

*For ease of use, this copy of the WOTHA By Laws has been annotated to indicate amendments that have been made over the years but that had not been incorporated into the text. The full text of the amendments follows the document.*

**BY-LAWS  
of  
THE WOODS OF TABB HOMES ASSOCIATION**

**ARTICLE I**

Name and Location. The name of the corporation is THE WOODS OF TABB HOMES ASSOCIATION, hereinafter referred to as the "Association". The principal office is P.O. Box 2186, Poquoson, Virginia 23662. Meetings of members and directors may be held at such places within the State of Virginia, in the City of Hampton, or the County of York, Virginia, as may be designated by the Board of Directors.

**ARTICLE II**

Section 1. "Association" shall mean and refer to THE WOODS OF TABB HOMES ASSOCIATION, its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Common Area" shall mean all the real property owned by the Association for the common use and enjoyment of the Owners.

Section 4. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 6. "Declarant" shall mean and refer to Cary's Chapel Limited Partnership, a Virginia Limited Partnership, its successors and assigns if such successors or assigns should acquire an undeveloped Lot from the Declarant for the purpose of constructing the initial improvements on such Lot.

Section 7. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions applicable to the Properties recorded in the Office of the Clerk of the Circuit court for the County of York, Virginia.

Section 8. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

### ARTICLE III

Section 1. Annual Meetings. The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held ~~on the first Wednesday in November~~ at a time and place to be determined by the current WOT Board of Directors. ~~If the day for the annual meeting of the members is a legal holiday, the meeting will be held on the first day following which is not a legal holiday.~~

between  
Nov. 1  
and 15

Section 2. Special Meetings. Special Meetings of the members may be called at any time by the President or by the Board of Directors, or upon written request of the members who are entitled to vote one-fourth (1/4) of all the votes of the Class A membership.

Section 3. Notice of Meetings. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, ~~by mailing a copy of such notice,~~ postage prepaid, at least 15 days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes of each class of membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

...distributing the notice in one of the following methods as chosen by the Member: 1) email, 2) hand distributed to home, or 3) mailed ...

### ARTICLE IV

#### **BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE**

Section 1. Number. The affairs of this Association shall be managed by a Board of five (5) Directors, ~~who need not be members of the Association.~~

shall

Section 2. Term of Office. At the first annual meeting, the members shall elect one (1) director for a term of three (3) years, one (1) director for a term of two (2) years and one (1) director for a term of one (1) year. ~~Director #4 shall be initially elected for a term of two (2) years, director #5 shall be elected for a term of three (3) years; and at each annual meeting thereafter, the members shall elect the succeeding director(s) for a term of three (3) years.~~

At the 1994 annual meeting, the members shall elect a fourth director for an initial term of two (2) years and a fifth director for an initial term of three (3) years. At each annual meeting thereafter, the members shall elect succeeding directors for a term of three (3) years.

Section 3. Removal. Any director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

Section 4. Compensation. No director shall receive compensation for any service he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.

Section 5. Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

## ARTICLE V

### **NOMINATION AND ELECTION OF DIRECTORS**

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two (2) or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the members to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall, in its discretion, determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members or non-members.

Section 2. Election. Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

## ARTICLE VI

### **MEETINGS OF DIRECTORS**

Section 1. Regular Meetings. Regular meeting of the Board of Directors shall be held monthly, ~~without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.~~

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two directors, after not less than three (3) days' notice to each director.

Section 3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

## **ARTICLE VII**

### **POWERS AND DUTIES OF THE BOARD OF DIRECTORS**

Section 1. Powers. The Board of Directors shall have power to:

(a) adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

(b) suspend the voting rights and right to use of the recreational facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations;

(c) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation or the Declaration;

(d) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors; and

(e) employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

Section 2. Duties. It shall be the duty of the Board of Directors to:

(a) cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the Class A members who are entitled to vote;

(b) supervise all officers, agents and employees of this Association and to see that their duties are properly performed;

(c) as more fully provided in the Declaration, to:

(1) fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period;

(2) send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

(3) foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the Owner personally obligated to pay the same.

(d) issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) procure and maintain adequate liability and hazard insurance on property owned by the Association. The Association shall have fire and extended coverage insurance for no less than one hundred percent (100%) of replacement cost of insurable common property. Such insurance must name as the insured the Woods of Tabb Homes Association for the benefit of the lot owners in Woods of Tabb.

(f) cause all officers or employees having fiscal responsibilities to be bonded. The Association shall have fidelity coverage against dishonest acts on the part of directors, managers, trustees, employees or volunteers responsible for handling funds collected and held for the benefit of the lot owners. The fidelity bond or insurance must name the Woods of Tabb Homes Association as the named insured and shall be written in an amount sufficient to provide protection which is in no event less than one and one-half times the insured's estimated annual operating expenses and reserves. In connection with such coverage, an appropriate endorsement to the policy to cover any persons who serve without compensation shall be added if the policy would not otherwise cover volunteers.

