

20191205001034500 1/4
City of Virginia Beach
12/05/2019
09:46:50 AM DECL
Tina E. Sinnen, Clerk

AMENDMENT TO BYLAWS

OF

KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION

(Audit of Association Financial Records)

This AMENDMENT TO BYLAWS is made this 13th day of November, 2018, by Kempsville Greens Condominium Association ("the Association"), the Association to be indexed as both "Grantor" and "Grantee" for recordation purposes.

RECITALS:

R-1. Independent Developers, Ltd., a Virginia corporation ("Declarant"), submitted to record various restrictive covenants by Declaration of Condominium ("Declaration") and Bylaws of Kempsville Greens Condominium Unit Owners Association ("Bylaw"), dated October 21, 1988, and recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia (the "Clerk's Office"), in Deed Book 2781, beginning at Page 1673, which Declaration and Bylaws may have been amended from time to time; and

R-2. It is in the best interests of the Association to amend the Bylaws to change the requirements regarding audits of Association financial records; and

R-3. The Bylaws may be amended pursuant to Section 12.1(c) of the Bylaws, which allows amendment by agreement of Unit Owners to which two-thirds (2/3rds) of the vote in the Association appertain.

GPINs: See Schedule A (too numerous to list)
Prepared By and Return To: Sarah R. Palamara, Atty., PLLC
15064 Carrollton Blvd., Ste H
Carrollton, VA 23314

2019 DEC -5 AM 9:07

NOW, THEREFORE, the Association does hereby amend its Bylaws in the following manner:

1. Article III of the Bylaws, entitled Board of Directors, Section 2, entitled Powers and Duties, subsection (I), shall be amended to eliminate the requirement of annual audited financial statements, the amended provision to read as follows:

(I) Keeping records with detailed accounts in chronological order of the receipts and expenditures affecting the Property and the administration of the Condominium, specifying the maintenance and repair expenses of the Common Elements and any other expenses incurred. The financial records shall be available for examination by the Unit Owners, first mortgagees and their duly authorized agents or attorneys during general business hours on working days. The records shall be kept in accordance with generally accepted accounting principles.

(i) A financial statement shall be prepared annually and supplied to the membership within sixty (60) days of the end of the Association's fiscal year.

(ii) The Board shall have the financial records of the Association audited (A) at least once every seven (7) years; or (B) by Resolution of the Board of Directors; or (C) upon written Petition signed by the Owners of ten (10) Units in the Condominium (all Unit Owners listed on the Deed must sign the Petition); *provided, however,* not more than one (1) audit shall be conducted in any fiscal year.

(iii) The costs of any audit performed under section (ii) above shall be a Common Expense.

(iv) Any audit performed under section (ii) above shall be performed by an outside auditor, employed by the Board of Directors, who shall not be a resident of the Condominium nor a Unit Owner.

2. All provisions of the Bylaws not expressly amended by this Amendment shall be and remain in full force and effect.

CERTIFICATION REQUIRED BY VIRGINIA CODE § 55.1-1934.D

The undersigned President of the Association does hereby certify that this Amendment to Bylaws has been agreed to by two-thirds (2/3) of the votes in the Association, as is required by Section 12.1(c) of the Bylaws, as evidenced by their signatures on file with the Association, and the undersigned President does hereby certify that the requisite majority of the Unit Owners signed the Amendment or ratifications thereof, both certifications required by Section 55.1-1934.D of the Virginia Condominium Act.

EXECUTED on the date first written above by a duly authorized officer of the Association.

KEMPSVILLE GREENS
CONDOMINIUM ASSOCIATION,
a Virginia Nonstock Corporation

By: *Paul D. Flanagan*
Paul D. Flanagan, President

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Virginia Beach, to wit:

The foregoing instrument was acknowledged this 19th day of November,
2019, before me, the undersigned Notary Public, by Paul D. Flanagan, President of Kempsville
Greens Condominium Association.



