

IMPORTANT:

PROPOSED CHANGES TO YOUR NEIGHBORHOOD COVENANTS CONDITIONS & RESTRICTIONS (CC&Rs)

Next Informational Meeting:

Saturday, February 13th, 2016

Open House 1-3pm

1/7/2016

Dear Forty Niner Country Club Estates Homeowner-

First, a sincere THANK YOU, for helping us evolve the attached Proposed Amendments – Version 2. The passion and ideas you've expressed through emails, phone calls, and attendance at our Open House in November really changed the direction of these Proposed Amendments while keeping the spirit of our great neighborhood moving forward.

Second, I want to make sure you understand that these Proposed Amendments to our CC&Rs are an honest attempt by your Board to address recurring issues that continue to consume time and HOA money. Your Board has a duty to put forth such solutions to you, but the ultimate decision is *yours*. The HOA Board does *not* have the power to make any of these changes, only YOU do.

Third, as you requested, we sought clarity from our neighborhood HOA's Legal Counsel regarding the number or percent needed to officially pass a Proposed Amendment in order for it to become effective in the year 2017 and the answer is: greater than 50% of Lot Owners. **This will be difficult, as any change to our CC&Rs should be, as it means each individual amendment must get at least 164 votes to pass.**

These Proposed Amendments have changed substantially since this process began early last year. Of course with 300+ homeowners, not everyone will be happy with them. Some of you will think they go too far, and some of you will think they don't go nearly far enough in addressing the appearance of our neighborhood. As you suggested, we split-up the Proposed Amendments to make them simpler and to allow voting on each one individually.

Please pay special attention to some verbiage that was purposefully and carefully included in almost all of these Proposed Amendments in regards to keeping vehicles other than your primary vehicles on your property: ***"...so as not to be visible from the street, a neighboring property or the golf course."*** **The reason for this particular verbiage is to maintain your property rights and privacy: if it can't be seen and is not affecting anyone's views, why should anyone care if you have it in your garage, backyard or similar?**

Other highlights:

-Gone is the verbiage that the HOA can place a lien on one's home for unpaid dues. Also, required Dues will *only* be for homes sold in 2017 or later. Dues will continue to be optional for all existing homeowners.

-Definitive verbiage on allowing trailer owners to store their trailers and/or bring their trailers home for an extended period of time (current CC&Rs don't allow this).

-Verbiage that would *continue* the storage of motor homes but in a manner that is more consistent with living in a country club environment.

-Allow vehicles with company names/logos such as a Realtor, contractor, pool service, etc. but NOT allow large commercial vehicles such as a dump truck to be parked at your or your neighbor's home.

Previous events that have taken place and the revised timeline moving forward:

September, 2015- Mailing of Proposed Amendments to all Homeowners & post on website

October, 2015 – Review all Homeowner feedback from mailing.

November, 2015- Conduct informational open-house meeting for more feedback.

December, 2015 – Make changes based on feedback.

January, 2016 – Mail Revised Proposed Amendments to all Homeowners & post on website

February 13, 2016, 1-3pm – Conduct second informational open-house meeting at 49ers Clubhouse.

March, 2016 – Begin Voting

Please give thoughtful consideration to the proposed changes and send any feedback to webmaster@49ershoa.com or contact one of your Board Members via phone. Upcoming meeting dates and times will continue to be posted on our neighborhood website, www.49ershoa.com

Change is never easy. Remember, if you like a proposed amendments and think they will help clarify and address some of the recurring appearance issues of our neighborhood, you will be able to vote for them and if they pass, will go into effect in 2017. If you don't like these proposed changes, don't vote for them. If they don't pass, nothing changes and our CC&Rs continue "as-is."

Thank you again for your time and attention and we look forward to continuing to make 49ers a great place to live!

Sincerely,

Julian Pacheco, President
Forty Niner Country Club Estates HOA

Proposed Amendments – Version 2

Each Amendment will be voted on individually and only those Amendments approved by over 50% of Lot Owners, will become effective January 1, 2017:

I. Membership:

Upon resale of any Lot, the new Owner thereof shall automatically be a Member of the Association and shall remain a member of the Association until such time as his ownership ceases for any reason, at which time his/her membership in the Association shall automatically cease. Membership in the Association shall be limited to Owners of Lots. Membership is mandatory for all new lot owners.

II. Storage of Trailers & Recreational Equipment:

No travel trailer, tent trailer, trailer, self-contained camper, camper shell, detached camper, boat, boat trailer, ATVs, or other similar equipment may be parked, maintained, constructed, reconstructed or repaired on any Lot so as to be visible from the street, a neighboring property or the golf course except for:

- a) temporary parking of any such vehicle or equipment on a Lot for a period of not more than twenty-one (21) days within any sixty (60) day period;
- b) temporary construction trailers or facilities maintained during, and used exclusively in connection with, the construction of any improvement or repair.

III. Storage & Temporary Parking of Motor Homes

Storage of motor homes, or other similar type of self-propelled vehicles, shall be allowed by any Lot Owner if such vehicle can be stored so as not to be visible from the street, a neighboring property or the golf course. However, if such a vehicle cannot be stored in this manner, a Lot owner may store one motor home, or other similar type of self-propelled vehicle with screening in a manner approved by the Architectural Committee.

Temporary parking of one motor home, or other similar type of self-propelled vehicle on a Lot by a Lot Owner or visitor will be allowed for a period of not more than twenty-one (21) days within any sixty (60) day period.

IV. Parking & Storage of Commercial Vehicles:

No commercial vehicle may be parked, stored, maintained, constructed, reconstructed or repaired on any Lot so as to be visible from the street, a neighboring property or the golf course except for when picking up or delivering passengers, merchandise, materials or during the performance of work or services at the location.

A commercial vehicle is any vehicle in which the driver is ordinarily hired for transport like a taxi, limousine, or bus; or which because of its irregular height, length, shape, weight or equipment is not a conventional private passenger vehicle and is more suited for a commercial purpose.

Conventional private passenger-type vehicles, including pick-up trucks, with only business names and/or logos are allowed.

V. Storage of Non-Operable Vehicles:

No inoperable automobile or motor vehicle shall be stored, constructed, reconstructed or repaired upon a Lot or other property in the neighborhood, in such a way as to be visible from the street, a neighboring property or the golf course.

VI. Storage of Machinery & Equipment:

Machinery or equipment as is usual and customary in connection with the maintenance or construction of a home, appurtenant structure, or other improvements of the home shall be allowed during the period of such maintenance or construction. This machinery or equipment shall not be stored or placed adjacent to any Lot so as to be visible from the street, a neighboring property or the golf course.

VII. Architectural Review Approvals:

The approval required of the Architectural Committee shall be in addition to, and not in lieu of, any approvals or permits which may be required under any federal, state or local law, statute, ordinance, rule or regulation.

The approval by the Architectural Committee of any construction, installation, addition, alteration, repair, change or other work shall not be deemed a warranty or representation by the Architectural Committee as to the quality of such construction, installation, addition, alteration, repair, change or other work or that such construction, installation, addition, alteration, repair, change or other work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation. The Architectural Committee and the Home Owners Association assumes no responsibility for any structure approved whether new constructions or repair and the lot owner agrees to indemnify and hold harmless the Architectural Committee and the Home Owners Association for any claims arising out of the approval of any plans for construction, maintenance or repair.