(g) The Association shall have a comprehensive policy of public liability insurance covering all of the common property. Such insurance policy shall contain a "severability of interest" clause or endorsement which shall preclude the insurer from denying the claim of lot owner because of negligent acts of the Association, or other unit owners. Coverage shall be for at least \$1,000,000 per occurrence for personal injury and/or property damage.

(h) cause the Common Area to be maintained.

## ARTICLE VIII

### **OFFICERS AND THEIR DUTIES**

Section 1. Enumeration of Offices. The officers of this Association shall be a President and Vice President, who shall at all times be members of the Board of Directors, a Secretary, and a Treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may from time to time determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Multiple Offices. The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4. of this Article.

Section 8. Duties. The duties of the officers are as follows:

(a) President. The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes.

(b) Vice President. The vice president shall act in the place and stead of the president in the event of his absence, inability or refusal to act, and shall

exercise and discharge such other duties as may be required of him by the Board.

(c) Secretary. The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.

(d) Treasurer. The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be represented to the membership at its regular annual meeting, and deliver a copy of each to the members.

## **ARTICLE IX**

### **COMMITTEES**

The Association shall appoint an Architectural Review Committee, as provided in the Declaration, and a Nominating Committee, as provided in these By-Laws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

## **ARTICLE X**

### **BOOKS AND RECORDS**

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at a reasonable cost.

## **ARTICLE XI**

### **ASSESSMENTS**

As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien

twelve  
(12%)

upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of ~~eight (8%)~~ percent per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

~~ARTICLE XII~~

Article XII has been  
deleted in its entirety

~~CORPORATE SEAL~~

~~The Association shall have a seal in circular form having within its circumference the words: THE WOODS OF TABB HOMES ASSOCIATION, a Virginia Corporation.~~

ARTICLE XIII

AMENDMENTS

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority or a quorum of members present in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

ARTICLE XIV

MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end of the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

## ARTICLE XV

### ARCHITECTURAL REVIEW

Section 1. Applying for ARC Approval. All items which require ARC approval must be submitted on the applicable form to the ARC chairman. All information requested on the form must be provided.

..., the 9 feet height shall include the total wall height and the complete building foundation, beginning with the ground to the top of the wall, including any piers, stilts, etc.,

Section 2. Sheds. All sheds must be submitted to the ARC for approval. Sheds must not exceed an area of 160 square feet or a height of 9 feet and must be placed behind the rear foundation line of the home. Sheds should be placed on the lot in such a way as to minimize the visual impact to the adjoining neighbors. All sheds must be consistent in shape, style, color and building material with the existing home and neighborhood. Metal sheds of any type will not be allowed.

Section 3. Fences. The maximum height of any fence shall not exceed six(6) feet. No fence shall exceed four (4) feet in height within fifty (50) feet of any lake. The Architectural Review Committee may require wooden or brick fences containing an attractive design consistent with the neighborhood and may exclude metal fences, pens or enclosures.

Section 4. Building Additions. Building additions shall include room additions, detached garages, decks, screen porches, sun rooms and all other structures attached to or added on to an existing home. All building additions must be submitted to the ARC for approval. All work must be consistent in size, shape, style, building material and color with the existing home and neighborhood.

Section 5. Mailboxes and Posts. All mailboxes shall be black and of a standard size for rural deliveries. Mailboxes will match the existing mailboxes in the community. All mailbox posts shall be gray, white, or any light color which matches the existing home. Any other changes to a mailbox or its post must be approved by the ARC committee.

Section 6. Awnings. Awnings of any type will not be allowed on the front of the home, and all other locations must be submitted to the ARC for approval.

Section 7. Swingsets. All swingsets and playground equipment must be kept behind the rear building foundation line and must be placed to minimize the visual impact and disturbance to adjoining neighbors.

Section 8. Dog Houses and Pens. Dog houses must be placed behind the rear building foundation line and placed to minimize the visual impact to adjoining neighbors. All dog houses must be consistent in style, color and building materials with the existing home or neighborhood. Dog pens/Dog runs must be submitted to the ARC for approval.

Section 9. Solar Collectors/Panels. Solar collectors or panels ~~will not be allowed.~~\*

\* Pursuant to VA Code §76-701, solar energy collection device installations are permitted but require an approved Architectural Review Request. The Architectural Review Committee will work with owners to install these devices in locations that minimize visual impact on neighbors and the community.

Section 10. Swimming Pools and Spas. All swimming pool and spa designs must be submitted to the ARC for approval. Pools and spas must be placed behind the house rear foundation line. All swimming pools and spas must be properly fenced and/or covered.

Section 11. Driveway, Sidewalk and Patio Additions and Extensions. All designs for driveway, sidewalk and patio additions and extensions must be submitted to the ARC for approval.

Section 12. Window Air Conditioning Units. Window air conditioning units will not be allowed.

Section 13. General Maintenance. All Structures and Property must be kept in good repair. If repairs are not done in a timely manner it shall constitute a nuisance.

Section 14. Appealing an ARC Decision. All requests submitted to the ARC must be approved by majority vote. The decisions will be based upon the Covenants, Conditions, and Restrictions and By-Laws of The Woods of Tabb. All homeowners have the right to appeal an ARC decision to the Board of Directors. The Board of Directors' decision will be by majority vote and will be final.

