

Blakely Island Legal Procedures Information

Bylaw VII Voting and Election Procedures

Section 8

Any issue that can be voted on in person by any member of the Association or member of the Board of Governors can also be voted on by mail. If the vote is to be conducted by mail, the President or Secretary shall mail all written material concerning the issue, including an appropriate ballot and a stamped return envelope, to each voting member at least thirty (30) days prior to the deadline for counting the votes. The Secretary shall keep all written ballots for at least two years after the date the voting is effective.

Explanation of the BIMC Homeowner's Request

1. A certified letter to the BIMC Board of Governors was received on March 18, 2012.
2. The request fulfilled the requirement of:

Bylaw Article VII Voting and Elections, Section 5, Paragraph F that states:

Section 5

- f. Proposals from members involving amendments to the BIC, these by-laws or any rule or regulation adopted by the Board, or any other significant matters requiring consideration by the full membership. Such proposals must be submitted in writing to the Board not later than April 1st.

Therefore, the BIMC Board of Governors must honor the homeowner's proposal and bring the proposed Covenant #18 amended language to the membership for a vote.

Current Blakely Island Covenant #18 Language

BIMC Covenant #18 Pets and Animals: Except for household pets, no animals, including horses, rabbits, or other farm animals, shall be kept or maintained upon any of said tracts or lots in said San Juan Aviation Estates.

Proposed Amended Language of BICS Covenant #18. Pets and Animals

Except for household pets and chickens, no animals, including horses, rabbits, or other farm animals, shall be kept or maintained upon any of said tracts or lots in San Juan Aviation Estates.

Quorum Information

The owners of not less than two-thirds (2/3) of all of the lots or tracts included within the recorded plat of the San Juan Aviation Estates are required to represent a quorum for the vote on the amendment to Blakely Island Covenant #18. Please provide another San Juan Aviation and Estates homeowner with your proxy representing your lot(s), if you are unable to vote.

BLAKELY ISLAND COVENANT: June 1, 1995 Filing # 95063011

Amendments. The restrictions and conditions herein imposed may be amended, renewed, or extended in whole or in part, at any time or at once, by written instrument duly executed and acknowledged by the owners of not less than two-thirds (2/3) of all of the lots or tracts included within the recorded plat of the San Juan Aviation Estates at the time of the vote on the amendment. Any such amendment shall be placed on record with the County Clerk of San Juan County and shall be, from the date of such record, binding upon all of the tracts or lots in said San Juan Aviation Estates, and also on all of the owners of all of such tracts and lots. Any change in use of a lot or plat and any future addition to the San Juan Aviation Estates must comply with this paragraph, except those parcels referenced in paragraph 12(D).

Requirement for Amending the Blakely Island Covenants

Each member who submits a vote approving the proposed language change to the Blakely Island Covenant #18, must have their signature notarized on the form provided. Thank you for your participation in the voting process

BLAKELY ISLAND MAINTENANCE COMMISSION
BALLOT
PROPOSED AMENDMENT FOR BLAKELY ISLAND COVENANT #18

May 29, 2012 - June 29, 2012

This proposed amendment to the Blakely Island Covenant #18: Pets and Animals, was brought to the Board of Governors through a March 18, 2012 certified letter by a homeowner. The letter asked for a membership vote to allow chickens on the plat.

1. If you want to allow chickens on the plat, please vote, sign your ballot, have it notarized and send it back. Please refer to the last page of the ballot informational packet for the notarized form.
2. If you prefer to keep the Covenant as written, simply vote, sign the ballot and return it; no notary is necessary in this choice.
3. If you decide to abstain from voting, simply vote, sign your ballot and return it to be counted as part of the necessary 2/3 lot owners response for quorum. No notary is necessary in this choice.
4. Please attach a signed and dated proxy form with the ballot, if appropriate.
5. The voting period is from May 29, 2012 to June 29, 2012.
6. Please email, mail, fax, scan or present your signed voting preference by June 29, 2012.

