

Bylaws
Of
Village Square at Lea Hill Condominium Association,
a Washington Nonprofit Corporation

ARTICLE I. DEFINITIONS.

As used herein, "Declaration" means the Declaration for Village Square at Lea Hill, a Condominium, as recorded in King County, Washington; "Condominium" means the condominium created by the Declaration; "Declarant" is the Declarant named in the Declaration; "Declarant's right of control," or words of similar import refer to the right of the Declarant to appoint officers and directors of the corporation and require approval for certain corporate action as provided in the Declaration; "unit" means a unit in the Condominium; "Articles" means the Articles of Incorporation for this corporation; and "Bylaws" means these Bylaws. Words defined in Ch. 64.34 RCW and used in these Bylaws shall have the meaning defined by that Chapter.

ARTICLE II. MEMBERSHIP AND MEMBERS.

Section 1. Memberships and Members. As defined in the Articles, there shall be one membership in this corporation for each unit and no more memberships than there are units. One membership shall be appurtenant to and for each unit. The owners of a unit, not including the holder of an interest in the unit solely as security for an obligation, shall be the owners and holders of the membership appurtenant to the unit. Title to the membership shall automatically transfer with the title to the unit to which the membership is appurtenant. "Owners of a unit" includes the vendees of the unit and excludes the vendors of the unit under a real estate contract for the purchase and sale of the unit. Owners of the units shall be the members of the corporation. No person or party who is not an owner of a unit may be a member of this corporation. When a party ceases to be an owner of a unit, the party automatically ceases to be a member of this corporation. Each respective membership in this corporation shall stand in the name or names of the persons and parties who are members and owners of the unit to which the membership is appurtenant from time to time. The interest of a member and unit owner in a membership shall be the same as the owner's interest in the unit to which the membership is appurtenant, all as the interests may appear in the public record, unless the corporation has actual knowledge of persons or parties who have such interests not of public record, in which event the corporation shall recognize the interests of such persons or parties in accordance with their rights.

Section 2. Voting. There shall be one vote for each unit and no more in this corporation. The vote of a membership shall be exercised by the members who hold the membership in the manner provided by the Bylaws. The corporation may cast no votes allocated to it for memberships which may be owned by this corporation because of its ownership of a unit, and in determining the percentage or number of votes required to act on any matter, the votes allocated to memberships owned by the corporation shall be disregarded.

Section 3. Annual Meeting. An annual meeting of the membership shall be held on the first Tuesday in the month of May in each year beginning in 2001, at 7:00 p.m. for the purpose of electing directors if any are to be elected and for the transaction of such other business as may come before the meeting. If the day fixed for the annual meeting shall be a legal holiday in the State of Washington, the meeting shall be held on the next succeeding business day. If the annual meeting is not held on the day designated herein, the board of directors shall cause a special meeting of the membership to be held as soon thereafter as may be convenient to elect directors.

Section 4. Special Meetings. Unless otherwise prescribed by statute, special meetings of the membership may be called for any purpose or purposes by the president, by a majority of the board of directors, or the members holding memberships which have a total of twenty or more votes.

Section 5. Place of Meeting. The annual meeting or special meetings of the membership shall be held at such place in Washington as the board of directors may from time to time designate.

Section 6. Notice of Meetings. The secretary or any other officer of the corporation shall give notice of annual or special meetings of the membership. A written notice shall be given of each meeting of the membership stating the place, day and hour of a meeting of the membership, the purpose or purposes for which the meeting is called, and an agenda of the matters to be voted on by the membership. In the case of a meeting to consider any proposed amendment to the Declaration or Bylaws, any changes in a budget which has been previously approved which change results in a change in assessment, and any proposal to remove a director or officer, the notice shall state the general nature of the matter. Not less than ten (10) nor more than fifty (50) days in advance of any meeting of the membership, the notice of the meeting shall be hand-delivered or sent prepaid by first class United States mail to the mailing address of each unit or, if the unit owners have designated in writing a different mailing address, then to that address. If a mortgagee is entitled to notice as provided in the Declaration, then like notice of the membership meeting shall be given to the mortgagee at its address.

Section 7. Quorum. The presence in person or by proxy at the beginning of a meeting of members holding memberships with 25 percent of the votes shall constitute a quorum at a meeting of the membership. If a quorum is present, a majority affirmative

vote of the number of votes held by memberships present and entitled to vote shall be the act of the membership unless the vote of a greater number or voting by classes is required by law, the Declaration, the Articles or the Bylaws. Meetings of the membership shall be governed by Roberts Rules of Order, current edition.