Joanne E. Detler-Walsh
Notary Public

Notary Registration Number: 7506668

My Commission Expires: 11/30/2023

AMENDMENT TO BYLAWS
OF
KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION
(Audit of Association Financial Records)

Schedule A: GPINS

14761760540101
14761760540102
14761760540103
14761760540104
14761760540105
14761760540106
14761760540201
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14761760540403
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14761760540405
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20181212001016920 1/4
City of Virginia Beach
12/12/2018
09:23:18 AM DECL
Tina E. Sinnen, Clerk

**AMENDMENT TO BYLAWS
OF
KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION**

(Board Member Qualifications and Removal of Board Members)

This AMENDMENT to BYLAWS is made this 19th day of November, 2018, by Kempsville Greens Condominium Association, hereinafter called "the Association", the Association to be indexed as "Grantor" and "Grantee" for recordation purposes.

WITNESSETH

WHEREAS, Independent Developers, Ltd., a Virginia corporation (the "Declarant"), submitted to record Declaration of Condominium of Kempsville Greens Condominium recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia ("Clerk's Office") in Deed Book 2781 at Page 1674, and Bylaws of Kempsville Greens Condominium Unit Owners Association in the Clerk's Office in Deed Book 2781 at Page 1702; and

WHEREAS, there is a unit owner other than the Declarant; and

WHEREAS, Article III of the Bylaws, entitled Board of Directors, Section 1, entitled Number and Qualification, was amended by the Unit Owners as reflected in an Amendment recorded on June 1, 2004, as Instrument #06010084371 ("the Original Bylaws Amendment"); and

WHEREAS, Article III of the Bylaws, Section 5, entitled Removal of Members of the Board of Directors, was also amended as reflected in the Original Bylaws Amendment; and

WHEREAS, the Association desires to amend both Section 3.1 and 3.5 as amended by the Original Bylaws Amendment; and

WHEREAS, Section 12.1(c) of the Bylaws allows amendment of the Bylaws by agreement of Unit Owners to which at least two-thirds (2/3) of the votes in the Association appertain; and

WHEREAS, the requisite number of Unit Owners have agreed to this Amendment; and

WHEREAS, this Amendment shall become effective when the Amendment is duly recorded in the Clerk's Office pursuant to Section 55-79.71.D of the Condominium Act.

GPINS: See Exhibit A Attached
Prepared By and Return To: Sarah R. Palamara, Atty., PLLC
15064 Carrollton Blvd., Ste H, Carrollton, VA 23314

DECLINED
VIRGINIA DEEDS & MORTGAGE COURT
2018 DEC 12 AM 9:07
TINA E. SINNEN, CLERK

NOW, THEREFORE, the Association hereby amends the Bylaws in the following manner:

1. Article III of the Bylaws entitled Board of Directors, Section 1 entitled Number and Qualification shall be amended by adding the following at the end of this section:

No spouse of a unit owner may serve on the Board of Directors at the same time as the unit owner. In order to be nominated and serve on the Board of Directors, a candidate must be a ~~member of the Association who is in good standing and is an owner residing~~ of a Unit in the Condominium. "Good standing" is defined to mean that the member is not currently charged with a violation of the declaration, bylaws or rules and regulations of the Association and is not delinquent in the payment of any financial obligation or assessment to the Association.

2. Article III of the Bylaws entitled Board of Directors, Section 5 entitled Removal of Members of the Board of Directors, shall be amended by removing the following sentence at the end of the Section: ~~Any board member who conveys title to his or her unit to another party, or ceases to occupy his or her unit for a period exceeding six (6) months, shall be automatically removed from the board of directors and a successor shall be elected to fill the vacancy thus created.~~

3. All provisions of the Bylaws not expressly amended herein shall be and remain in full force and effect.

EXECUTED on the date first written above by the duly authorized officer of the Association.

CERTIFICATION REQUIRED BY VIRGINIA CODE § 55-79.71.D

The undersigned President of the Association does hereby certify that this Amendment has been agreed to by Unit Owners to which two-thirds (2/3) of the votes in the Association appertain as required by Section 12.1(c) of the Bylaws, such evidence on file with the Association, and further certifies that each Unit Owner signed the Amendment or ratifications thereof, both certifications required by Section 55-79.71.D of the Virginia Condominium Act.

EXECUTED on the date first written above by the duly authorized officer of the Association.



KEMPSVILLE GREENS
CONDOMINIUM ASSOCIATION,
A Virginia Nonstock Corporation

By: Paul D Flanagan, President

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF Virginia Beach, to wit:

The foregoing instrument was acknowledged this 20 day of November, 2018, before me, the undersigned Notary Public, by Paul Flanagan, President of Kempsville Greens Condominium Association.

