

**Subject: Executive Summary of the 2012 Covenants**

**To: All Members of the Discovery Homeowners Association**

**Date: January 10, 2012**

**General.**

The following executive summary is designed to explain the major changes to the original & amended covenants that have been in effect for the past 38 years in the Discovery Subdivision. These major changes to the covenants will be discussed in eight segments; the introductory witness section and the seven separate articles of the covenants. This executive summary has been written to facilitate an understanding of the more significant changes being proposed in the covenants and will be illustrated in the final draft version by the yellow highlighted areas in the text. Minor changes to these same covenants will be illustrated by underlining the wording as proposed for the new covenants. A more detailed explanation of the new covenants provisions with a comparison of the old covenants provisions will be available on our Discovery Homeowners Association website, [www.discoveryhoa.com](http://www.discoveryhoa.com). (The page numbers listed below are where the major changes can be located in the new 2012 Proposed Covenants.)

**Major Changes to the Introductory Witness Section (Page 1).**

- The Architectural Control Committee (ACC) will be changed to the Architectural Review Committee (ARC) whose members, purpose and procedures are all explained in Article II.
- These 2012 Covenants represent an effort to replace the original covenants and the amended covenants of 1980.
- Lot owner projects that were submitted and approved by the old ACC under the previous covenants will be considered grandfathered and similarly approved under the 2012 Covenants.

**Major Changes to Article I-Definitions (Page 2).**

- New definitions offered for: Discovery Subdivision,, Association, ARC, Board and Earth Tones.
- Definitions will remain the same for: Lot and Owner with other older definitions deleted.

**Major Changes to Article II-Architectural Review Committee (ARC).**

**Section 1. Members (Page 3).**

- ARC shall exercise architectural review over Discovery Subdivision with ARC members appointed or removed by the Association's Board. The majority of the members will still have the power to change membership of the ARC or to withdraw or restore to the ARC its powers and duties.

**Section 3. Procedures (Page 3).**

- The ARC shall approve or disapprove in writing all plans and requests within thirty (30) days after the date of written receipt of the application. If the ARC fails to take action within thirty (30) days after receipt, the application shall be deemed APPROVED and this Article will be deemed to have been fully complied with.

- The Association's Board shall resolve, on appeal, all questions of interpretation or otherwise under these 2012 Covenants and such decisions shall be final, binding on all owners.

### **Major Changes to Article III-Use Restrictions.**

#### **Section 1. Land Use, Building Type and Occupancy (Page 4).**

- No building or structure, whether attached or DETACHED, shall be permitted on any lot unless such building or structure has been approved by the ARC and applicable governmental authorities and duly constructed thereon.

#### **Section 3. Building Construction (Page 4).**

- (a) Roofing material defined in detail.
- (b) Association mail box design defined in Exhibit B, with filing 5, Woodmen Road excluded from this provision.
- (c) No less than a two car garage will be allowed. Oversized garages will be considered on a case by case basis.

#### **Section 4. Building Design (Page 5).**

- Only custom designed single family homes, additions and other structures, whether attached or detached, will be approved.

#### **Section 10. Commercial Vehicles and Other Items (Page 5).**

- The Board may grant temporary waivers for this restriction, in its sole discretion and upon such terms as it requires, and may further specify the prohibitions regarding vehicles under this section 10.

#### **Section 16. Sight Distances at Intersections (Page 6).**

- Sight lines at street intersections should not be obscured and should allow sufficient viewing of oncoming traffic in both directions in accordance with the ordinances of the City of Colorado Springs.

#### **Section 17. Vehicle Parking.**

- No vehicle shall be parked in or near the same place upon a street continuously for a period of more than 72 hours. Unused vehicles shall not be parked on any street or lot. An unused vehicle shall be any vehicle which is not properly licensed or is inoperable for over 30 days as determined by the Board.

### **Major Changes to Article IV-Discovery Homeowners Association.**

#### **Section 3. Board of Directors (Page 7).**

- Association will be managed by five (5) Directors with overlapping terms and whose election and qualifications will be set forth in the Articles of Incorporation and Bylaws.

### **Major Changes to Article V-Covenant for Maintenance Assessments.**

#### **Section 3. Basis and Maximum of Annual Assessments (Page 7).**

- Each lot shall be subject to an annual assessment of not more than \$30.00 for 2012. Moreover, since the annual assessment will not exceed the maximum amount set forth in C.R.S. 38-33.3-116.
  - Therefore, pursuant to said Section, the Association and the Discovery Subdivision shall NOT be subject to the Colorado Common Interest Ownership Act, CCIOA.
- In future years the annual maximum assessment can be voted on by the members attending a duly constituted annual meeting of the Association.

### **Major Changes to Article VI-Exterior Maintenance.**

NO MAJOR CHANGES.

### **Major Changes to Article VII-General Provisions.**

#### **Section 1. Enforcement (Page 8).**

- The ARC, any Owner or the Association shall have the right to enforce by any proceeding through the courts and/or by any mediation or arbitration procedures established by the Association's Bylaws, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of these 2012 Covenants.

#### **Section 3. Amendment (Page 9).**

- The covenants, conditions, provisions and restrictions of these 2012 Covenants may be amended by written consent signed by the owners of a majority of the Lots within the Discovery Subdivision who are in GOOD STANDING with the Association.
- Any amendment made to these 2012 Covenants must be passed by a majority of the lot owners and must be properly recorded, but the signed consents of said owners need not be recorded if such consents are held in the records of the Association for at least one year and a certification thereof by the Association's President is recorded in the El Paso County records.