Section 15. Recreational Vehicles, Trailers, Motor Homes, Boats, Campers. The placement of all recreational vehicles, trailers, motor homes, boats, campers or other equipment which is temporary in nature shall be submitted to the ARC for approval. In general, the ARC will not approve placement of such equipment on streets, corner lots or other lots with rear access to other owner's lots because of the negative visual impact. Special consideration may be made for placement behind the rear foundation line of a home when the rear of the home has or will be provided with special natural screening characteristics.

CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am duly elected and acting Secretary of THE WOODS OF TABB HOMES ASSOCIATION, a Virginia Corporation; and

THAT the foregoing BY-LAWS constitute the original By-Laws of said Association, as duly adopted at a meeting of the Board of Directors thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 1992.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Acting Secretary

ORIGINAL

BY-LAW AMENDMENTS

OF

THE WOODS OF TABB HOMES ASSOCIATION

STATE OF VIRGINIA        )  
  )  
COUNTY OF YORK        )        ss:

I, the undersigned President for The Woods of Tabb Homes Association, do hereby certify that at a properly announced and constituted regular annual Membership Meeting held on December 7, 1994, the By-Laws of The Woods of Tabb Homes Association were amended on a vote of the majority of a quorum of members present in person or by proxy as follows:

Article I amended to read:

Name and Location. The name of the corporation is THE WOODS OF TABB HOMES ASSOCIATION, hereinafter referred to as the "Association". The principal office of the corporation shall be located at P.O. Box 2186, Poquoson, Virginia 23662.

Article III, Section 1 amended to read:

Section 1. Annual Meeting. The annual meeting shall be held on the first (1) Wednesday in November at a time and place to be determined by the Board of Directors. If the day of the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Article IV, Section 1 amended to read:

Section 1. Number. The affairs of this Association shall be managed by a Board of five (5) directors, who shall be members of the Association.

Article IV, Section 2 amended to read:

Section 2. Term of Office. At the first annual meeting, the members shall elect one (1) directors for a term of three (3) years, one (1) director for a term of two (2) years and one director for a term of one (1) year. At the 1994 annual

meeting, the members shall elect a fourth director for an initial term of two (2) years and a fifth director for an initial term of three (3) years. At each annual meeting thereafter, the members shall elect succeeding directors for a term of three (3) years.

Article VII, Section 2 (e) amended to read:

(e) procure and maintain adequate liability and hazard insurance on property owned by the Association. The Association shall have fire and extended coverage insurance for no less than one hundred percent (100%) of replacement cost of insurable common property. Such insurance must name as the insured The Woods of Tabb Homes Association for the benefit of the lot owners in Woods of Tabb.

Article VII, Section 2 (f) amended to read:

(f) cause all officers or employees having fiscal responsibilities to be bonded. The Association shall have fidelity coverage against dishonest acts on the part of the directors, managers, trustees, employees or volunteers responsible for handling funds collected and held for the benefit of the lot owners. The fidelity bond or insurance must name The Woods of Tabb Homes Association as the named insured and shall be written in an amount sufficient to provide protection which is in no event less than one and one-half times the insured's estimated annual operating expenses and reserves. In connection with such coverage, an appropriate endorsement to the policy to cover any persons who serve without compensation shall be added if the policy would not otherwise cover volunteers.

Article XV is added to read:

## ARTICLE XV

### ARCHITECTURAL REVIEW

Section 1. Applying for ARC Approval. All items which require ARC approval must be submitted on the applicable form to the ARC chairman. All information requested on the form must be provided.

Section 2. Sheds. All sheds must be submitted to the ARC for approval. Sheds must not exceed an area of 160 square feet or a height of 9 feet and must be placed behind the rear foundation line of the home. Sheds should be placed on the lot in such a way as to minimize the visual impact to the adjoining neighbors. All

sheds must be consistent in shape, style, color and building material with the existing home and neighborhood. Metal sheds of any type will not be allowed.

Section 3. Fences. The maximum height of any fence must not exceed 6 feet. No metal fences of any type will be allowed.

Section 4. Building Additions. Building additions shall include room additions, decks, screened porches, sun rooms, detached garages, and all other structures attached to or added on to an existing home. All building additions must be submitted to the ARC for approval. All work must be consistent in size, shape, style, building materials and color with the existing home and neighborhood.

Section 5. Mailboxes and Posts. All mailboxes shall be black and of a standard size for rural delivery. Mailboxes will match the existing mailboxes in the community. All mailboxes shall be gray, white, or any light color which matches the existing home. Any changes to a mailbox or its post must be approved by the ARC committee.

Section 6. Awnings. Awnings of any type will not be allowed on the front of the home, and all other locations must be submitted to the ARC for approval.

Section 7. Swingsets. All swingsets and similar type of equipment must be behind the rear building foundation line and must be placed to minimize the visual impact and disturbance to adjoining neighbors.

