

## -SPECIAL EDITION-

### Master Deed/By-Laws

Over the past year you've heard about the work being done to craft changes to AKW's Master Deed/By-Laws (MD/BL), our governing documents. Co-Owners have now received the detailed proposed amendments and explanatory letters from the Association Attorney Ed O'Connell, and Board President Rick Treviño.

There will be Town Hall meetings to review these documents, ask questions, and get explanations of those changes and will be led by Ed O'Connell. **The first Town Hall will be held on Tuesday, May 9th, at 7pm in the Community Room. The second Town Hall will be on Monday, May 22<sup>nd</sup>, also at 7pm, but virtually via Zoom.** The Zoom link will be sent from the Office on a BuildingLink email. It will also include a dial-in number if you wish to participate by phone. Mr. O'Connell will also lead this virtual meeting.

So, what does it all mean? It's a lot of information to digest, but fundamentally it's about change. But what is behind the need for change and what does this mean to me as an owner?

Following your review of the documents, you may submit questions to a special email, [bylaws@akwcondo.com](mailto:bylaws@akwcondo.com) or drop a note in the Association Mailbox. We have attached a **Ratification** (ballot form) to the back of this newsletter for the convenience of any of our Co-Owners, and will be available to use at the May 9<sup>th</sup> meeting.

We know there is a lot of information to digest, but we've also given brief summaries that can help direct you to any Amendment changes. The purpose is to effect change in our governing documents to improve how we manage the Association more efficiently. It all comes from the Virginia Condominium Act articles, rules and regulations; there was no Act when we were established in 1974, so these changes are catching us up to work more effectively in the 21st Century!



### Meeting Reminder

1st Town Hall:  
Date: May 9  
Time: 7PM  
Location: Party Room

2nd Town Hall:  
Date: May 22  
Time: 7PM  
Virtual via Zoom

## Why is this Important?

First, know that the Master Deed/By-Laws (MD/BL) Committee (since 2014) that has worked on this project is comprised of Co-Owners just like you. And they also had questions about why, as a community, we had trouble effecting change in the way we manage and how improvements can be made more efficiently.

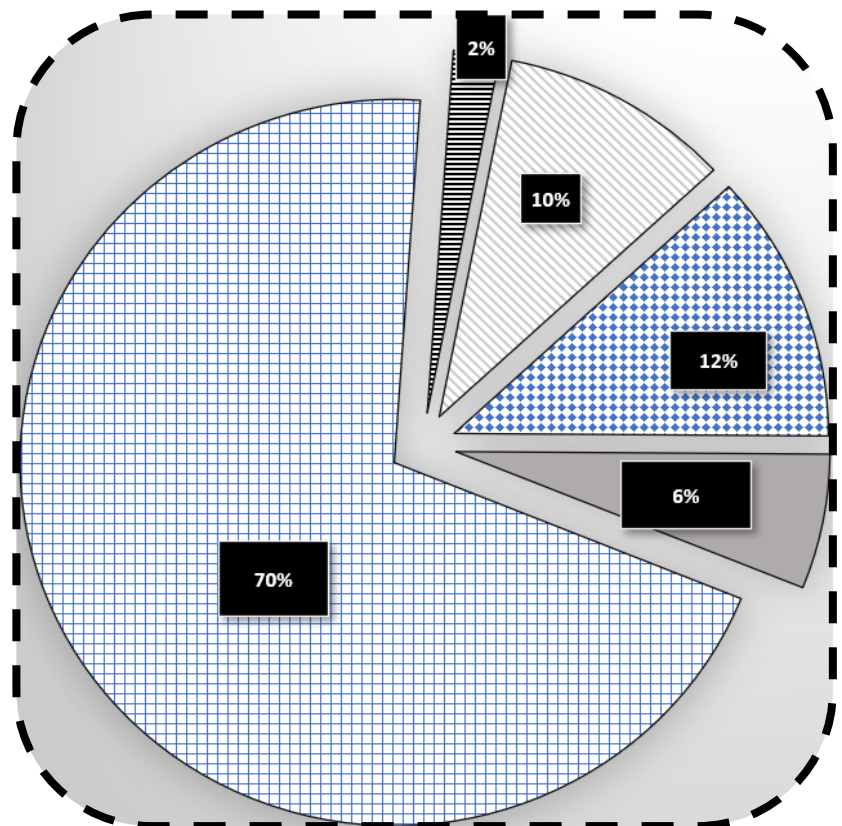


Items that were of major importance in the 2016 first two Amendments to the By-Laws corrected how far behind we were in updating common usage and procedures:

- We were unable to use email for correspondence, notices, and announcements to co-owners from the office or the board.
- We were constrained by the inability to collect fees for late payment of condo fees.
- We wanted to thoughtfully maximize our Community's investments.

