



Evergreen Meadows Subdivision, Units 1-9
Ballot for Amendments to the Declaration of Protective Covenants and Restrictions
November 2 - December 31, 2018

These four Amendments to the Declaration were proposed to all Lot Owners by the Evergreen Meadows Homeowners Association Board and by EMHA Members at the Annual Meeting held October 11, 2018. Each amendment is voted upon separately and not as a package. In accordance with Section 22 of the Declaration, a simple majority, or 239 of **all** 477 Lot Owners in Units 1-9 is required for the adoption of these amendments. By voting YES, you as a Lot Owner(s) listed on the recorded title give your written agreement to amend a Protective Covenant. By voting NO, you as a Lot Owner(s) listed on the recorded title do not give your written agreement to amend a Protective Covenant. Only one Lot Owner’s agreement is necessary assuming no disagreement among them. Additional information is available on-line at <http://emha.us>. Direct all questions to the board’s email at board@emha.us. Please mail this ballot as soon as possible to EMHA, P. O. Box 2228, Evergreen, CO 80437-2228, as is shown in the top of this ballot. Signed and scanned ballots are an option via our EMHA website. Visit <http://www.emha.us/dues-campaign-ballot> for details and directions.

Name: _____ Address: _____

Signature: _____ Date: _____

Yes	No	Amendments – For each amendment, put a check in the “Yes” box to accept or put a check in the “No” to reject .
<input type="checkbox"/>	<input type="checkbox"/>	A - Fire Department language change
<input type="checkbox"/>	<input type="checkbox"/>	B - Increase outbuildings allowance to two
<input type="checkbox"/>	<input type="checkbox"/>	C - Reduce the Covenant change vote requirement
<input type="checkbox"/>	<input type="checkbox"/>	D – Permit chicken raising

Question: Shall the Declarants (Owners) of the Lots in Evergreen Meadows, Units 1-9, by written agreement of a majority of the Declarants, effective January 1, 2019, amend the following Declaration of Protective Covenants.

Amendment A Synopsis: Remove restriction on usage of Evergreen Fire Protection District’s property at 7665 Malamute Drive.

Amendment A: Section 1. General Subject — Residential Use of the Declaration by deleting the words ~~for~~ and ~~“and Site number 82 shall only be used for fire house purposes”~~ and by adding the word **“for”** to hereafter read as follows:

1. General Subject — Residential Use

All sites shall be used for residential purposes with only one single-family dwelling permitted on any site. Definitions ~~for~~ **for** “single-family dwelling” shall be taken directly from the current edition of the Jefferson County Building Code, except that the definition of family, as used herein, shall mean persons related by blood, marriage, adoption, a single co-habiting couple or foster arrangements which include not more than four (4) unrelated persons. Unit 8, sites numbered 80 and 81 may be used for church purposes. ~~and Site number 82 shall only be used for fire house purposes~~

Amendment B Synopsis: Increase allowance for accessory buildings from one to two.

Amendment B: Number 6. Subject — Garages and Utility Buildings Section b) of the Declaration by deleting the word “one” and adding the word “two,” and changing the words “building” to “buildings,” and deleting the word “an,” and changing the word “structure” to “structures” to hereafter read as follows:

b) No more than ~~one~~ **two** accessory ~~building buildings~~ shall be allowed on each site. Such accessory ~~building buildings~~ may be ~~an~~ attached or detached ~~structure structures~~ whose use is subordinate to the main dwelling, the use of which is customary and incidental to that of the dwelling, and may be in addition to, but not in lieu of, the required garage outlined in Section ii) above. The accessory ~~building buildings~~ shall comply to the published Guidelines of the Architectural Review Board and must comply to all Jefferson County building and zoning regulations.

Amendment C Synopsis: *Reduce the required number of Owners required to amend the Declaration from two-thirds (66.667%) to 55%.*

Amendment C: Number 21. Subject — Modification of Covenants of the Declaration by adding the word “(Declarants),” after “owners,” by striking the words “two-thirds” and adding the words “55%, rounded up to the next whole number,” to hereafter read as follows:

Any portion or all of these Protective Covenants may at any time be amended or rescinded by the written agreement of the owners **(Declarants)** of ~~two-thirds~~ **55%, rounded up to the next whole number**, of the sites hereby subjected to the same, which agreement shall become effective upon its filing in the Jefferson County Clerk and Recorder’s Office.

Amendment D Synopsis: *Permit raising of chickens and ducks with restrictions on usage, number and roosters, plus require observance of Jefferson County rules and permits.*

Amendment D: Number 10. Subject — Pets of the Declaration by deleting the comma after “animals,” deleting the words “~~or poultry~~” and adding the words “**excluding chickens and ducks,**” after “livestock” and by adding the sentences: “**No more than a total of six chickens or ducks may be kept to supplement the family’s personal food supplies and not be used for any commercial purpose whatsoever, except that no roosters may be kept. Owners shall first secure the required Jefferson County Planning and Zoning Division permit(s) .**” to hereafter read as follows:

10. Subject — Pets

No animals, ~~or livestock, or poultry~~ **excluding chickens and ducks**, of any kind shall be raised, bred or kept on any lot, except for household pets. **No more than a total of six chickens or ducks may be kept to supplement the family’s personal food supplies and not be used for any commercial purpose whatsoever, except that no roosters may be kept. Owners shall first secure the required Jefferson County Planning and Zoning Division permit(s).**

Household pets shall mean animals and fowl permitted in, and normally kept within the house as a custom in the community and kept for company and pleasure, such as dogs, cats or birds, providing that such creatures are not kept to supplement food supplies, or for any commercial purpose whatsoever other than the offering for sale of a litter, brood or offspring (of a household pet domiciled on the premises) that is less than six (6) months old. Beyond the boundaries of the owner’s property, all dogs must be on a leash, chain or cord no more than ten (10) feet in length and accompanied by the owner, harborer or keeper. Owners of household pets shall be financially responsible and liable for any damage caused by such household pets.

End of Ballot

About the Ballots Purpose

This year we have a unique opportunity to amend several of the existing covenants. A provision in Covenant 22 provides for amending the covenants by a majority vote rather than a 2/3 portion vote of the **owners**. This action is only permitted every ten years. Any changes will occur on January 1, 2019. The HOA lawyer has verified that a covenant may be altered if a majority of owners, regardless of membership in the HOA, vote to change that covenant by a majority vote. 239 votes are necessary to change a covenant.

According to the lawyer, the votes must be gathered sixty days prior to January 1st. All votes must be dated and signed between **November 2nd and December 31st**. You are receiving a ballot today to vote to change four covenants that have garnered support in the past. All four were approved at the EMHA annual meeting. They were also approved by the EMHA Board of Directors.

All owners are entitled to one vote per property. Please vote for the changes you think will improve our community. Sign, date, and return your ballot as soon as possible with your votes. Signed and scanned ballots are an option via our EMHA website. Visit <http://www.emha.us/dues-campaign-ballot> for details and directions.

Thanks in advance for making your voice heard and for making Evergreen Meadows such a great community.

Sue Marinelli
EMHA President