



**BIRKDALE COMMUNITY ASSOCIATION  
SPECIAL BOARD OF DIRECTORS' MEETING**

**TOWN HALL - to discuss “DRAFT LANGUAGE” for an  
AMENDMENT TO DECLARATION**

**Thursday, April 23, 2026  
Spring Run Elementary School – Cafetorium  
6:30 PM**

**“Draft Language” for Proposed Amendment**

Your Birkdale Community Association Board of Directors will hold a **“Town-Hall” Meeting** to discuss “draft” language for a proposed amendment to the Governing Documents Declaration. At this meeting, Owners may provide feedback for the Board’s consideration. This meeting is for DISCUSSION ONLY; there will be NO votes at this meeting by the Board of Directors or Birkdale Owners. The proposed amendment is NOT site specific to the Birkdale Golf Club pool.

The complete proposed “draft” amendment language and “Frequently Asked Questions” (FAQ) are available online at [www.birkdaleonline.com](http://www.birkdaleonline.com) and via your Owner portal at VANTACA. Selected paragraphs of the draft language for the amendment are attached to this flyer.

**What are the two key elements of the draft language?**

- 1) The amendment would authorize the Board of Directors to use assessment to purchase, operate and maintain additional assets.
- 2) The amendment would require a two-thirds (2/3) affirmative vote of all 657 Lot Owners to enter into any loan, credit agreement, or other arrangement that creates a debt obligation.

**Is an amendment necessary?**

Birkdale’s Governing Documents permit the use of assessments to be used for the operation and maintenance of current Common Areas only.

**How many votes of Owners are required to pass an amendment?**

A two-thirds (2/3) affirmative vote of 657 all Lot Owners, or 438 “yes” votes) is required for passage of the amendment.

**AMENDMENT TO THE MASTER PROTECTIONS, A DECLARATION OF COVENANTS,  
EASEMENTS, AND RESTRICTIONS**

**1. Article V of the Declaration is hereby amended by the addition of Section 5.12 so that Article V, Section 5.12 of the Declaration, in its entirety, reads as follows:**

*Section 5.12. Purpose and Use of Association Funds for the Purchase, Maintenance, Repair, Replacement, Alteration, Improvement and Operation of Property and Additional Assets. Notwithstanding the existing provisions of this Article, and in addition to any other purposes and use of assessments herein, the Board of Directors, on behalf of the Association, shall have the right, at its discretion, at such time or times as it shall determine, to use Association funds collected through assessments or otherwise to fund the purchase, conveyance, acquisition, annexation, maintenance, repair, replacement, alteration, improvement and operation of additional real and personal property and physical assets, including but not limited to personal property, real property and any improvements or amenities thereon, and easements, rights and appurtenances thereunto belonging, including property described herein as "Recreation Area" or otherwise subject to a "Recreation Area Lease," for the use and benefit of the Association and its Membership. Such additional property owned by the Association shall be deemed "Common Area" pursuant to this Declaration. Each of the additions authorized pursuant to this Section 5.12 shall be made by the Association recording in the Clerk's Office an appropriate instrument describing the portion(s) of any property acquired pursuant to this section and subjected to this Declaration. Each such instrument may contain such additions, deletions and modifications to the provisions of this Declaration as may be desired by the Association. The adoption of this Section 5.12 as an amendment to the Declaration as required by Article IX, Section 9.4 of the Declaration shall serve as evidence of the approval of the Members use Association funds collected through assessments or otherwise to fund the purchase, conveyance, acquisition, maintenance, repair, replacement, alteration, improvement and operation of additional real and personal property and physical assets at the discretion of the Board of Directors.*

**2. Article V of the Declaration is hereby amended by the addition of Section 5.13 so that Article V, Section 5.13 of the Declaration, in its entirety, reads as follows:**

**Section 5.13. Authority to Borrow Funds for Purchase and Maintenance of Common Areas.** *The Board of Directors, on behalf of the Association, shall have the authority to unilaterally borrow money on behalf of the Association, or to assign or pledge any revenues to be received by the Association — including, but not limited to annual and special assessments — and to grant security interests in Association-owned property and assets, to secure the repayment of any sums borrowed, or for any other reason, including for the purposes of maintaining, repairing, replacing, altering, improving or operating existing Common Areas, as well as for the purposes of purchasing, conveying, acquiring, annexing, maintaining, repairing, replacing, altering, improving and operating of additional real and personal property and physical assets, including but not limited to personal property, real*

*property and any improvements or amenities thereon, and easements, rights and appurtenances thereunto belonging, including property described herein as "Recreation Area" or otherwise subject to a "Recreation Area Lease," for the use and benefit of the Association and its Membership. All associated debt service shall be integrated into the annual budget, and the Board shall retain the authority to levy any assessments required to satisfy the repayment terms of such obligations. The authority of the Board to borrow money, assign or pledge revenues or grant security interests pursuant to this section is contingent upon the presentation of the details of the proposed borrowing of funds to be undertaken by approval of the Owners of at least two-thirds (2/3) of the Lots within the Birkdale subdivision and subject to this Declaration..*