

**THE VINEYARD HOMEOWNERS ASSOCIATION**

c/o Divergent Properties  
7 Gamay Ct.  
Grand Junction, CO 81507

\_\_\_\_\_, 2026

Re: *The Vineyard Homeowners Association (“**Association**”)/Solicitation Letter for Amended and Restated Declaration, Articles of Incorporation, and Bylaws and Short-Term Rental Amendment.*

Dear Owner(s):

As you may be aware, the board has been working to update the Association’s governing documents, as well as the Association’s Short-Term Rental Rules. The Association is now seeking your approval of the following documents:

- Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Vineyard (“**A&R Declaration**”)
- Amended and Restated Articles of Incorporation for The Vineyard Homeowners Association (“**A&R Articles**”)
- Second Amended and Restated Bylaws of The Vineyard Homeowners Association (“**A&R Bylaws**”)
- Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Vineyard (“**Declaration Amendment**”)

A full copy of each of the above proposed governing documents as well as the Declaration Amendment is included herein.

**QUORUM FOR BALLOT MEASURES**

To encourage Owner participation, the Board has decided to conduct the vote on the matters listed above by mail pursuant to C.R.S. § 7-127-109 and has enclosed a ballot for you to cast your votes. In order for the Association to meet quorum for purposes of the vote, ballots must be returned by Owners entitled to cast at least twenty percent (20%) of the total votes in the Association. The Association is currently comprised of **202** votes; Therefore, members holding at least **41 of the 202** votes in the Association votes must return their mail-in ballots for a quorum to be met and ballots to be counted.

**VOTE REQUIRED FOR A&R DECLARATION TO BE APPROVED AND PASSED**

The governing documents of the community, specifically the Association's Declaration in Article VII, Section 3 titled *Amendment* provides the following in relevant part regarding amending the Declaration:

The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years for the date this Declaration is recorded, after which time they shall automatically be extended for successive periods of ten (10) years. **This Declaration may be amended** during the first Twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and **thereafter by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners**. Any amendment must be recorded. [Emphasis Added].

The Colorado Common Interest Ownership Act (CCIOA) provides in CRS 38-33.3-217 titled *Amendment of Declaration*, subsection (1)(a)(I)

Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), **the declaration**, including the plats and maps, **may be amended only by the affirmative vote** or agreement of unit owners of units to which more than fifty percent of the votes in the association are allocated or any larger percentage, **not to exceed sixty-seven percent, that the declaration specifies. Any provision in the declaration that purports to specify a percentage larger than sixty-seven percent is hereby declared void as contrary to public policy, and until amended, such provision shall be deemed to specify a percentage of sixty-seven percent.** The declaration may specify a smaller percentage than a simple majority only if all of the units are restricted exclusively to nonresidential use. [Emphasis Added].

The threshold vote percentage for Declaration Amendments as set forth in the Association's Declaration exceeds that permissible under CCIOA and as per CRS 38-33.3-217, the vote required to amend the Declaration is 67%.

Notwithstanding the quorum requirement, in order for this ballot measure to be adopted, the votes for the ballot measure must be at least **sixty-seven percent (67%)** of the votes of the Association. Therefore, members holding **at least 136 of the 202 votes** in the Association must return their mail-in ballots for the ballot measure to be adopted.

**VOTE REQUIRED FOR A&R BYLAWS TO BE APPROVED AND PASSED**

The governing documents of the community, specifically the Association's Bylaws in Article 12 titled *Amendments* provides the following in relevant part regarding amending the bylaws:

These By-laws may be altered, amended, repealed, or added to by an affirmative vote of not less than twenty percent (20%) of the members, either in person or by proxy.

Notwithstanding the quorum requirement, in order for this ballot measure to be adopted, the votes for this ballot measure must exceed **twenty percent (20%)** of the votes of the members, or **41 votes**, and the votes in favor of this ballot measure must be exceed the votes against the measure.

#### **VOTE REQUIRED FOR A&R ARTICLES TO BE APPROVED AND PASSED**

The governing documents of the community, specifically the Association's Articles in Article X provide that amendments to bylaws require the affirmative vote of 75% of the membership. Notwithstanding the quorum requirement, in order for this ballot measure to be adopted, the votes for this ballot measure must exceed **seventy-five percent (75%)** of the votes of the members, or **152 of the 202 votes**.