Michelle Lee
Notary Public

Notary Registration Number:

My Commission Expires:

**AMENDMENT TO BYLAWS
OF
KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION
(Board Member Qualifications and Removal of Board Members)**

EXHIBIT A: GPINS

UNIT 101:	1476-17-6054-0101	UNIT 301:	1476-17-6054-0301
UNIT 102:	1476-17-6054-0102	UNIT 302:	1476-17-6054-0302
UNIT 103:	1476-17-6054-0103	UNIT 303:	1476-17-6054-0303
UNIT 104:	1476-17-6054-0104	UNIT 304:	1476-17-6054-0304
UNIT 105:	1476-17-6054-0105	UNIT 305:	1476-17-6054-0305
UNIT 106:	1476-17-6054-0106	UNIT 306:	1476-17-6054-0306
UNIT 201:	1476-17-6054-0201	UNIT 401:	1476-17-6054-0401
UNIT 202:	1476-17-6054-0202	UNIT 402:	1476-17-6054-0402
UNIT 203:	1476-17-6054-0203	UNIT 403:	1476-17-6054-0403
UNIT 204:	1476-17-6054-0204	UNIT 404:	1476-17-6054-0404
UNIT 205:	1476-17-6054-0205	UNIT 405:	1476-17-6054-0405
UNIT 206:	1476-17-6054-0206	UNIT 406:	1476-17-6054-0406

AMENDMENT TO BYLAWS OF KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION

(Election and Removal of Board Members)

This AMENDMENT to BYLAWS is made this 21st day of May, 2004, Kempsville Greens Condominium Association, hereinafter called "the Association."

WITNESSETH

WHEREAS, Independent Developers, Ltd, a Virginia corporation (the "Declarant"), submitted to record Declaration of Condominium of Kempsville Greens Condominium recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Deed Book 2781 at Page 1674, and Bylaws of Kempsville Greens Condominium Unit Owners Association in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Deed Book 2781 at Page 1702; and

WHEREAS, there is a unit owner other than the Declarant; and

WHEREAS, the Association desires to require that directors meet certain criteria; and

WHEREAS, the Association desires to provide for automatic removal of directors who sell their units or cease occupancy; and

WHEREAS, the Association desires to delete a provision concerning Board of Director actions without a meeting, which is contrary to State law; and

WHEREAS, the Bylaws may be amended pursuant to Article XII, Section 1(c) and in accordance with Section 55-79.71 of the Code of Virginia, 1950, as amended (the "Condominium Act"), which allows amendment upon a vote of unit owners to which at least two-thirds (2/3) of the votes in the Unit Owners' Association appertain; and

GPINS: See Exhibit A Attached

Prepared By: Inman & Strickler, P.L.C.
575 Lynnhaven Parkway, Suite 200
Virginia Beach, VA 23452

WHEREAS, the requisite number of unit owners have given their approval of this amendment; and

WHEREAS, pursuant to Section 55-79.71.D of the Condominium Act, this Amendment shall become effective when the amendment is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia;

NOW, THEREFORE, the Association does hereby amend the Bylaws in the following manner:

1. Article III of the Bylaws entitled Board of Directors, Section 1 entitled Number and Qualification shall be amended by adding the following at the end of this section:

No spouse of a unit owner may serve on the Board of Directors at the same time as the unit owner. In order to be nominated and serve on the Board of Directors, a candidate must be a member of the Association who is in good standing and is an owner residing in the Condominium. "Good standing" is defined to mean that the member is not currently charged with a violation of the declaration, bylaws or rules and regulations of the Association and is not delinquent in the payment of any financial obligation or assessment to the Association.

2. Article III of the Bylaws entitled Board of Directors, Section 5 entitled Removal of Members of the Board of Directors shall be amended by adding the following at the end of this section:

Any board member who conveys title to his or her unit to another party, or ceases to occupy his or her unit for a period exceeding six (6) months, shall be automatically removed from the board of directors and a successor shall be elected to fill the vacancy thus created.

3. Article III of the Bylaws entitled Board of Directors, Section 15 entitled Action without a Meeting shall be deleted in its entirety.

All provisions of the Bylaws not expressly amended herein shall be and remain in full force and effect.

