

Discussion of the proposed 26th Amendment

What is the proposed change to the Declaration?

This amendment removes language that was added to the Declaration in 2014.

Why was the language added in 2014?

The Association approved 13 changes to the Declaration and By-laws in 2014. These changes were intended to bring the documents up to date and align them with the actual day-to-day practices of the Association.

This specific language was added after many owners had replaced aging decking boards themselves even though the Association was technically responsible for replacing them. Because owners were already replacing decking boards with no adverse impact on the Association, it seemed prudent to change the Declaration to allow this practice to continue.

So why are we changing it back?

The Association is in the process of completely restoring all decks at Mountain River East. This restoration requires the replacement of decking boards and therefore the documented responsibility for replacement needs to be reverted to the Association for the Association to perform this work.

Will owners lose the ability to replace their own decking boards?

Yes... but the restoration project will be replacing decking boards with composite materials that will last at least 25 years. So there should be no reason for anyone – owners or the Association - to replace these boards for several decades. When the time comes to do so, the Association can either perform the replacements or it can decide to allow owners to do so.



What happens if we don't make this change?

In most cases, nothing. Most owners are enthusiastic about the deck restorations and will have no issues with the Association taking this on. But our governing documents serve as the foundation for our community and this amendment will bring our documents into alignment with our vote to move forward with the decks restoration project.

What is the exact language that we're talking about?

1. Amendment 17 to the Declaration contains the following text regarding Article 4:

"Each unit owner will be responsible for the maintenance, repair, and replacement of all windows, skylights, doors (including required storm door) **and balcony decking or flooring**".

This text will be replaced by:

"Each unit owner will be responsible for the maintenance, repair, and replacement of all windows, skylights, **and** doors (including required storm door)".

The exact change is shown below:

"Each unit owner will be responsible for the maintenance, repair, and replacement of all windows, skylights, **and** doors (including required storm door) ~~and balcony decking or flooring~~".

2. Amendment 17 to the Declaration contains the following text regarding Article 6:

"Maintenance and repair of Common Areas and Limited Common Areas shall be accomplished by and at the expense of the Association, except in instances where expenses are assessed by the Association against a Unit Owner or Unit Owners to repair, without limitation, windows, skylights, exterior doors (including required storm doors), **balcony flooring/decking** and any other portion of the Common Area or Limited Common Area damaged or destroyed through the willful or negligent act of omission of said Unit Owner or their servants, agents or invitees, and except as may be otherwise provided in this Declaration".



This text will be replaced by:

“Maintenance and repair of Common Areas and Limited Common Areas shall be accomplished by and at the expense of the Association, except in instances where expenses are assessed by the Association against a Unit Owner or Unit Owners to repair, without limitation, windows, skylights, exterior doors (including required storm doors) and any other portion of the Common Area or Limited Common Area damaged or destroyed through the willful or negligent act of omission of said Unit Owner or their servants, agents or invitees, and except as may be otherwise provided in this Declaration”.

The exact change is shown below:

“Maintenance and repair of Common Areas and Limited Common Areas shall be accomplished by and at the expense of the Association, except in instances where expenses are assessed by the Association against a Unit Owner or Unit Owners to repair, without limitation, windows, skylights, exterior doors (including required storm doors); **balcony flooring/decking** and any other portion of the Common Area or Limited Common Area damaged or destroyed through the willful or negligent act of omission of said Unit Owner or their servants, agents or invitees, and except as may be otherwise provided in this Declaration”

How does the vote work?

The change to the Declaration requires that 2/3 of ALL owners vote YES to approve the amendment. As such, not voting is the equivalent of a NO vote. History has shown that proxy votes are critical to achieving the 2/3 threshold so the Board is strongly encouraging all owners to fill out and send in their proxy form.

But I don't need to fill out the proxy form if I'm attending the meeting, right?

The Board encourages EVERY OWNER to fill out a proxy form regardless of whether you plan on attending the meeting or not. Life has a way of interrupting even the best laid plans and if you don't name a proxy and subsequently can't attend the meeting you will have lost your opportunity to vote for this amendment. The best approach is to send in your proxy form in advance of the meeting, so you're covered no matter what. Then, when you arrive at the meeting, simply ask for your proxy form to be returned to you so that you can vote for yourself in person.



How do I send my proxy form back?

You can scan and email the signed form to melissa@madriverrproperty.com

You can text a photo of the signed form to Melissa at 603 254 7256

You can mail the signed form to:

Mountain River East Condominium Association
PO BOX 1020 Campton NH 03223

You can leave the signed form in your unit and let Melissa know that it's there for pickup

You can hand the signed form to Melissa or to any of the Directors of the Association prior to the meeting.

Note: It's important that the person you name as your proxy be a member of the Association who will attend the meeting. The best way to ensure that your proxy will attend the meeting and vote for you is to name any of the Board members as your proxy.

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