Section 8. Dog Houses and Pens. Dog houses and pens must be behind the rear foundation building line and placed to minimize the visual impact to adjoining neighbors. All dog houses must be consistent in style, color and building materials with the existing home or neighborhood. Dog pens and dog runs must be submitted to the ARC for approval.

Section 9. Solar Collectors / Panels. Solar collectors and panels will not be allowed.

Section 10. Swimming Pools and Spas. All swimming pools and spa designs must be submitted to the ARC for approval. Pools and spas must be placed behind the rear foundation building line and placed to minimize the visual impact to all neighbors. All swimming pools and spas must be properly fenced and/or covered for safety.

Section 11. Driveway, Sidewalk and Patio Additions and Extensions. All designs for driveway, sidewalk and patio additions and extensions must be submitted to the ARC for approval.

Section 12. Window Air Conditioning Units. Window air conditioning units will not be allowed.

Section 13. Appealing an ARC Decision. All requests submitted to the ARC must be approved by majority vote. The decisions will be based upon the Covenants, Conditions and Restrictions and By-Laws of the Woods of Tabb. All homeowners have the right to appeal an ARC decision to the Board of Directors. The Board of Directors' decision will be by majority vote and will be final.

No other changes or amendments follow.

IN WITNESS WHEREOF, I hereunto subscribe my name this 27 day of January, 1995.

Deber S. Baker

as:

Director  
The Woods of Tabb Homes Association

On this 27<sup>th</sup> day of January, 1995, before me personally appeared Deber S. Baker and personally signed and acknowledged before me under oath in the County of York, Virginia, the foregoing, By-Law Amendments of The Woods of Tabb Homes Association in the capacity as DIRECTOR for The Woods of Tabb Homes Association.

My commission expires by Commission Expires August 31, 1995

Deborah T. Gaffey  
Notary Public

BK083460722

4107  
edw

**Section 11. Driveway, Sidewalk and Patio Additions and Extensions.** All designs for driveway, sidewalk and patio additions and extensions must be submitted to the ARC for approval.

**Section 12. Window Air Conditioning Units.** Window air conditioning units will not be allowed.

**Section 13. Appealing an ARC Decision.** All requests submitted to the ARC must be approved by majority vote. The decisions will be based upon the Covenants, Conditions and Restrictions and By-Laws of the Woods of Tabb. All homeowners have the right to appeal an ARC decision to the Board of Directors. The Board of Directors' decision will be by majority vote and will be final.

No other changes or amendments follow.

IN WITNESS WHEREOF, I hereto subscribe my name this 27 day of January, 1995.

Debra S. Baker

as: Director  
The Woods of Tabb Homes Association

On this 27<sup>th</sup> day of January, 1995, before me personally appeared Debra S. Baker and personally signed and acknowledged before me under oath in the County of York, Virginia, the foregoing, By-Law Amendments of The Woods of Tabb Homes Association in the capacity as Director for The Woods of Tabb Homes Association.

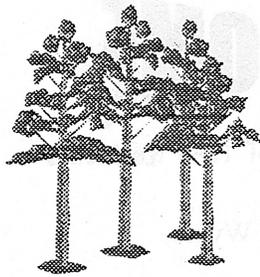
My commission expires by Commission Expires August 31, 1995

Deborah F. Gardner  
Notary Public

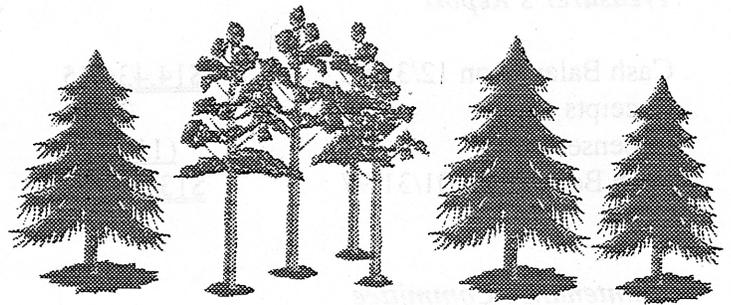


Virginia: County of York to-wit:  
in the Clerk's Office of the Circuit Court for the  
County of York, the 27 day of Feb, 1995  
This deed was presented with the certificate annexed  
and admitted to record at 12:34 o'clock PM  
Teste: Nancy E. Kane, Clerk  
By: Deborah F. Gardner Deputy Clerk

*"From the President" article documents passage of change to rules pertaining to fences approved at the 11/96 AGM.*



# THE Woods OF Tabb



February

1997

## NEWS

### *From the President*

It's 1997 already and our first issue of the newsletter is out. The new board members and committee members are in place and working for our community. As you may or may not know all of us are strictly volunteers and are only interested in making our community work and look better. We can still use more volunteers for our committees and even if you can only help once, we can still use your help. Call one of the committee members or board members to volunteer, their numbers are listed in this newsletter.

