

Enclave at Belle-Aire Condominium Association

August 23, 2023

Enclave at Belle-Aire Condominium Association

Dear Unit Owners:

As a part of the Executive Board's ongoing review of our Association's Governing Documents, to ensure that our Community's documents remain up to date and are consistent with applicable law and Community Association Best Practices, we have determined that certain provisions in our Governing Documents are currently inconsistent with several recent changes implemented to the statutory law governing our Association, the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §§ 3101, *et seq.* (the "Act").

By way of background, on May 2, 2023, the terms of House Bill 1795 (now known as "Act 115") went into effect, thereby implementing a number of significant changes to certain provisions in the Act. Most notably, the implementation of the changes under Act 115 has imposed a number of different and/or revised requirements on large Pennsylvania homeowners' associations, such as ours, regarding Unit Owner notice requirements, Unit Owner voting and Board elections.

The Board has consulted with the Association's legal counsel, Marcus & Hoffman, P.C., who has advised the Board that due to the implementation of Act 115, there are now several provisions in the Association's Bylaws that are inconsistent with certain provisions in the Act that were recently amended by Act 115. With that said, the Association's legal counsel has also advised the Board that these inconsistencies in the Bylaws may be resolved through the Board's execution of a Technical Corrective Amendment to the impacted provisions in the Bylaws.

Accordingly, consistent with the above, the Board has executed a Technical Corrective Amendment to the Bylaws, which became effective on July 21, 2023. We have enclosed a copy of the Technical Corrective Amendment to the Bylaws for your review.

Should you have any questions regarding the above information and/or the enclosures, please contact the Association's Property Manager. Otherwise, we thank you for your continued support and cooperation in this matter.

Very truly yours,

Executive Board,
Enclave at Belle-Aire Condominium Association

Enclave at Belle-Aire Condominium Association

August 23, 2023

Enclave at Belle-Aire Association Members

Dear Unit Owners:

Please be advised that as of May 2, 2023, the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §§ 3101, *et seq.* (the “Act”) underwent significant changes, with regard to the terms and conditions in the Act governing Unit Owner voting, Board elections and the permitted methods of providing notice to Unit Owners of annual and/or special meetings of Pennsylvania Condominium Associations. For purposes of this correspondence, the Board would like to notify all Unit Owners that the Act has been amended so as to permit Unit Owners to receive written notice of annual and/or special meetings of the Association (collectively, “Association Meetings” or “Meetings”) through electronic means (“Email”).

With the above in mind, please note that the Act will only allow the Association to provide electronic notice of Meetings to those Unit Owners who have given their express written consent to receive notice of Meetings through Email. To that end, any Unit Owner who would like to receive notice via Email of the Association’s Meetings is able to do so by reviewing and completing the enclosed Electronic Notice Acknowledgment & Consent Form (the “Electronic Notice Form”). Thereafter, please return a copy of the completed Electronic Notice Form to the Association’s Property Manager to be maintained in the Association’s records. Any Unit Owner who submits a completed Electronic Notice Form to the Association shall, thereafter, receive any and all notices relating to Meetings of the Association via Email, rather than by hand delivery or traditional mail.

The Board encourages any and all Unit Owners with valid Email addresses to take advantage of this change to the Act and to submit a completed copy of the Electronic Notice Form to the Property Manager. The Board believes that the use of the enclosed Form will not only help the Association to reduce its administrative expenses but will also help to ensure that all Unit Owners in the Community are adequately notified of upcoming Meetings of the Association.

Should you have any questions regarding the above information and/or the enclosure, please contact the Association’s Property Manager. Otherwise, we thank you for your continued support and cooperation in this matter.

Very truly yours,

Board of Directors
Enclave at Belle-Aire
Condominium Association

**TECHNICAL CORRECTIVE AMENDMENT TO THE
BY-LAWS OF ENCLAVE CONDOMINIUM ASSOCIATION**

THIS TECHNICAL CORRECTIVE AMENDMENT to the By-Laws of Enclave Condominium Association (the “Association”) is dated this 21st day of July, 2023.

WHEREAS, the Association is governed by the Declaration of Condominium of the Enclave Condominium, recorded on January 18, 1996 in the Recorder of Deeds of Montgomery County, Pennsylvania, in Deed Book 5137, Page 1736, *et seq.*, as amended from time to time (the “Declaration”), the By-Laws of the Enclave Condominium Association (the “By-Laws”), the Rules and Regulations of the Enclave Condominium Association (the “Rules and Regulations”) and the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §§3101, *et seq.* (the “Act”);

WHEREAS, Section 3306(c) of the Act provides that, “. . . *if any amendment to the bylaws . . . is necessary in the judgment of the executive board to cure any ambiguity or to correct or supplement any provision of the bylaws . . . that is defective, missing or inconsistent with any other provision thereof, with the declaration or with this subpart . . . to comply with any statute, regulation, code or ordinance which may now or hereafter be made applicable to the planned community or association . . . then, at any time and from time to time, the executive board may at its discretion effect an appropriate corrective amendment without the approval of the unit owners . . . upon receipt by the executive board of an opinion from legal counsel who is independent from the declarant to the effect that the proposed amendment is permitted by the terms of this subsection.*”;

