

**NOTICE OF SPECIAL MEETING OF THE MEMBERS  
and  
DIRECTED PROXY APPOINTMENT FORM  
for  
HEATHERRIDGE SOUTH ASSOCIATION, INC.**

Date of this Notice: September 25, 2023

**The Date And Time Of The Meeting**

October 25, 2023 at 6:00 p.m.

**Place Of The Meeting**

Heatherridge South Clubhouse, 2811 S. Xanadu Way, Aurora, CO 80014

**Items On The Agenda Of The Meeting**

A Special Meeting of the Members of the Heatherridge South Association, Inc. will be held on October 25, 2023, at 6:00 p.m. at the Heatherridge South Clubhouse, 2811 S. Xanadu Way, Aurora, CO 80014. Registration will begin at 5:30 p.m. The purpose of the meeting is to seek approval of the members for the proposed Amended and Restated Condominium Declaration for Heatherridge South.

The purpose of the Amended and Restated Declaration is to replace the existing declaration from the original buildout with the new document. Here are a few of the highlights of the proposed Amended and Restated Declaration: (1) The Amended and Restated Declaration includes a much more complete list of items and explains in greater detail whether Owners or the Association are responsible for maintaining certain portions of the community. Specifically, the Amended and Restated Declaration requires the owners to maintain the condominium unit interiors as identified in Article 6, Section 6.1 of the Amended and Restated Declaration; (2) The Amended and Restated Declaration includes a more detailed list of items and explains what items and areas of the community that the Owners and Association are responsible for insuring. This should help reduce confusion as to what areas of the building the Association is required to insure and what areas the Owners are required to insure. Additionally, the Amended and Restated Declaration includes language, in Section 8.3.2, that discusses and outlines how the deductible portion of any insured loss will be allocated between the Owners and the Association; (3) The Amended and Restated Declaration includes restrictions on leasing and clarifies the responsibilities of landlords and tenants. For example, all leases must be for an initial term of at least six (6) months. No residence may be used as a hotel, short-term rental (e.g., AirBnb or VRBO) or for transient purposes or for timeshares. Owners must give copies of the leases to the community association manager (with financial or other sensitive data redacted) so the Association will better know who is living in the community and can better educate Owners and tenants about their responsibilities. Furthermore, the proposed Amended and Restated Declaration limits rental properties to 25% of 176 units (that's 44 rentals), with an additional 5% hardship number permissible given owner circumstances (9 more for a grand total of 53 rentals); (4) The proposed Amended and Restated Declaration seeks to simplify each unit's share of the common expense assessments by uniformly levying the common expense assessments equally against each unit, regardless of unit type; (5) The Amended and Restated Declaration includes a "Working Capital Assessment" that requires each Owner pay an amount equal to three (3) times the then-current monthly installment of the annual assessment upon a sale of the unit (some exceptions do apply which can be found in Section 5.16 of the proposed Amended and Restated Declaration). The purpose of the "Working Capital Assessment" is to assist the Association in maintaining a healthy reserve account

balance for necessary maintenance, repair, and replacement of the Common Elements.; and (6), the Proposed Amended and Restated Declaration removes the limitation on levying a Special Assessment of more than \$5000 without an Owner vote and instead requires that Special Assessments follow a ratification process permissible under state law. The process involves the Board voting to levy a Special Assessment and scheduling a meeting of the Owners to consider the Special Assessment, with the Special Assessment being approved unless Owners at that meeting at which a quorum is present, by a majority of votes cast, vote against the Special Assessment. There are many other changes in the proposed Amended and Restated Declaration and owners are urged to review that document.

In order for the Association to conduct business at this meeting, the presence of members or of proxies entitled to cast one-third (1/3rd) of all the votes of the membership are necessary for a quorum. Therefore, it is imperative that you attend this meeting or mail in your Directed Proxy.

### **Additional Information**

This Notice is accompanied by a Directed Proxy Appointment Form. If you are unable to attend the Meeting, please complete the attached Directed Proxy Appointment Form and provide it to either the proxy or Janelle Mauch (Email: [janelle@westwindmanagement.com](mailto:janelle@westwindmanagement.com); Phone: 303.369.1800). Please contact any member of the Board of Directors if you have questions.

Sincerely,

Heatherridge South Association, Inc.  
Board of Directors

**DIRECTED PROXY APPOINTMENT FORM**  
**for**  
**HEATHERRIDGE SOUTH ASSOCIATION, INC.**

I/we hereby appoint \_\_\_\_\_, or, if the preceding space is not filled in, the President of the Heatherridge South Association, Inc. (the "Association"), or in his/her absence, the Vice President of the Association, with full power of substitution, as my/our proxy to cast the vote(s) attributable to my/our unit.

By indicating below, I/we hereby direct my/our proxy to vote as indicated. If no voting direction is provided in this Directed Proxy Appointment Form, my/our appointed proxy may vote as he/she deems appropriate.

The undersigned hereby directs the proxy to vote as follows with regard to the Amended and Restated Condominium Declaration for Heatherridge South (Check One):

- ☐ FOR approval of the Amended and Restated Condominium Declaration for Heatherridge South
- ☐ AGAINST approval of the Amended and Restated Condominium Declaration for Heatherridge South

This proxy is for the Special Meeting of the Members, scheduled for October 25, 2023, at 6:00 p.m., and for any extensions, adjournments, or reschedulings thereof. My designation of this proxy rescinds all other earlier-dated proxies for Association meetings called for this specific purpose and shall remain in effect for eleven (11) months from the date of this proxy set forth below, but in no event shall this proxy purport to be revocable without notice.

**SIGNATURE AND DATE ARE REQUIRED FOR THIS PROXY APPOINTMENT FORM TO BE VALID**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
**Signature of Owner(s)**

\_\_\_\_\_  
**Signature of Owner(s)**

\_\_\_\_\_  
**Address**

**YOUR PROXY MAY BE EMAILED TO [JANELLE@WESTWINDMANAGEMENT.COM](mailto:JANELLE@WESTWINDMANAGEMENT.COM) OR MAILED TO HEATHERRIDGE SOUTH ASSOCIATION, INC., C/O JANELLE MAUCH, 27 INVERNESS DRIVE EAST, ENGLEWOOD, COLORADO 80112.**