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One Alliance Center, Suite 1650
3500 Lenox Road
Atlanta, GA, 30326
Attn: George E. Nowack, Jr.

STATE OF GEORGIA

Cross Reference: Record Book 2038, Page 98

COUNTY OF COBB

AMENDMENT TO THE BY-LAWS OF VALENCIA HILLS CONDOMINIUM ASSOCIATION, INC.

WHEREAS, the Amendment to the Declaration of Covenants, Conditions and Restrictions for Valencia Hills I was recorded in Deed Book 2038, Page 98 *et seq.*, of the Cobb Country, Georgia land records on July 6, 1979 (“Declaration”), as amended; and

WHEREAS, the By-Laws of Valencia Hills Condominium Association, Inc. (“By-Laws”) were recorded together with the Declaration in Deed Book 2038, Page 108 *et seq.*, of the Cobb Country, Georgia land records on July 6, 1979; and

WHEREAS, the Declaration includes several amendments, including that of Deed Book, 7074 Page 9 on January 4, 1993, which amended the Declaration for the purpose of altering provisions of the By-Laws thereof regarding notice;

WHEREAS, the membership of the Association desires to amend the By-Laws for the purpose of amending the provisions regarding notice in addition to books and records; and

WHEREAS, pursuant to Article IX, Section 9 of the By-Laws, the By-laws may be amended by the affirmative vote of members holding at least two-third (2/3) of the vote of the Valencia Condominium Association, Inc. (“Association”); and

WHEREAS, members of the Association holding at least two-thirds (2/3) of the Association vote have approved this amendment to the By-Laws;

NOW THEREFORE, the By-Laws are amended as follows:

1.

Article IX, Section 1 of the By-Laws is amended by striking the existing provision and replacing it in its entirety with the following:

Section 1. Notices

- (a) Method of Giving Notice. Unless otherwise prohibited in the Declaration or these Bylaws, all notices, demands, bills, statements, or other communications under the Association’s Official Documents shall be in writing and shall be given via one of the following methods, in the discretion of the sender:

- i. Personal delivery to the addressee;
 - ii. United States mail, first class, postage prepaid;
 - iii. Statutory Overnight Delivery;
 - iv. Electronic mail;
 - v. Facsimile; or
 - vi. A secure web site, provided that notice shall be deemed given via web site only upon proof that the addressee has retrieved the message.
- (b) Addressee. Notice sent by one of the methods described in subsection (a) above shall be deemed to have been duly given:
- i. If to an owner, at the address, electronic mail address or facsimile number which the owner has designated in writing and filed with the Secretary, or if no such address has been designated, at the address of the unit of such owner;
 - ii. If to an occupant, at the address, electronic mail address or facsimile number which the occupant has designated in writing with the Secretary or, if no such address has been designated, at the address of the unit occupied; or
 - iii. If to the Association, the Board or the Managing Agent, at the postal address, facsimile or electronic mail address of the principal office of the Association or the Managing Agent, if any, or at such other address as shall be designated in writing and filed with the Secretary. The Secretary shall promptly provide notice to all owners of any such change in address.
- (c) Effective Date. Notice sent in accordance with subsections (a) and (b) shall be deemed to have been duly given and effective:
- i. If sent by United States mail correctly addressed with first class or higher priority postage prepaid, when deposited with the United States Postal Service;
 - ii. If delivered personally or by private carrier, when actually delivered to the address of the intended recipient, as evidenced by the signature of the person at such address who accepts such delivery or as indicated in a record by the delivery person;
 - iii. If sent by electronic mail, upon transmission to an e-mail address at which the owner has consented to receive notices;
 - iv. If sent by fax, upon transmission to a facsimile number at which the member has designated in writing with the Secretary or Managing Agent; or
 - v. If by any other form of electronic transmission, when transmitted to the member.

- vi. Refusal to accept or retrieve a notice or communication or the inability to deliver a notice or communication hereunder due to a changed address of which a party has not been notified shall be deemed actual receipt of such notice or communication.

- (d) Electronic Notices. Without limiting the manner by which notice otherwise may be given effectively to members, any notice to members given by the Association under the Association's Official Documents shall be effective if given by a form of electronic transmission consented to by the member to whom the notice is given. For purposes hereof, a member's written provision of an e-mail address for such member to the Association's Secretary or Managing Agent constitutes such member's consent to receipt of notices from the Association to such e-mail address.

