June 18, 2023

Creekshire Homeowner,

As mentioned during the annual meeting, the current Creekshire covenants and bylaws are outdated (1994) and need to be updated to meet today’s laws, regulations, and current issues. Our lawyers have advised us that the most effective way to do this is to first migrate the Homeowners Associations (HOA) to a Property Owners Association (POA) and then amend the covenants. By becoming a POA first, amending the covenants will require 2/3rds of the homeowners to approve each amendment and the amendments will apply to all homeowners. The document titled *“Georgia HOAs: Now is the Time to Submit to the Georgia Property Owners’ Association Act!*” provides additional details of the benefits of a POA.

The Board has engaged our lawyers in the process to migrate to a POA. The lawyers have provided the two documents titled “*First Amendment to the Bylaws of Creekshire Homeowners Association*” and “*First Amendment to Declaration of Covenants, Conditions and Restrictions for Creekshire and Submission to the Georgia Property Owners’ Association Act.”* These documents require approval by a majority of the homeowners to become a POA. The lawyers have provided a ballot titled “*Owner Written Consent”* which allows you to cast your vote for these amendments. The Board recommends voting Yes to become a POA.

Once the POA is adopted, the Board can begin the amendment process. The amendments of highest priority are the following:

1. Removal of self-help from the covenants. Recent court cases have ruled that if an HOA has self-help as a remedy in their covenants, which we do, then it must be the first option to correct a covenant violation. This means that if a violation occurs, the Board has an obligation to go onto that homeowner’s property to rectify the situation and bill the homeowner. The Board doesn’t believe that any homeowner wants Board members modifying their property nor does the Board want to be in that situation.
2. Banning short-term house rentals/contracts (e.g., AirBnB). Our lawyers have stated that an HOA can be held liable for potential disturbances and crimes resulting from short-term rentals. For example, if a person is hurt or killed, the HOA can be sued for having allowed this to happen. Any potential awards and costs associated with this would be split equally among all homes in the subdivision, which could be very costly.
3. Home leasing. Several corporations and hedge funds have been buying up property around Atlanta to rent homes out and to an extent, raise rent costs while not maintaining homes to an acceptable level. Our lawyers have stated that these companies have a strong lobby at the state capital and expect that the state could pass a law overruling local regulations. If this passes, the lawyers believe the next step would be to overrule HOAs such that rentals would not have to obey the covenants. By amending the covenants to account for this, a POA could be grandfathered should these changes occur.

The three amendments listed above are NOT part of the current vote. These are listed to make you aware of changes that are needed after the POA is approved. They will be part of a future vote requiring the above- mentioned 2/3rd approval to pass. Please review the documents included in this packet and cast your vote by filling out the “*Owner Written Consent*” (1 per household) and returning it by July 7th. The Board recommends a vote of Yes on the amendments to become a POA.

Return the *“Owner Written Consent”* to any board member or you can email it to [secretary@creekshire.org](mailto:secretary@creekshire.org).

Thank you for your attention to this matter.

Creekshire Board of Directors

Denny Zollweg (2977), Karen Miller (2984), Eric John (2980), Rick Schiffler (2982), Ankur Marfatia (2973)