The undersigned President of the Association does hereby certify that this Amendment has been approved by vote of unit owners to which two-thirds (2/3) of the votes in the Association appertain, as is required by Article XII, Section 1(c) of the

Bylaws and the provisions of Section 55-79.71.D of the Code of Virginia, 1950, as amended (the Condominium Act), as evidenced by their signatures on file with the Association.

EXECUTED on the date first written above by the duly authorized officer of the Association.

KEMPSVILLE GREENS
CONDOMINIUM ASSOCIATION

By: Robert E. Fuss
_____, President

CERTIFICATION PURSUANT TO VIRGINIA CODE SECTION 55-79.71.D

COMMONWEALTH OF VIRGINIA,
CITY OF VIRGINIA BEACH, to wit:

The foregoing instrument was acknowledged this 21st day of May, 2004, before me, the undersigned Notary Public, by Robert E. Fuss, President of Kempsville Greens Condominium Association, who did state the requisite number of the unit owners have ratified the aforesaid amendment by signing a document so stating as required by Virginia Code Section 55-79.71.

Dennis B. Smith
Notary Public

My Commission Expires: 11/30/07

EXHIBIT "A"

GPINS

KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION

UNIT 101: 1476-17-6054-0101	UNIT 301: 1476-17-6054-0301
UNIT 102: 1476-17-6054-0102	UNIT 302: 1476-17-6054-0302
UNIT 103: 1476-17-6054-0103	UNIT 303: 1476-17-6054-0303
UNIT 104: 1476-17-6054-0104	UNIT 304: 1476-17-6054-0304
UNIT 105: 1476-17-6054-0105	UNIT 305: 1476-17-6054-0305
UNIT 106: 1476-17-6054-0106	UNIT 306: 1476-17-6054-0306
UNIT 201: 1476-17-6054-0201	UNIT 401: 1476-17-6054-0401
UNIT 202: 1476-17-6054-0202	UNIT 402: 1476-17-6054-0402
UNIT 203: 1476-17-6054-0203	UNIT 403: 1476-17-6054-0403
UNIT 204: 1476-17-6054-0204	UNIT 404: 1476-17-6054-0404
UNIT 205: 1476-17-6054-0205	UNIT 405: 1476-17-6054-0405
UNIT 206: 1476-17-6054-0206	UNIT 406: 1476-17-6054-0406

AMENDMENT TO DECLARATION AND BYLAWS OF KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION

(Physical Damage Insurance)
(Maintenance Responsibilities)

This AMENDMENT to DECLARATION and BYLAWS is made this 21st
day of May, 2004, Kempsville Greens Condominium Association,
hereinafter called "the Association."

WITNESSETH

WHEREAS, Independent Developers, Ltd, a Virginia corporation (the
"Declarant"), submitted to record Declaration of Condominium of Kempsville Greens
Condominium recorded in the Clerk's Office of the Circuit Court of the City of Virginia
Beach, Virginia in Deed Book 2781 at Page 1674, and Bylaws of Kempsville Greens
Condominium Unit Owners Association in the Clerk's Office of the Circuit Court of the
City of Virginia Beach, Virginia in Deed Book 2781 at Page 1702; and

WHEREAS, there is a unit owner other than the Declarant; and

WHEREAS, the Association Bylaws require that there be a master policy of
insurance for the protection of the condominium buildings; and

WHEREAS, the Association is of the opinion that certain changes are required
relative to the insurance provisions and that owners must be made to take responsibility
for the cause of the losses giving rise to these certain types of claims on the master
insurance policy; and

WHEREAS, the Bylaws may be amended pursuant to Article XII, Section 1(c) of
the Bylaws and the Declaration may be amended pursuant to Article 13(c) of the
Declaration and in accordance with Section 55-79.71 of the Code of Virginia, 1950, as
amended (the "Condominium Act"), which allows amendment upon a vote of unit owners
to which at least two-thirds (2/3) of the votes in the Unit Owners' Association appertain;
and

GPINS: See Exhibit A Attached

Prepared By: Inman & Strickler, P.L.C.
575 Lynnhaven Parkway, Suite 200

RECEIVED
VIRGINIA BEACH CIRCUIT CT.