There is some confusion as to what is required by a homeowner when selling a home in the Woods of Tabb. It is in the best interest as a homeowner who is selling there home to request a disclosure package from the association. This package contains copies of the Articles of incorporation, The Covenants, By-Laws, an update on the homeowners dues, and weather the property is in compliance with the ARC guidelines set in the Covenants and By-Laws. If you do not furnish these items to a buyer and any of these items are not in compliance or they do not have a **current** copy of the By-Laws and Covenants than you as the seller can be sued after the sale by the new homeowners for not disclosing any deficiencies and to make the necessary changes. Remember this is for your benefit and not the associations and the fee the



### Mark Your Calendar

**March 10** – Board of Directors monthly meeting, 7:00 PM, at the white house

association charges (\$25.00) is to cover the costs of this package. If you have any questions about this give me a call or talk to your attorney. This is very important information!

As you know the gazebo in Gholson Park has been vandalized many times. I wanted to thank Barry Patterson, on behalf of all of us, for his volunteer efforts in cleaning and repairing the gazebo. He spent several hours of his own time trying to make the gazebo presentable again. Thanks Barry!

Included with this newsletter is a revised page to add to your copy of the Woods of Tabb By-Laws. Please remove your old page and replace it with this one. This page has the change to the ARC restrictions on fences voted in last November at the Annual Meeting. If you don't have a copy of the By-Laws and need one call me and I'll be happy to get you one.

If you have any questions or problems about the association that I can help you with please give me a call at 868-6229. I'll be happy to try and help.

*Bob Kaufmann*

### ***Treasurer's Report***

Cash Balance on 12/31/96	<u>\$14,434.35</u>
Receipts	28.20
Expenses	(1170.76)
Cash Balance on 01/31/97	<u>\$13,291.79</u>

### ***Maintenance Committee***

The maintenance committee will install a new pump in Lake Fisher in early March.

Remember that areas surrounding the lakes, except for parks, are not common spaces.

***Parents are reminded to keep children off of the rocks surrounding drainage areas for their own safety.***

***Pet owners are reminded to clean up after their pets.*** Common spaces, including the entrances and the berm along Cary's Chapel Road, are not dog runs. Your cooperation is appreciated.

### ***Architectural Review Committee***

The new chairperson for the ARC is Peggy Kearns. The committee will now meet the first Monday of each month.

### ***Social Committee***

Karalee Romaneski is the new chairperson for the committee. Anyone interested in helping out the committee should give Karalee a call.

# WELCOME

The new Woods of Tabb Residents

105 Trei's Trail – David Wyatt

107 Trei's Trail – Mark Stephens &  
Cynthia Stowe

201 Trei's Trail – Larry & Teri Reinkemeyer

203 Trei's Trail – The Tokarski Family

305 Trei's Trail – Ed & Cathy Modlin

313 Willard's Way – The Wallace Family

306 Terry's Run – Al & Patsy Rostkowski

**Help! The Welcoming and Newsletter Committees need your help in keeping track of families moving in to WOT. If you know of (or are) a new family, PLEASE LET US KNOW (see last page).**

**Thanks.**

## *Neighborhood Information*

- Kathryn White is an experienced babysitter. She is 15 years old at can be reached at 867-8781
- Marsha Engle, Certified Massage Therapist, offers therapeutic massage at her home at 103 Champions Path. Experience the many benefits. Gift certificates available. 766-3473.
- Denise Fuller would like to start a small playgroup of 4 to 5 kids around the age of 2. Please call Denise if interested at 766-2968.
- Chuck Engle, CPA is available for income tax preparation. He can be reached at 766-3473.
  
- If you are planning to buy or sell a home in the coming year, give your neighbor, Anita Lee with Cale & Company Realtors a call at 595-8895 or just drop by 216 Champions path. USAA has selected Cale (and Anita) as one of the few authorized participants in their MOVERS ADVANTAGE program. Call Anita for more details. Home number: 766-1788.

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### *1997 WOTHA Board of Directors*

William Berrios	766-9375
Bob Kaufmann	868-6229
Steve Hassell	865-1184
Charles Lee	766-1788
Pat Wilmore	868-6849

### *1997 WOTHA Officers:*

President	Bob Kaufmann
Vice President	Steve Hassell
Treasurer	Pat Wilmore
Secretary	William Berrios

### *1997 WOTHA Committee Chairs:*

Arch. Review -	
Peggy Kearns	865-8569
Bob Reish	766-8182
Cathy Beville	<del>865-4504</del>
Maintenance - John Whiteside	865-7014
Nominating - Steve Hassell	865-1184
Social - Karalee Romaneski	865-4068
Welcoming - Sandy Hougum	766-9364
Newsletter - Sue Hassell	865-1184

## ARTICLE XV

### **ARCHITECTURAL REVIEW**

Section 1. Applying for ARC Approval. All items which require ARC approval must be submitted on the applicable form to the ARC chairman. All information requested on the form must be provided.

Section 2. Sheds. All sheds must be submitted to the ARC for approval. Sheds must not exceed an area of 160 square feet or a height of 9 feet and must be placed behind the rear foundation line of the home. Sheds should be placed on the lot in such a way as to minimize the visual impact to the adjoining neighbors. All sheds must be consistent in shape, style, color and building material with the existing home and neighborhood. Metal sheds of any type will not be allowed.

