

Tomahawk Creek Covenant's Committee Report May 22, 2014

This month's report provides information requested regarding proxies.

Proxy is located in the Bylaws, Article II. Section 8.

Section 8. Proxy. Any member entitled to vote may do so by written proxy duly executed by the member setting forth the meeting at which the proxy is valid. To be valid, a proxy must be filed with the Secretary prior to the opening of the meeting for which it is to be used. Proxies must be dated and may be revoked only by written notice filed with the Secretary prior to the opening of the meeting for which it is to be used. Presence in person by the giver of a proxy at the meeting for which a proxy is given shall automatically invalidate the proxy.

Proxies must be presented at the beginning of the meeting. This is established in our Bylaws (Section 8) and the Kansas Bill of Rights (Section 13(1)).

Section 14, subsections (1), (2), (3), (4), and (5) of the Kansas Bill of Rights mirror our Bylaws, Article II. Section 7. Voting.

Section 7. Voting. Each Unit shall be entitled to a vote as set out in the Declaration which may be cast by the Owner, the Owner's spouse, or by a lawful proxy as provided below. In the case of an Owner which is a corporation or partnership, the Owner shall designate by written notice to the Secretary of the Association the name and address of the individual who shall exercise the Owner's membership rights. When more than one (1) Person owns a Unit, the vote for such Unit shall be exercised as such Persons determine between or among themselves, but in no event shall more than one (1) vote be cast with respect to any Unit. If the Owner's spouse or only one co-owner attempts to vote for a Unit, it shall be conclusively presumed that such Owner's spouse or co-owner is authorized on behalf of the Owner or all co-owners to cast the vote for the Unit. In the event of disagreement among co-owners and an attempt by two (2) or more of them to cast such vote, such Persons shall not be recognized and such vote shall not be counted.

A quorum for meetings is outlined in the Bylaws, Article II, Section 5. = 1/3 of the total eligible Association vote, in person or by proxy. Eligible would mean those units not encumbered by a lien or default of assessments. Pursuant to Kansas Bill of Rights Act at Section 8.a.(6)(B) and contrary to our Bylaws, owners have the right to vote except involving issues of assessments and fees. This means that a delinquent owner would not be eligible to be nominated for a position on the board of directors, but could vote for positions on the Board of Directors.

We have attached a suggested general proxy for the annual 2014 election for your consideration.

Respectfully,

The Covenants Committee