

BYLAWS

of

THE WEST VIRGINIA ORGANIZATION OF HOMEOWNERS ASSOCIATIONS, INC.

A Non-Profit Organization Incorporated in the State of West Virginia

FOR THE BENEFIT OF HOMEOWNERS ASSOCIATIONS

WITHIN AND THE OUTLYING AREAS OF

WEST VIRGINIA

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2 **ARTICLE I – ORGANIZATION**

3 **Section 1.1 – Name and Type of the Organization.**

4 Name – The West Virginia Organization of Homeowner Associations, Inc. shall be referred to as the
5 Organization.

6 Type of Organization – a West Virginia non-profit corporation. No shareholders, a non– stock non-
7 profit corporation.

8 **Section 1.2 – Affiliations.**

9 The Organization may join any local, state and national entity, firm or corporation voted by the
10 Organization’s majority in compliance with these Bylaws, as they may be amended from time to time.

11 **Section 1.3 – Definitions.**

12 As used in these Bylaws, unless the context requires a different meaning:

13 **“Accessibility”** means all meetings of the Organization must be accessible in compliance with
14 Americans with Disabilities Act, 1990, as may be amended from time to time.

15 **“Articles of Incorporation”** means the West Virginia Nonprofit Corporation Act Chapter
16 31E, as it may be amended from time to time.

17 **“Board” or “Board of Directors”** means the group of persons vested with management of the
18 affairs of the Organization.

19 **“Bylaws”** means the rules and regulations contained in this document established by the
20 Organization to regulate itself as amended from time to time.

21 **“Code of Conduct”** means the Organization’s commitment to ethical behavior including
22 accountability, transparency of public relations, and avoiding any conflicts of interest through
23 representation by the Board of Directors and the members’ behavior.

24 **“Good Standing”** means in compliance with all rules and regulations of the Organization.

25 **“Notice”** means an electronic, telephonic and/or printed announcement of the Organization’s
26 scheduled meetings, workshops, seminars or other functions.

27 **“Organization”** means and is referred to the West Virginia Organization of Homeowners
28 Associations, Inc. throughout these Bylaws.

29 “**Signatory**” means the signature of the person or persons appointed and recognized to sign the
30 Organization’s documents that require a signature.

31 **ARTICLE II – PRINCIPAL OFFICE**

32 The location of the principal office of the Organization shall be within the State of West Virginia at an
33 address fixed by the Board of Directors or at an alternate location in accordance with the laws of the
34 State of West Virginia. The Organization may also have offices at such other places, within or without
35 its state of incorporation, where it is qualified to do business, as its business and activities may require,
36 and as the Board of Directors may, from time to time, designate.

37 **ARTICLE III – PURPOSE**

38 **Section 3.1 – Nature of Corporation.**

39 The Organization is organized as and shall operate as a non-profit corporation under Chapter 31E of
40 the Code of West Virginia, 1931, as amended. The Organization is non-profit and may not have or
41 issue shares of stock or make distributions. It is intended that the Organization shall have the status of
42 a corporation that is exempt from Federal income taxation under §501(a) of the Internal Revenue Code
43 of the United States and an organization described in §501(c)(3) of the Internal Revenue Code of the
44 United States. These Bylaws shall be construed accordingly, and all powers and activities of the
45 Organization shall be limited accordingly.

46 **Section 3.2 – Primary Purpose.**

47 The primary purpose of the Organization shall be to facilitate the discussion of issues relating to the
48 common problems, the sharing of solutions, the communication of important information to our
49 communities and to be a cohesive force to protect the interests and welfare of West Virginia
50 homeowners.

51 **ARTICLE IV – MEMBERSHIP**

52 There are three classes of members in the Organization; a homeowner association, an individual, and a
53 business within West Virginia and outlying areas. All members, regardless of membership type, shall
54 have one (1) vote, provided each member is in good standing with the Organization. Members may be

55 removed with or without cause by the Board of Directors at any time pursuant to current resolutions or
56 procedures.

57 **Section 4.1 – Homeowner Association.**

58 A homeowner association shall be defined as a residential organization representing a separate and
59 distinct subdivision. A homeowner association may become a voting member upon submission of an
60 application, required documentation and payment of membership fees as stated in these Bylaws. A
61 homeowner association shall participate through a representative authorized by their respective board
62 of directors.

63 **Section 4.2 – Individual.**

64 An individual may become a voting member upon submission of an application, required
65 documentation and payment of membership fees as stated in these Bylaws.

