

To: Masthope Mountain Property Owners
From: Document Review Committee
Re: draft Declaration – Executive Summary

December 2019

Dear Masthope Mountain Community Property Owner:

The Document Review Committee (DRC) was established by the Board approximately eight years ago. It was apparent the community had several governing and procedural documents that were over thirty years old and updates were necessary. During the past eight years, the DRC met monthly to review, update, and create documents based on shifting priorities established by the Board or other community sources (e.g., POC, management, ECC, etc.). As part of that process, the committee's work was forwarded to the Board for their final discussion and vote.

One DRC task was to draft new community Covenants named *Amended and Restated Declaration of Covenants, Easements and Restrictions* (or simply stated *Declaration*). The community was first established in the late 1970s by a for-profit Developer. It was created in two parcels, Masthope Rapids and Falling Waters, with two separate Declarations. Masthope later became a non-profit corporation, Masthope Mountain Community Property Owners Council (MMC), managed and governed by its Members and its Bylaws. However, the original Declarations were never updated to reflect the evolving nature of the community, its current procedures, and flexibility for a long-term strategy.

Therefore, this memo serves to present community members and property owners with the committee's final draft *Declaration*. The DRC kept several goals in mind while preparing this draft:

- Create one consolidated set of Declaration of Covenants.
- Edit words or sections with antiquated terms or regulations to match current legal or UPCA terminology. (UPCA is PA's Uniform Planned Community Act - <https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?ttl=68&div=0&chpt=51>)
- Update sections to better represent current community practices or procedures.
- Update sections based on input from legal review and current law or court precedence.
- Remove sections/details better suited to our Bylaws or the Handbook. Maintain philosophy and community goals in the *Declaration* but move details and specifics to other community documents that permit more flexibility when future adjustments are necessary.

By addressing the 5 bullets above, this senior document promotes strategic guidelines and flexibility that will maintain the community's success well into the future.

The draft *Declaration* was introduced to the community for comments and questions in July via MMC's web site and a Town Hall in November. Community comments and questions resulted in minor edits to the draft *Declaration* and some suggestions to be addressed in the Bylaws or Handbook. The enclosed final draft *Declaration* has been approved by legal counsel and the Board. **MMC's legal counsel, the Board, and the Document Review Committee recommend a consent vote from all property owners.**

Please note, by law, amending and restating this senior document requires a consent from no less than sixty-six and two-thirds percent of all lot owners. This is a very high bar to achieve without your participation. **We ask that you please take the time to review the draft Declaration and complete your Consent form.** Use the self-addressed envelope to cast your consent directly to the auditor's address noted on the form to be considered an official vote. Consent forms cannot be sent to or dropped off at the POC. Once one or more of the deeded lot owner(s) provides their consent, that lot is counted as 'yes' and cannot be changed even if the lot changes owner(s) before the draft Declaration becomes effective at the sixty-six and two-thirds percent threshold.

Your participation is important and necessary. We appreciate your time and consideration in completing the Consent form. Thank you.

Regards,
Document Review Committee