

## FAQ

### **Masthope Mountain Community (MMC) Amended and Restated Declaration of Covenants, Easements and Restrictions**

#### **What is the Amended and Restated Declaration of Covenants, Easements and Restrictions?**

“The Amended and Restated Declaration of Covenants, Easements and Restrictions (the “Declaration”) is the legal document that lays out the restrictions, rules and guidelines for planned communities. For purposes of our community, it is the superior document that governs the way that we run our community. It is not modified often. There are secondary documents such as, the bylaws and the rules and regulations, that are more familiar to residents. They are modified more often to reflect changes that are necessary to the way that we do business.

#### **Why are they being amended?**

The original covenants were produced by the Developer who planned and constructed the Masthope Rapids and Falling Waters communities in the 1970s. There was a minor modification effected in 1993, but it has otherwise remained intact. Thus, the reason for the modifications are many:

- The original covenants were written from the perspective of the Developer, not the residents.
- At one time there were two sets of covenants, one for each community, Masthope Rapids (MR) and Falling Waters (FW).
- The world has changed immensely since the inception of our covenants: technology, machinery, attitudes and values. In order to allow for these changes, but to maintain the quality of life that the majority of our neighbor’s desire, guidelines must be enacted to address these changes.
- The document was written before the Pennsylvania Uniform Planned Community Act (UPCA) was enacted. The UPCA governs communities like ours. As much as possible, we needed to align our covenants with the UPCA to remain in compliance and to clarify our position on the various sections.

#### **Who is amending them?**

Our community has a committee that was formed to examine, in support of our Board of Directors, all documents that are involved in the operation of our community. It is the Documents Review Committee. It is comprised of community volunteers, including two Board members and several community members, with a variety of backgrounds and perspectives. A representative of our management company and our office manager are on the committee for input from their perspective of running the day to day operations. Our legal counsel provides feedback and guidance as well as a final review of the finished product. There is routine reporting and feedback between the committee and Board regarding the progress.

#### **How does the process of modifying the Amended and Restated Declaration proceed?**

Identifying the need for the modification was the result of an ongoing conversation between the Board and our attorney. It was approximately eight years ago that the project was tasked to the Documents Review Committee to address. The committee recently completed it’s work and submitted a draft to the Board. The Board agreed that the draft was ready to be presented to the community for input. On November 9, 2019, the draft was presented at a Townhall Meeting. There was community input and this resulted in a small modification to the draft. The Board has approved the document and it is now in your hands to approve.

**How does the voting process proceed?**

The proposed Amended and Restated Declaration will be mailed to every owner/member of our community who is eligible to vote. There will be an Irrevocable Consent form included to approve the new Declaration. A property owner, i.e. someone who is on the deed and holds title to the property will need to sign and date the Consent form. Put only the signed Consent form in the self addressed pre-paid postage envelope and mail it. Do not sign or mail the Declaration itself. It is provided for your reference. The Consent form must be filled out in ink and must be sent to the office of our auditor, William Owens. Mr. Owens will be tasked with confidentially maintaining and calculating the results, a service that he performs for our Board of Directors election. The difference between the typical voting process to elect members to our Board of Directors and to decide on changes to our Declaration, is that this is an open-ended process. The requirement to approve the proposed Amended and Restated Declaration is that sixty-six and two-thirds percent of the eligible owners/members must file their consent for the process to conclude.

**For lots owned by more than one person, do all have to sign?**

No.

**Do the signatures have to be notarized?**

No.

**If I own multiple lots, how many times do I sign?**

You will receive one Consent form for each lot you own. Your signature(s) will be needed on each form.

**How will the adoption of the new Amended and Restated Declaration of Covenants, Easements and Restrictions affect my life at Masthope?**

There will be no noticeable changes to daily life in our community. Going forward, we'll have an updated Declaration that reflects the evolved nature of the community and provides a strategic guideline for future growth.

**Where can I find out more about the new Amended and Restated Declaration of Covenants, Easements and Restrictions?**

In addition to the copy of the Declaration you receive in your mailing, you can review the new draft Declaration on our community website, [www.Masthope.org](http://www.Masthope.org)

**If I have any questions regarding the Declaration or the voting process, who may I contact?**

Please direct any questions to: [boardpresident@masthope.org](mailto:boardpresident@masthope.org)