Section 8. Method of Voting. The vote of a membership may be exercised in person or by proxy. If only one member of multiple members holding a membership is present at the meeting, the member is entitled to cast all of the votes to which the membership is entitled. As provided in the Declaration, if more than one member of multiple members holding a membership are present at the meeting in person or by proxy, then those members shall identify the person who shall have the right to exercise the vote of the membership, and only one person shall be entitled to exercise the vote of each membership, so that, if more than one person who has a proxy for a member holding the membership or who is a member holding the membership attempts to exercise the vote of that membership or if one of multiple members holding a membership objects to the exercise of that membership's vote, then the chair of the meeting may refuse to recognize the vote of that membership, and the membership shall be recorded as having abstained. No right to cumulate votes at the election of directors shall exist.

Section 9. Balloting. In order to facilitate counting and verification of votes cast on each written ballot, if requested by the chair of the meeting, the person exercising the vote for each membership shall identify on the ballot the number of the unit to which the membership is appurtenant and the vote to which the owner of that unit is entitled. After the ballots are tabulated, received and accepted, all ballots shall be destroyed and the persons who conducted the ballot count shall treat as confidential the manner in which the vote of each membership was cast. Other methods of facilitating verification of votes cast may be required to be complied with by the chair. The chair shall have the right to designate the person or persons who shall count ballots of any vote of membership. The results of the vote count shall be reported directly to the chair.

Section 10. Voting by Certain Memberships. The votes of memberships which are held by a corporation, domestic or foreign, may be voted by such officer, agent or proxy as the bylaws of such corporation may prescribe, or in the absence of such provision, as the board of directors of such corporation may determine. A certified copy of a resolution adopted by such directors shall be conclusive as to their action. The votes of memberships which are held by a partnership may be voted by any partner. The votes of memberships which are held by personal representatives may be voted by them, either in person or by proxy, without a transfer of such memberships into their names. The votes of memberships which are held by trustees may be voted by them either in person or by proxy, but no trustee shall be entitled to vote memberships held by him without a transfer of such memberships into his name. The votes of memberships which are held by receivers may be voted by such receivers, and memberships under the control of a receiver may be voted by the receiver without the transfer thereof into his name if authority to do so is contained in an appropriate order of the court by which such receiver was appointed.

ARTICLE III. BOARD OF DIRECTORS.

Section 1. Powers and Duties. The business and affairs of the corporation shall be managed by its board of directors which shall act in all instances on behalf of the association. The directors shall do such things as may be necessary or convenient for the caretaking management of the Condominium and the operation of this corporation as the unit owners' association for the Condominium. Subject to limitations of law, the Declaration, the Articles and other provisions of the Bylaws, the directors shall have such power and authority as may be required and convenient to perform the duties of the board of directors.

Section 2. Term and Number of Directors. The members of the initial board of directors as designated in the Articles shall serve for an initial term ending when the right of the Declarant or persons designated by the Declarant to appoint members of the board of directors and officers terminates as set forth in the Declaration, provided that not later than 60 days after the conveyance of 25 percent of the units created by the Declaration to others than the Declarant, one of the members of the initial board of directors shall be replaced by a director elected by the vote of the membership other than the Declarant or an affiliate of the Declarant. The Declarant shall have the right to designate which member of the initial board of directors shall be replaced. Within 30 days after the expiration of the initial term of the initial board of directors, the number of directors shall be increased to six, each of whom shall then be elected by the members. Two of the directors shall then be elected for a term of one year, two of the directors shall then be elected for a term of two years and two of the directors shall then be elected for a term of three years. The term of such directors shall be extended to the day of the month on which the next annual meeting of the membership is held after the expiration of the stated term. Thereafter, at the expiration of the term of each of such directors, two directors shall be elected for a term of three years to fill the vacancy. In any event, each director shall serve until a successor is elected at an annual meeting of the membership and qualified.

Section 3. Qualification of Directors. After the initial term of directors ends, no person shall be qualified to be elected as director of this corporation or to continue to hold office as director of this corporation unless such person is a member of the corporation, except that an employee of a corporation which is a member or a partner or employee of a partnership which is a member shall be qualified to serve as director of this corporation. This Section shall not be amended without the unanimous consent of all membership entitled to vote.

Section 4. Vacancies. Regardless of the cause therefor, any vacancy occurring among the members in the initial board of directors appointed by the Declarant shall be filled by appointment by the Declarant, provided that the Declarant's right to control

has not terminated. Any vacancy in the board of directors thereafter and among the members of the board of directors elected by the membership shall be filled by the remaining directors.

Section 5. Election. A person receiving the most votes at an election of directors shall be elected regardless whether such person receives a majority. If more than one director is to be elected at a meeting, then each director shall be elected separately so that, for example, the first vacancy shall be filled by election before the nominations are closed and the election is held for the second vacancy. Nominations shall be made separately for each vacancy, may be made by a committee appointed by the president and may be made from the floor.

Section 6. Removal. Except for a member of the board of directors appointed by the Declarant, any member of the board of directors may be removed with or without cause by a two-thirds vote of the membership vote present and entitled to vote at any meeting of the membership. The Declarant may not remove any member of the board of directors elected by the membership. Prior to the termination of the Declarant's period of control, the Declarant may remove any member of the board of directors appointed by the Declarant.

