Covenants Vote 2007

coven•nant  /ˈkəv-nənt, ˈkə-və-nənt/ (ME, r, MF, fr. prp. of convenir to agree, fr. L convenire) (14c) 1 : a usu. formal, solemn, and binding agreement : COMPACT  2 a : a written agreement or promise usu. under seal between two or more parties esp. for the performance of some action  b : the common-law action to recover damages for breach of such a contract.
September 17, 2007

Dear Property Owner(s),

Enclosed, you will find information about a referendum to amend one of the provisions of our Covenants. We are referring to this action as “Covenants Vote 2007.” This is one of the most important referendums The Landings Association has ever held, and we need the help of each and every property owner to be successful.

As owners, we all agreed to abide by the Covenants when we purchased our property here. Our Covenants are an integral part of what makes The Landings so special. These Covenants preserve our natural environment; establish architectural guidelines and standards; provide for the maintenance and improvement of open spaces, roadways, lagoons, security, and other common facilities; and help protect property values for the benefit of all owners.

Our Covenants date back to 1972 and are the oldest in Georgia. They allow changes only every 10 years. If a specific Covenant becomes outdated or inappropriate, or an issue arises that needs to be addressed immediately, our community should be able to discuss that Covenant and hold a timely vote of the owners. It is extremely difficult to be good, responsive stewards of our community under the current system.

The process to change these Covenants needs to be more flexible to maintain The Landings as a premier community. Therefore, we are asking property owners to approve a change to the Covenants. The change would remove the 10-year limitation and replace it with a provision that would allow changes to be proposed for membership approval as the need arises. As with the current Covenants, any change will still require the approval of 66.7% of all property owners. The only difference is in the timing of when a change can be made. The members will not be required to wait 10 years between each vote.

As just mentioned, the proposed change will become effective only if it is approved by a minimum of 66.7% of all property owners. It is a very high threshold, but it guarantees changes can be made only if approved by a super-majority of the owners.

If we miss our window of opportunity, we will not be able to make any changes to our Covenants until the year 2022, when they will then be 50-years-old. It is imperative for the future of The Landings that each property owner participate in this vote. We request you sign the Approval Form by October 31, 2007.

Sincerely,

Kathy Siler
President

Pam Allen
Vice President

Al Arcady
Treasurer

Mona Fuchs
Secretary

Tom Baldacci
Director

Gary Bross
Director

Cliff Lindholm
Director

Christine Savage
Director

Ben Wright
Director

To approve this referendum, each owner will need to have his or her signature notarized and witnessed. Please see the exact language for the proposed Covenants change, along with the special voting instructions, on the following pages.
Current Covenant 11.1

**Duration.** The covenants and restrictions set forth in this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of 20 years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by the then owners of two-thirds of the lots and living units has been recorded agreeing to change said covenants and restrictions in whole or in part; provided, however, that no such agreement of change shall be effective unless made and recorded three years in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every owner at least ninety days in advance of any action taken.

*(COMMENT: To summarize, this means that the current Covenants automatically renew every 10 years unless two-thirds of all owners vote otherwise; any proposed change requires two-thirds approval of all owners and must be voted on at least three years before it takes effect; the Covenants can currently be changed only on a specific date every 10 years; any proposed change must be announced at least 90 days before the vote; and to be valid, the owners approving the change must have their signatures notarized and witnessed, due to statutes governing the language in this Covenant.)*

Proposed Covenant 11.1

(Section 11.1 of Paragraph 11 is hereby deleted in its entirety and replaced with the following):

11.1A – **Duration.** The covenants and restrictions set forth in this Declaration shall run with and bind the land in accordance with Georgia Code 44-5-60(d). *(COMMENT: See the complete wording for that code section on the Association’s website, www.landings.org, under “Events/News” and then under “Covenants Vote 2007.” To summarize that code section, this means that the Covenants will automatically renew every 20 years unless the owners vote otherwise.)*

The following Section 11.1B is hereby added:

11.1B – **Amendment.** This Declaration may be amended by the affirmative vote, written consent, or any combination of affirmative vote and written consent of the Members of the Association casting sixty-six and two-thirds percent (66-2/3%) of the total eligible vote. The notice to the Members of a proposed amendment shall state the subject matter of the proposed amendment. Any amendment to this Declaration must be certified by the President and Secretary of the Association, and said certified amendment shall become effective upon recordation in the land records of Chatham County, Georgia.

*(COMMENT: To summarize, this replacement Covenant means that any future changes to the Covenants will still require the approval of two-thirds of all owners; signatures on future votes will not need to be notarized or witnessed because the President and Secretary can certify them; any future change that is approved by owners will take effect as soon as it is recorded with Chatham County, rather than having a 3-year waiting period; and there will not be a restriction limiting changes only to a specific date every 10 years.)*

PLEASE REFER TO THE SPECIAL VOTING INSTRUCTIONS ON THE FOLLOWING PAGE.
How to Vote

Property Owner(s) Voting Instructions
A valid vote in favor of making this Covenants change is a document that has been properly signed, notarized, witnessed, and returned to The Landings Association. The Association realizes this a burden placed on owners, because of the Georgia Laws governing this vote. Therefore, we will make several opportunities available for approving the change. We request owners do so by October 31.

Options for voting in favor of this Covenants change include:
1. The Landings Association’s office. 600 Landings Way South, during normal business hours (Monday-Friday, 8 a.m.-5 p.m.) A property owner may bring in the enclosed form, or use one provided by the office. The Association will provide a Notary Public and a witness free of charge to execute the form properly. As an added convenience, the Association will also be open each Monday in October from 5-7 p.m., and each Saturday in October from 9-11 a.m., specifically to handle notary and witness service.
2. LandingsFest October 12. The Association will have a booth set up the evening of October 12 at TLA’s ballfield.
3. Both scheduled Town Hall Meetings. The times and dates are listed below. Notaries Public and witnesses will be available.
4. Via Block Captains. If you cannot make it to one of the above times/locations, please notify your Block Captain once contacted. Many of the Block Captains are Notaries Public, and they will help with this effort if needed.
5. Via Mail. By properly signing, and getting notarized and witnessed, the enclosed form and returning it to the Association. For those owners who live outside of The Landings, most banks will notarize documents for their customers free of charge. Please remember that you will also need a witness to your signature to validate the notarization and Approval Form.

Further Approval Form signing opportunities, including notarization and witnessing, may be distributed via our E-Mail Bulletin system. If none of these options will work for you prior to October 31, please let us know by e-mailing covenants@landings.org or by calling 598-5528, and we will make further arrangements. You can also use those contacts for answers to questions you might have.

Town Hall Meetings
The Landings Association, in an effort to provide property owners and residents with more information regarding this initiative, has scheduled two Town Hall Meetings: September 24 at 4:00 p.m. and October 9 at 7:00 p.m. to discuss Covenants Vote 2007. Each meeting will be held at the Skidaway Island United Methodist Church. A brief presentation will be held, followed by a question-and-answer period.

(The Complete Covenants can be found at www.landings.org, under “Administration/Library”, “Library”, and then “Governing Documents”.)

The Landings Association
600 Landings Way South
Savannah, GA 31411

Every Vote Matters...