

First Amendment to the By-Laws of Bennett Run Homeowners Association

I. By-Laws, Section 1.03, entitled “Place of Meetings” is amended to read “Place and Manner of Meetings” and will read as follows:

Section 1.03. Place and Manner of Meetings. All meetings of members shall be held in person at the principal offices of the Association, in York County, Pennsylvania, except in cases where the notice of the meeting thereof designates some other place; but all such meetings shall be held within the Commonwealth of Pennsylvania.

Owners’ meetings may be recorded by the Board by audio or video technology if the presiding officer announces the recording at the start of the meeting. Recorded meetings must be maintained and available to owners for at least 6 months after the conclusion of the meeting.

II. By-Laws Section 1.04, entitled “Notice of Members” is amended by adding a new sentence at the end of the section; the amended section will read as follows:

Section 1.04 Notice of Meetings. Not less than ten (10) days or more than sixty (60) days before the date of every meeting of the members of the Association, the Secretary shall give to each member entitled to vote at such meeting, written or printed notice stating the time and place of the meeting and, in the case of a special meetings, the purpose or purposes for which the meeting is called, either by mail or by presenting it to him personally or by leaving it at his residence or usual place of business. If mailed, such notice shall be deemed to be given when deposited in the United States mail addressed to the member at his post office address as it appears on the records of the Association, with postage thereon prepaid. Notice of meetings may be delivered electronically if the owner has consented in writing.

III. By-Laws Section 1.05, entitled “Quorum” is amended to read as follows:

Section 1.05 Quorum At any meeting of the members of the Association, the presence in person of members entitled to cast twenty-five (25%) percent of the votes shall constitute a quorum, but this section shall not affect any requirement under statute or the Articles of Incorporation of the Association for the vote necessary for the adoption of any measure. In the absence of a quorum the members present in person, by majority vote and without notice other than by announcement, may adjourn the meeting from time to time until a quorum shall attend. If the Association does not meet quorum at two successive owners’ meetings, then Members entitled to vote who attend an owners’ meeting: (1) at which directors are to be elected that has been previously adjourned for lack of a quorum, although less than a quorum, shall nevertheless constitute a quorum for the purpose of electing directors; and (2) that has been previously adjourned for one or more periods aggregating at least fifteen (15) days because of the absence of a quorum, although less than a quorum, shall nevertheless constitute a quorum for the purpose of acting upon any matter set forth in the notice of the meeting if the notice states that those members who attend the adjourned meeting shall nevertheless constitute a quorum for the purpose of acting upon the matter.

IV. By-Laws Section 2.02, entitled “Number of Directors” is amended to read “Number and Eligibility of Members” and will read as follows:

Section 2.02 Number and Eligibility of Directors. The number of directors of the Association shall be three (3), as provided by the Articles of Incorporation, all of whom shall be members in good standing as defined by Section 5103 of the Uniform Planned Community Act, until such number is changed as herein provided. By vote of a majority of the entire Board of Directors, the number of Directors may be increased or decreased, from time to time, but to no more than seven (7) nor less than three (3) directors. The term of office of a sitting director shall not be affected by a decrease in the number of directors so made by the Board.

V. By-Laws Section 2.03, entitled “Election of Directors” is amended to read as follows:

Section 2.03 Election of Directors The Members shall elect directors to hold office until the next succeeding annual meeting or until their successors are elected and qualified. If the number of candidates does not exceed the number of positions to be filled, the presiding officer may declare the candidates elected by acclamation after determining no further nominations exist. If there are more candidates than open positions, and a candidate so requests, then the Association shall hold a special session at least seven (7) days prior to the election to allow owners to meet all candidates. Each candidate is to have equal time to present owners. At any meeting of members duly called and at which a quorum is present, the members may, by the affirmative vote of a majority of the members present, remove any director or directors from office and may elect a successor or successors to fill any resulting vacancy for the unexpired term of the removed directors.

VI. By-Laws Section 2.07, entitled, “Notice of Meeting” shall be amended to read “Notice, Participation, and Recording of Meeting” as follows:

Section 2.07 Notice, Participation and Recording of Meeting.

- (a) Except as provided in Section 2.05, notice of the place, day and hour of every regular and special meeting shall be given to each director at least five (5) days before the meeting by delivering same to him personally, by sending the same to him by telegraph, by leaving the same at his place of residence or usual place of business, or by mailing such notice at least seven (7) days before the meeting, postage prepaid, and addressed to him at his last known post office address, according to the records of the Association. Unless required by these Bylaws or by resolution of the Board of Directors, no notice of any meeting of the Board of Directors need state the business to be transacted thereat. No notice of any meeting of the Board of Directors need be given to any director who attends or to any director who, in writing executed and filed with the records of the meeting either before or after the holding thereof, waives such notice. Any meeting of the Board of Directors, regular or special, may adjourn from time to time to reconvene at the same or some other place, and no notice need be given of any such adjourned meeting other than by announcement.

- (b) Participation in a Board meeting by conference telephone is permitted if the Board by majority vote so allows and if each participant can hear each other. Such participation is deemed to be in-person attendance.
- (c) Board meetings may be recorded by the Board by audio or video technology if the presiding officer announces the recording at the start of the meeting. Recorded meetings must be maintained and available to owners for at least 6 months after the conclusion of the meeting.

VII. By-Laws Section 6.01, entitled, “Amendments” shall be amended to read as follows:

Section 6.01.01 Any provision of these By-Laws may be altered or repealed and new By-Laws may be adopted only at meeting called for that purpose and after notice to owners under the provisions herein advertised at least fourteen (14) days in advance, by a vote of a majority 51% of all unit owners.

VIII. By-Laws Section 6.03, entitled, “Membership and Voting Rights” shall be amended with the noted subsections to read as follows:

Section 6.03 Membership and Voting Rights

6.03.02.1 Class A.

B. Any member who is in violation of the Common Area Use Rules may have their voting rights suspended upon notice by the Board of Directors.

D. Any member who is not in good standing as defined by Section 5103 of the Uniform Planned Community Act shall not be entitled to vote in any matter concerning the Association.

IX. By-Laws shall be amended to add a new Section 6.04, entitled “Definitions”, to read as follows:

Section 6.04. Definitions

a) “Immediate family” is defined as a parent, spouse, child, brother, or sister.

The within amendments of the By-Laws are to be liberally applied and construed, and shall control over all contrary provisions, if any, of the By-Laws.

The within amendments of the By-Laws became effective for all purposes after appropriate vote of owners and when they were signed by the President, and attested by the Secretary, of the Association on _____, 202__.

In all other respects, the By-Laws, as amended hereby, are ratified and affirmed.