Section 7. Regular Meetings. Without other notice than this bylaw, a regular meeting of the board of directors shall be held immediately after and at the same place as the annual meeting of the membership. The board of directors may provide by resolution the time and place, within the State of Washington as the place for holding any other regular meetings of the board of directors or committees called by them. In addition the president or any director may call a special meeting of the board of directors.

Section 8. Notice. Written notice of special meetings of the board of directors stating the time and place thereof shall be given at least two (2) days prior to the date set for such meeting by the person authorized to call such meeting or the secretary of the corporation either by personal delivery to each director or by mail addressed to the business address of each director or by telegram. If mailed, the notice shall be deemed to be given when deposited in the United States mail, postage prepaid, so addressed to the director. If notice is given by telegram, the notice shall be deemed given when the telegram is delivered to the telegraph company for transmission. If no place for such meeting is designated in the notice thereof, the meeting shall be held at the registered office of the corporation. Any director may waive notice of any meeting at any time. The attendance of a director at a meeting shall constitute a waiver of notice of the meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Section 9. Quorum. A quorum shall be deemed present throughout any meeting of the board of directors if one half of the directors are present at the beginning of the meeting.

Section 10. Manner of Acting. The act of the majority of the directors present at a meeting or an adjourned meeting at which a quorum is present shall be the act of the board of directors unless the act of a greater number is required by the Articles or these Bylaws.

Section 11. Delegation of Authority. The directors may appoint a manager and authorize the manager to conduct all or any part of the day-to-day management of the Condominium and delegate such authority to the manager as the directors deem advisable, subject to such limitations as may be provided for by law, the Declaration or the Articles. The directors may appoint such committees and delegate such authority to the committees as they deem advisable.

ARTICLE IV. OFFICERS.

Section 1. Number. The officers of the corporation shall be a president, one or more vice presidents, a secretary and a treasurer, each of whom shall be elected by the board of directors. Such other officers and assistant officers as may be deemed necessary or appropriate may be elected or appointed by the board of directors. Any two or more offices may be held by the same person, except the offices of president and secretary which shall be held by different persons.

Section 2. Election and Term of Office. The officers of the corporation to be elected by the board of directors may be elected for such term as the board may deem advisable not to exceed three years. Officers of the corporation shall be elected at the first meeting of directors following the expiration of the term of office. Each officer shall hold office until his successor shall have been duly elected and qualified regardless of his term of office, except in the event of his prior death or resignation or his removal in the manner hereinafter provided.

Section 3. Duties. The officers of the corporation shall have such powers and authority as may be conferred by the directors from time to time. In addition thereto, the president shall be the principal executive officer of the corporation and shall preside as chair at all meetings of the membership and board of directors, and shall execute on behalf of the corporation all contracts and other documents as may be authorized from time to time by the directors. The secretary shall be the custodian of the records of the corporation, shall cause minutes of the meetings of the membership and board of directors to be prepared, and shall give notices of meetings in accordance with the requirements of these Bylaws. The treasurer shall direct the custody of the funds of this corporation as directed by the board of directors and supervise keeping of the books of account of such funds. The officers shall perform such duties and have such powers as are customarily associated with their respective offices and as may be provided for elsewhere in these Bylaws and by law.

Section 4. Removal. Any officer or agent elected or appointed by the board of directors may be removed by the board of directors whenever in its judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer or agent shall not of itself create contract rights or rights to compensation.

Section 5. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the board of directors for the unexpired portion of the term.

Section 6. Execution of Amendments to Declaration. The president or the secretary of the corporation shall be authorized to prepare, execute, certify and record amendments to the Declaration on behalf of this corporation.

Section 7. Contracts. The board of directors may authorize any officer or officers or this corporation or any agent or agents to execute any contract in the name of and on behalf of the corporation, and that authority may be general or confined to specific instances. A director or officer of the corporation shall not be disqualified by his office from dealing or contracting with the corporation either as a vendor, purchaser, creditor, debtor or otherwise. The fact that any director or officer, or any firm of which any director of the corporation is a member, officer or director, is in any way interested in any transaction or contract shall not make the transaction or contract void or voidable, or require the director or officer of the corporation to account to the corporation for any profits therefrom if the transaction or contract is or shall be authorized, ratified or approved by vote of a majority of a quorum of the board of directors excluding the interested director or by the membership at a meeting of membership.

ARTICLE V. MISCELLANEOUS.

Section 1. Loans. No loans shall be contracted by or on behalf of the corporation, and no evidence of indebtedness shall be issued in its name unless authorized by an affirmative vote of the membership. That authority shall be confined to specific instances. No loans shall be made by the corporation to members, officers or directors of this corporation.

