



August 9, 2023

Attention All Members:

A Meeting of the Members will be held as follows:

Date: September 14, 2023

Time: 6:30 PM

Location: via zoom

Meeting info and zoom link will be posted at: www.TheHOAElectionGuys.com/villamoraga

This Meeting of the Members is being held to vote on the proposed amendments to Villa Moraga Association's Declaration of Covenants, Conditions, and Restrictions. Please review the enclosed memorandum from the Board of Directors and the text of the proposed changes to inform your vote.

This vote is currently scheduled to take place in addition to the annual election of directors to your board.

These are separate votes and the ballots need to be return separately. Please make sure you return this ballot in the envelopes provided and DO NOT return both ballots in the same return envelopes.

Instructions:

- 1) Cast your vote(s) on the enclosed ballot - please return your ballot so your voice is heard!
- 2) Insert ballot into the yellow Secret Ballot Envelope.
DO NOT MARK THE YELLOW ENVELOPE
DO NOT MARK THE BALLOT EXCEPT TO CAST YOUR VOTE
- 3) Insert the sealed Secret Ballot (yellow) Envelope into the provided white envelope which is addressed to Villa Moraga Association care of the HOA Election Guys
- 4) **SIGN THE LEFT-HAND CORNER OF THE WHITE ENVELOPE!!!!**
(Your vote will not count if you do not sign the envelope)
- 5) Seal and mail – return postage has been applied. Mailed ballots must be received by us by September 13, 2023. This deadline may be extended by the Inspector of Elections or Board of Directors in their discretion.

The envelopes are already pre-addressed with our return address (and our address is also reflected on the footer of this letter).

If you have any questions, please do not hesitate to contact your association's Inspector of Elections, The HOA Election Guys, Inc. an independent third-party as required per CA Civil Code.

The HOA Election Guys, Inc can be reached at (888) 380-3332 or by email at info@thehoaelectionguys.com

VILLA MORAGA ASSOCIATION

MEMORANDUM FROM THE BOARD OF DIRECTORS AND TEXT OF PROPOSED AMENDMENTS TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF VILLA MORAGA ASSOCIATION

May 1, 2023

TIME SENSITIVE - PLEASE READ

VOTING MATERIALS ENCLOSED

Dear Homeowners,

Below is the text of proposed amendments to the Association's CC&Rs.¹ You are asked to review the proposed amendments and cast your ballot on whether it should be adopted by the Association. If approved, this amendment would replace Section 6.1.1 of Article 6 of the Declaration as follows:

- Section 6.1.1 required a Unit to be owner-occupied for at least one year before it may be rented or leased. This restriction is no longer an enforceable provision given the enactment of Civil Code section 4741 effective January 1, 2021. The Board recently approved an amendment to the CC&Rs to remove this provision in its entirety. As such, Section 6.1.1 currently reads: "This Section 6.1.1 intentionally left blank."
- A new Section 6.1.1 would be included that limits the number of Units that may be rented at any given time to one-third of the Units (i.e., 17 Units). This new Section 6.1.1 shall not apply to any current Owner, but will apply to any future Unit Owner who acquires title after adoption and recordation of the amendment.

Amendment Text

Subsection 6.1.1 of Article 6 is hereby deleted in its entirety and replaced with the following (words with a strike through are deleted and ***bold italics*** are added):

~~6.1.1 This Section 6.1.1 intentionally left blank~~

6.1.1 Restriction on Number of Units Leased. Not more than seventeen (17) Units within the Project (i.e., 1/3) shall, at any particular time, be leased or rented or occupied by anyone other than an Owner, members of an Owners' household, or temporary guests, except as provided in this Article 6. The restriction on the number or percentage of Units that may be leased or rented as set forth in this Section 6.4 shall not apply to any Member who is an Owner of a Unit on the date this Second Amendment is recorded in the Official Records of the

¹ "Declaration" refers to that certain *Amended and Restated Declaration of Covenants, Conditions and Restrictions of Villa Moraga Association* recorded July 10, 2018, as Document No. 2018-010105392, in the Official Records of the County of Contra Costa.

County of Contra Costa, but shall apply to any Unit or Units upon transfer of title to such Unit subsequent to recordation of this Second Amendment in the Official Records of the County of Contra Costa.

Member Approval Required

This amendment to include the new Section 6.1.1 must be approved by a vote of the members before it becomes part of the CC&Rs. Our Declaration requires the affirmative vote of a majority of a quorum, and for purposes of this vote, quorum means at least fifty percent (50%) of the Total Voting Power, which is calculated as one vote per Unit. (Declaration §§ 1.46, 14.1.) This means at least 25 ballots must be received to establish a quorum for the vote on these amendments. The initial deadline for voting is 5:00 p.m. on September 13, 2023. The deadline for voting may be extended. Notice of any extension will be posted in common area.

As you will see, a ballot and two envelopes are enclosed with this memorandum for you to vote on the proposed amendments. In accordance with state law, the voting is being conducted by mail. Instructions are on the ballot. Completed ballots should be mailed or delivered to:

Inspector Election
Villa Moraga Association
c/o The HOA Election Guys, Inc
27472 Portola Pkwy #205-412
Foothill Ranch, CA 92610

Before marking your ballot, please consider the information provided above. If you have any questions about this memorandum or the ballot, please contact Cristina Candelori at ccandelori@commoninterest.com or (925) 743-3080 Ext. #164

Sincerely,

Board of Directors
Villa Moraga Association

YOUR VOTE IS IMPORTANT!
PLEASE VOTE!!!