

******NOTICE OF SPECIAL ELECTION******

The Apache Wells Homeowners Association Board of Directors at the February 7, 2008 Board Meeting, passed a resolution to hold a Special Meeting of the members to vote upon amending the following Bylaw:

CURRENT BYLAW:

Article X, Section 2.D.(1) SPECIAL ASSESSMENT:

Special assessments shall be approved by a two-thirds (2/3) vote of the Board at a duly called meeting at which a quorum is present, and by a majority vote of residential unit owners at a special election called and publicized for that specific purpose.

PROPOSED BYLAW:

Article X, Section 2.D.(1) SPECIAL ASSESSMENT:

Special assessments shall be approved by a two-thirds (2/3) vote of the Board at a duly called meeting at which a quorum is present, and by a majority vote of residential unit owners present and voting at a special election called and publicized for that specific purpose. Absentee ballots are considered present for the purpose of this section.

REASON FOR BYLAW AMENDMENT:

Adding the words "present and voting" to this Bylaw makes it consistent with other HOA Bylaws dealing with voting procedures. Arizona law states that absentee ballots must be made available in all elections, and that such votes are considered "present" at the election. The inclusion of the words "present and voting" makes it clear that actual votes cast, in person or by absentee ballot, will be counted in an election. Non-votes will not be counted either yea or nay.

****** VOTING INSTRUCTIONS ******

- 1. ABSENTEE BALLOT:** The Absentee Ballot and an authorized Ballot Envelope preaddressed to the Apache Wells Board of Directors are enclosed. **MARK THE BALLOT EITHER NO OR YES.** On the back of the Ballot Envelope, print and sign your name, insert lot number and date where indicated. Insert the completed Ballot into the Ballot Envelope, seal and stamp the Ballot Envelope and return by mail for delivery to the Apache Wells Board of Directors no later than the deadline of 3:00 PM on March 11, 2008.

OR

Complete the Absentee Ballot and preaddressed authorized Ballot Envelope as instructed above and place the sealed Ballot Envelope in the locked Ballot Box located in the Apache Wells Homeowners Administration Building before the deadline of 3:00 PM on March 11, 2008.

- 2.** Absentee Ballots that are incomplete and/or received after the deadline shall be deemed invalid.
- 3. VOTING IN PERSON:** Vote between the hours of 9:00 AM and 3:00 PM at the Apache Wells Homeowners Administration Building on Tuesday, March 11, 2008.
- 4.** This Absentee Ballot is valid for only the election at the Special Meeting to be held on March 11, 2008 and expires automatically after the completion of the election.
- 5.** This Absentee Ballot DOES NOT authorize another person to cast a vote in the name of or on behalf of an Apache Wells Homeowners Association member.
- 6.** A member shall only be entitled to one vote once for each residential unit owned.

APACHE WELLS HOMEOWNERS ASSOCIATION, INC
ABSENTEE BALLOT

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SAMPLE ONLY NOT FOR USE

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SAMPLE NO

SAMPLE YES

Per the enclosed Voting Instructions, the Absentee Ballot must be delivered to the Apache Wells Homeowners Association Board of Directors no later than 3:00 PM on March 11, 2008. This Absentee Ballot is valid for only the Special Meeting to be held on March 11, 2008 and expires automatically after the completion of the election. This Absentee Ballot DOES NOT authorize another person to cast a vote in the name of or on behalf of an Apache Wells Homeowners Association member.