Section 2. Moneys and Checks, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation shall be signed by at least two persons who are officers or directors of the corporation as designated from time to time by resolution of the board of directors. All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in the banks, trust companies or other depositories as the board of directors may select. The funds of the corporation shall not be commingled with the funds of any other corporation or with the funds of any manager or other person responsible for custody of such funds. Reserve funds of the corporation shall be kept in a segregated account.

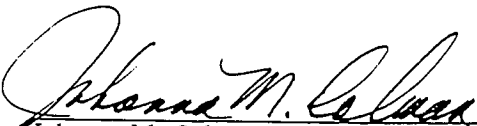
Section 3. Informal Action by Holders of Memberships or Directors. Any action required to be taken at a meeting of the membership or directors or any other action which may be taken at a meeting of the membership or director may be taken without meeting if a consent in writing setting forth the action to be taken shall be signed by holders of all the memberships or directors entitled to vote with respect to the subject matter thereof.

Section 4. Waiver of Notice. Whenever any notice is required to be given to the holder of any membership or to any director of the corporation under the provisions of the Bylaws, Articles or law, a waiver thereof in writing, signed by the person or persons entitled to notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of notice.

Section 5. Rules. Subject to limitations contained in the Declaration, rules governing the use of the Condominium may be adopted, changed, amended and repealed and replaced by the directors. When so adopted and communicated to the unit owners, such rules shall be complied with and may be enforced by this corporation by legal action as provided by law. Communication of a rule shall be complete upon all of the owners of a unit when a copy of the rule is either mailed or hand-delivered to the address to which notice of membership meetings is required to be given. Any part or all of any rule may be amended, altered, changed, repealed or replaced at any membership meeting called for that purpose.

Section 6. Amendments. Subject to the provisions of the Declaration requiring consent of mortgagees in certain instances, these Bylaws may be altered, amended, or repealed and new bylaws may be adopted by the affirmative vote of the membership at any meeting of the membership called for that purpose. Notice of a meeting to amend the Bylaws shall state the general nature of the proposed amendment to the Bylaws. No amendment to the Bylaws shall be adopted unless it is first read at two consecutive meetings of the membership and if reduced to writing before the first meeting at which the proposed amendment is read.

The foregoing was adopted as the Bylaws of the corporation at the first meeting of directors held on May 20, 2000.


Johanna M. Colman, Secretary

VILLAGE SQUARE AT LEA HILL

MODEL HOME DISCLAIMER

The Seller's "Model Homes" MAY CONTAIN the following items that are NOT INCLUDED as "standard items" in the other units that are being offered for sale. These items are listed, but not limited to the following:

- Mirrored Walls
- Washer, Dryer, Refrigerator
- Any furnishings or other "decorator items"
- Any special decorator window coverings other than the standard blinds
- Wallpaper or Decorative painting on walls
- Extra cabinetry or shelving other than standard
- Upgraded carpeting, flooring, countertops or light fixtures

ANY "NON-STANDARD" ITEMS SHOWN IN THE SELLER'S MODELS ARE SHOWN FOR DEMONSTRATION PURPOSES ONLY AND ARE NOT INCLUDED AS STANDARD ITEMS WITH THE PURCHASE OF UNITS AT VILLAGE SQUARE AT LEA HILL, A CONDOMINIUM.

**AMENDMENT TO BYLAWS OF
VILLAGE SQUARE AT LEA HILL
CONDOMINIUM ASSOCIATION**

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**AMENDMENT TO BYLAWS OF
VILLAGE SQUARE AT LEA HILL CONDOMINIUM ASSOCIATION**

WHEREAS, a certain Declaration submitting real estate to the Washington Condominium Act, Laws of 1989, Chapter 43 (RCW Chapter 64.34), as amended, entitled DECLARATION FOR VILLAGE SQUARE AT LEA HILL. A CONDOMINIUM, was recorded on June 1, 2000, under Recording No. 20000601000513, in the records of King County, State of Washington, together with the Survey Map and Plans recorded in Volume 164 of Condominiums, at pages 45 through 47, inclusive, under Recording No. 20000601000512, in records of King County, State of Washington; and

WHEREAS, Bylaws for the governance of the Village Square at Lea Hill Condominium Association (the "Association") were duly adopted by the initial Board of Directors of the Association on the 20th day of May, 2000; and

WHEREAS, pursuant to Article V, Section 6 of the Bylaws, after the reading of the Amendment at two consecutive meetings of the Association, at a meeting duly called and held on the _____ day of _____, 2005, at which a quorum was present, after not less than ten (10) days prior notice to all of the Owners entitled to vote thereon duly given, not less than Fifty-One Percent (51%) of those Unit Owners present in person or by proxy have voted to amend the Bylaws as hereinafter set forth;

NOW THEREFORE, the President and the Secretary of Village Square at Lea Hill Condominium Association certify the Bylaws to have been amended in the following particulars:

A. *By adding the following new Article VI to the Bylaws:*

ARTICLE VI. DUE PROCESS RULES ENFORCEMENT PROCEDURES

6.1 Board of Directors to Designate Hearing Board.

6.1.1 Composition. The Hearing Board shall be comprised of three (3) persons designated by the Board of Directors of the Association. The Members of the Hearing Board may be appointed by the Board at its annual meeting or at any other regular or special meeting of the Board, or may be appointed on an *ad hoc*, as needed basis. The Board may also from time to time designate a person or persons to serve as Alternate Members of the Hearing Board to be available in the event of the temporary absence or disqualification of a member of the Hearing Board.