2004 MAY 28 AM 10:40

TINA E. SINNEN, CLERK

Virginia Beach, VA 23452

WHEREAS, the requisite number of unit owners have given their approval of this amendment; and

WHEREAS, pursuant to Section 55-79.71.D of the Condominium Act, this Amendment shall become effective when the amendment is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia;

NOW, THEREFORE, the Association does hereby amend the Bylaws in the following manner:

1. Section Article V of the Bylaws entitled Operation of the Property, Section 5 entitled Maintenance and Repair, subsection (b) entitled By the Unit Owner shall be amended by adding the following section at the end of the subsection:

Each Unit Owner shall replace appliances (and parts thereof) and heating/air conditioning systems serving his Unit with such frequency as is necessary to avoid any damage to other Units or the common elements. Specifically, all Unit Owners shall replace water heaters, washing machine hoses, icemaker hoses and any other hoses providing or carrying water to any appliance or component within their Unit every seven (7) years, at a minimum, in order to avoid the imminent potential for damage related to obsolete equipment. Upon prior notification from the association, unit owners shall allow an inspection to insure that the water heaters have been replaced within the above time frame and to determine the general condition of the hoses. Unit owners shall have their heat pump condensation drains checked annually by qualified service personnel to ensure that the drains are not obstructed. The Association shall not be responsible for repairs or renovation work relative to any water damage to any units or Common Elements caused by the failure of any hot water heater, plumbing pipes and fixtures, refrigerator ice maker lines or any other appliances or fixtures, or any overflow from any appliances or fixtures, or from any air conditioning condensate drain line within any unit or serving only one unit; such responsibility and liability shall lie with the owner of the unit from which the water originated.]

2. Article 7 of the Declaration entitled Insurance; Section (a) entitled Insurance Coverage; item number (1) shall be amended by deleting this subsection and replacing it with the following:

The Board of Directors shall obtain and maintain a policy of hazard insurance insuring the buildings, improvements, and the personal property owned by the Association associated therewith, and such other improvements as the Board of Directors shall determine, in an amount equal to the full insurable replacement value as determined annually by the Board of Directors of the Association, subject to such reasonable deductibles as the Board of Directors shall elect, including water damage and leakage coverage on the Common Elements. The Master Insurance Policy shall not provide coverage for damages which are the responsibility of the unit owner pursuant to Article 7, Section (b) as amended. The aforesaid policy shall not provide any coverage for any unit. In the event that, for any reason, the Master Policy pays a claim for damage to a unit or the common elements caused by water emanating from a unit, the deductible shall be paid by the owner of the unit from which the water originated.

3. Article 7 entitled Insurance, Section (b) entitled Separate Insurance shall be amended by deleting this subsection in its entirety and amending it to read as follows:

Each Unit owner shall, at his own expense, obtain insurance for his own Unit and for his own benefit (including water damage coverage for his Unit and any other Unit, Common Element or Limited Common Element that sustains damage from water emanating from his Unit) in order to be financially responsible for an event as described in Article V, Section 5(b) of the Bylaws, and shall have the right to obtain insurance coverage upon his personal property and for his own liability as well as upon any improvements made by him to his Unit under coverage normally called "improvements and betterments coverage" and commonly referred to as an "HO-6" policy; provided, however, that no Unit owner shall be entitled to exercise his right to acquire or maintain such insurance coverage so as to decrease the amount which the Board of Directors, on behalf of all Unit owners, may realize under any insurance policy maintained by the Board or to cause any insurance coverage maintained by the Board to be brought into contribution with insurance coverage obtained by a Unit owners. No Unit owner shall obtain separate insurance policies on the Condominium except as provided in this section.

All provisions of the Declaration and Bylaws not expressly amended herein shall be and remain in full force and effect.

The undersigned President of the Association does hereby certify that this Amendment has been approved by vote of unit owners to which two-thirds (2/3) of the

votes in the Association appertain, as is required by Article XII, Section 1(c) of the Bylaws, Article 13 of the Declaration and the provisions of Section 55-79.71.D of the Code of Virginia, 1950, as amended (the Condominium Act), as evidenced by their signatures on file with the Association.

EXECUTED on the date first written above by the duly authorized officer of the Association.

KEMPSVILLE GREENS
CONDOMINIUM ASSOCIATION

By: Robert E. Guss
_____, President

CERTIFICATION PURSUANT TO VIRGINIA CODE SECTION 55-79.71.D

COMMONWEALTH OF VIRGINIA,
CITY OF VIRGINIA BEACH, to wit:

The foregoing instrument was acknowledged this 21st day of May, 2004, before me, the undersigned Notary Public, by Robert E. Guss, President of Kempsville Greens Condominium Association, who did state the requisite number of the unit owners have ratified the aforesaid amendment by signing a document so stating as required by Virginia Code Section 55-79.71.

