location of trees shall be approved by the Architectural Control Committee. An Owner may, if approved by the Committee in its sole discretion, satisfy said requirement with existing trees. Each Lot upon which a residential dwelling is constructed shall have constructed thereon at the Owner's sole expense, a masonry mailbox enclosure which shall conform as to size, style and location as determined by the Architectural Control Committee.

\* 18. Do you approve this change to Section 5.02?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.06

Proposed Change

**Section 5.06. Fencing and Safety Fencing.** ~~Each Lot upon which a residential dwelling is constructed shall have erected thereon at the Owner's sole expense a fence, to be approved by the Architectural Control Committee, which shall restrict children from accessing swimming pools, open ponds and the Provo River, regardless of whether such swimming pools, ponds or the Provo River are located within the Development. This provision shall not apply to the Provo Bench Canal and Irrigation Company canal and the West Union Canal Company canal located within the Development. Owner's whose Lots contain easements for the canal companies listed above must comply with all common law and statutory easement requirements' of the State of Utah, including but not limited to emergency and cleaning access (possibly ten feet on each side of the easement) by the canal companies. All fencing, whether safety fencing or otherwise, shall be constructed of wrought iron, brick, or a combination thereof material approved by the Architectural Control Committee. No fence shall be located nearer to the front lot line than:~~

**Reason for change:** Obsolete, simplified. Federal, state, and local regulations apply. Architectural Control Committee needs the flexibility to approve new and better materials as they become available on the market.

Final Text

**Section 5.06. Fencing.** All fencing shall be constructed of material approved by the Architectural Control Committee. No fence shall be located nearer to the front lot line than:

\* 19. Do you approve this change to Section 5.06?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change



Section 5.06b

Proposed Change

**Section 5.06. Fencing and Safety Fencing.** Each Lot upon which a residential dwelling is constructed shall have erected thereon at the Owner's sole expense a fence, to be approved by the Architectural Control Committee, which shall restrict children from accessing swimming pools, open ponds and the Provo River, regardless of whether such swimming pools, ponds or the Provo River are located within the Development. This provision shall not apply to the Provo Bench Canal and Irrigation Company canal and the West Union Canal Company canal located within the Development. Owner's whose Lots contain easements for the canal companies listed above must comply with all common law and statutory easement requirements' of the State of Utah, including but not limited to emergency and cleaning access (possibly ten feet on each side of the easement) by the canal companies. All fencing, whether safety fencing or otherwise, shall be constructed of wrought iron, brick, or a combination thereof. No fence shall be located nearer to the front lot line than:

(a) 45 feet for dwellings which are set back 45 feet or less from the back of curb; or

(b) 30 feet for dwellings which are set back 60 feet from the back of the curb. ~~The City of Provo is hereby held harmless for any liability resulting from damage or injuries sustained by person's or property as a result of such drainage.~~

Reason for change: It makes no sense for our HOA governing documents to indemnify the City of Provo for anything.

**Section 5.06. Fencing and Safety Fencing.** Each Lot upon which a residential dwelling is constructed shall have erected thereon at the Owner's sole expense a fence, to be approved by the Architectural Control Committee, which shall restrict children from accessing swimming pools, open ponds and the Provo River, regardless of whether such swimming pools, ponds or the Provo River are located within the Development. This provision shall not apply to the Provo Bench Canal and Irrigation Company canal and the West Union Canal Company canal located within the Development. Owner's whose Lots contain easements for the canal companies listed above must comply with all common law and statutory easement requirements' of the State of Utah, including but not limited to emergency and cleaning access (possibly ten feet on each side of the easement) by the canal companies. All fencing, whether safety fencing or otherwise, shall be constructed of wrought iron, brick, or a combination thereof. No fence shall be located nearer to the front lot line than:

(a) 45 feet for dwellings which are set back 45 feet or less from the back of curb; or

(b) 30 feet for dwellings which are set back 60 feet from the back of the curb.

\* 20. Do you approve this change to Section 5.06b?

