

# **Shadow Brook Homeowners' Association**

## **Notice of Nominating Procedure**

This is the official notice for the Nominating Procedure and Call for Candidates. The candidate qualifications are as follows:

- 1) A Candidate shall be disqualified for not being a Member of the Association at the time of the nomination [as validated by Shadow Brook system of Record – QuickBooks], subject to the following:
  - a) A developer is not restricted from making a nomination of a nonmember candidate consistent with the voting power of the developer as set forth in the regulations of the Department of Real Estate (DRE) and the Association's governing documents.
  - b) If title to a separate interest parcel is held by a legal entity that is not a natural person, the governing authority of that legal entity shall have the power to appoint a natural person to be a Member. The natural person appointed as Member must be a trustee, director, shareholder, or partner of the legal entity that holds title to the separate interest parcel.
- 2) A Candidate shall be disqualified if any of the following apply:
  - a) The Candidate is not current in the payment of regular or special assessments, subject to validation, except if:
    - i. The Candidate has paid the regular or special assessment under protest.
    - ii. The Candidate has entered into a payment plan for the delinquent regular or special assessments.
  - b) The Candidate, if elected, would be serving on the Board at the same time as another person who holds a joint ownership interest in the same separate interest parcel as the Candidate, and the other person is either properly nominated for the current election or an incumbent Director.
  - c) The Candidate discloses, or the Association is aware or becomes aware of, a past criminal conviction that would, if the person was elected, either prevent the Association from purchasing the fidelity bond coverage required by California Civil Code § 5806 or result in the termination of the Association's existing fidelity bond coverage.
- 3) A Candidate shall not be disqualified under the following circumstances:
  - a) For nonpayment of fines, fines are renamed as assessments, collection charges, late charges, or costs levied by a third party.
  - b) If the Nominee has not been provided the opportunity to engage in internal dispute resolution pursuant to California Civil Code §§ 5900-5920.

Please complete the form on the reverse side to self-nominate. All nominations must be postmarked by September 26, 2024, and mailed to the following address:

Shadow Brook HOA and Swim Club

P.O. Box 20271

San Jose, CA 95160

# Shadow Brook Homeowners' Association 2024

## Candidate Nomination Form

Full name of Candidate:

Phone number of Candidate: ( )

Email address of Candidate:

Property address within Shadow Brook HOA (HOA Property of Record):

Preferred mailing address (if different from above):

Candidate introduction/bio to be provided with election Ballots:

- Bios can be emailed to [elections@shadowbrook.org](mailto:elections@shadowbrook.org)
- Please limit bios to 200 words, due to space constraints