#### **VOTE REQUIRED FOR LIMITED AMENDMENT REGARDING SHORT TERM RENTALS TO BE APPROVED AND PASSED**

Pursuant to CCIOA as set forth in CRS 38-33.3-217(4.5), "no amendment may change the uses to which any unit is restricted in the absence of a vote or agreement of unit owners of units to which at least sixty-seven percent of the votes in the association are allocated or any larger percentage the declaration specifies." Notwithstanding the quorum requirement, in order for this ballot measure to be adopted, the votes for this ballot measure must exceed **sixty-seven percent (67%)** of the votes of the members, or **136 of the 202 votes**.

Please cast your vote on the enclosed ballot. Please return your ballot via mail to:

THE VINEYARD HOMEOWNERS ASSOCIATION  
c/o Divergent Properties  
7 Gamay Ct.  
Grand Junction, CO 81507

You may also return your vote via email to [Info@TheVineyardGJ.com](mailto:Info@TheVineyardGJ.com), **no later than 5:00 p.m. on June 14, 2026**. Ballots returned after the final deadline cannot be counted, so it is imperative you return your ballot as soon as possible, and in all events by the deadline. Once cast, a ballot may not be revoked. The prompt return of the enclosed

ballot will aid the Association in reducing the expense of additional solicitations. Should you have any further questions regarding this matter please contact any one of your current Board members.

Very truly yours,

Board of Directors  
THE VINEYARD HOMEOWNERS ASSOCIATION

DRAFT

**THE VINEYARD HOMEOWNERS ASSOCIATION  
BALLOT FOR  
AMENDING AND RESTATING THE ASSOCIATION'S DECLARATION,  
ARTICLES OF INCORPORATION, AND BYLAWS  
AND  
A LIMITED AMENDMENT REGARDING SHORT TERM RENTALS**

NOTICE IS HEREBY GIVEN that The Vineyard Homeowners Association hereby solicits your votes by written ballot (in lieu of conducting a meeting of the Members), for the purpose of approving the following:

- Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Vineyard ("**A&R Declaration**")
- Amended and Restated Articles of Incorporation for The Vineyard Homeowners Association ("**A&R Articles**")
- Second Amended and Restated Bylaws of The Vineyard Homeowners Association ("**A&R Bylaws**")
- Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Vineyard ("**Declaration Amendment**")

Pursuant to the terms of the Colorado Revised Nonprofit Corporation Act, a written Ballot may not be revoked.

I/We represent myself/ourselves to be (an) Owner(s) of a Lot within the community.  
I/We cast my/our vote in reference to the following matter as indicated:

Vote on the **A&R Declaration** -- (Check as appropriate)

- Vote **IN FAVOR of and APPROVE** the A&R Declaration.
- Vote **AGAINST and REJECT** the A&R Declaration.

Vote on the **A&R Articles** -- (Check as appropriate)

- Vote **IN FAVOR of and APPROVE** the A&R Articles.
- Vote **AGAINST and REJECT** the A&R Articles.

Vote on the **A&R Bylaws** -- (Check as appropriate)

- Vote **IN FAVOR of and APPROVE** the A&R bylaws.
- Vote **AGAINST and REJECT** the A&R bylaws.

Vote on the **Declaration Amendment** -- (Check as appropriate)

- Vote **IN FAVOR of and APPROVE** the Declaration Amendment.
- Vote **AGAINST and REJECT** the Declaration Amendment.

_____	_____	_____	_____
Owner (as title is held)	Date	Owner (as title is held)	Date
Legal signature - DO NOT PRINT		Legal signature - DO NOT PRINT	

Printed Name of Owner(s):  
\_\_\_\_\_

Address in the community:  
\_\_\_\_\_

This Ballot should be signed and then delivered to the Secretary of the Association, in care of:

THE VINEYARD HOMEOWNERS ASSOCIATION  
c/o Divergent Properties  
7 Gamay Ct.  
Grand Junction, CO 81507

Any questions may be directed to the Association Manager, Joy Zeller at [Info@TheVineyardGJ.com](mailto:Info@TheVineyardGJ.com) or by phone at (970)200-6020.