Process for Amending Covenants and Restrictions:

To ensure the act of amending the Grandview Peaks Covenants and Restrictions is both fair and transparent, the following Three-Phase Process will be required:

1. Proposal Phase:
2. Any member of the Board of Directors may propose an amendment to the Covenants and Restrictions.
3. The proposal must be approved by a majority vote of all seated Board members to move to the Community Review phase.
4. Any member of the POA may propose an amendment to the Covenants and Restrictions during the Annual Meeting or during a Special Meeting, either of which would require that a quorum of the membership is present.
5. The Amendment must be proposed in writing.
6. If the amendment receives a simple majority of all votes represented at that meeting, either in person or through proxy, the Board will be compelled to act on that motion within 60 days. If the motion is approved by the Board, either as proposed or amended, it will advance to the Community Review phase. If the motion is denied, it will be deemed null and void. If the Board fails to review the proposed amendment, it will be deemed “approved” and advance automatically to the Community Review Phase.
7. Community Review Phase:
8. Any proposed amendment that advances through the Proposal Phase will then be subject to a Community Review and Authorization before being submitted to the Community Ratification Phase.
   * 1. The Community Review must be undertaken at the Annual Meeting or a Special Meeting, where a quorum of the association membership is present in person or represented through proxy.
     2. The review must include, but is not limited to, the proposed amendment; a good-faith estimate of the costs associated with the legal review and voting process; and a detailed overview of the anticipated impacts of the proposed amendment on property owners.
     3. POA members both supporting and opposed to the proposed amendment will be provided fair opportunity to be heard during the meeting.
     4. A affirmative vote by a simple majority of those attending, represented in person and through proxy, is required for the amendment to advance to the Final Ratification process.
9. Ratification Phase
10. Within 45 calendar days of an affirmative Community Review, a ballot containing the proposed amendment will be sent via USPS mail or e-mail (depending on stated member preference) to each registered member/owner within the Association. The ballot will include the exact wording of the proposed amendment and provide for a simple check box to signify “YES” or “NO” related to approval.
11. POA members will have not less than 30 calendar days, nor more than 45 calendar days from ballot mailing date to return a signed ballot to the property manager.
    * 1. Ballots not received by the close of business on the “due date” listed will be considered null and void.
      2. A ballot not returned will be counted as a “NO” vote.
12. For the sake of transparency, during the balloting process, the Board will have the duty of sending a bi-weekly e-mail update to the entire Association membership that will contain any questions/answers and or comments (both pro and con) that have been received by the property manager related to the proposed amendment. At the discretion of the board and for the sake of brevity, each individual comment/question/response may be limited to a maximum of 100 words. No anonymous comments will be included.
13. During the balloting process, the Board may not use POA communication resources (such as the website or e-mail) to lobby for or against the proposed amendment, except for notices that the ballots have been mailed and reminders of the deadline for voting; likewise, consistent with the Privacy Policy, no POA member will be granted access to any contact information that is under the control of the POA for the purpose of lobbying owners for or against the proposed amendment. There is no limitation on the use of non-POA resources in lobbying for or against the amendment.
14. Except for official Association meetings, no formal lobbying (signs, pamphlets, rallies etc.) for or against the proposed amendment will be allowed in the POA-controlled areas, such as the lake and pavilion.
15. All ballots will be received and tabulated by the GVP Property Manager, who will certify the final results, report those results in a timely manner to the Board and the community and following the announcement of the results hold all signed and notarized ballots received for inspection, on demand, by any member of the association.
16. Consistent with the Covenants and Restrictions and the NC Planned Community Act, approval of an amendment requires a 67 percent affirmative vote of all eligible votes represented in the association.
17. Unless otherwise provided in the proposal, amendments will be effective upon filing with the McDowell County Clerk.