Tenise P. Smith
Notary Public

My Commission Expires: 11/30/07

EXHIBIT "A"

GPINS

KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION

UNIT 101: 1476-17-6054-0101	UNIT 301: 1476-17-6054-0301
UNIT 102: 1476-17-6054-0102	UNIT 302: 1476-17-6054-0302
UNIT 103: 1476-17-6054-0103	UNIT 303: 1476-17-6054-0303
UNIT 104: 1476-17-6054-0104	UNIT 304: 1476-17-6054-0304
UNIT 105: 1476-17-6054-0105	UNIT 305: 1476-17-6054-0305
UNIT 106: 1476-17-6054-0106	UNIT 306: 1476-17-6054-0306
UNIT 201: 1476-17-6054-0201	UNIT 401: 1476-17-6054-0401
UNIT 202: 1476-17-6054-0202	UNIT 402: 1476-17-6054-0402
UNIT 203: 1476-17-6054-0203	UNIT 403: 1476-17-6054-0403
UNIT 204: 1476-17-6054-0204	UNIT 404: 1476-17-6054-0404
UNIT 205: 1476-17-6054-0205	UNIT 405: 1476-17-6054-0405
UNIT 206: 1476-17-6054-0206	UNIT 406: 1476-17-6054-0406



Instr: 200212093076922 Pg: 1 OF 5
City of Virginia Beach
12/09/2002 10:45:20AM
J. Curtis Fruit, Clerk

**AMENDMENT TO BYLAWS OF
KEMPSVILLE GREENS
CONDOMINIUM ASSOCIATION**

(Leasing of Units)

This AMENDMENT to BYLAWS is made this 4th day of December, 2002, by Kempsville Greens Condominium Association, hereinafter called "the Association."

WITNESSETH

WHEREAS, Independent Developers, Ltd., a Virginia corporation (the "Declarant"), submitted to record Bylaws of Kempsville Greens Unit Owners' Association recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Deed Book 2781 at Page 1702; and

WHEREAS, the corporate name of the Association was changed with the State Corporation Commission in 1991 to Kempsville Greens Condominium Association; and

WHEREAS, there is a unit owner other than the Declarant; and

WHEREAS, the Board of Directors has determined it is in the best interests of the Association to limit the number of leased units in the condominium because a rental of units in excess of 10% will be likely to negatively impact the atmosphere attendant to owner occupancy, property values and availability of financing on the units; and

WHEREAS, the Bylaws may be amended pursuant to Article XII, Section 1(c) of the Bylaws in accordance with Section 55-79.71 of the Code of Virginia, 1950, as amended (the "Condominium Act"), which allows amendment upon a vote of unit owners to which at least two-thirds (2/3) of the votes in the Unit Owners' Association appertain; and

GPINS: See Exhibit A Attached
Prepared By: Inman & Strickler, P.L.C.
575 Lynnhaven Parkway, Suite 200
Virginia Beach, VA 23452



Instr: 200212099076322
Page: 2 of 5

WHEREAS, pursuant to Section 55-79.71.D of the Condominium Act, this Amendment shall become effective when the amendment is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia;

NOW, THEREFORE, the Association does hereby amend the Bylaws in the following manner:

1. Article VII of the Bylaws, entitled (Sales, Leases and Alienation of Units), Section 3 (Leases) shall be amended by deleting the provision in its entirety and replacing it with a new provision to read as follows:

No more than two (2) Units of the Condominium may be leased at any time. All leases shall be for an initial term of not less than twelve (12) consecutive months. No unit owner may lease less than the entire unit. Any Unit Owner intending to lease the Unit shall submit a written request to the Board of Directors indicating the Unit Owner's intent to lease the Unit. The Unit shall not be leased until the Board of Directors responds with written permission to lease the Unit. The Board of Directors shall respond within thirty (30) days of the written request of the Unit Owner. Permission will be based solely on the numbers of units leased at the time of application. If two (2) Units are leased at the time of the request, the Unit Owner will be placed on a waiting list and will be notified when a leasing slot is available. The Unit Owner will then have sixty (60) days to enter into a lease. Thereafter, the Unit Owner will forfeit his position and, if the Unit Owner wishes to remain on the list he shall submit a written request therefor to the Board of Directors.