## What Drives Change?

One of the main reason for the proposed changes, to the amendments, is to be in compliance with the Virginia Condominium Act (VCA). The Board will request that you vote in favor of the proposed amendments to the MD/BL.



## Frequently Asked Questions

### 1. What is a Master Deed?

A title document used for joint properties like condominiums which creates both the owner units and the jointly owned interests that comprise the property.

### 2. What are By-Laws?

The rules for governing how a condominium association administers and governs the day-to-day operations of the property.

### 3. Why do we have By-Laws?

The condominium By-Laws are used to outline procedures and rules for how the Council of Co-Owners operates.

### 4. Who approves the By-Laws?

You do. It will take two-thirds (2/3rds) of the ownership percentage (not units) voted by the Council of Co-Owners.

### 5. Why should I approve the proposed changes to the MD/BL?

The laws governing condominium associations in Virginia have changed significantly since our original documents were recorded in 1974. In fact, AKW condominium documents have been changed six (6) times since they were recorded (not including the proposed 2023 amendments). Some of those changes were made to take into account new realities -- for example, to allow cable installation or the use of electronic means for official communications and voting. Some of those changes were made to make our governing documents conform to the current state of Virginia law and other regulations. The proposed changes should also help the Board of Directors and AKW's management team to better address the emerging needs of the Council of Co-Owners and our property.

## Need More Information?

Visit the AKW By-Laws website for additional information on the amended by-laws by going to: [akwcondo.com/bylaws/](http://akwcondo.com/bylaws/)

You can also visit the site using your smartphone and the QR code provided.

Your MD/BL  
Committee  
Terri Hansen, Wendy  
Shelley, and Laura  
Rodriguez



*The MD/BL Committee would like to thank all those who helped in this huge effort to update the By-Laws; past and present Board Members, current and former Co-Owners. We couldn't have done it without you!*



## HIGHLIGHTS OF PROPOSED AMENDMENTS

### AMENDMENT 1 – “Definitions”

It improves on and adds to five key definitions used in the By-Laws: Apartment, Occupant, Plat, Project, Property. The definitions were inaccurate or unclear. The storage map was outdated and inaccurate. Enforcement provisions needed to conform to current Virginia law.

### AMENDMENT 2 – “Enforcement”

This includes specific changes to certain administrative and financial provisions in our current MD/BL. We need to conform to current Virginia law and regulatory requirements; clarify AKW’s rights to abate damage to common elements; clarify owner maintenance and repair responsibilities; improve long-term funding of common element replacement and repair. Additionally, it seeks to ensure that any provision in the condominium documents which are inconsistent with U.S. Department of Veterans Affairs loan programs will not apply to any unit financed by these programs.

### AMENDMENT 3 – “Maintenance”

Clarifying language for the Alteration of Project (restoration of the building); contracts and competitive bidding; limitations of liability; execution

of financial instruments. Corrections to outdated building plans; clarifies use of parking areas; improves Board accountability for spending limits; safeguards common elements in individual unit alterations, requiring a process for Board review and approval of certain types of unit changes.