Any such consent shall be revocable by the member by written notice to the Association. Any such consent shall be deemed revoked if:

- i. The Association is unable to deliver by electronic transmission two consecutive notices given by the Association in accordance with such consent; and
- ii. Such inability becomes known to the Secretary or to the Managing Agent or other person responsible for the giving of such notice; provided, however, that the inadvertent failure to treat such inability as a revocation shall not invalidate any meeting or other action.

2.

Article IX, Section 10 of the By-Laws is amended by striking the existing provision and replacing it in its entirety with the following:

Section 10. Corporate Documents

- (a) Inspection by Members and Mortgagees. All members of the Association and any mortgagee shall be entitled to inspect and copy the Association's records as set forth in O.C.G.A. §14-3-1602, as may be amended from time to time, at a reasonable time and location specified by the Association, upon written request at least five (5) days before the date on which the member or mortgagee wishes to inspect and copy. Such records currently include the following Association records:
 - i. its Articles or restated Articles of Incorporation and all amendments to them currently in effect;
 - ii. its By-laws or restated By-laws and all amendments to them currently in effect;
 - iii. resolutions adopted by either its members or Board of Directors increasing or decreasing the number of directors or the classification of directors, or relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;

- iv. resolutions adopted by either its members or Board of Directors relating to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members;
 - v. the minutes of all meetings of members, executed waivers of notice of meetings, and all executed consents, delivered in writing or by electronic transmission, evidencing all actions taken or approved by the members without a meeting, for the past three (3) years;
 - vi. all communications in writing or by electronic transmission to members generally within the past three (3) years, including the financial statements furnished for the past three (3) years;
 - vii. a list of the names and business or home addresses of its current directors and officers; and
 - viii. its most recent annual report delivered to the Secretary of State.
- (b) A Member may inspect and copy the following records upon written notice at least five (5) business days before the date on which the member wishes to inspect and copy only if the member's demand is made in good faith and for a proper purpose that is reasonably relevant to the member's legitimate interest as a member of the Association; the member describes with reasonable particularity the purpose and the records the member desires to inspect; the records are directly connected with this purpose; and the records are to be used only for the stated purpose:
- i. excerpts from minutes of any meeting of the Board of Directors; records of any action of a committee of the Board while acting in place of the Board on behalf of the Association, minutes of any meeting of the members, and records of action taken by the members or the Board without a meeting, to the extent not subject to inspection under Section 10(a);
 - ii. accounting records of the Association; and
 - iii. the membership list only if for a purpose related to the member's interest as a member of the Association. Without the consent of the Board, a membership list or any part thereof may not be: used to solicit money or property unless such money or property will be used solely to solicit votes of the members in an election to be held by the Association; used for any commercial purpose; or sold to or purchased by any person.
- (c) Rules for Inspection. The Board shall provide for such inspection to take place at the office of the Association or at such other place within the condominium as the Board shall designate. The Board also shall establish rules with respect to:
- i. notice to be given to the custodian of the records;
 - ii. hours and days of the week when such an inspection can be made;

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Clerk of Superior Court
Cobb County, Georgia

- iii. payment of the cost of reproducing copies of documents requested and a reasonable charge covering any labor costs incurred by the Association to respond to the request; and
 - iv. reasonable restrictions on the confidentiality, use or distribution of the records described in Section 10(b).
- (d) Inspection by Directors. Every director shall have the absolute right at any reasonable time to inspect all books, records, and documents of the Association and the physical properties owned or controlled by the Association. The right of inspection by a director includes the right to make a copy of relevant documents at the expense of the Association.

IN WITNESS WHEREOF, the undersigned officers of Valencia Hills Condominium Association, Inc., hereby certify that this Amendment was duly adopted by the requisite majority of the Association membership, with proper notice given.

This 1 day of April, 2025

VALENCIA HILLS CONDOMINIUM
ASSOCIATION, INC.

Sworn to and subscribed before me
this 1st day of April, 2025

Witness
Gloria J Mueller
Notary Public

By: Linda Taylor (Seal)
President

Attest: A Carole Morris (Seal)
Secretary

[Corporate Seal]

