



The Ormond Heritage

CONDOMINIUM MANAGEMENT ASSOCIATION, INC.

One John Anderson Drive, Ormond Beach, Florida 32176

(386) 672-6778 Fax (386) 672-5187 E-Mail ormondheritage@gmail.com

Web Site <http://ormondheritage.org/>

June 18, 2021

Notice of Special Membership Meeting

Date: Wednesday, July 7, 2021

Time: 10:00 AM

Location: The Ormond Heritage, 2nd Floor Meeting Room

Dear Ormond Heritage Owners and Members:

Please be on notice that the Secretary of the Association, at the direction of the Board of Directors, has called a Special Membership Meeting to be held at The Ormond Heritage, located at 1 John Anderson Drive, Ormond Beach, FL 32176, in the 2nd floor meeting room on Wednesday, July 7, 2021, at 10:00 AM. An agenda and further information concerning the proposed Declaration of Condominium amendment are enclosed.

Executive Summary of Proposed Amendment

While there is a more detailed explanation of the proposed amendment to follow, the simple explanation is that the amendment being proposed reduces the number of members required to amend the rental restriction (Article 10.5) and maintenance (Article 6) sections of the Declaration of Condominium from 100% to 2/3^{rds} (66.67%). This change would bring the number of members required to amend these two sections into conformity with the other portions of the Declaration at 2/3^{rds} (66.67%). The exact proposed language changes are shown further below and on the Proxy. The board recommends approval of this amendment.

Proxy (Yellow Paper, 2 Sided)

Please return the enclosed Limited Proxy by mail, hand delivery, email, or fax indicating your desired vote on the proposed amendment to the association by Tuesday, July 6, 2021 at 4:00 PM to ensure that it is counted at the meeting. In person ballots will also be available at the meeting if you prefer to vote that way, however we do encourage everyone to return the proxy in case circumstances the day of the meeting prevent your attendance.

If you have any questions concerning the enclosed information, please feel free to contact any board member or the office.

Respectfully,

Patricia A.C. Sample
Secretary, The Ormond Heritage

Expanded Explanation of Proposed Amendment, Process, and Purpose

In 2021 the board tasked the Compliance and Emergency Committee to look at the association governing documents for possible amendment with special attention paid to those sections that control rental of units at OHC. The committee has recommended several amendments that are intended to be considered at the Annual Meeting in November, but also found that there was a limitation in the association's ability to amend Declaration of Condominium, Article 10.5 entitled Leasing of Units in Article 13.3. We have been advised that the cleanest way for the membership to amend Article 10.5 is to first amend Article 13.3. As a first step, the Board of Directors, at their May 26, 2021 Board Meeting adopted a resolution proposing the following changes to Articles 13.3 of the Declaration of Condominium (Deletions indicated by ~~strikeout~~, additions by underlining):

13.3 Limitations. No amendment to this Declaration amending Paragraph 9, entitled "Insurance", or any part thereof, including sub-paragraphs, shall be effective unless first mortgagees of record shall join in the execution of any such amendment, ~~nor shall any amendment to Paragraph 10.5 entitled Leasing of Units, or any part hereof, be effective unless Unit Owners of all Condominium Parcels join in the execution of any such amendment.~~ Further, no amendment shall make any changes which would in any way affect any of the rights, privileges, or powers herein provided in favor or reserved to the Developer, unless the Developer shall join in the execution of any such amendment. Further, no amendment to Paragraph 14, entitled "Termination", or any part thereof, including sub-paragraphs, shall be effective unless the Unit Owners of all Condominium Parcels and the owners of all first mortgages of record on Condominium Parcels join in the execution of any such amendment. ~~Further, no amendment to Paragraph 6, entitled, "Maintenance, Repair, or Replacement; Changes, Improvements and additions; Condominium Property", or any part thereof, including sub-paragraphs be effective unless the Unit Owners of all Condominium Parcels join in the execution of any such amendment.~~

You should notice that language pertaining to limiting amendment to Article 10.5, references to amendments affecting the developer, and language limiting amendment to Paragraph 6, entitled "Maintenance, Repair, or Replacement; Changes, Improvements and Additions; Condominium Property" have been struck from Article 13.3. The removal of these sections would allow Article 10.5 and Article 6 to be amended by the same affirmative two-thirds vote of the membership required for other sections of the Declaration.

This amendment is being proposed to allow the membership to approve further contemplated changes to Articles 6 and 10.5 including clarification of confusing sections of Article 6, the implementation of a 1-year lease minimum in lieu of our current 6-month limit, and a cap to the number of units at OHC that can be leased at any one time to 10% (15 units excluding unit 114 which is owned by the association).

If this amendment to the Declaration is approved, the board intends to suggest further changes to other sections of the governing documents including the Declaration, Articles of Incorporation, and By-Laws at the November 6, 2021 Annual Meeting.



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Place of Meeting: 2nd Floor Meeting Room

AGENDA

1. Call to Order
2. Opening Remarks by President
3. Call the Roll – Certify Proxies – Quorum (Majority of Owners 78)
4. Proof of Notice
5. Announcement of Proxy and Ballot certifiers
6. Announcement of Voting Results
 - a. Declaration of Condominium Amendment, Paragraph 13.3 Limitations.
7. Adjournment

This meeting is open to Members of the association ONLY.