

RESOLUTION NO. 2007-02
TWIN RIVERS HOMEOWNERS ASSOCIATION
AS TRUSTEE FOR THE TWIN RIVERS COMMUNITY TRUST

REFERENDUM TO AMEND PARAGRAPH 8 OF THE
DECLARATION OF RESTRICTIONS AND RESERVATION OF EASEMENTS

WHEREAS, the Board of Trustees of the Twin Rivers Community Trust are charged with and have the obligation of and responsibility to enforce the provisions of the Trust documents; and

WHEREAS, in order to accomplish such obligations, the Trust Documents provide the Trustees with various powers and authorities to make and promulgate rules and regulations regarding the conduct of the beneficiaries upon the Trust lands; and

WHEREAS, the Trustee of the Twin Rivers Community Trust are charged with the responsibility of enforcing the Declaration of Restrictions and Reservation of Easements; and

WHEREAS, paragraph 6 of the Twin Rivers Community Trust Indenture grants the Trustees the right in their sole discretion, consonant with the best interests of the beneficiaries to make reasonable rules and regulations as to the conduct of the beneficiary upon the trust land to preserve, protect and enhance same; and

WHEREAS, paragraph 16(b) of the Declaration of Restrictions and Reservation of Easements provides that said Declaration may be amended during the first twenty five (25) year period by an instrument signed by not less than ninety (90%) per cent of the lot owners and thereafter by an instrument signed by not less than seventy five (75%) per cent of the lot owners; and

WHEREAS, the Trustee of the Twin Rivers Community Trust has received a Petition executed by 100 residents of the Twin River Community requesting that the Board of Trustees “put forth a referendum to amend the Declaration of Restriction and Reservation of Easements to amend paragraph #8 of the same to allow for the parking of non-commercial pickup trucks upon the Trust lands; and

WHEREAS, the Trustee of the Twin Rivers Community Trust recognizes that the nature, type, appearance and construction of vehicles addressed within paragraph #8 of the Declaration of Restrictions and Reservation of Easements have significantly changed since the original drafting of the Declaration of Restrictions and Reservation of Easements; and

WHEREAS, the Trustee of the Twin Rivers Community Trust desires to accommodate the wishes of the community as a whole and amend the standards; and

NOW THEREFORE BE IT RESOLVED, pursuant to paragraph 16(b) of the Declaration of Restrictions and Reservation of Easements the Trustee shall maintain between May 1, 2007 and May 31, 2007 a proposed Amendment to the Declaration of Restrictions and Reservation of Easements containing space to accommodate the signature of each and every lot owner who wishes to support the proposed Amendment that will read as follows:

8. NO TENTS, SHACKS, ETC. That no tent, shack, trailer, basement, garage or outbuilding shall at any time be used on the lot as a residence, either temporarily or permanently; nor shall any residence of a temporary character be constructed, placed or erected on any lot. No truck, camper, trailer, boat of any kind, or other single or multi-purpose engine powered vehicle other than a standard automobile or approved golf cart may be parked on any lot except temporarily and solely for the purpose of loading and unloading. The definition of standard automobile shall include sport utility vehicles if they are two door jeep-type vehicles with passenger plates or four door jeep-type vehicles with passenger plates, pickup trucks with passenger plates and mini-vans and standard size vans if they have windows on the sides and back, rear and side doors and seats for two or more passengers behind the front seat with passenger plates. Any vehicle bearing other than passenger plates and/or lettering is restricted.

BE IT FURTHER RESOLVED that the stated purpose of the Trustee maintaining the proposed Amendment as set forth in the immediately preceding paragraph is to allow for the endorsement by as many lot owners who wish to support the proposed Amendment as evidenced by their signature upon the same so as to determine whether the community as a whole wishes to amend the Declaration of Restrictions and Reservation of Easements as called for with the partition recently served upon the Trustee; and

BE IT FURTHER RESOLVED that if 75% of the lot owners affix their signature to the proposed Amendment the same shall be deemed approved and the Trustee shall be charged with recording the same with the County Clerks office. In the event less than 75% of the lot owners affix their signature to the proposed Amendment within the called for time period, May 1, 2007 thru May 31, 2007, the proposal shall be found to have failed and the proposed Amendment shall be deemed null and void; and

BE IF FURTHER RESOLVED that the printing of this Resolution in its entirety in the community newsletter publication, *Twin Rivers Today*, or its successors or assigns, shall be deemed to be proper notice to all residents of the Twin Rivers development, and the said Resolution shall remain on record on the books of the Twin Rivers Community Trust.

ATTEST:

Aaron Sears, Secretary/Treasurer

Duly approved by the Board of Directors
at their meeting of February 13, 2007.