

Dufferin Park Homeowners Association

A Residential Development in the City of Savage, MN



September 22, 2023

Via Certified Mail, Postage Prepaid, Return Receipt Requested
Dufferin Park Members in the 13th Addition:

You are receiving this Notice of Vote by certified mail, postage prepaid, Return Receipt Requested as an Owner of a home within Dufferin Park's (DP) 13th Addition. As we have communicated in the past, toward the end of each Declaration, under the Article entitled Administrative Provisions there is language stating that the "Declaration shall remain in full force and effect for 30 years after the date thereof". The Declaration for the 13th is currently set to expire August 20, 2029. Yes, a ways off, but if nothing is done, this would mean that the property in the 13th Addition no longer will be part of Dufferin Park HOA or subject to its Declaration, after August 20, 2029. The DP HOA Board of Directors believe keeping the Declaration in place is in the Association's and members' best interest. It is seeking to amend each of the Declarations for the various Additions now so as to allow future Boards to make better informed decisions about future expenses and budgets and annual assessments.

Numerous homeowners have commented about the fact that if they are no longer part of the Dufferin Park HOA, their neighbors no longer have to abide by the HOA Declarations. Correctly stated, if there are no covenants to follow, there will be no restrictions and no authority to enforce the same. That means residents can then set up their campers in their driveway; leave boats or other trailers in their driveways year round; paint their home lime green, use and leave grills in their driveways, leave their lawnmowers, furniture or other items in their front yards; allow backyard chickens to the extent the City does not prohibit this and make whatever exterior improvements desired without any oversight. The color and type of home improvements will have no regulation. Already, you do not have to drive more than a few blocks outside of Dufferin Park to see the difference in the neighborhoods. The Board believes the continuation of the HOA has value and benefits in having restrictions in place governing exterior appearance and behavior and having an entity to enforce the same.

Each homeowner within the 13th Addition has the opportunity to make their voice heard through the voting process. We will know what the future of DP will look like later this year after all additions cast their vote to remain part of the HOA or not.

Enclosed please find the proposed Amended and Restated Declaration and an Owner's Consent/Refusal to Consent form and a self-addressed stamped envelope. We need 75% of the Members of the 13th Addition to approve the Amended and Restated Declaration.

Please execute the enclosed Owner's Consent/Refusal to Consent form in front of a notary public, and return the signed/notarized Consent/Refusal to Consent form in the enclosed self-addressed stamped return envelope so the same is received by *November 21, 2023* which is 60 days after the date of mailing.

Please note that if your Lot is owned by more than one person (e.g., husband and wife or multiple owners) **all** record Owners must sign the Consent/Refusal to Consent form. If your Lot is owned by a Trust with multiple Trustees, **all Trustees** must sign the Consent/Refusal to Consent form. If your Lot is owned by an LLC, the *Manager* must sign the Consent/Refusal to Consent form. In addition, the Owner(s)' signatures must be



DUFFERIN PARK HOMEOWNERS ASSOCIATION

notarized. Therefore, whoever is signing the Consent / Refusal to Consent form must do so **in front of a Notary Public**.

As Dufferin Park is a common interest community within the meaning of Minn. Stat. § 515B.1-103(10), we are utilizing the voting process authorized by Minn. Stat. § 515B.2-118 (a)(7), pursuant to which an Owner's approval is deemed to be granted if the Association:

- i) sends notice and a copy of the proposed amendments to you by United States certified mail, postage prepaid and return receipt requested;
- ii) requests that you consent to the proposed amendment; and
- iii) the Owner's written refusal to consent to the proposed amendment is not received by the Association within 60 days after the notice and proposed amendment are mailed to you.

In other words, an Owner's failure to timely return a written *Refusal* to Consent form allows the Association to treat that Owner as having consented to the Amended and Restated Declaration.

Please return your written Consent/Refusal to Consent form so the same is received by midnight on November 21, 2023 using the enclosed self-addressed stamped return envelope, or mail to:

*Dufferin Park Association
c/o Gretchen S. Schellhas, Esq.
Chestnut Cambronne PA
100 Washington Avenue South, Suite 1700
Minneapolis, MN 55401-2138*

The Consent/Refusal to Consent forms will be tallied after the required 60 days have passed. If the proposed Amended and Restated Declaration is approved, it will be recorded and you will be provided a copy of the same. If the amendment fails, unless another attempt is made to amend the Declaration and extend the duration language, the 13th Addition no longer will be part of DP as of August 20, 2029.

A copy of these enclosed materials, including a full compared version of the amended Declaration, can be found on the Dufferin Park HOA website (<http://www.dufferinpark.com/>). If you have any questions, please do not contact the Association's attorney. Rather, please reach out to the Board at questions@dufferinpark.com. The Board would be happy to answer your questions. You may also reach out to Association One at 1 (833) 737-8663, or via email at support@associationone.com with any questions. The forms, however, must be returned to the address above.

