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Your Neighborhood Attorneys

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Loch Highland Homeowners

Re: New Consent/Rejection Form for Proposed Amendments to the Declaration and Bylaws

Dear Owners:

The Board of Directors recently held a homeowner open forum meeting for questions and answers regarding the proposed Amendments to the Restated Declaration of Covenants, Conditions and Restrictions for Loch Highland and the By-Laws of Loch Highland Homeowners Association, Inc. The few owners that attended this meeting expressed a strong desire to have the ability to vote on the proposed amendments on an item by item instead of just one vote for the entire proposal. The Board of Directors agreed with the owners and has prepared an itemized Consent/Rejection Form for purposes of voting on the amendments. The optional form is enclosed for your use if you desire to vote on each proposal individually.

Many owners have already submitted their vote on the original Consent/Rejection Form that had one vote for the entire proposal. If you have submitted a vote already and would like to recast your vote using the itemized Consent/Rejection Form, please execute the new form and return it to a Board member or the property manager. Once received, your previous vote with the earlier date will be replaced with your new form that is dated most recently. An owner that has already voted may choose to allow their vote submitted to remain by taking no further action. The Board will only count the vote that has the most recent date on it.

The Board is hopeful that this new Consent/Rejection Form will be beneficial to all owners. If you have any additional questions or need another copy of the proposed amendments, please contact a member of the Board.

Sincerely,

Ashley Miller Lanier
Ashley Miller Lanier

CONSENT/REJECTION FORM
FOR THE AMENDMENTS TO THE RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR LOCH HIGHLAND AND THE BY-LAWS
OF LOCH HIGHLAND HOMEOWNERS ASSOCIATION, INC.

This form is being provided to you because you are an Owner of a Member Lot within Loch Highland Subdivision. The Board of Directors has proposed several amendments to the governing documents for Loch Highland. A copy of the proposed amendments has been previously distributed for your review. The proposed documents are in final form but may only become effective if approved by 66 2/3% of the total eligible vote. Please indicate whether you consent to, or reject the enclosed proposed amendment and then return this form. Each category of amendment has been separated to allow you to itemize your vote. The forms can be returned to any member of the Board of Directors or to:

Loch Highland Homeowners Association, Inc.
c/o Olen Robinson
Heritage Property Management Services, Inc.
500 Sugar Mill Road Building B, Suite 200
Atlanta, GA 30350

I am the record Owner of a Member Lot at Loch Highland. I hereby (please check one of the box for each numbered item below):

1. Amendments #1 & #2 regarding Recreational Users & Recreational Passes for team swim and tennis sports within Loch Highland. The ability to sell these passes is limited strictly to team sport activities for swim and tennis.

[] consent to the enclosed proposed amendments, or

[] reject the enclosed proposed amendments.

2. Amendment #3 regarding a clarification of the timeframe for sending out notice of the annual budget and annual assessment to correct the current provisions which make it difficult to mail the budget and notice of annual assessment with the notice of meeting.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

3. Amendment #4 regarding the Membership Fee for new members. This new provision would provide two avenues for non-members to join the Association – paying the Membership Fee or by signing a consent form mandating that their lot becomes a membership lot upon its conveyance to a third party.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

4. Amendment #5 regarding the automatic approval of modification applications when the ACC fails to act. This new provision has a notification process before a modification will be approved automatically.

consent to the enclosed proposed amendment, or

reject the enclosed proposed amendment.

5. Amendment #6 regarding the Commencement and Completion of Modifications. This amendment establishes a general rule that modifications must be completed within 30 days of approval and completed within 90 days of commencement. The provision does allow the Board to make special exceptions to this timeframe to accommodate more time intensive modifications.

consent to the enclosed proposed amendment, or

reject the enclosed proposed amendment.

6. Amendment #7 regarding Antennas and Satellite Dishes. The current provision in the Declaration violated Federal Law. This new provision is in compliance with Federal Law by allowing any dish that is less than 1 meter in diameter and permitting the Board to adopt placement preferences through rules and regulations.

consent to the enclosed proposed amendment, or

reject the enclosed proposed amendment.

7. Amendment #8 regarding an Occupancy Limitation for Member Lots. Federal Law will allow a community to adopt an occupancy restriction so long as it is not more restrictive than 2 persons per bedroom. Cobb County also has an occupancy limitation, which depending on the size of a home and number of bedrooms, may be more restrictive.

consent to the enclosed proposed amendment, or

reject the enclosed proposed amendment.

8. Amendments #9 & #10 regarding the Leasing Provision. These provisions update the leasing provision by bringing the definition and enforcement sections up to date with the customary verbiage in the industry.

consent to the enclosed proposed amendments, or

reject the enclosed proposed amendments.

9. Amendment #11 regarding the **Owner's Responsibilities & Association's Responsibilities** for maintenance of a Lot. These provisions update the original provisions and contain some more description as to required maintenance.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

10. Amendment #12 regarding future amendments to the Declaration. This proposal just clarifies and mirrors the verbiage from the Georgia Property Owners Association Act by **changing "66 2/3%" to "2/3."**

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

11. Amendment #13 regarding Enforcement of the Association Legal Documents. This provision incorporates all of the current enforcement powers, enhances a few, and adds the ability to file a notice of violation in the county land records.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

12. Amendment #14 regarding the Staggering of Terms for Directors. This new provision provides for a 2 year term for all directors and incorporated a staggering method so that the entire Board does not turn over each year. For the first election after this provision is adopted, those directors receiving the most votes will go into a 2 year term and the directors with the next highest number of votes will go into a 1 year term so that the staggering can commence. After that election, all directors will be seated for a 2 year term.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

13. Amendment #15 regarding Removal of Directors. Currently, a director can be removed for missing 3 unexcused consecutive meetings. The new provision removes the requirement that the unexcused meetings be consecutive.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

14. Amendment #16 regarding the Compensation of Directors. This provision requires all directors to pay annual assessments when they are due, but permits compensation at the end of their annual service in the amount equal to the annual dues paid. This provision is in accordance with the Georgia Property Owners Association Act.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

15. Amendment #17 regarding Action without A Meeting. This provision adopts the industry standard that allows the Board to conduct business outside of a meeting by using the same approval standard required in a meeting – a majority of the Board to approve an action.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

16. Amendment #18 regarding No Violation Notice and Hearing Required. This provision is an addition to the current fining provision and clarifies that the standard due process notification process for fining is not required for late charges, suspension of membership rights for failure to pay assessments, daily continuing violations, etc.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

17. Amendment #19 regarding Electronic Communications which incorporates the ability to use electronic methods for various actions.

[] consent to the enclosed proposed amendment, or

[] reject the enclosed proposed amendment.

Date

Signature of Owner

Print Full Name of Owner

Address