



Orinda Grove Owners Association

October 17, 2024

Attention All Members:

A Special Meeting of the Members will take place on:

Date: November 18, 2024 (All mailed ballots should be received by us by November 17, 2024)

Time: 5:00 PM

Location: via zoom.com (Zoom info will be posted at: www.TheHOAElectionGuys.com/orinda)

Physical location to attend the zoom meeting: Seabreeze Management, 5000 Hopyard Road, Suite 310, Pleasanton, CA 94588

This Special Meeting of the Members is being held to vote on:

- 1) Amending Article 7, Section 7.3 of the Declaration of Covenants, Condition and Restrictions for Orinda Grove ("CC&Rs")
- 2) Deleting Section 5.4 of the Bylaws of Orinda Grove

Please see the accompanying information for each amendment.

To amend the bylaws, a majority of the voting power of the association (37 members) must vote in favor.

To amend the CC&Rs, 67% of the voting power of the association (49 members) must vote in favor.

In addition to this notice, this package contains the following:

1. One Official Ballot
2. One pre-addressed return envelope
3. One yellow Secret Ballot envelope
4. Informational Notice on Seabreeze letterhead (1 page)
5. The proposed amendment to the CC&Rs (1 page)
6. The proposed amendment to the Bylaws (1 page)

Instructions:

- 1) Cast your vote(s) on the enclosed ballot.
- 2) Insert ballot into the yellow Secret Ballot Envelope.
- 3) Insert the sealed yellow Secret Ballot Envelope into the provided white envelope which is addressed to Orinda Grove Owners 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) Return postage has been applied. Seal signed envelope and mail.

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

There is a Board of Directors election currently underway as well, please treat these votes as separate matters and DO NOT return both ballots in the same envelope(s)

***In the event not enough ballots are received at this meeting, the board of directors and/or the Inspector of Elections will reconvene the meeting to a later date. In this case, the deadline for receiving ballots will be extended as well.**

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

*The HOA Election Guys, Inc
27472 Portola Parkway Suite 205-412
Foothill Ranch, CA 92610*

Dear Orinda Grove, Homeowners,

These two initiatives were placed for approval with the ballots last year but due to limited responses, we are requesting that the membership kindly respond again to the proposed changes to the Bylaws and CCRs. We would like to adopt these changes below, please see further information below, thank you.

Bylaw Article Section 5.4 - Deletion of Nominating Committee

The Board would like to delete Article V section 5.4 as this is an unneeded, superfluous section that would require more resident participation. Currently, resident members are allowed to voluntarily apply for any position when it becomes available instead of being nominated by a nominating committee.

CCR- Amendment #1 Article 15 Section 2- Limitation of homes to be rented at a maximum of 25%

The Board would like to cap the number of units to be rented to 25% of total units as we would like to preserve home values and prevent the over-saturation of rentals in our community. Higher owner-occupied unit percentages tend to be more favorable when applying for loan refinancing or with new potential homeowners securing a mortgage.



BAY AREA
COACHELLA VALLEY
INLAND EMPIRE
LAS VEGAS
LOS ANGELES
ORANGE COUNTY
RENO
SAN DIEGO
SEATTLE

When Recorded Mail To:
Orinda Grove Homeowners Association
c/o Kulik Gottesman Siegel & Ware LLP
15303 Ventura Boulevard, Suite 1400
Sherman Oaks, California 91403
(310) 557-9200
Attn: Mitchell Brachman, Esq.

**AMENDMENT NO. 1 TO
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR ORINDA GROVE**

WHEREAS, ORINDA GROVE (“Association”) executed a document entitled “Declaration of Covenants, Conditions and Restrictions for Orinda Grove” (“Declaration”) which was recorded on May 4, 2013 as Instrument No. 2013-132495 in the official records of Contra Costa County, California; and

WHEREAS, the Declaration may be amended by its own terms, pursuant to Article 15, Section 2, which requires 67% of the Voting Power to approve the material amendment of the Association CC&R;

WHEREAS, the Association desires to amend the Declaration, as set forth herein, pursuant to the terms and conditions stated below, and that upon recordation of Amendment No.1 to the Declaration, which has been properly adopted by the members, the Declaration referenced above shall be and is hereby amended by this Amendment No. 1.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Article 7, Section 7.3 (a) shall be added to the Declaration and read:

For all units purchased after the date of recordation of this Declaration, no more than 25% of the Units shall be non-owner occupied at any time. Thus, for example, if the Association receives a request for approval of a lease and it is determined that 25% of the Units are already leased, the request will be denied.

2. Except as herein expressly amended, all of the terms and conditions set forth in the Declaration shall remain in full force and effect.

**AMENDMENT TO BYLAWS
OF ORINDA GROVE OWNERS ASSOCIATION**

The Bylaws of Orinda Grove Owners Association (“Association”) are hereby amended as follows.

Article V, Section 5.4 of the Bylaws shall be stricken in its entirety.

Delete Section 5.4 of the Bylaws which states:

Section 5.4. Nomination. Nomination for election to the Board may be made by a nominating committee consisting of three (3) persons. To the extent (if any) permitted by California law, nominations may also be made from the floor at each meeting at which directors are to be elected. The nominating committee shall consist of a chairperson, who shall be a director, and two (2) other persons who shall be Members of the Association. Each member of the nominating committee shall be appointed by the Board to serve a term of one (1) year, and vacancies thereon shall be filled by the Board. The nominating committee shall make as many nominations for election to the Board as it shall, in its discretion, determine but not less than the number of vacancies to be filled and shall comply with Association Rules adopted to implement the requirements of California Civil Code Section 1363.03.

Article V, Section 5.4 of the Bylaws shall be stricken in its entirety.

The Bylaws otherwise will remain unchanged.