Dufferin Park HOA Board of Directors

Enclosures:

- Proposed Amended and Restated Declaration
- Consent/Refusal to Consent Form
- Self-addressed stamped envelope

AMENDED AND RESTATED DECLARATION OF COVENANTS

This Amended and Restated Declaration ("Amendment") is made effective upon recording, on this ___ day of _____, 20__, by Dufferin Park Owner's Association, ("Association") and approved by the required percentage of Owners in the Subdivisions pursuant to Article VI, Section 4 of the Declaration of Covenants for Dufferin Park 13th Addition ("Original Declaration").

WHEREAS, the Original Declaration dated August 20, 1999 and was filed in the Office of the Scott County Registrar of Titles' Office on August 30, 1999 as Document No. T106569; and

WHEREAS, the Original Declaration requires 75% of the owners of Lots in the Addition, as described therein to approve amendment of the Declaration; and

WHEREAS, the Association desires to subject the real property described in the attached **Exhibit A** to this Amended and Restated Declaration ("Property") and the Owner of the 13th Addition have approved the same, as shown in the attached **Exhibit B**.

NOW, THEREFORE, the Association makes this Amended and Restated Declaration ("Declaration") declaring that the Declaration shall be amended as set forth herein, and that the covenants and restrictions hereafter set forth shall be binding upon all persons having any right, title or interest in the Property, including their heirs, personal representatives, grantees, successors and assigns, effective as of the date of the filing of this Amended and Restated Declaration.

RECITALS

A. The Association is comprised of certain lands located in Scott County, Minnesota, legally described as follows:

Lots 1 through 16, Block 1, all in DUFFERIN PARK 13TH ADDITION

B. The Association desires to impose upon and subject the Subdivisions to certain covenants, easements, restrictions and reservations for the benefit of the

Dufferin 13th - Individual

DUFFERIN PARK OWNER'S ASSOCIATION
Owner's Consent to
Proposed Amended and Restated Declaration of
Covenants for Dufferin Park 13th Addition

_____ and _____, is/are the Owner(s) of _____, Savage, MN, which is located within the Dufferin Park Owner's Association and is legally described as follows:

Lot ___, Block ___, Dufferin Park 13th Addition

Certificate of Title No. _____

HEREBY CONSENT(S) to the recording against my/our Lot of the attached proposed Amended and Restated Declaration of Covenants for Dufferin Park 13th Addition, amending that Declaration of Covenants for Dufferin Park 13th Addition dated August 20, 1999 and filed in the Office of the Scott County Registrar of Titles on August 30, 1999 as Document No. T106569.

(Signature)

(Print Owner's Name)

State of Minnesota)
) ss.
County of _____)

The foregoing instrument was acknowledged before me, a Notary Public, this ___ day of _____, 2023, by _____, the Owner(s) of the above-described property, who is/are a single person or an individual married to _____ (**Notary, please cross out the inapplicable portion**).

Notary Public

(Signature)

(Print Owner's Name)

State of Minnesota)
) ss.
County of _____)

The foregoing instrument was acknowledged before me, a Notary Public, this ___ day of _____, 2023, by _____, the Owner(s) of the above-described property, who is/are a single person or an individual married to _____ (**Notary, please cross out the inapplicable portion**).

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Gretchen S. Schellhas, Esq.
Chestnut Cambronne PA
100 Washington Avenue South, Suite 1700
Minneapolis, MN 55401-2138

Dufferin 13th - Individual

DUFFERIN PARK OWNER'S ASSOCIATION
Owner's REFUSAL TO CONSENT to
Proposed Amended and Restated Declaration of
Covenants for Dufferin Park 13th Addition

_____ and _____, is/are the Owner(s) of
_____, Savage, MN, which is located within the Dufferin
Park Owner's Association and is legally described as follows:

Lot ___, Block ___, Dufferin Park 13th Addition

Certificate of Title No. _____

HEREBY REFUSE(S) TO CONSENT to the recording against my/our Lot of the attached proposed
Amended and Restated Declaration of Covenants for Dufferin Park 13th Addition, amending that Declaration of
Covenants for Dufferin Park 13th Addition dated August 20, 1999 and filed in the Office of the Scott County
Registrar of Titles on August 30, 1999 as Document No. T106569.

(Signature)

(Print Owner's Name)

State of Minnesota)
) ss.
County of _____)

The foregoing instrument was acknowledged before me, a Notary Public, this ___ day of
_____, 2023, by _____, the Owner(s) of the above-described
property, who is/are a single person or an individual married to _____ (Notary,
please cross out the inapplicable portion).

Notary Public

(Signature)

(Print Owner's Name)

State of Minnesota)
) ss.
County of _____)

The foregoing instrument was acknowledged before me, a Notary Public, this ___ day of
_____, 2023, by _____, the Owner(s) of the above-described
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