

**TECHNICAL CORRECTIVE AMENDMENT TO THE BYLAWS OF
VALLEYBROOK HOMEOWNERS' ASSOCIATION, INC.**

THIS TECHNICAL CORRECTIVE AMENDMENT to the Bylaws for the Valleybrook Homeowners' Association, Inc. is dated this 12th day of December 2023.

WHEREAS, the Valleybrook Homeowners Association, Inc. (the "Association") is governed by the Declaration of Easements, Covenants and Restrictions for the Village of Valleybrook, dated October 8, 1974 and recorded in the Delaware County Recorder of Deeds Office on November 4, 1974, in Deed Book 2519, Page 933, *et seq.*, as amended (the "Declaration"), the Bylaws of Valleybrook Homeowners' Association, Inc., as amended (the "Bylaws"), the Rules & Regulations ("Rules & Regulations") (collectively, the "Governing Documents") as well as the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. §§ 5101, *et seq.* (the "Act");

WHEREAS, Section 5306(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 Board of Directors (the "Board") has determined that a Technical Corrective Amendment to the Bylaws is appropriate and necessary to ensure that certain provisions in the Bylaws 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 5306(c) of the Act.

NOW, THEREFORE, intending to be legally bound, the Association, through its duly elected Executive Board, hereby amends the Bylaws as follows:

1. Article Three of the Bylaws is hereby amended to include the following Section 3.16:

"3.16. 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 Four of the Bylaws is hereby amended to include the following Section 4.16:

"4.16. Pre-Election Sessions. In the event that there are more candidates than open positions on the Board of Directors, 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 Four of the Bylaws is hereby further amended to include the following Section 4.17:

"4.17. Election by Acclamation. Notwithstanding any other provisions contained herein, in the event that an election for a position on the Board of Directors 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 Nine, Section 9.01 of the Bylaws is hereby deleted in its entirety and replaced with the following revised Section 9.01

"9.01 Modification of Bylaws. Except as otherwise provided herein, these Bylaws 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 the Unit Owners at least fourteen (14) days in advance of the voting meeting."

5. All other provisions within the Bylaws that are not specifically altered by the above shall remain in full force and effect.