☐ Yes I approve this change to our CC&Rs

☐ No I do not approve this change

Section 5.07

Proposed Change

(b) 30 feet for dwellings which are set back 60 feet from the back of the curb. The City of Provo is hereby held harmless for any liability resulting from damage or injuries sustained by person's or property as a result of such drainage.

~~Section 5.07. Stoves and Fireplaces. All wood and/or coal burning stoves installed in a residential dwelling shall meet or exceed pollution control standards established by the United States Environmental Protection Agency.~~

**Section 5.08. Toilets.** All toilets installed in a residential dwelling shall be of the "low-flow" type.

Reason for change: Overreach, impossible to enforce. Federal, state, and local regulations apply.

Final Text

(b) 30 feet for dwellings which are set back 60 feet from the back of the curb. The City of Provo is hereby held harmless for any liability resulting from damage or injuries sustained by person's or property as a result of such drainage.

**Section 5.07. Toilets.** All toilets installed in a residential dwelling shall be of the "low-flow" type.

\* 21. Do you approve this change to Section 5.07?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.08

Proposed Change

**Section 5.07. Stoves and Fireplaces.** All wood and/or coal burning stoves installed in a residential dwelling shall meet or exceed pollution control standards established by the United States Environmental Protection Agency.

~~**Section 5.08. Toilets.** All toilets installed in a residential dwelling shall be of the "low-flow" type.~~

**Section 5.09. Irrigation Systems.** All landscape irrigation systems installed on a Lot shall contain automatic time-control devices.

Reason for change: Overreach, impossible to enforce. Federal, state, and local regulations apply.

Final Text

**Section 5.07. Stoves and Fireplaces.** All wood and/or coal burning stoves installed in a residential dwelling shall meet or exceed pollution control standards established by the United States Environmental Protection Agency.

**Section 5.08. Irrigation Systems.** All landscape irrigation systems installed on a Lot shall contain automatic time-control devices.

\* 22. Do you approve this change to Section 5.08?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.09

Proposed Change

**Section 5.08. Toilets.** All toilets installed in a residential dwelling shall be of the "low-flow" type.

~~**Section 5.09. Irrigation Systems.** All landscape irrigation systems installed on a Lot shall contain automatic time control devices.~~

**Section 5.10. Wetlands.** No residential dwelling, garage, or other structure shall be constructed or otherwise situated upon an area within the Development which has been declared to be "Wetlands" by the United States Army Corps of Engineers. Each Owner shall be required to maintain and preserve in its natural state any portion of his Lot which has been so declared to be "Wetlands."

Reason for change: Overreach, impossible to enforce. Federal, state, and local regulations apply.

Final Text

**Section 5.08. Toilets.** All toilets installed in a residential dwelling shall be of the "low-flow" type.

**Section 5.09. Wetlands.** No residential dwelling, garage, or other structure shall be constructed or otherwise situated upon an area within the Development which has been declared to be "Wetlands" by the United States Army Corps of Engineers. Each Owner shall be required to maintain and preserve in its natural state any portion of his Lot which has been so declared to be "Wetlands."

\* 23. Do you approve this change to Section 5.09?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.10

Proposed Change

**Section 5.09. Irrigation Systems.** All landscape irrigation systems installed on a Lot shall contain automatic time-control devices.

~~**Section 5.10. Wetlands.** No residential dwelling, garage, or other structure shall be constructed or otherwise situated upon an area within the Development which has been declared to be "Wetlands" by the United States Army Corps of Engineers. Each Owner shall be required to maintain and preserve in its natural state any portion of his Lot which has been so declared to be "Wetlands."~~

**Section 5.11. Off-Street Parking.** Each Lot shall contain adequate parking space for two (2) standard size vehicles to be utilized by the guests and/or invitees of an Owner.

Reason for change: Overreach, not our job to enforce or know what wetlands designations exist. Federal, state, and local regulations apply.

Final Text

**Section 5.09. Irrigation Systems.** All landscape irrigation systems installed on a Lot shall contain automatic time-control devices.

**Section 5.10. Off-Street Parking.** Each Lot shall contain adequate parking space for two (2) standard size vehicles to be utilized by the guests and/or invitees of an Owner.