Section 3. Fences. The maximum height of any fence shall not exceed six(6) feet. No fence shall exceed four (4) feet in height within fifty (50) feet of any lake. The Architectural Review Committee may require wooden or brick fences containing an attractive design consistent with the neighborhood and may exclude metal fences, pens or enclosures.

Section 4. Building Additions. Building additions shall include room additions, detached garages, decks, screen porches, sun rooms and all other structures attached to or added on to an existing home. All building additions must be submitted to the ARC for approval. All work must be consistent in size, shape, style, building material and color with the existing home and neighborhood.

Section 5. Mailboxes and Posts. All mailboxes shall be black and of a standard size for rural deliveries. Mailboxes will match the existing mailboxes in the community. All mailbox posts shall be gray, white, or any light color which matches the existing home. Any other changes to a mailbox or its post must be approved by the ARC committee.

Section 6. Awnings. Awnings of any type will not be allowed on the front of the home, and all other locations must be submitted to the ARC for approval.

Section 7. Swingsets. All swingsets and playground equipment must be kept behind the rear building foundation line and must be placed to minimize the visual impact and disturbance to adjoining neighbors.

Section 8. Dog Houses and Pens. Dog houses must be placed behind the rear building foundation line and placed to minimize the visual impact to adjoining neighbors. All dog houses must be consistent in style, color and building materials with the existing home or neighborhood. Dog pens/Dog runs must be submitted to the ARC for approval.

Section 9. Solar Collectors/Panels. Solar collectors or panels will not be allowed.

\* Pursuant to VA Code §76-701, solar energy collection device installations are permitted but require an approved Architectural Review Request. The Architectural Review Committee will work with owners to install these devices in locations that minimize visual impact on neighbors and the community.

BY-LAW AMENDMENT

OF

THE WOODS OF TABB HOMES ASSOCIATION

STATE OF VIRGINIA  
COUNTY OF YORK

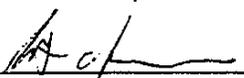
I, the undersigned President for The Woods of Tabb Homes Association, do hereby certify that at a properly announced and constituted regular annual Membership Meeting held on November 5, 1997, the By-Laws of The Woods of Tabb Homes Association were amended on a vote of the majority of a quorum of members present in person or by proxy as follows:

Article XV, Section 15 added to read:

**Section 15. Recreational Vehicles, Trailers, Motor Homes, Boats, Campers. The placement of all recreational vehicles, trailers, motor homes, boats, campers or other equipment which is temporary in nature shall be submitted to the ARC for approval. In general, the ARC will not approve placement of such equipment on streets, corner lots or other lots with rear access to other owner's lots because of the negative visual impact. Special consideration may be made for placement behind the rear foundation line of a home when the rear of the home has or will be provided with special natural screening characteristics.**

No other changes or amendments follow.

IN WITNESS WHEREOF, I hereunto subscribe my name this 31<sup>st</sup> day of December, 1997.

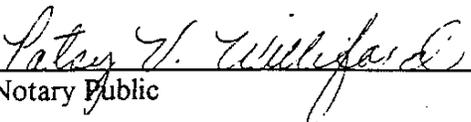
  
\_\_\_\_\_

Robert C. Kaufmann

as: President  
The Woods of Tabb Homes Association

On this 31<sup>st</sup> day of December, 1997, before me personally appeared Robert C. Kaufmann and personally signed and acknowledged before me under oath in the City of Newport News, Virginia, the foregoing By-Law Amendment of The Woods of Tabb Homes Association in the capacity as President for the Woods of Tabb Homes Association.

My commission expires August 31, 2001

  
\_\_\_\_\_  
Notary Public

BY-LAW AMENDMENT

OF

WOODS OF TABB HOMES ASSOCIATION

STATE OF VIRGINIA  
COUNTY OF YORK

I, the undersigned President for The Woods Of Tabb Homes Association, do hereby certify that a properly announced and constituted regular annual Membership Meeting held on November 1, 2000, the By-Laws of the The Woods of Tabb Homes Association were amended on a vote of the majority of a quorum of members present in person or by proxy as follows:

Article XI, Assessments, shall read as follows:

As more fully provided in the Declaration, each member obligated to pay to the Association annual and special assessments, which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of twelve (12%) percent per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area of abandonment of his lot.

Article XV, Section 2 Sheds, shall read as follows.

All sheds must be submitted to the ARC for approval. Sheds must not exceed an area of 160 square feet or a height of 9 feet, the 9 feet height shall include the total wall height and the complete building foundation, beginning with the ground to the top of the wall, including any piers, stilts, etc., and must be placed behind the rear foundation line of the home. Sheds should be placed on the lot in such a way as to minimize the visual impact to the adjoining neighbors. All sheds must be consistent in shape, style, color and building material with the existing home and neighborhood. Metal sheds of any type will not be allowed.

No other changes or amendments follow:

IN WITNESS WHEREOF, I hereunto subscribe my name this 21 day of ~~January~~ <sup>Feb</sup> 2001.