WHEREAS, the Pennsylvania legislature has adopted House Bill 1795 (now and hereinafter referred to as “Act 115”), which has amended the Act and has imposed a number of additional and/or revised requirements on Pennsylvania homeowners’ associations regarding, among other things, Unit Owner notice requirements, Unit Owner voting and Board elections;

WHEREAS, the Association’s Executive Board (the “Board”) has determined that a Technical Corrective Amendment to the By-Laws is appropriate and necessary to ensure that certain provisions in the By-Laws are consistent and/or compliant with the corresponding provisions in the Act, as amended by Act 115; and

WHEREAS, the Board has received an opinion from independent legal counsel that such proposed Technical Corrective Amendment is consistent with Section 3306(c) of the Act.

NOW, THEREFORE, intending to be legally bound, the Association, through its duly elected Board of Directors, hereby amends the By-Laws as follows:

1. Article IV, Section 6 of the By-Laws is hereby amended to include the following Sub-Section (c):

“(c) Notice of Virtual/Remote Meetings of the Association. Notice of any Virtual Meetings of the Association shall be provided as follows: (i) First class or express mail, postage prepaid, or courier service, charges prepaid, to the mailing address of each Unit or to any other mailing address designated in writing by the

Unit Owner. Notice under this paragraph shall be deemed to have been given to a Unit Owner when deposited in the United States mail or with a courier service for delivery to the Unit Owner; or, (ii) Facsimile transmission, e-mail or other electronic communication to the Unit Owner's facsimile number or address for email or other electronic communications supplied by the Unit Owner, provided that the Unit Owner has agreed in writing to accept the notice by electronic means. Notice under this paragraph shall be deemed to have been given to the Unit Owner when sent."

2. Article V of the By-Laws is hereby amended to include the following Section 18:

*"18. **Pre-Election Sessions.** In the event that there are more candidates than open positions on the Executive Board, then, upon request of one (1) or more of the candidates, the Association shall hold a special session at least seven (7) days before the election of a Board Member to allow the Unit Owners to meet each candidate for a Board position. Each candidate for a Board position shall have equal time to address the Unit Owners during a special session under this Section."*

3. Article V of the By-Laws is hereby further amended to include the following Section 19:

*"19. **Election by Acclamation.** Notwithstanding any other provisions contained herein, In the event that an election for a position on the Executive Board is uncontested, the officer or chair presiding at the election meeting may declare the nominee elected by acclamation after determining there are no further nominations."*

4. Article XVIII, Section 1 of the By-Laws is hereby deleted in its entirety and replaced with the following revised Article XVIII, Section 1:

*"1. **Amendments to By-Laws.** Except as otherwise provided herein, these By-Laws may be amended from time to time by the affirmative vote of at least fifty-one percent (51%) of the Unit Owners. Subject to the approved methods of voting outlined herein, as well as in the Act, Unit Owner votes on any proposed amendments shall only be taken at a scheduled meeting, the notice of which shall be provided to Unit Owners at least fourteen (14) days in advance of the voting meeting."*

4. All other provisions within the By-Laws that are not specifically altered by the above shall remain in full force and effect.

[Signature page to follow]

WITNESS this day, our hands and seals:

ATTEST:

Karen Sabatino
Name: Karen Sabatino
Title: VP/Secretary

EXECUTIVE BOARD:
ENCLAVE
CONDOMINIUM ASSOCIATION

Philip M Reich
Name: Philip M Reich
Title: President

Enclave at Belle-Aire Condominium Association
Electronic Notice Acknowledgement & Consent Form

I/we, _____ and _____, am/are the Owner(s) of the Unit in the Association located at the following address:

I/we do hereby waive my/our right to receive written notice of regular and/or special Meetings of the Association, as otherwise required under Article III of the Bylaws, and in lieu thereof, hereby request that all notices concerning regular and/or special meetings of the Association be sent by way of electronic mail (email) to the following email address:

_____@_____

By executing this Form, I/we hereby acknowledge and agree that any and all notices concerning regular and/or special meetings and sent by the Enclave at Belle-Aire Condominium Association to the above email address, or a subsequently updated email address provided by the Unit Owner to the Association's Management Company, shall be sufficient and hereby waive my/our right to challenge the sufficiency of such notice.

This Acknowledgment & Consent Form shall be revocable in the event that the undersigned Unit Owner(s) submits written notification of their revocation of this Acknowledgment & Consent Form. Such revocation shall take effect within thirty (30) days. It shall be the duty and responsibility of the undersigned Unit Owner(s) to provide written notification to the Association of any changes regarding the above-listed email address and to ensure that such Unit Owner(s) email address is at all times up to date.

BY SIGNING BELOW, I/WE HEREBY ACKNOWLEDGE AND REPRESENT THAT I/WE HAVE READ AND UNDERSTAND THE TERMS OF THIS ACKNOWLEDGEMENT & CONSENT FORM AND HEREBY AGREE VOLUNTARILY TO ITS CONTENTS.

Unit Owner 1

Unit Owner 2

Date