The Board of Directors may, in its sole discretion, authorize a lease which will exceed the maximum of two (2) leased Units restriction only upon a showing by a Unit Owner of a hardship which will result from the Board's denial of the lease request. Examples of "hardship" include, but are not limited to, military transfer or ill health preventing occupancy of the Unit.

Any Unit Owner whose request to lease the Unit is approved shall provide to the tenant, at the Unit Owner's expense, a copy of the Association's Declaration, Bylaws and Rules and Regulations and shall have the tenant execute a lease which requires the tenant to comply with the covenants, conditions and restrictions contained in those documents and that the Tenant's failure to do so constitutes a default under the lease. Any Unit Owner whose Unit is leased as of the effective date of this amendment shall submit a copy of the lease currently in effect to the Board of Directors or the Association Manager within 30 days from



Instr: 200212093076322
Page: 3 OF 5

the date of recordation of this Amendment, and such Unit shall not be subject to this provision until the termination of the current lease and any renewal thereof by the existing tenant(s).

2. All provisions of the Bylaws not expressly amended herein shall be and remain in full force and effect.

The undersigned President of the Association does hereby certify that this Amendment has been approved by vote of unit owners to which two-thirds (2/3) of the votes in the Association appertain, as is required by Article 13(c) of the Declaration and Article XII, Section 1(c), of the Bylaws and the provisions of Section 55-79.71.D of the Code of Virginia, 1950, as amended (the Condominium Act), as evidenced by their signatures on file with the Association and the consent of the requisite number of first mortgagees as required by Article XII, Section 3, of the Bylaws, as evidenced by their signatures on file with the Association or by compliance with Section 55-79.73:1 of the Code of Virginia.

EXECUTED on the date first written above by the duly authorized officer of the Association.

KEMPSVILLE GREENS CONDOMINIUM
ASSOCIATION

By:

Robert E. Fuss

ROBERT E. FUSS, President

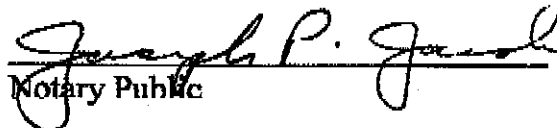


Instr: 200212033076922
Page: 4 OF 5

CERTIFICATION PURSUANT TO VIRGINIA CODE SECTION 55-79.71.D
AND SECTION 55-79.73:1

COMMONWEALTH OF VIRGINIA,
CITY OF VIRGINIA BEACH, to wit:

The foregoing instrument was acknowledged this 4TH day of DECEMBER, 2002, before me, the undersigned Notary Public, by ROBERT E. FUSSELL, President of Kempsville Greens Condominium Association, who did state the requisite number of the unit owners have ratified the aforesaid amendment by signing a document so stating as required by Virginia Code Section 55-79.71.D and all first mortgagees have been notified in writing as required by Virginia Code Section 55-79.73:1.


Notary Public

My Commission Expires:

My Commission Expires July 31, 2003



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EXHIBIT "A"**GPINS****KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION**

UNIT 101: 1476-17-6054-0101	UNIT 301: 1476-17-6054-0301
UNIT 102: 1476-17-6054-0102	UNIT 302: 1476-17-6054-0302
UNIT 103: 1476-17-6054-0103	UNIT 303: 1476-17-6054-0303
UNIT 104: 1476-17-6054-0104	UNIT 304: 1476-17-6054-0304
UNIT 105: 1476-17-6054-0105	UNIT 305: 1476-17-6054-0305
UNIT 106: 1476-17-6054-0106	UNIT 306: 1476-17-6054-0306
UNIT 201: 1476-17-6054-0201	UNIT 401: 1476-17-6054-0401
UNIT 202: 1476-17-6054-0202	UNIT 402: 1476-17-6054-0402
UNIT 203: 1476-17-6054-0203	UNIT 403: 1476-17-6054-0403
UNIT 204: 1476-17-6054-0204	UNIT 404: 1476-17-6054-0404
UNIT 205: 1476-17-6054-0205	UNIT 405: 1476-17-6054-0405
UNIT 206: 1476-17-6054-0206	UNIT 406: 1476-17-6054-0406

AMENDMENT TO THE BYLAWS OF
KEMPSVILLE GREENS CONDOMINIUM ASSOCIATION

THIS AMENDMENT to the Bylaws, of Kempsville Greens Condominium Association is made this 23rd day of December, 1995, by the Unit Owners' Association, Kempsville Greens Condominium (hereinafter "the Association").