Dee Mills  
As: President  
The Woods of Tabb Homes Association

On this 21 day of ~~January~~ <sup>Feb</sup> 2001, before me personally appeared Dee Mills and personally signed and acknowledged before me under oath in the City of POQUOSON, Virginia, the foregoing By-Law Amendment of The Woods of Tabb Homes Association in the capacity as President for the Woods of Tabb Homes Association.

My commission expires June 30, 2003

  
Notary Public  
*R*

BY-LAW AMENDMENTS  
OF  
THE WOOD OF TABB HOMES ASSOCIATION

STATE OF VIRGINIA            )  
  )  
COUNTY OF YORK            )

I, the undersigned President for The Woods of Tabb Homes Association do hereby certify that at a properly announced and constituted regular annual Membership Meeting held on November 1, 2006, the By-Laws of The Woods of Tabb Homes Association were amended on a vote of the majority of a quorum of members present in person or by proxy as follows:

ARTICLE III, Section 1 amended to read:

The first annual meeting of members shall be held within one year from the date of incorporation of the Association and each subsequent regular annual meeting of the members shall be held between November 1 and November 15 at a time and place to be determined by the current WOT Board of Directors.

ARTICLE III, Section 3.amended to read:

Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by distributing the notice in one of the following methods, as chosen by the Member: (1) e-mail, (2) hand distributed to home, or (3) mailed via US Postal Service postage prepaid; at least 15 days before such meeting to each member entitled to vote thereat, addressed to the member's address (or e-mail address as applicable) last appearing on the books of the Association, or supplied by such member to the Association for the purpose of the notice. Such notice shall specify the place, day and hour of the meeting and, in the case of a special meeting, the purpose of the meeting.

ARTICLE VI, Section 1.amended to read;

Regular meeting of the Board of Directors shall be held monthly. Schedule of the meetings shall be placed in the Newsletter and on the Association Website for all members to access.

ARTICLE XII, This article is deleted in its entirety

No other changes or amendments follow.

IN WITNESS WHEREOF, I hereunto subscribe my name this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\*\*

\_\_\_\_\_  
\_\_\_\_\_

as: \_\_\_\_\_  
The Woods of Tabb Homes Association

On this \_\_\_\_\_ day of \_\_\_\_\_, 2007, before me personally appeared \_\_\_\_\_ and personally signed and acknowledged before me under oath in the County of York, Virginia the foregoing, By-Laws Amendments of The Woods of Tabb Homes Association, in the capacity as \_\_\_\_\_ for The Woods of Tabb Homes Association.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**\*\* Paragraph V of the meeting minutes on the following page verifies Member approval of the 2006 Amendments to the WoTHA By-Laws**

**The Woods of Tabb Homes Association  
Annual Meeting  
November 1, 2006**

**Attendance:** Board Members: Dave Bolcar, Danny Steadman, John Evans, Dan Conley, Ed Ludwig; Treasurer: Ron DeWitt; Other Committee and Association Members as attached.

**I. Call to Order and Determination of Quorum**

- The meeting was called to order at 7:09 PM by Ed Ludwig.
- It was determined, through sign-in sheets that a quorum of Association Members was present.

**II. York County briefing on BMP Maintenance**

- Connie Bennett, York County Stormwater Engineer, gave a presentation and briefed the association on County requirements on regulations and maintenance associated with Pond (BMP) management.
- Ms. Bennett distributed brochures “Maintaining Your Stormwater Lakes and Ponds” from the Stormwater Advisory Committee that contains recommendations on procedures for maintaining and prolonging the useful life of BMPs.
- The County has a staff to clean out drainage ditches twice a year and perform major repairs. The Association and homeowners need to maintain the BMPs. It would be the HOA responsibility to dredge the BMPs, if it becomes necessary.
- The new pond in Section 7 is currently set up as a sediment basin during the construction operation. Which is probably why the pond overflowed during the recent >100 year rain event. It is designed to be a shallow pond with wetland plantings under its final configuration. Because of the small area served, it is not practical to construct a wet pond in Section 7.
- Ms. Bennett reported that the County Attorney informed her that her department could not stop the developer from tying into the existing ponds. The method of meeting the Stormwater requirements is up to the developer. The County does not dictate which method to use.
- Ms. Bennett will bring Association member concerns to her director and will review the pond on Friday, November 10<sup>th</sup> to see if it is properly constructed.

**III. Peninsula Home Builders Association – Briefing on Parade of Homes**

- David Root of the Peninsula Housing & Builders Association gave a presentation on the upcoming Parade of Homes in Section 7. (Phone: 757/595-1600. e-mail droot@penhousing.com)
- The tour is schedules for late April and Early May for 16 days.
- It will be open to the general public.
- There will be 9 to 10 homes on the tour. Others will be built after the tour.

- The homes will be in the \$675,000 price range and will generally be 3,500 square foot to 3,700 square foot. There is at least one home that will be 4,000 s.f.
- The builders are aware to the WOTHA covenants and will comply or exceed them.
- The parade will be advertised on radio and TV.
- Off-site parking will be made available and there will not be any parking allowed in Woods of Tabb per the County. Options under consideration are a private acreage or the speedway.
- A temporary entrance will be developed off of Cary's Chapel and buses will transport visitors from the remote parking site to the parade area.
- Every home in the WOT will receive 2 free tickets to the parade.
- The parade homes will be lit during the evening. Signs will only be located in front of the homes per County requirements.
- The parade will terminate at 8:00 PM each weekend night and between 6:00 or 7:00 PM during the week.
- All plans must be submitted to the ARC prior to construction. It was noted that construction had already begun and no plans have been submitted for approval. David will contact Richard Dudley and Buddy Spencer.

