

Timber Creek Preserve Phase 2 Homeowners Association

Date January 13, 2026
To: All Timber Creek Preserve Phase 2 Homeowners
From Timber Creek Preserve Phase 2 Board of Directors
Rob Chang, President
Subject Meeting Date – January 27, 2026 | Hyatt Place Hotel, Malta NY

Special Meeting of the Homeowners

The Association President, Rob Chang, has called a Special Meeting of the Homeowners at the request of Mr. Samuel Dorsey and other petitioners for a Special Meeting of the Homeowners on **Tuesday, January 27, 2026 at 6:30 PM**. The meeting will take place at the **Hyatt Place Hotel, Malta, New York**. The Hyatt Hotel is located near exit 12 of the Northway at 20 State Farm Pl, Malta, NY 12020. See map below.

Purpose of the Meeting

- Consideration of a motion to remove all of the current directors of Timber Creek Preserve Phase 2 Homeowners Association, Inc.
- If the motion is voted on and accepted, there will be an election for new directors.
- A motion to consider adoption of updated By-Laws.

The meeting is being called at the request of petitioners who constitute at least 10 percent of the voting members of the Association.

An excerpt of the relevant sections of New York State Not-for-Profit Law and the Timber Creek Preserve Phase 2 Declaration are attached as **Attachment 1**. These sections reference removal of directors

A sample ballot is attached as **Attachment 4**

Quorum needed to conduct business at the meeting

We urge you to attend the meeting so that you are informed about these important issues that affect the way the HOA is governed and operated. We also need 1/10th of the total membership to establish a quorum. We currently have about 178 members, so a quorum call is 18.

Updated By-Law Article

The petitioners intend to propose updated and restated By-Laws for the Association. A copy of the proposed By-Laws along with a copy of the current By-Laws can be found on the Association's website at <https://www.tcp2hoa.com/>

Timber Creek Preserve Phase 2 Homeowners Association

Agenda for the Special Meeting of Members

January 27, 2026 – 6:30 PM

Hyatt Place Malta

1. Call to Order by the Secretary of the Association
2. Verification of Quorum
 - Motion: Removal of Current Directors Conducted pursuant to NPCL §706 and the Declaration of the Timber Creek Preserve Phase 2 Homeowners Association
 - Vote of the Members
 - Election of a New Three-Member Board of Directors (per COI; fee-simple eligible individuals only Nominations, if required)
 - Candidate introductions (optional, if required)
 - Vote of the Members
 - Motion: Adoption of Amended & Restated By-Laws Presentation of proposed by-laws
 - Member discussion
 - Vote of the Members
 - Adjournment

Timber Creek Preserve Phase 2 Homeowners Association

Removal Resolution

PROPOSED RESOLUTION – REMOVAL OF CURRENT DIRECTORS

RESOLVED, that all current directors of Timber Creek Preserve Phase 2 Homeowners Association, Inc. are hereby removed pursuant to NPCL §706 and the Declaration of the Timber Creek Preserve Phase 2 Homeowners Association, effective immediately upon adoption of this resolution by the Members.

Voting Instructions to Members

1. You may vote in person or by proxy.
2. Absentee ballots are not permitted.
3. Ballots will be collected by the Association Secretary and counted publicly.
4. Each Member receives one vote

Timber Creek Preserve Phase 2

Homeowners Association

Attachment 1 – Governing Section of Law and Declaration

New York Consolidated Laws, Not-For-Profit Corporation Law - NPC § 706. Removal of directors

Current as of January 01, 2024 | Updated by [Findlaw Staff](#)

(a) Except as limited in paragraph (c), any or all of the directors may be removed for cause by vote of the members, or by vote of the directors provided there is a quorum of not less than a majority present at the meeting of directors at which such action is taken.

(b) Except as limited in paragraph (c), if the certificate of incorporation or the by-laws so provide, any or all of the directors may be removed without cause by vote of the members.

(c) The removal of directors, with or without cause, as provided in paragraphs (a) and (b) is subject to the following:

(1) In the case of a corporation having cumulative voting, no director may be removed when the votes cast against his removal would be sufficient to elect him if voted cumulatively at an election at which the same total number of votes were cast and the entire board, or the entire class of directors of which he is a member, were then being elected; and

(2) When by the provisions of the certificate of incorporation or the by-laws the members of any class or group, or the holders of bonds, voting as a class, are entitled to elect one or more directors, any director so elected may be removed only by the applicable vote of the members of that class or group, or the holders of such bonds, voting as a class.

(d) An action to procure a judgment removing a director for cause may be brought by the attorney-general or by ten percent of the members whether or not entitled to vote. The court may bar from re-election any director so removed for a period fixed by the court.

Section 3.8 of the Declaration of Protective Covenants, Restrictions, Easements, Conditions, Charges and Leins

Section 3.8 Removal of Directors. Developer may, at its discretion, remove any Appointed Director at any time and may appoint the successor to fill the unexpired term of the removed Director.

At any duly called meeting of Members, the Members may, by the affirmative vote of two-thirds of all Members, remove any Elected director (or Director appointed to fill the vacancy of an elected Director) from office. The Members may thereafter elect the successor to fill the unexpired term of the Elected Director so removed.

Section 3.9 Quorum. At all meetings of the Board of Directors, two-thirds of all Directors shall constitute a quorum for the transaction of business. Except in cases in which it is by statute, the Declaration, the Certificate of Incorporation, or the By-Laws of the Association otherwise provided, a vote of majority of those in attendance at a duly constituted meeting shall be sufficient to elect and pass any measure.

**Timber Creek Preserve Phase 2
Homeowners Association**

Attachment 2 Vote on Motion to Remove All Officers

BALLOT – SPECIAL MEETING OF MEMBERS

January 27, 2026

A. Removal of Current Directors

- YES – Remove all current directors**
- NO – Do not remove**

Attachment 3 – Ballot for Election of Board of Directors

<input type="checkbox"/>	Rob Chang	
<input type="checkbox"/>	Kathy McMullin	
<input type="checkbox"/>	Foluso 'Deji' Bello	
<input type="checkbox"/>		Write in candidate name
<input type="checkbox"/>		Write in candidate name
<input type="checkbox"/>		Write in candidate name

Instructions:

1. Complete the ballot(s) and insert the ballot(s) into the envelope labeled BALLOT. Seal securely.
2. Write the Street address of your property on the outside of the EVELOPE.

Attachment 4– Vote to Approve Updated and Restated By-Laws

- YES – Adopt**
- NO – Reject**

**Timber Creek Preserve Phase 2
Homeowners Association**

PROXY

As a member of the Timber Creek Preserve Phase 2 Homeowners Association, I/we hereby revoke all previous proxies, and appoint the following as proxy holder.

Check only one	<input type="checkbox"/>		(another member) OR
	<input type="checkbox"/>		Board of Directors

The Proxyholder shall have the full power to vote on my/our behalf on any item that comes before the Members at the Special Meeting of the Timber Creek Preserve Phase 2 Homeowners Association, to be held on January 27, 2026 at the Hyatt Hotel in Malta, NY, including any continuation of adjournments to the meeting. The Proxy holder shall have 1 vote for each homeowner of record.

Any act the Proxyholder shall take pursuant to this proxy shall have the same effect as if the Member (s) were present and so acting. Specifically, THIS PROXY SHALL BE USED TO ESTABLISH A QUORUM FOR THE January 27, 2026 MEETING.

(Homeowner(s) Signature)

(Date)

*****This proxy may be revoked by the presence of the homeowner at the meeting*****

Proxies may be submitted in one of the following ways;

Hand Deliver to named Proxy