

approval by written ballot of (a) delegates entitled to cast at least ninety percent (90%) of the Voting Power of the Members of the Association other than Declarant, and (b) at least ninety percent (90%) of the Mortgagees.

12.5 Compliance with Business and Professions Code. Notwithstanding any other provision in this Article 12, the adoption of any amendment to these Bylaws shall comply with the provisions of California Business and Professions Code Section 11018.7, or any successor statutes or laws, to the extent that said Section is applicable.

ARTICLE 13

ENFORCEMENT OF BONDED OBLIGATIONS

13.1 Community Common Area Improvements. In the event that the Improvements to be installed by Declarant on the Community Common Area have not been completed prior to the issuance by the California Department of Real Estate of a Final Subdivision Public Report covering the subject portion of the Covered Property, and in the further event that the Community Association is the obligee under a bond to secure performance by the Declarant to complete such Improvements, then if such Improvements have not been completed and a notice of completion filed within sixty (60) days after the completion date specified in the planned construction statement appended to the bond, the Community Board shall consider and vote upon the question of whether or not to bring action to enforce the obligations under the bond. If the Community Association has given an extension in writing for the completion of any such Improvement, then the Community Board shall consider and vote on said question if such Improvements have not been completed and a notice of completion filed within thirty (30) days after the expiration of the extension period. In the event that the Community Board determines not to take action to enforce the obligations secured by the bond, or does not vote on the question as above provided, then, in either such event, upon petition signed by Members representing five percent (5%) or more of the Voting Power of the Community Association, excluding the Voting Power of Declarant, the Community Board shall call a special meeting of the Delegates to consider the question of overriding the decision of the Community Board or of requiring the Community Board to take action on the question of enforcing the obligations secured by the bond. Said meeting of Delegates shall be held not less than thirty-five (35) days nor more than forty-five (45) days following receipt of the petition. At said meeting, a vote of a majority of the Voting Power, excluding the vote of Declarant, to take action to enforce the obligations under the bond shall be deemed to be the decision of the Community Association, and the Community Board shall thereafter implement the decision by initiating and pursuing appropriate action in the name of the Community Association.