



Fox View Estates Homeowners Association
4360 Fox View Loop
Helena, MT 59602

2024 Fox View Estates Voting Ballot Results **Corrected 5/20/2024**

- Number of votes necessary to determine a quorum: majority of the lots eligible to vote, 50% of 41 = 20.5 or **21. 32 voted**
- Number of votes necessary to determine non-CCR items (Item 3) – simple majority of votes presented - 50% of 32 = **17**
- Number of votes necessary for CCR amendments (Items 4, 5 6, 7, and 8) – actual/eligible to vote is **32**; to pass a CCR amendment must have 2/3 of eligible votes of 38 lots with dwellings eligible to vote or **26 to approve** an item.

Q1 Please insert your email. Only one email per lot for voting. Answered/Verified: **32**

Q2 Insert your lot number and street address Answered/Verified: **32**

- **Quorum –32 Ballots submitted; verified**

Q3 – Approved – of 32 votes, 27 approved and 5 rejected (need 17 to approve)

Definition of “all other types of Recreational Vehicles” in Section 7 RECREATIONAL VEHICLES.

“All other types of Recreational Vehicles” as used in Section 7 RECREATIONAL VEHICLES of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall include trailered boats, trailers carrying items such as snowmobiles, motorcycles, ATV’s or personal watercraft, travel trailers including a pop-up tent trailer, camping trailers, fifth wheel trailers, park trailers, toy haulers, truck campers where camper is off the truck, or class A, B, or C motorhomes and vehicles and related equipment regularly used for non-commuter outdoor recreation activities.

Comments:

“either change all sections or leave as is”

Q4 – Rejected – of 32 votes, 22 approved and 10 rejected (need 26 to approve)

Proposed Covenant Amendment to read:

Section 6. ~~MOTOR VEHICLES:~~ COMMON ROADWAY USAGE

To protect the road surfaces, no trucks or vehicles with a rating of more than one and one-half (1 ½) ton are allowed with the exception of commercial and construction vehicles in the ordinary course of

business making deliveries or otherwise providing services. No cars, trucks, trailers, or other motor vehicles shall be parked, stored, or in any manner kept or placed on any roadway subject to use by all members of the Association hereinafter described, within the above-described property. Exceptions may include parking of less than 24 hours by visitors or service/emergency vehicles. ~~No motor vehicle which cannot be moved under its own power may be left on said property or on any parcel or lot, other than in a garage, for more than seventy-two (72) hours, or left on any road within said property. Scrap or junk vehicles, or any parts thereof, shall not be placed or stored on said property or on any parcel or lot. (Amended and Moved to Section 7). It is the intent that personal vehicles be parked inside the garage. (Eliminate) A maximum of three (3) personal vehicles may be parked in paved/gravel on-site parking (Moved to Section 7).~~

Comments:

“Rejected because we do not agree with ALL of the amended Section 7.”

Q5 – Rejected – of 32 votes, 25 approved and 7 rejected (need 26 to approve)

Section 7 has three (3) specific votes.

Proposed Covenant Amendment to read:

Section 7. ~~RECREATIONAL VEHICLE USE:~~ VEHICLE USE AND STORAGE:

Street bikes, road bikes, and golf carts are permitted as are garden tractors, snow blowers and lawn care equipment. No vehicles, snowmobiles, all-terrain vehicles, go-carts, dune buggies and all other types of recreational vehicles shall be operated or used on the property or on any parcel or lot, in any matter that creates a nuisance or annoyance to any owner or resident in any manner that violates State law. ATV's must stay on paved streets. **(ADD: Mountain bikes must stay on designated roads and trails. All street bikes, road bikes, snowmobiles, all-terrain vehicles, go-carts, and dune buggies must be stored in a garage or outbuilding.)**~~All~~

Comments:

“ATVs should be considered as lawn care equipment along with others listed above.”

Q6 - Rejected – of 32 votes, 10 approved and 21 rejected; 1 skipped (need 26 to approve)

Section 7 Proposed Covenant Amendment continued and to read:

(ADD New Language starting new paragraph ~~Replace previous sentence with:~~

Recreational vehicles as defined in Section 7 of the current and previous Declaration of Amended Covenants, Conditions and Restrictions shall be stored in a garage or out-building with the following exception: (1) One single Recreational Vehicle of any type defined in the administrative rules may be located on the property upon a gravel, paved or concrete pad as inconspicuously as possible year-round.

Comments: None

**Q7 - Rejected – of 32 votes, 21 approved and 11 rejected (need 26 to approve)
Section 7 Proposed Covenant Amendment continued and to read:**

Except for recreational vehicles, **[Insert from Section 6:** no motor vehicle, which cannot be moved under its own power, may be left on said property or on any parcel or lot, other than in a garage, for more than seventy-two (72) hours or left on any road within said property. Scrap or junk vehicles, or any parts thereof, shall not be placed or stored on said property or on any parcel or lot. It is the intent that personal vehicles be parked inside the garage. A maximum of three (3) personal vehicles may be parked in paved/gravel on- site parking.]

Comments: None

**Q8 – Rejected – of 32 votes, 18 approved and 14 rejected (need 26 to approve)
Proposed Covenant Amendment to read:**

Section 21. ENFORCEMENT

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any of the same, either to restrain violation or to recover damages. Failure by the Association to enforce any covenant, condition, or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. The Association, every owner of any parcel or lot, and every person having any right, title or interest in any portion of the above described property, shall have the right to enforce these restrictions. **(ADD New language:** Violations concerning recreational vehicles on property are subject to an initial \$250.00 fine plus \$25.00 per day while the violation continues. Only the initial warning will be issued in writing.

The membership of the HOA agrees that these covenants may be specifically enforced in a court of competent jurisdiction, with the member in violation being liable for any legal costs and fees incurred in obtaining compliance herewith.)

Comments:

“We would be in favor of this if the other proposed amendments pass. We are concerned about the possibility of the other amendments not passing and this one does. Separating the proposed changes into individual items poses potential problems should some pass and not others.”

“this change will only divide neighbors and cost the HOA more money from lawsuits A slippery slop to go down”