

Minutes  
and  
By Laws

OF

A MEMBERSHIP CORPORATION



## Westbank Townhome Owners Association Annual Meeting

November 18, 2012

The meeting was called to order in the Club House at 7 pm by President of Board, John Walters. Twenty eight residents were in attendance, including prospective residents, Doug and Carla Schroeder. All units were represented except Andersons and Pretzer.

The updated By-Laws and Addendum to Covenants were reviewed and unanimously approved.

The financial budgets were reviewed with following main points discussed:

- Insurance premiums have held constant for 3 years, but increased this year. Future increases in group insurance coverage are expected. A primary concern discussed was replacement value of the properties,
- The budget shows Deferred Maintenance account split out. We need to increase input into Deferred Maintenance account due to anticipated expenses for pool repair and painting of two units/year for next 5 years,
- Replacement of shrubbery in entrance island with stone sign

The board received unanimous approval to replace shrubbery with an engraved "Westbank Townhomes" stone sign placed at the entrance island for an estimated \$2500.

Next year's budget was unanimously approved with a \$40/month increase in all units' dues. The increase is to take effect Jan. 1, 2013.

For those with automatic bank transfers, please contact your bank by mid-December to have this take effect by Jan 1.

Don Thomson was elected unanimously to replace Carolyn Dreiling on the board for a three year term.

Barb Pretzer has resigned her position on the board as of end of 2012, and the board replaced her with Karyl Croft for the remainder of Barb's term.

The Christmas Party will be held at the Club House on December 19, beginning at 6:30 pm.

Fred announced the winner of first frost award - Marlyn Walters.

Respectively submitted,

Ron Madl  
Westbank Townhome Owners Association Secretary



**WESTBANK TOWNHOMES ASSOCIATION, INC.**

**CERTIFICATION OF SECRETARY**

I, Ron Madl, the duly elected and acting Secretary of Westbank Townhomes Association, Inc., a Kansas corporation, hereby certify that the following resolutions were duly adopted at the regular meeting of the Board of Directors for the corporation held on September 24, 2012.

**RESOLVED**, that the Board of Directors hereby declares that it is advisable that the Townhouse Unit Owners and Association Members amend the Declaration of Covenants, Conditions and Restrictions for Westbank Townhomes A Residential Planned Unit Development, to comply with the recently enacted Kansas Uniform Common Interest Owners Bill of Rights Act, and to address other issues recommended by Association counsel, as follows:

1. That Article 1 be amended to read as follows:

**ARTICLE 1  
TOWNHOUSE ACT**

**Owners are the respective record owners of the following-described real estate located in the City of Manhattan, Kansas:**

**Lots 1A, 1B, 2A, 2B, 10, and all Common Areas in Unit 2 of the Westbank Townhomes addition to the City of Manhattan, Riley County, Kansas;**

**Lots 3A, 3B, 4A, 4B, and 4C in Unit 3 of the Westbank Townhomes addition to the City of Manhattan, Riley County, Kansas;**

**Lots 5A, 5B, 6A, 6B, and 6C in Unit 4 of the Westbank Townhomes addition to the City of Manhattan, Riley County, Kansas; and**

**Lots 7, 8A, 8B, 9A, and 9B in Unit 5 of the Westbank Townhomes addition to the City of Manhattan, Riley County, Kansas.**



which Owners submit to this Declaration and to the provisions of the Kansas Townhouse Ownership Act.

2. That sub-section 2.2 of Article 2 be amended to read as follows:

**2.2 Townhouse Unit Owner means the person or persons owning the real estate in fee simple on which a townhouse unit is located as defined by the Townhouse Ownership Act, and shall include the contract purchaser of a townhouse unit who has complied with the provisions of Section 11.11 of this Declaration.**

3. That new sub-section 6.2(g) of Article 6 be added to read as follows:

**(g) To require that disputes between the Association and townhouse unit owners or between two or more townhouse unit owners regarding the properties be submitted to nonbinding alternative dispute resolution as a prerequisite to commencement of a judicial proceeding.**

4. That sub-section 8.3 of Article 8 be amended to read as follows:

**8.3. Determination and Payment of Assessments. The Board of Directors of the Association shall propose and adopt a budget for each calendar year on or before the second Monday in December of the year preceding the year for which the budget is made. Prior to adoption of a budget or budget amendment, all townhouse unit owners shall receive notice of the meeting at least ten (10) days in advance, a copy of the proposal shall be available to a townhouse unit owner upon request, and at the meeting for such budget or budget amendment the townhouse unit owners shall be given a reasonable opportunity to comment on the proposal before the Board takes action. The budget shall contain estimates of the costs of performing the obligations of the Association, taking into consideration overages and/or shortages from previous years, making provisions therefor, and including but not limited to, assessments for common expenses, alterations and improvements, reconstruction and repairs, reserves, including reserves for capital improvements, and emergencies. Concurrently with the proposal of said annual budget, the Board of Directors shall prepare the proposed assessment against each townhouse unit owner, on the basis that the estimated costs, other than those for which special assessments may be made, shall be borne equally by the townhouse unit owners. The assessment against each townhouse unit owner shall be due and payable monthly in such amounts as may be determined by the Board of Directors on the first day of each month during the year for which the assessment is made. A copy of each annual budget, together with the proposed assessment to be made**



against each townhouse unit owner, shall be delivered to each such owner on or before the first day of the calendar year for which the budget and assessments are prepared. If an annual budget or proposed assessment is not made as required, a payment in the amount required by the last prior assessment shall be due from each townhouse unit owner upon each assessment payment date until changed by a new assessment made by the Board of Directors. Within sixty (60) days following each calendar year, the Board of shall send to each townhouse unit owner an annual report of assets and liabilities of the Association issued as of the last day of such calendar year. Copies of the budget, the assessments, and the annual report shall be furnished to any mortgagee or to any townhouse unit owner upon request.

5. That sub-section 8.10(c) of Article 8 be amended to read as follows:

(c) A townhouse unit owner in default in the payment of any assessment for a period of thirty (30) days shall not, so long as such default continues, be entitled to vote at any meeting of the townhouse unit owners on issues involving assessments and fees, except that such owner may vote with respect to matters requiring the unanimous consent of all townhouse unit owners.

6. That all other terms and conditions of the Declaration be ratified and reaffirmed, and incorporated by reference, except as otherwise amended.

**FURTHER RESOLVED**, that the Board of Directors hereby declares that it is advisable that the Association Members amend the Bylaws of Westbank Townhomes Association, Inc. to comply with the recently enacted Kansas Uniform Common Interest Owners Bill of Rights Act, and to address other issues recommended by Association counsel, and that due to the number of the proposed amendments, such amendments be incorporated into an amended and restated Bylaws, a proposed redline copy of which, showing all of the Board's proposed and recommended amendments, is attached hereto as **Exhibit "A"**.

IN WITNESS WHEREOF, I have subscribed my name on this 27<sup>th</sup> day of November, 2012.

  
Ron Madl, Secretary