Please return your ballot to:
Sally Elliman, BIMC President
P O Box 5342
Blakely Island, WA 98222
FAX 360 - 375 - 6076
sallybimc@hotmail.com

Approved:

I, _____,
owner of lot (s) _____ APPROVE the proposed amendment to the Blakely Island
Covenant #18: Pets and Animals, dated this _____ day of _____, 2012.
Please send the completed notarized form found on the last page of the ballot informational
packet.

Reject:

I, _____,
owner of lot (s) _____ REJECT or do not approve the proposed amendment to the
Blakely Island Covenant #18: Pets and Animals, dated this _____ day of
_____, 2012.

Abstain:

I, _____,
owner of lot (s) _____ ABSTAIN from voting on the proposed
amendment to the Blakely Island Covenant #18: Pets and Animals, dated this _____ day
of _____, 2012, but want to be counted in the quorum.

(See Notary Page Below, if Approving the Amendment)

Owner's Name(s): _____

San Juan Aviation Estates Lot Number(s): _____

San Juan County Assessor's Parcel Number(s): _____

By my signature below, I state that I am an Owner of the identified Lot(s) within the San Juan Aviation Estates, and I approve the First Amendment to the Blakely Island Covenants provided below and authorize the Blakely Island Maintenance Commission to record the First Amendment with the San Juan County Auditor.

{Notarized Signature Page}

Lot Owner's Name(s): _____

San Juan County Assessor's Parcel Number(s):

Signature

Signature

Name

Name

ACKNOWLEDGMENT

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this day personally appeared before me _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this _____ day of _____, 2012.

(Signature of Notary)

(Legibly Print or Stamp Name of Notary)
Notary Public in and for the State of Washington,
residing at _____

My commission expires

FIRST AMENDMENT TO THE BLAKELY ISLAND COVENANTS

THIS FIRST AMENDMENT TO THE BLAKELY ISLAND COVENANTS (this "First Amendment"), effective upon its recording in San Juan County, Washington, is made and executed on the date hereinafter set forth.

RECITALS

- A. The San Juan Aviation Estates was platted and recorded on June 16, 1955 under Volume 1 of Plats on page 105, 105A and 105B with the auditor of San Juan County, Washington.
- B. Properties within the San Juan Aviation Estates are subject to covenants, conditions and restrictions contained in the Blakely Island Covenants, recorded June 30, 1995 in Volume 512 of Official Records, at page 375, under Auditor's File No. 95063011, records of San Juan County, Washington.
- C. As provided in Art. 2, Para. C of the Blakely Island Covenants, the restrictions and conditions imposed may be amended "in whole or in part, at any time or at once, by written instrument duly executed and acknowledged by the owners of not less than two-thirds (2/3) of all of the lots or tracts included within the recorded plat of the San Juan Aviation Estates at the time of the vote on the amendment. Any such approved amendment and the instrument effecting such amendment shall be placed on record with the County Clerk of San Juan County and shall be, from the date of such record, binding upon all of the tracts or lots in said San Juan Aviation Estates, and also on all of the owners of all such tracts and lots."
- D. Art. 18 of the Blakely Island Covenants states, "Except for household pets, no animals, including horses, rabbits, or other farm animals, shall be kept or maintained upon any of said tracts or lots in said San Juan Aviation Estates." An owner within the San Juan County Aviation Estates submitted a timely request to the Blakely Island Maintenance Commission's Board to amend the Blakely Island Covenants to allow chickens.
- E. By executing this instrument below, the identified Owner accents to this First Amendment of the Blakely Island Covenants as described herein.
- F. FIRST AMENDMENT

1. ~~Pets and Animals.~~ Article 18 of the Blakely Island Covenants is hereby amended its entirety as follows:

"Except for household pets and chickens, no animals, including horses, rabbits, or other farm animals shall be kept or maintained upon any of said tracts or lots in San Juan Aviation Estates."

2. Incorporation by Reference. Capitalized terms used herein without definition, including the above recitals, shall have the same meaning ascribed to such terms in the Blakely Island Covenants.
3. Ratification. Except as expressly modified by this First Amendment, the Blakely Island Covenants remain in full force and effect as previously executed and recorded.