6.1.2 Temporary Hearing Board. By a majority vote of the Board, the Board may decide to have a complaint pursuant to this Article heard by a Temporary Hearing Board composed of three persons designated by the Board, who may, but need not be Unit Owners or members of the Board of Directors. In the alternative, in its discretion, the Board may decide to have a complaint pursuant to this Article heard or Temporary Hearing Officer who is an impartial outside arbitrator or an impartial community association attorney chosen by the Board. For all purposes, the powers and the duties of a Temporary Hearing Board or Temporary Hearing Officer shall be identical to those of the Hearing Board in connection with any matter referred to it by the Board, and all references in these Bylaws to the Hearing Board shall be deemed to include any Temporary Hearing Board or Temporary Hearing Officer.

6.1.3 Temporary Absence of Members. If any Hearing Board Member is or expects to be temporarily unable to carry out the responsibilities of his or her office for a period of thirty (30) days or longer, that Member shall notify the Chairperson who may request an Alternate to serve in his or her place during the period of the absence. The Chairperson shall also appoint an Alternate to participate in the proceedings of the Hearing Board in the place of a Member when a Member disqualifies himself or herself on a particular matter.

6.1.4 Authority. The Hearing Board is authorized and empowered to hear and determine all complaints concerning violations by any person (the "Respondent"), including a Unit Owner, a Unit occupant, and the Association, of the Governing Documents or of any decision of the Board made as provided in the Governing Documents. The Hearing Board is further authorized and empowered to impose a fine as provided in Sub-Paragraph 6.3.5.3 of the Bylaws in an amount not to exceed the maximum rate established by resolution of the Board on any person whom it finds to have violated the Governing Documents, and to require the non-prevailing party to reimburse the Association for its costs, including reasonable attorney's fees, in connection with the matter.

6.1.5 Officers. The Hearing Board shall select a Chairperson of the Hearing Board and a Secretary of the Hearing Board. If no other person has been selected to act as Secretary of the Hearing Board, the Managing Agent shall act as Secretary of the Hearing Board, but shall not be a voting member thereof. If either the Chairperson or Secretary is replaced by an Alternate as provided in Paragraph 6.1.3, or a Temporary Hearing Board is designated as provided in Paragraph 6.1.2, the members of the Hearing Board shall elect a Chairperson *Pro Tem* and/or Secretary *Pro Tem* as the case may be. If a Temporary Hearing Officer has been appointed, he or she shall perform the functions of the Chairperson, and the Managing Agent shall serve as Secretary of the Hearing Board, but shall not be a voting member thereof.

6.2 Pre-Hearing Procedure.

6.2.1 Informal Dispute Resolution Procedure. It is intended that an informal process be followed prior to the initiation of a formal hearing process against a Unit Owner or other occupant of a Unit. To that end, any Unit Owner, employee or agent of the Association has the authority to request that a Unit Owner or occupant of any Unit cease or correct any act or perform any omission which appears to be in violation of the Governing Documents or of any decision of the Board made as provided in the Governing Documents. The informal request must be made, either verbally or in writing, prior to initiation of the formal hearing process.

6.2.2 Written Complaint. If the dispute or violation is not resolved informally as provided for under Paragraph 6.2.1, the formal hearing process may be initiated by filing a written complaint by or with the Managing Agent of the Association or the Secretary of the Hearing Board. The complaint may be filed by any Unit Owner or occupant, including a member of the Board, or may be filed by an employee or agent of the Association (the "Complainant"). The complaint shall be signed by the Complainant and shall contain a written statement of the charges setting forth in ordinary language the acts or omissions with which the Respondent is charged. In order to allow the Respondent to prepare a defense, the complaint shall identify the specific provisions of the Governing Documents or decision of the Board which the Respondent is alleged to have violated and shall state as many of the specifics as are available regarding time, date, location, nature of violation, persons involved, etc. The complaint shall also set forth the efforts which were made to resolve the matter informally as provided in Paragraph 6.2.1.

