

**TESTIMONY OR PRESENTATION INFORMATION
FOR
LOCAL GOVERNMENT COMMITTEE**

Please send all testimony or presentations in pdf format 24 hours in advance of the scheduled meeting to Debra.Heideman@house.ks.gov

Name of Conferee/Presenter Monica Steinle

Agency represented Ashley Park Homes Association

Bill # 2268

Proponent

Opponent

Neutral

Will your testimony be given:

Oral In Person

Oral Via WebEx

Written Only

If you are presenting testimony via WebEx, you will need to be sent an invitation to join the meeting. Please provide your email address.

Email address _____

If you are giving a presentation, please complete the following:

Name of your presentation _____

Do you need Audio/Video Equipment for your presentation? Please list.

Thank you,

Debra Heideman, Local Government

Committee Assistant

Room 149-S, 785-296-7681

To the House Committee:

I was happy to see HB 2268 added to Article 46, 58-4601, the Kansas Uniform Common Interest Owners Bill of Rights Act, passed in 2011.

To ensure our Association can amend and update our governing documents as required, I need help with Article 46, 58-4601, to which HB 2268 is attached. Our HOA gives homeowners with the largest lots more voting power over those with smaller lots, which violates the intent of Article 46, 58-4601.

To modify our Homes Association Declaration (vol 4072, page 114, filed 9/20/93), it reads:
"Section 11. AMENDMENT. By written consent of the Owners of three-fourths (3/4ths) of the area of the land within the District as then constituted, evidenced by a Declaration duly executed and acknowledged by such Owners and recorded in the Office of the Register of Deeds for Johnson County, Kansas, this instrument may be modified, and amended; provided, however, this Declaration may not be amended without the written consent of Developer so long as Developer is the Owner of any Lot within the District as then constituted.

Note: The above Declaration was written during the initial state of development when the developer owned most of the lots. The Developer also owned and lived on a Lot within the District; he has since passed away.

The Kansas Uniform Common Interest Owners Bill of Rights Act evens the playing field with the implied intention of one unit, one vote; however, because the Act does not state that expressly, our Board will not move forward without trying to get a vote of the owners of 3/4ths of the area of the land.

I have been seeking to change our documents to comply with the Kansas Uniform Common Interest Owners Bill of Rights Act since 2011. Can you determine if we need to follow the initial wording from 1993 and obtain consent from owners of 3/4th of the area of the land, or can we interpret the Act to mean one unit (in our case, a free-standing home) receives one vote?

Thank you for your consideration.

Monica Steinle

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Ashley Park