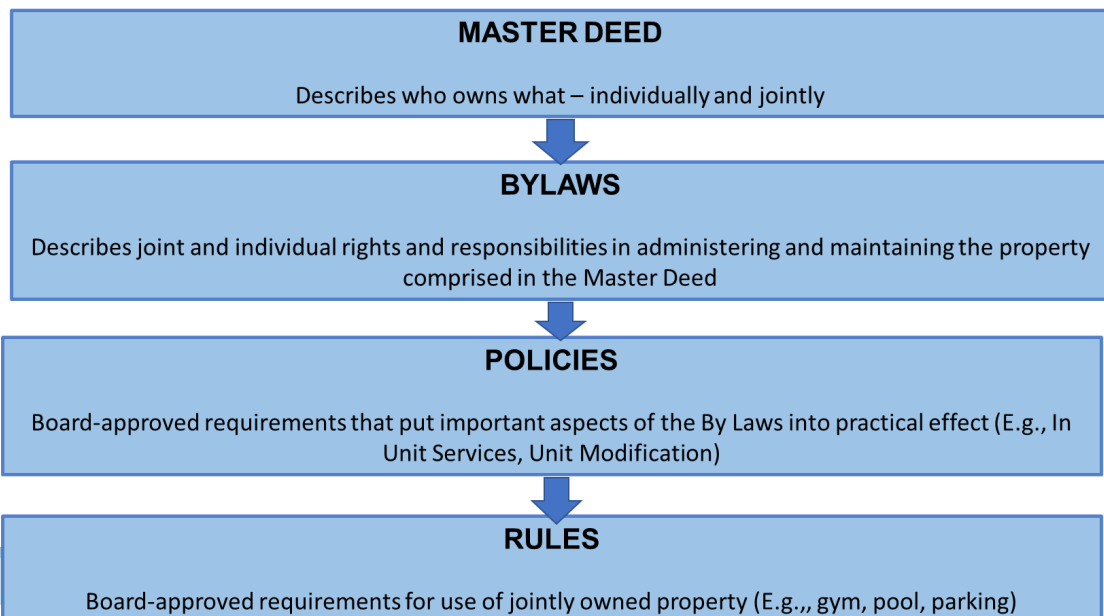
### AMENDMENT 4 – “Insurance”

This Amendment sets forth changes in the Association’s and individual owners’ insurance coverage; how insurance deductibles and proceeds are handled; how major building losses or damages are to be addressed. Current law establishes requirements for insurance types and coverage by the Association and for individual owners. It clarifies that if the (building) Assessment of Insurance is inadequate, assessment can be made of Co-Owners (why we have your HO-6 policy require a \$50k deductible).

### AMENDMENT 5 -

This Fifth Amendment puts all changes in the four (4) amendments into one single document and adopts the Amended and Restated MD/BL in total. This combination is continuous, more easily readable for our current amendments stated above.

## STRUCTURE OF AKW GOVERNANCE



**Following are a few other topics and their importance to our community.**

## Can We Get In? And Are You Covered? Is Your Neighbor?

We agree that "our home is our castle," and demand respect for the privacy and sanctity of our homes. Broadly speaking, an AKW representative can enter your unit only in an absolute emergency or with advance written notice. That sounds good, but it could adversely affect you if there is a problem in an adjacent unit.

**Amendment 2, lines 57-80:** Imagine you have a minor leak appear in your ceiling and you ask AKW management to investigate. Or there's a leak-becoming-a-flood that might affect the unit below. Unless the situation is deemed a true emergency, the engineer cannot enter either unit except at the invitation of the owner. Easy-to-address issues can fester and become worse without attention, and the AKW's power to act on your behalf is limited. The authority-to-enter proposed in the new By-Laws would allow management to enter an owner's unit under strictly prescribed parameters that protect all owners.

**Amendment 4, lines 163-170:** Similarly, if there is no enforceable insurance requirement, if your neighbor decides they don't want to purchase their HO-6 policy – and if they have no mortgage

company to force them to, they may not cover these damages. If your neighbor's washing machine overflows into your unit or, worse, if there's a fire and you sustain damage, there is no insurance company to which you can turn. You are left to work with your own insurance provider and to sue the neighbor directly.

The potential for financial harm to both you and your neighbor is considerable. At the moment of a unit's damage is a terrible time to realize you should have made the insurance investment. Our current By-Laws amendment clarifies the 2016 provision and enforces this requirement.



## Purchaser Reserve Contribution

**Amendment 2, lines 92-118:** This provision seeks to ensure that the Association's Reserve fund remains adequate to address the needs of a 50-yr-old property by means of an equitable mechanism for ensuring new owners add to those funds. New owners will be the beneficiaries of the contributions made by prior owners toward our upkeep. A large portion of our condo fees each month is earmarked for reserves so that we stay "fully funded" for any work that has to be done around the building. A new purchaser's extra contribution gives them more equity in the building and its maintenance plans.