6.2.3 Service of Complaint and Notice. Within a reasonable period after receipt of the complaint, the Secretary shall cause it, together with a Notice of Respondent's Rights and Hearing (the "Hearing Notice"), to be served upon the Respondent, at the Unit address or at such other address which the Respondent has requested in writing that the Association use for the purpose of notices. The Hearing Notice shall be in substantially the form contained in Appendix A but may contain additional information. Service of the complaint and Hearing Notice shall be by leaving same with the Respondent personally, by leaving same with a person of suitable age and discretion at the Respondent's residence or by first class mail. If service is by personal service, the Secretary or other person accomplishing same shall file a declaration under penalty of perjury with the Secretary stating the person served and the time

and place at which service was had. If service is by mail, the Secretary shall prepare a declaration under penalty of perjury stating the time and place at which the complaint and Hearing Notice were deposited in the United States mail with first class postage prepaid and further stating the person and place to which same was addressed. Service by mail shall be deemed to have been made three (3) days after mailing. Service of the complaint and Hearing Notice shall be made at least ten (10) days before the hearing date. A copy of the Hearing Notice shall also be served on the Complainant at least ten (10) days before the hearing date. No order adversely affecting the rights of the Respondent shall be made in any case unless the Respondent shall have been served as provided for in the Bylaws. Service upon the Association shall be made by service upon the Secretary, President or Managing Agent of the Association.

6.2.4 Rescheduled Hearing. If the Complainant or Respondent can show good and sufficient reason why they cannot attend the hearing, they must notify the Secretary of the Hearing Board at least forty-eight (48) hours prior to the originally scheduled hearing except in cases of unexpected emergency. The Hearing Board shall reschedule the hearing if, in its discretion it determines that good cause has been shown.

6.2.5 Objections to Complaint. Any objection to the complaint on the grounds that the Hearing Board has no jurisdiction over the acts or omissions alleged in the complaint or that the complaint is so indefinite or uncertain that the Respondent cannot identify the violating behavior or prepare a defense must be presented to the Hearing Board in writing within seven (7) days of the date on which the complaint is served on the Respondent. The Respondent shall also serve a copy of the objections on the Complainant within that time period. If the Hearing Board determines, either as a result of an objection or on its own initiative, that the complaint is insufficient, the complaint will be returned to the Complainant with a letter stating the reason for the rejection.

6.2.6 Amended Complaint. Not later than seven (7) days prior to the date set for the hearing, the Complainant may file an amended or supplemental complaint with the Secretary, who shall cause a copy of the amended or supplemental complaint to be served upon the Respondent in the manner required in Paragraph 6.2.3 not later than 72 hours prior to the time set for hearing.

6.2.7 Default. Failure of one party to appear at a scheduled hearing, where that party prior to the hearing has failed to show good cause why the hearing should be rescheduled, does not preclude the Hearing Board from proceeding with the hearing, receiving evidence from and hearing arguments by the other party, and rendering a decision in the matter. Upon failure of the Complainant to appear, the Hearing Board may, in its discretion, terminate the matter.

6.2.8 Discovery of Witnesses. By written request to the other party, with a copy to the Secretary of the Hearing Board, either party is entitled to obtain the names and addresses of the witnesses who will testify at the hearing to the extent known to the other party. Such disclosure shall be provided within seventy-two (72) hours of the request to the other party, with a copy to the Secretary of the Hearing Board, and if such a request has been made, no witnesses will be allowed to testify except those who have been disclosed, unless the opposing party waives objection to the witness during the hearing.

6.2.9 Discovery of Documents. By written request to the other party, with a copy to the Secretary of the Hearing Board, either party is entitled to inspect and make a copy of any statements, writings, investigative reports or photographs relative to the subject matter of the hearing. Such disclosure shall be provided within seventy-two (72) hours of the request to the other party, with a copy to the Secretary of the Hearing Board, and if such a request has been made, no statements, writings, investigative reports or photographs will be allowed to be introduced at the hearing except those that

have been disclosed, unless the opposing party waives objection to the witness during the hearing. Nothing in this Paragraph 6.2.9 shall authorize the inspection or copying of any writings or other thing which is privileged from disclosure by law or protected as attorney's work product.

6.2.10 Impartiality. It shall be the duty of each Member of the Hearing Board to make a determination as to whether he or she is able to function in a disinterested and objective manner in consideration of the matter before the Hearing Board. Any Member incapable of objective and impartial consideration of the case shall disclose that to the Hearing Board and shall disqualify and remove himself or herself from participation in the consideration of the proceedings, and have it so recorded in the minutes of the Hearing Board. In that event, the Chairperson shall designate an alternate to serve in the withdrawing Member's stead as provided in Paragraph 6.1.3.

6.2.11 Challenge to Impartiality. Either party may challenge any Member or Members of the Hearing Board for cause where a fair and impartial hearing cannot be afforded; provided that the challenge must be made before the issuance of any order or the taking of any evidence or testimony in the proceeding. If there is a challenge, the Board shall meet to determine its sufficiency. If a majority of the Board sustains the challenge, the Board shall appoint an Alternate Member or Alternate Members to serve in connection with the matter or shall refer the matter to a Temporary Hearing Board or Temporary Hearing Officer as provided in Paragraph 6.1.3. All decisions of the Board shall be final.

