

**RESOLUTION OF
RODEO LANE HOMEOWNERS ASSOCIATION
Special Assessments for Shortfalls
(November 1, 2021)**

WHEREAS, the Rodeo Lane Homeowners Association (the “Association”) is operating at a loss in the 2021 Fiscal Year due at least to a significant shortfall in income with respect to its actual operating expenses; and

WHEREAS, due to unanticipated inflation and other adverse economic conditions, the Association may operate at a loss in the 2022 Fiscal Year and in subsequent years even with the maximum allowed increases in Regular and Extraordinary Assessments; and

WHEREAS, the Owners are responsible for the “[a]ll expenses reasonably necessary for the operation and administration of the association and any reasonable reserve for such purposes as determined by the Committee”¹; and

WHEREAS, the Declaration requires that assessments levied by the Association be used exclusively for, among other things, “the necessary expenses of operating the Association”²; and

WHEREAS, the Declaration authorizes the Management Committee to levy, in addition to the Regular and Extraordinary Assessments, Special Assessments without limitation as to amounts and frequency against Owners and Town Homes for costs to bring the Owners and Town Homes into compliance with the Governing Documents³;

THEREFORE, be it

RESOLVED, that beginning the 2021 Fiscal Year and for each subsequent Fiscal Year for which the Regular Assessment and any Extraordinary Assessment are insufficient to meet the Association’s actually-incurred expenses for the Fiscal Year or any month therein, including 100% funding of the Working Capital Fund in accordance with the most recent reserve study, a Special Assessment for that Fiscal Year or such month shall be levied in the amount required to make up the total shortfall; and

RESOLVED FURTHER, that an equal share of each such levied Special Assessment shall be assessed against each Town Home and payable by the Owner(s) of each such Town Home on a schedule and at a time determined by the Management Committee or the Association’s manager; and

¹ Decl. Art. I, sec. 8.

² Amended Declaration of Covenants, Conditions & Restrictions of Rodeo Lane Town Homes (the “Declaration” or “Decl.”) as recorded June 9, 2004, Art. IV, sec. 1; (Note: terms not defined herein shall be ascribed the meanings found in the Declaration)

³ Decl. Art. IV, sec. 5

RESOLVED FURTHER, that each such levied Special Assessment shall be subject to all assessment-related provisions in the Declaration and applicable law; and

RESOLVED FURTHER, that the Association’s manager is hereby authorized to implement such Special Assessment levies as described herein and in accordance with the Declaration.

IN WITNESS WHEREOF, the undersigned members of the Management Committee certify that they represent a quorum and that they have executed and ratified this Resolution as effective on the date first written above.

Signed: *Amber Nicholas* dotloop verified
11/24/21 10:39 AM
MST
Y1BZ-QA2P-DUJJ-YVE1

Printed Name: Amber Nicholas, Management Committee Member

Signed: *Ty Nicholas* dotloop verified
11/24/21 11:27 AM
MST
VOSJ-GAKY-IR8C-OTTB

Printed Name: Ty Nicholas, Management Committee Member

Signed: _____

Printed Name: _____, Management Committee Member