WHEREAS, by the Declaration of the Association dated the 21st day of October, 1988, and recorded in the Office of the Clerk of the Circuit Court for the City of Virginia Beach, Virginia, on the 2nd day of November, 1988, in Deed Book 2781, page 1673 et seq., (hereinafter referred to as the "Declaration"), the Declarant did submit certain real property situate, lying and being in the City of Virginia Beach, Virginia, to the regime established by the Condominium Act, Title 55, Chapter 4.2, 55-79.39 through 55-79.103 of the Code of Virginia of 1950, as amended (hereinafter referred to as the "Condominium Act"), and did thereby create and establish a condominium form of ownership for the property known as Kempsville Greens Condominium.

WHEREAS, the Bylaws of Kempsville Greens Condominium dated the 21st day of October 1988, and recorded simultaneously with the Declaration in the Office of the Clerk of the Circuit Court for the City of Virginia Beach, Virginia, on the 2nd day of November, 1988, in Deed Book 2781, page 1702 et seq., (hereinafter referred to as the "Bylaws"), the Declarant did submit the administrative and operational procedures of the Condominium to the land records for Virginia Beach, Virginia; and

WHEREAS, the Condominium Act at 55-79.72B provides for amendment to the condominium legal documents by agreement of unit owners to which two-thirds (66 2/3%) of the votes in the Unit Owners' Association appertain, unless a higher percentage is required by law or the legal documents; and

WHEREAS, the Bylaws, at Article XII, Section 1(c) provides for an amendment thereto only by agreement of Unit Owners to which two-thirds (2/3rd) of the votes in the Association appertain; and

WHEREAS, notice having been sent in accordance with the Article XII of the Bylaws and at a meeting having been duly called pursuant to Article II of the Bylaws; and

WHEREAS, Article III, Section 2 of the Bylaws provides that the Board of Directors shall have and are delegated all of the powers, responsibilities, and duties necessary for the administration of the Association's affairs, including the power to make and amend Rules and Regulations deemed necessary and not in conflict with the Condominium Act, and such other acts and things as not by law or these Bylaws exclusively assigned to and directed to be exercised and done only by the unit owners of the Association; and

WHEREAS, the purpose of this amendment is to amend Article V, Section 9, Paragraph F of the Bylaws to provide that "A Unit may not be leased for a period of less than twelve (12) months" and amending Paragraph 13, Subparagraph A of the Rules and Regulations to likewise read "No Unit Owner shall lease his Unit for a period of less than twelve (12) months.";

NOW, THEREFORE, WITNESSETH, that pursuant to 55-79.72B of the Condominium Act, the Bylaws are amended as follows:

1. Article V, Section 9, Paragraph F of the Bylaws is hereby deleted in its entirety and the following is substituted in lieu thereof:

(f) A unit may not be leased for a period of less than twelve (12) months.

IN WITNESS WHEREOF, the Association hereby certifies that the requirements of the Condominium Act, Declaration and Bylaws of Kempsville Greens Condominium Unit Owners' Association have been met and the Association has caused this Amendment to be executed by its principal officer as of this 25th day of April, 1996.

KEMPSVILLE GREENS CONDOMINIUM

By: Doris C. Baker
President

Witnessed:

By: Betty Blosser
Secretary

COMMONWEALTH OF VIRGINIA
CITY OF VIRGINIA BEACH, TO WIT:

I, Georganne S. Cif, a Notary Public in and for the City of Virginia Beach, Virginia, whose commission expires on the 28 day of Feb, 2000, do hereby certify that Doris C. Baker as President of Kempsville Greens Condominium, whose name is signed to the foregoing instrument or writing, has represented that he/she is authorized to execute said document and has acknowledged the same before me in my City and State aforesaid.

Given under my hand this 25 day of April, 1996.

Georganne S. Cif
Notary Public

RECORDED WITH
CERTIFICATE ANNEXED

96 JUN 21 AM 10: 27

58.1-802
VIRGINIA BEACH, VA.
TESTE: Philip J. [Signature]
CLERK, DISTRICT COURT