6.3 Hearing Procedure.

6.3.1 Conduct of Hearing. The hearing shall be heard by the Members and/or Alternate Members of the Hearing Board. The Respondent shall appear in person or by a duly authorized representative if the Respondent submits to the Secretary the written authority of the representative to appear on his or her behalf. The Chairperson, or in his absence the Chairperson *Pro Tem*, shall preside over the conduct of the hearing and shall make any necessary evidentiary rulings. The hearing shall be informal. At the beginning of the hearing the Chairperson shall explain the rules and procedures by which the hearing is to be conducted.

6.3.2 Order of Proceedings. The order of proceedings shall be as follows:

6.3.2.1 Each party to the proceeding is entitled to make an opening statement setting forth their version of the case, starting with the Complainant.

6.3.2.2 Each party, starting with the Complainant, is entitled to produce evidence, witnesses and testimony, subject to Paragraph 6.2.8 and Paragraph 6.2.9, above. The other parties are entitled to cross-examine any witnesses and the opposing party.

6.3.2.3 Each party, starting with the Respondent, is entitled to make a closing statement. The Respondent is entitled to make a final statement in rebuttal following the Complainant's closing statement.

6.3.2.4 Any Member of the Hearing Board may question any party or witness. The Hearing Board Members may, on their own motion, call witnesses or secure tangible evidence. A party may within a reasonable time prior to the hearing date request the Hearing Board to call witnesses or secure tangible evidence. The request shall be granted in the discretion of the Hearing Board.

- 6.3.2.5 At the request of the Respondent, the Hearing Board may decide, in its discretion, to conduct the hearing in executive session.
- 6.3.2.6 Each party has the right to representation by legal counsel at his or her own expense.
- 6.3.2.7 Either party or the Hearing Board may cause the hearing to be transcribed by a court reporter at his, her or their own expense.
- 6.3.2.8 The Hearing Board may expel any person from any hearing for improper, disorderly or contemptuous conduct.

6.3.3 Rules of Evidence. The following rules of evidence shall apply to proceeding before the Hearing Board:

6.3.3.1 Any relevant evidence which is not privileged and has not been excluded pursuant to Paragraph 6.2.8 or Paragraph 6.2.9 is admissible, regardless of whether the evidence is hearsay or otherwise inadmissible in a court of law. The Chairperson may exclude irrelevant, immaterial or unduly repetitious evidence.

6.3.3.2 At the request of any party to the proceeding, made in writing delivered to the Secretary of the Hearing Board at least five (5) days prior to the date of the hearing, or at the direction of the Chairperson, oral evidence shall be taken on an oath or affirmation administered by a Notary Public or other official authorized by the State of Washington to administer oaths.

6.3.4 Assurance of Voluntary Compliance. The Hearing Board in its discretion, in lieu of or in addition to calling the hearing, may accept an Assurance of Voluntary Compliance from any Respondent. The Assurance may include a stipulation for payment of damages, costs or attorney's fees by Respondent to the Complainant and/or the Association. From time to time, a person who has made an Assurance of Voluntary Compliance shall provide all information the Board reasonably requests to determine whether the Respondent is in compliance with the Assurance. The Hearing Board is not precluded from further action by its acceptance of an Assurance of Voluntary Compliance if the Respondent violates the terms of that Assurance.

6.3.5 Decision and Order.

6.3.5.1 As soon as possible after all testimony and documentary or physical evidence has been presented to the Hearing Board, but in no case more than ten (10) days after the close of the hearing, the Hearing Board shall meet in executive session to deliberate and reach a decision. A majority of the Hearing Board shall be controlling. The decision of the Hearing Board shall be in writing, and shall summarize the evidence presented to and considered by the Hearing Board, shall state the facts upon which the Hearing Board has based its decision and shall contain a finding as to whether or not the Respondent has violated the Governing Documents or a decision of the Board made as provided in the Governing Documents. The decision of the Hearing Board must be based on substantial evidence which shall be set forth in the decision.

- 6.3.5.2 Upon a decision that a violation has occurred, the Hearing Board may order that the Respondent shall do or refrain from doing any act necessary to cause the Respondent to comply with the provisions of the Governing Documents and/or any decision of the Board. The order of the Hearing Board shall become effective ten (10) days after it is served on the Respondent in the manner provided for in Paragraph 6.2.3 of the Bylaws unless the Hearing Board otherwise provides in its order.
- 6.3.5.3 The Hearing Board may provide in its order for the imposition of a reasonable fine not to exceed the maximum amounts set from time to time by resolution of the Board. The fine may include a daily or other periodic fine in the event that the Respondent does not comply with the order of the Hearing Board, including the payment of the fine, within the allotted time. The Hearing Board may also provide in its order that the non-prevailing party shall reimburse the Association for its costs, including reasonable attorney's fees, incurred in connection with the proceeding. Any fine or charge so imposed by the Hearing Board shall be the personal obligation of the person against whom it is imposed, shall constitute an Assessment secured by a lien upon the Unit owned or occupied by that person, and may be collected as an Assessment in the manner provided in Article 5 of the Declaration.
- 6.3.5.4 The decision of the Hearing Board, including a minority opinion if any, shall be served on each party to the matter in the manner provided for in Paragraph 6.2.3 of the Bylaws. A copy of the decision and order shall be sent to the Secretary of the Association and shall be included in the books of the Association.