## Obligations of Apartment Owners

**Amendment 2, lines 132-182:** This section refers specifically to the Chart of Maintenance Responsibilities (attached after the signature pages as Exhibit 1), delineating any possible kind of repair and if the Council or the Co-Owner is the responsible party for those repairs. Questions of responsibilities for Balcony repairs are identified on the Façade and Isometric views prepared by Gardner Engineering, Inc.



## Voting

In this particular event, Voting will be on a **RATIFICATION** form instead of a generalized Ballot, and specifically eliminates any Proxy Voting. This is because our approvals will be to **ratify** the provisions in the Virginia Condominium Act (VCA).

These amendments to our Master Deed & By-Laws require a 66-2/3% affirmative vote by our Co-Owners. The percentage is *not per apartment unit*, but by the percentage of the *building area that the apartment is allotted* (that's how your condo fee is determined each year).

The package of documents sent to you, both on a website as well as in paper format, includes a Ratification form, which is also attached here as an example. The documents may be accessed online at: [akwcondo.com/bylaws/](http://akwcondo.com/bylaws/)

Officially, voting starts at the end of the first Town Hall meeting (Tuesday, May 9<sup>th</sup>, 7pm in the Community Room) and extends for the remainder of the summer.

This Ratification form is only one page (including instructions) but requires affirmative checkmarks for **each** Amendment. It also requires the signatures of each member of the apartment unit. There will be no proxies permitted in this process as there is for election of directors during our Annual Meeting.

We are hopeful that all voting may be accomplished in record time so that the hard work of the Committee and so many others can finally be accomplished! Please submit your form via fax, email, or delivery to Gabriel through the Association Mailbox.



6101 Edsall Road, Alexandria, VA 22304  
[office@akwcondo.com](mailto:office@akwcondo.com)  
(703) 751-7541

**RATIFICATION  
AMENDMENTS TO THE MASTER DEED AND BY-LAWS OF THE  
COUNCIL OF CO-OWNERS OF ALEXANDRIA KNOLLS WEST CONDOMINIUM HOMES**

**INSTRUCTIONS:**

You may approve and ratify the proposed Amendment to Condominium Instruments by execution of this Ratification form (Ratification). Please note that this Ratification must be signed and dated by all Co-Owners of the Unit (i.e., owners listed on the Deed for a Unit) in order to be valid.

Entity Owners: if a Unit is held in a trust, the trustee(s) of the trust must sign this Ratification. If the Unit is owned by a corporate entity, limited liability company, partnership or any other entity authorized to own real property, the Ratification must be signed by the individual(s) with signing authority for the corporate entity, limited liability company, partnership, or entity.

The Board of Directors has proposed five (5) amendments to Master Deed and By-Laws of the Council of Co-Owners of Alexandria Knolls West (AKW) Condominium Homes:

- 2023 **First Amendment** to Master Deed and By-Laws, The Council of Owners of Alexandria Knolls West Condominium Homes      **Approve/Yes/Ratify**       **Disapprove/No**
- 2023 **Second Amendment** to Master Deed and By-Laws, The Council of Owners of Alexandria Knolls West Condominium Homes      **Approve/Yes/Ratify**       **Disapprove/No**
- 2023 **Third Amendment** to Master Deed and By-Laws, The Council of Owners of Alexandria Knolls West Condominium Homes      **Approve/Yes/Ratify**       **Disapprove/No**
- 2023 **Fourth Amendment** to Master Deed and By-Laws, The Council of Owners of Alexandria Knolls West Condominium Homes      **Approve/Yes/Ratify**       **Disapprove/No**
- 2023 **Fifth Amendment** to Master Deed and By-Laws, The Council of Owners of Alexandria Knolls West Condominium Homes      **Approve/Yes/Ratify**       **Disapprove/No**

AKW Unit #: \_\_\_\_\_. As evidenced by my/our signatures below,

\_\_\_\_\_  
Signature of Owner (indicate title or position, if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner (indicate title or position, if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner (indicate title or position, if applicable)

\_\_\_\_\_  
Date

Please return completed Ratification by mail, email, or fax to:  
Gabriel Rodriguez Mendonca, Alexandria Knolls West Condominium Homes  
6101 Edsall Road, Alexandria, VA 22304  
Email: [office@akwcondo.com](mailto:office@akwcondo.com); Facsimile: (703) 751-2136