\* 24. Do you approve this change to Section 5.10?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

## Section 5.11

### Proposed Change

**Section 5.10. Wetlands.** No residential dwelling, garage, or other structure shall be constructed or otherwise situated upon an area within the Development which has been declared to be "Wetlands" by the United States Army Corps of Engineers. Each Owner shall be required to maintain and preserve in its natural state any portion of his Lot which has been so declared to be "Wetlands."

~~**Section 5.11. Off-Street Parking.**~~ Each Lot shall contain adequate parking space for two (2) standard size vehicles to be utilized by the guests and/or invitees of an Owner.

**Section 5.12. Compliance with Provisions of Geotechnical Study.** All residential dwellings, garages or other structures to be constructed in the Development shall be constructed in compliance with the recommendations set forth in the Geotechnical Study prepared by Earthtec Testing and Engineering, a copy of which is attached hereto as Exhibit "C" and incorporated therein by this reference.

Reason for change: Redundant. Current 30 foot setback requirements already provide for driveways that can accommodate at least two vehicles.

### Final Text

**Section 5.10. Wetlands.** No residential dwelling, garage, or other structure shall be constructed or otherwise situated upon an area within the Development which has been declared to be "Wetlands" by the United States Army Corps of Engineers. Each Owner shall be required to maintain and preserve in its natural state any portion of his Lot which has been so declared to be "Wetlands."

**Section 5.11. Compliance with Provisions of Geotechnical Study.** All residential dwellings, garages or other structures to be constructed in the Development shall be constructed in compliance with the recommendations set forth in the Geotechnical Study prepared by Earthtec Testing and Engineering, a copy of which is attached hereto as Exhibit "C" and incorporated therein by this reference.

\* 25. Do you approve this change to Section 5.11?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 5.12

Proposed Change

**Section 5.11. Off-Street Parking.** Each Lot shall contain adequate parking space for two (2) standard size vehicles to be utilized by the guests and/or invitees of an Owner.

~~**Section 5.12. Compliance with Provisions of Geotechnical Study.** All residential dwellings, garages or other structures to be constructed in the Development shall be constructed in compliance with the recommendations set forth in the Geotechnical Study prepared by Earthtec Testing and Engineering, a copy of which is attached hereto as Exhibit "C" and incorporated therein by this reference.~~

**Section 5.13. Time Limit for Construction of Residential Dwelling.** All residential dwellings shall be fully constructed within 18 months of the issuance by the City of Provo, Utah, of a building permit therefore.

Reason for change: Obsolete. This company no longer exists. Federal, state, and local regulations apply.

Final Text

**Section 5.11. Off-Street Parking.** Each Lot shall contain adequate parking space for two (2) standard size vehicles to be utilized by the guests and/or invitees of an Owner.

**Section 5.12. Time Limit for Construction of Residential Dwelling.** All residential dwellings shall be fully constructed within 18 months of the issuance by the City of Provo, Utah, of a building permit therefore.

\* 26. Do you approve this change to Section 5.12?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change



## Section 5.14

### Proposed Change

**Section 5.14. Removal of Dead Trees and Debris.** All dead trees and debris must be removed from a Lot, at the Owner's sole expense, ~~prior to the issuance by the City of Provo, Utah, of a Certificate of Occupancy for a residential dwelling constructed on a Lot.~~

Reason for change: Obsolete.

### Final Text

**Section 5.14. Removal of Dead Trees and Debris.** All dead trees and debris must be removed from a Lot, at the Owner's sole expense.

\* 27. Do you approve this change to Section 5.14?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 6.02r

Proposed Change

(q) No building shall be located nearer than 30 feet to any rear lot line, except those Lots which are located along the Provo River in which case no building shall be located nearer than 100 feet from the high bank of the river.

~~(r) With respect to lots 36-47, major portions of these lots are within a floodplain area as shown on the Subdivision Map, therefore, no habitable floor elevation shall be placed below an elevation which is one (1) foot above the flood elevation shown on the Subdivision Map.~~

(s) The Committee may, in its absolute discretion, modify the side yard set-back requirements.

