

## River Glen HOA Procedure for Covenant Amendments

**Purpose:** To establish guidelines for preparation of covenant amendments related to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for River Glen Subdivision, dated as of June 15, 2014, as amended.

**Background:** There is occasionally a need to amend the covenants that River Glen HOA has agreed to. This may be caused by an Owner that would like to see a change in the covenants or an HOA driven covenant change that is needed. An example of the HOA driven covenant change is Amendment No. 6 related to oil and gas leases that was done in 2019.

**Covenant:** Article VII, Section c. Amendment – “This Declaration may be amended at any time upon proper notice, by the affirmative approval of 66% of all the Members in good standing or under any authorized procedure to amend covenants set forth in the Act, as amended.”

**Process:**

1. Identify the need for an amendment to the Covenants.
2. Notify the River Glen BOD of a possible amendment.
  - a. The person(s) requesting an amendment (sponsor) must provide a write up of the proposed amendment with evidence or supporting documentation with the amendment for the Board of Director’s review.
  - b. The proposed amendment will be formatted to meet legal requirements for amendments, including a consent form.
  - c. Legal review will be done prior to a notice or consent forms being signed.
  - d. Once legal has reviewed a notice will be sent out and consent forms can be signed. The consent forms may be signed at a regular Board Meeting, by obtaining signatures door to door, by email or by establishing a drop box at a place selected by the sponsor. The responsibility of obtaining signatures will be with the individual(s) requesting the amendment.
  - e. Once the required number of signatures (66% of the Owners) are obtained (which must be done within a 60 day period) all signatures will be turned over to the Secretary of River Glen HOA to verify signatures. Once that is done the President and Secretary can sign the Amendment. The Amendment requires that the signatures of the President and Secretary be notarized.

- f. Once the amendment is notarized it will be recorded in the real property records of the County of Larimer, State of Colorado. At that time the recording date is the effective date of the amendment.

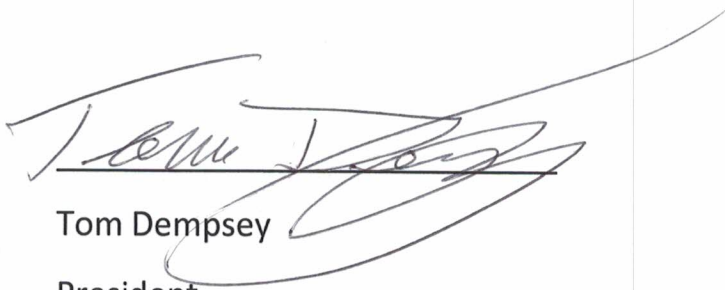
Current Amendments:

1. First Amendment – Allowing “...one animal per .57 acre...” – dated June 23, 2016
2. Second Amendment – Clarifying roofing material – dated November 1, 2016
3. Third Amendment – Restrict marijuana growing and prohibit growing in River Glen – dated May 1, 2017
4. Fourth Amendment – Clarifying that 4-H animals (as used in the covenants) means that the animals allowed in the covenants must be used in a 4-H project – dated November 6, 2017
5. Fifth Amendment – Allows the right to maintain the swans at 1916 Riverview Dr. – dated July 30, 2018
6. Sixth Amendment – Revised the Oil and Mining Activities to allow for the leases that River Glen HOA and homeowners signed in October, 2018 – dated January 17, 2019

Attachments:

1. Sample Amendment Language
2. Sample Consent Form Language

Approved by the River Glen HOA Board of Directors via Email March 2020

A handwritten signature in dark ink, appearing to read 'Tom Dempsey', is written over a horizontal line. The signature is stylized with a large, sweeping flourish extending to the right.

Tom Dempsey

President

River Glen Homeowner's Association

Board of Directors

Attachment No. 1 – Sample Amendment Language

SEVENTH AMENDMENT  
TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR RIVER GLEN SUBDIVISION

THIS AMENDMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

RECITALS

- A. On June 12, 2014, the River Glen Homeowners' Association ("Association") recorded an Amended and Restated Declaration of Covenants, Conditions and Restrictions for River Glen Subdivision, in the real property records of the County of Larimer, State of Colorado,. At Reception No. 20140030765 (the "Declaration").
- B. The Declaration provides for and allows for this Limited Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for River Glen (the "Amendment") in Article VII, Section c, which provides as follows:

This Declaration may be amended at any time upon proper notice, by the affirmative approval of 66% of all the Members in good standing or under any authorized procedure to amend covenants set forth in the Act, as amended. Members in good standing means Members that have not had voting privileges suspended for failure to timely pay Assessments.
- C. All Owners are aware of the provisions of the Declaration allowing for amendment, by virtue of the record notice of the Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.
- D. This Amendment has been prepared and determined by the Association and by the Owners that have approved this Amendment to be reasonable and not burdensome.
- E. The purpose of this Amendment is to (state reason for Amendment).
- F. The undersigned, being the President and Secretary of the Association, hereby certify that the Association has obtained the affirmative approval of 66% of all the Members in good standing.

NOW, THEREFORE, the Association hereby approves and adopts the following:

I. Amendment. The Declaration is hereby amended as follows:

(detail the new language here)

II. No Other Amendments. Except as amended by the terms of this Amendment and previous amendments, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

RIVER GLEN HOMEOWNERS'  
ASSOCIATION,  
a Colorado nonprofit corporation

By: \_\_\_\_\_

President

By: \_\_\_\_\_

Secretary

STATE OF COLORADO )

) ss,

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_,  
by \_\_\_\_\_ President of the River Glen Homeowners' Association, a  
Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Notary Public \_\_\_\_\_

STATE OF COLORADO )

) ss,

COUNTY OF \_\_\_\_\_ )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_ Secretary of the River Glen Homeowners' Association, a  
Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

Notary Public \_\_\_\_\_



## Attachment No. 2 - Sample Consent Form Language

THE UNDERSIGNED, as the owner(s) of the property listed below, which is a Lot within the River Glen community, acknowledge(s) that his/her/their property is subject to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for River Glen Subdivision, as recorded on June 12, 2014, in the real property records of Larimer County, Colorado, at Reception No. 20140030765, as subsequently amended (collectively referred as the "Declaration"). The undersigned hereby consent(s) to the adoption of the \_\_\_\_\_ Amendment to the Declaration (the "Proposed Amendment"), which revises Article \_\_\_\_\_, Section \_\_\_\_ of the Declaration.

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Signed

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Printed Name

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Address

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Date