

SHEPHERDS POND HOMEOWNERS ASSOC., INC.
WRITTEN BALLOT - PROPOSED AMENDMENTS TO THE DECLARATION AND BYLAWS

The Board of Directors has proposed five (5) amendments to the Declaration of Covenants, Conditions and Restrictions for Shepherds Pond ("Declaration") as set forth in the enclosed Amendment to the Declaration of Covenants, Conditions and Restrictions for Shepherds Pond.

Full amendment description are enclosed and are also available on the webpage **ShepherdsPond.com**.

The undersigned, being a member of Shepherds Pond Homeowners Assoc., Inc. ("Association"), has reviewed the proposed amendments. As a member of the Association, the undersigned hereby votes as follows regarding the proposed amendments to Declaration and By-Laws: (See detailed changes on next page)

- | | | |
|---|-----------|---------------|
| 1) By Laws (Article 3, Sections 5 and 6) – Meeting of Members: | _____ For | _____ Against |
| 2) CCR Article III (Section 2) – Membership and Voting Rights: | _____ For | _____ Against |
| 3) CCR Article IV (Section 3.1) – Initiation Fee: | _____ For | _____ Against |
| 4) CCR Article IV (Section 3.2) – Annual Assessment: | _____ For | _____ Against |
| 5) CCR Article IV (Sections 4(a), 4(b) and 5) - Special Assessments: | _____ For | _____ Against |

Pursuant to Article III, Section 9 of the By-Laws of Shepherds Pond Homeowners Assoc., Inc., written ballots must be received by members entitled to cast one-tenth (1/10) of the votes for quorum. Pursuant to Article VII, Section 3 of the Declaration, to be effective, the Amendment must be approved by Owners of at least two-thirds (2/3) of the Lots. The approval of the members will be evidenced by the execution of this written ballot.

Owner Signature: _____
Print Name: _____
Address: _____
Date: _____

If title to the Lot is held in the name of more than one person, only one Owner needs to sign. Signature should correspond with the name appearing on the records of the Association. When signing as attorney, executor, administrator, trustee, guardian or conservator, please indicate the capacity in which you are acting.

In order to be counted, your signed ballot must be postmarked or otherwise returned on or before October 31, 2025 to a Board member, placed in the pool mailbox or sent by mail to:

Shepherds Pond HOA
5665 Atlanta Hwy , Suite 102B, PMB 339
Alpharetta, GA 30004

Ballots may also be scanned and sent to: SPHOAnews@gmail.com **MUST have a signature on the ballot.**

BY-LAWS

Article III. Meeting of Members.

Modify Section 5. Proxies. as follows:

At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing, ***signed either personally or by an electronic submission, dated and filed with the Secretary before the appointed time of each meeting.*** Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

Add - Section 6. Action by Written Ballot.

Any action that may be taken at any annual, regular or special meeting of the members, may be taken without a meeting if approved by ballot writing or by electronic transmission as provided herein. The Association shall deliver a ballot in writing or by electronic transmission to each member entitled to vote on the matter. The ballot in writing or by electronic transmission shall set forth each proposed action and provide an opportunity to vote for or against each proposed action. All solicitations for votes by ballot in writing or electronic transmission shall indicate the number of responses needed to meet the quorum requirements; state the percentage of approvals necessary to approve each matter, other than the election of directors, and specify the time by which a ballot must be received by the Association in order to be counted. A timely ballot in writing or by electronic transmission received by the Association may not be revoked. Approval by ballot in writing or electronic transmission of an action shall only be valid when the number of votes cast by ballot equals or exceeds the quorum, required to be present at a meeting held to authorize such action and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the total number of votes cast was the same number of votes cast by ballot. The results of each action by ballot shall be certified by the Secretary and shall be included in the minutes of meetings of members filed in the permanent records of the Association.

Article III – Membership and Voting Rights

Delete Section 2 in its entirety and replace with:

Section 2. Voting. Members shall be entitled to cast one (1) vote for each Lot owned. When more than one (1) Person holds an ownership interest in a Lot, the vote for such Lot shall be exercised as those Owners themselves determine and advise the Secretary prior to any meeting or referendum. The vote attributable to a Lot shall be suspended in the event more than one (1) Person seeks to exercise it. The Board of Directors may suspend the voting rights of an Owner for any period during which any past due assessment against any Lot of the Owner remains unpaid.

Original to be deleted

Section 2 . The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one persons holds an interest in any Lot, all such persons shall be members . The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B members shall be the Declarant and shall be entitled to five (5) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events , whichever occurs earlier:

- (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or
- (b) on December 31, 1999.

Article IV – Covenant for Maintenance Assessments

Include new Section 3.1

Section 3.1 Initiation Fee.

Upon the resale and purchase of a Lot by a new Person, there shall be immediately due and payable to the Association by the purchaser an initiation fee equal to one and one-half (1 ½) times the Annual dues amount per Lot during the year of purchase. Article IV – Covenant for Maintenance Assessments

Delete Section 3 in its entirety and replace with:

Section 3.2 Maximum Annual Assessment.

(a) The Board of Directors may adjust the annual dues, with a maximum of five percent (5%) increase per year without a vote of the membership. The maximum annual assessment may be increased above 5% by a majority vote (51%) of the membership in person, by proxy or in an electronic vote, at a meeting called for this purpose as defined in Section 5 below.

Original to be deleted

Section 3. Initiation Fee and Maximum Annual Assessment. Upon the initial purchase of any lot by a Class A Member, there shall be immediately due and payable to the Association by the Purchaser an initiation fee of \$300.00 per lot. In addition, an annual assessment will be due. Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment shall be Three Hundred Dollars (\$300.00) per Lot.

(a) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year not more than 5% above the maximum assessment for the previous year without a vote of the membership .

(b) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above 5% by a vote of two-thirds (2/3) of each class of members who are voting in person or by proxy, at a meeting duly called for this purpose. (c) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Article IV – Covenant for Maintenance Assessments

Modify Section 4 as follows:

~~Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto (each a "Special Assessment")., provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose.~~

- (a) Special Assessments. Except as stated in Section 4(b), the cost of any Special Assessment shall have the assent of fifty-one percent (51%) of the votes of Owners eligible to vote who are voting in person or by proxy at a meeting duly called for this purpose or who vote electronically within thirty (30) days of such meeting.*
- 1. In the circumstance whereby an affirmative vote is not obtained under Section 4(a) above or in accordance with Section 5. below, the Board of Directors can obtain a loan an amount sufficient to cover the cost provided that any such action shall have the assent of fifty-one percent (51%) of the votes of Owners eligible to vote who are voting in person or by proxy at a meeting duly called for this purpose or who vote electronically within thirty (30) days of such meeting.*
- (b) Emergency Assessments. In the discretion of the Board of Directors, the Association may assess a Special Assessment without the vote of the owners if such Special Assessment is immediately necessary for the preservation and safety of the property, or for the safety of persons, or required to avoid suspension of any necessary service to the properties, or would otherwise be necessary to mitigate future material repair or maintenance costs (each an "Emergency Assessment").*
- (c) If such project exceeds the amount of the special assessment, the board of directors may choose to make an additional assessment or obtain a loan for such purposes.*

Note: Section 5 will require a slight modification to reference Section 4(a) only:

Section 5. Notice and Quorum for Any Action Authorized Under Sections 3 and 4 (a). Written notice of any meeting called for the purpose of taking any action authorized under Sections 3 and 4 (a) shall be sent to all members not less than 30 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

If you have any questions please contact the board at sphoanews@gmail.com. A board member will respond to you.