#### **IV. Presentation of Nominations for Board Members and Acceptance of Nominations from the Floor**

- There is one Board of Directors position open. That is the one being vacated by Danny Steadman. Dan Conley will be staying on to finish his term.
- Melissa Merrill and Russell Weber had previously expressed interest in the open position.
- Wade Bowie was nominated from the floor.
- A secret ballot was held. The results were announced with Wade Bowie being elected to the Board with a three-year term starting in 2007 and expiring at the end of 2009. ( Results Melissa Merrill – 9 votes, Russell Weber – 11 votes, Wade Bowie – 118 votes)

#### **V. Vote on Proposed Amendments to By-Laws**

- Proposed Change No. 1  
ARTICLE III, Section 1. Annual Meeting. The first annual meeting of members shall be held within one year from the date of incorporation of the Association and each subsequent regular annual meeting of the members shall be held **between November 1 and November 15** at a time and place to be determined by the current WOT Board of Directors. **[Proposed amendment was unanimously approved by members in attendance.]**
- Proposed Change No. 2  
ARTICLE III, Section 3. Notice of Meetings. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, **by distributing the notice in one of the following methods, as chosen by the Member: (1) e-mail, (2) hand distributed to home, or (3) mailed via US Postal Service postage prepaid;** at

least 15 days before such meeting to each member entitled to vote thereat, addressed to the member's address (or e-mail address as applicable) last appearing on the books of the Association, or supplied by such member to the Association for the purpose of the notice. Such notice shall specify the place, day and hour of the meeting and, in the case of a special meeting, the purpose of the meeting. **[Proposed amendment was approved by a majority of members in attendance. 84 Aye, 49 Nay.]**

- Proposed Change No. 3

ARTICLE VI, Section 1. Regular Meetings. Regular meeting of the Board of Directors shall be held monthly. **Schedule of the meetings shall be placed in the Newsletter and on the Association Website for all members to access. [Proposed amendment was unanimously approved by members in attendance.]**

- Proposed Change No. 4

ARTICLE XII, Corporate Seal. Proposal is to delete this entire section of the By-Laws as the Association does not have a Corporate Seal. **[Proposed amendment was unanimously approved by members in attendance.]**

- Proposed Change No. 5a

ARTICLE XV, Section 12. Window Air Conditioning Units. **[Proposal to delete the section in its entirety was rejected by a majority of members in attendance. 1 Aye, Balance Nay]**

- Proposed Change No. 5b

ARTICLE XV, Section 12. Window Air Conditioning Units. **[Proposal to delete the section in its entirety was rejected by a majority of members in attendance. 2 Aye, Balance Nay]**

## **VI. President's Report**

- Acknowledged Jan Farley's efforts in researching BMP requirements regarding the Section 7 development.
- Acknowledged Amy Nichol's efforts with the Crime Watch and the playground equipment.
- Acknowledged Anita Lee's efforts with the resolution of the Section 7 amenities.
- Requested additional member e-mail addresses for information distribution. Only 27 members are on the current list.
- No reported movement on the future elderly development adjacent to WOT. Poquoson City Council rejected the developer's access proposal.
- Comments on the proposed fence plans are to be e-mailed to Ed Ludwig.

## **VII. Treasurer's Report**

- Reviewed the 2007 proposed budget.
- Dues will be increased by 5% in 2007.
- Budgeted funds for fences will roll over to 2007.
- We usually collect some late fees on dues every year.

- We have collected refunds in the past from the Newport News Water Works when sprinkler system leaks have been reported.
- Financial Fees are compensation for the Treasurer's position.
- There is a slight increase proposed for the landscaping budget due to fuel prices.
- There is approximately \$55,000 in the money market account.
- There is approximately \$22,000 in the Index Fund account. This is an 11% gain to date.
- Reviewed the status of the budget as it relates to the Treasurer's position. In 2001, the Treasurer's position was made a compensated position, because no one would volunteer to assume those responsibilities.
- In 2006, the Board advertised for the position and awarded it to Ron DeWitt. The contract runs from April 2006 through May 2007 to ensure continuity for tax preparation.
- The Board agreed that a committee will be appointed to review the treasurer position, duties and compensation.
- The Treasurer's Report was approved as attached.

#### **VIII. Association Member Comments**

#### **IX. Committee Reports**

- The ARC report was reviewed as submitted.
- Web page information on new Board and Committee members should be e-mailed to Teri Weber.
- Twenty-five members attended the recent Neighborhood Watch meeting.

#### **X. Adjournment**

The meeting was adjourned at 9:48 PM by Ed Ludwig.

Respectfully submitted,



Daniel E. Conley  
Secretary  
Woods of Tabb Homes Association