Reason for change: Federal, state, and local regulations apply.

Final Text

(q) No building shall be located nearer than 30 feet to any rear lot line, except those Lots which are located along the Provo River in which case no building shall be located nearer than 100 feet from the high bank of the river.

(r) The Committee may, in its absolute discretion, modify the side yard set-back requirements.

\* 28. Do you approve this change to Section 6.02r?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 6.02v

Proposed Change

(u) The Committee may, in its absolute discretion, require that the increase in elevation from street to residential dwelling be at least 4 feet in order to provide consistent landscaping features.

~~(v) Any general contractor hired to construct a residential dwelling shall be approved by the Committee in writing.~~

(w) The Committee shall have the right, in its absolute discretion, to reroute any streams or waterways situated in the Development.

Reason for change: Obsolete. We have never followed this.

Final Text

(u) The Committee may, in its absolute discretion, require that the increase in elevation from street to residential dwelling be at least 4 feet in order to provide consistent landscaping features.

(v) The Committee shall have the right, in its absolute discretion, to reroute any streams or waterways situated in the Development.

\* 29. Do you approve this change to Section 6.02v?

☐ Yes I approve this change to our CC&Rs

☐ No I do not approve this change

Section 6.02w

Proposed Change

(v) Any general contractor hired to construct a residential dwelling shall be approved by the Committee in writing.

~~(w) The Committee shall have the right, in its absolute discretion, to reroute any streams or waterways situated in the Development.~~

**Section 6.03. Architectural Control Committee.** The Architectural Control Committee shall consist of 3 members, formed as follows:

Reason for change: Obsolete.

Final Text

(v) Any general contractor hired to construct a residential dwelling shall be approved by the Committee in writing.

**Section 6.03. Architectural Control Committee.** The Architectural Control Committee shall consist of 3 members, formed as follows:

\* 30. Do you approve this change to Section 6.02w?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

## Section 8.01

### Proposed Change

**Section 8.01. Damage to Private Streets.** All streets within the Property are private, not public streets, as defined under applicable Utah statutes and Provo City Ordinances. ~~The Association waives any claim against Provo City Corporation for any and all damage to private streets within the Property.~~

Reason for change: Obsolete. There is no need to indemnify Provo City.

### Final Text

**Section 8.01. Damage to Private Streets.** All streets within the Property are private, not public streets, as defined under applicable Utah statutes and Provo City Ordinances.

\* 31. Do you approve this change to Section 8.01?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

Section 14.08

Proposed Change

**Section 14.07. Fair Housing.** No Owner shall, either directly or indirectly, forbid the conveyance, encumbrance, renting, leasing, or occupancy of the Owner's Lot to any person on the basis of race, color, sex, religion, ancestry, or national origin.

~~**Section 14.08. Future Dedication of Common Area.** No portion or portions of the Common Area have been dedicated to the City of Provo, Utah, for roadway or sidewalk purposes. No portion or portions of the Common Area may be dedicated to said City of Provo, Utah, in the future unless and until all development standard requirements relating to road width, access, etc. are satisfied.~~

**Section 14.09. Number and Headings.** As used in this Declaration, the singular shall include the plural, unless the context requires the contrary. The headings are not a part of this Declaration, and shall not affect the interpretation of any provision.

Reason for change: Obsolete.

Final Text

**Section 14.07. Fair Housing.** No Owner shall, either directly or indirectly, forbid the conveyance, encumbrance, renting, leasing, or occupancy of the Owner's Lot to any person on the basis of race, color, sex, religion, ancestry, or national origin.

**Section 14.08. Number and Headings.** As used in this Declaration, the singular shall include the plural, unless the context requires the contrary. The headings are not a part of this Declaration, and shall not affect the interpretation of any provision.

\* 32. Do you approve this change to Section 14.08?

- ☐ Yes I approve this change to our CC&Rs
- ☐ No I do not approve this change

33. If you have any questions or comments about anything on this ballot, the electronic voting process, or anything else you would like express to the HOA board, please add your comments here.

Thank you!

**We appreciate your involvement in the Vintage Homeowners Association.**