6.3.6 Judicial Enforcement. Failure to comply with a provision of the Governing Documents or a Board Decision, or to comply with a decision of the Hearing Board following notice of a violation and an opportunity for a hearing, shall be grounds for an action to recover sums due for damages, which shall include any fines levied by the Hearing Board and any costs incurred by the Association in connection with the proceedings before the Hearing Board, maintainable by the Association (acting through the Board) on behalf of the Owners. Such failure shall further be sufficient grounds for the issuance of injunctive relief in such an action. Nothing contained in the Bylaws shall be deemed or construed as a waiver of the Association's right to bring an action as provided in this Paragraph without first exhausting the Association's internal enforcement procedures in cases where the Board deems immediate legal action to be necessary or appropriate. If the Board fails or refuses, after demand by an aggrieved Owner, to take appropriate action to enforce compliance with any provision of the Governing Documents, any Board Decision, or any Hearing Board decision, an aggrieved Owner on his or her own may maintain an action for damages or injunctive relief, or both, against the party (including an Owner or the Association) failing to comply. In any action brought by the Association or by an Owner as provided in this Paragraph, the prevailing party shall be entitled to recover as part of its judgment a reasonable sum for attorneys' fees incurred in connection with the action, in addition to taxable costs permitted by law.

CERTIFICATE OF ADOPTION

The undersigned president and secretary of Village Square At Lea Hill Condominium Association certify that the foregoing Amendment to Bylaws was duly adopted in accordance with the procedures provided in Article V, Section 6 of the Bylaws, by the affirmative vote of not less than Fifty-One Percent (51%) of the Owners, voting in person or by proxy, at a meeting of the Association

duly held on the _____ day of _____, 2005 for the purpose of amending the Bylaws,
following the reading of the Amendment at two consecutive meetings of the Association.

DATED this _____ day of _____, 2005.

VILLAGE SQUARE AT LEA HILL CONDOMINIUM
ASSOCIATION

By: _____
President

ATTEST: The above amendment
was properly adopted.

By: _____
Secretary

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this _____ day of _____, 2005, personally appeared before me, _____
_____ and _____, to me known to be the President and Secretary
of Village Square At Lea Hill Condominium Association, the corporation that executed the within and
foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of the
Association, for the uses and purposes therein mentioned, and on oath stated that they were authorized to
execute the instrument.

DATED this _____ day of _____, 2005.

[Signed]

[Print Name]

Notary Public in and for the State of
Washington, residing at _____
My commission expires: _____

**APPENDIX A
NOTICE OF RESPONDENT'S RIGHTS AND HEARING
BEFORE VILLAGE SQUARE AT LEA HILL
CONDOMINIUM ASSOCIATION
HEARING BOARD**

RESPONDENT: _____

COMPLAINANT: _____

CASE NUMBER: _____

The above-named parties are hereby notified that a hearing will be conducted before the Hearing Board at _____ on the _____ day of _____, 20____ at the hour of _____m. upon the charges made by Complainant in the complaint attached to this Notice. If you are not present at the hearing a decision may be rendered against you. You have the right to be present at the hearing and to be represented by counsel at your own expense. You are entitled to present any relevant witnesses or other evidence and will be given full opportunity to cross-examine any witnesses presented by the other party. You are entitled to determine the identity of witnesses to be presented by the other party and to examine relevant records by applying to the Hearing Board.

If any of the parties can show good cause as to why they cannot attend the hearing on the above date, they shall petition the Hearing Board at least forty eight (48) hours prior to the scheduled hearing date. Failure to appear or to obtain an order rescheduling the hearing will constitute a "default" as provided in Paragraph 6.2.7 of the Bylaws, and the Hearing Board shall proceed with the hearing.

The Respondent has the right to object to the complaint on the ground that it does not state acts or omissions upon which the Hearing Board may proceed and has the right to object to the form of the complaint on the ground that it is so indefinite or uncertain that the Respondent cannot identify the violating behavior or prepare a defense.

Any objection to the form or substance of the complaint must be received by the Hearing Board within ten (10) days of the date on which the complaint is served on the Respondent.

The Respondent may also admit to the complaint in whole or in part. In that event, the Hearing Board may hold a hearing as to any mitigating circumstances or to determine the appropriate penalty or may make a determination to waive the hearing and simply impose penalty, if any.

DATED this _____ day of _____, 20_____.

Secretary of the Hearing Board