66 **Section 4.3 – Business.**

67 A business may become a voting member upon submission of an application, required documentation
68 and payment of membership fees as stated in these Bylaws.

69 **ARTICLE V – DUES AND FEES**

70 Annual dues shall be established by the Board of Directors. A one time initiation fee may be
71 established by the Board of Directors. Annual membership dues are required to be paid to remain in
72 good standing with the Organization.

73 **ARTICLE VI – BOARD OF DIRECTORS**

74 **Section 6.1 – Powers and Duties.**

75 Subject to the provisions of West Virginia law and any limitations in the Articles of Incorporation or
76 these Bylaws relating to action required or permitted to be taken or approved by the members of this
77 Organization, the activities and affairs of this Organization shall be conducted and all corporate
78 powers shall be exercised by or under the direction of the Board of Directors. The Board of Directors
79 shall have all of the powers and duties set forth in West Virginia Code Chapter 31E not otherwise

80 assigned to the members of the Organization, including but not limited to the power to adopt any and
81 all resolutions that aid in the management of the affairs of the Organization, provided they do not
82 conflict with the Articles of Incorporation or these Bylaws.

83 **Section 6.2 – Number.**

84 The Board of Directors shall be an odd number of no less than three (3) and no greater than seven (7).
85 The Board of Directors may increase or decrease the number of directors on the Board, except that any
86 reduction will not eliminate an existing director until that director has served the remainder of their
87 term or the same resigns or shall be removed as set forth in these Bylaws. Business or individual class
88 members may serve on the Board, provided that a majority of the Board are homeowner association
89 representatives.

90 **Section 6.3 – Nomination.**

91 Nominations to the Board must be made in writing or from the floor of any meeting to the Board of
92 Directors or a Committee established by the Board to oversee the election in advance of the scheduled
93 election. The nominee must:

- 94 (a) accept the nomination prior to the election,
- 95 (b) be a member in good standing with the Organization,
- 96 (c) be in good standing with their own homeowner association, civic organization
97 and/or other entity, and
- 98 (d) may not be a current elected official at the county, state or federal level.

99 **Section 6.4 – Election.**

100 The Board of Directors shall call a meeting by the voting members of the Organization for the purpose
101 of electing the board members.

102 **Section 6.5 – Term of Office.**

103 Unless otherwise stated in the Articles of Incorporation, each director shall hold office for a term of
104 three (3) years. Further, unless the Articles of Incorporation state otherwise, the terms of the Board of
105 Directors shall be staggered to allow the election of at least twenty percent (20%) of the directors

106 annually. Unless there are no other qualified candidates available, no director shall serve more than
107 three (3) full consecutive terms.

108 **Section 6.6 – Removal.**

109 Any Director may be removed, with or without cause, by the vote of the disinterested directors, at any
110 time. Any member serving on the Board who is no longer in good standing shall be automatically
111 removed from the Board of Directors. Any director may resign by giving notice to the Board of
112 Directors. Any resignation shall take effect upon the date of receipt of such notice or at any later date.

113 **Section 6.7 – Vacancies.**

114 Any vacancy on the Board of Directors may be filled by appointment of the remaining Board of
115 Directors. Each Director so appointed shall hold office for the remainder of that term.

116 **Section 6.8 – Quorum.**

117 At all meetings of the Board of Directors, a majority of the Directors in office shall constitute a
118 quorum for the transaction of business. In the absence of a quorum, a majority of the Directors present
119 may, without giving notice other than by announcement at the meeting, adjourn the meeting until a
120 quorum is obtained. At any such adjourned meeting at which a quorum is not present, no business
121 may be transacted which otherwise might have been transacted at the meeting as originally called.

122 **Section 6.9 – Organization.**

123 The President of the Board shall preside at all meetings of the Board of Directors. In the absence of the
124 President, the Vice President shall preside. In the absence of both the President and the Vice President
125 the Board may appoint another officer or Board member to preside. In the absence of the recording
126 Secretary, the presiding Directors may appoint any person to act as recording Secretary of the meeting.
127 Roberts Rules of Order may be utilized to guide the conduct of all meetings, but the same shall not be
128 required.

129 **Section 6.10 – Compensation.**

130 No member of the Board of Directors shall receive, directly or indirectly, any salary, compensation or
131 remuneration therefrom for his or her service as Director, Officer or in any other capacity, except that
132 said member may be reimbursed for any Board approved expenses incurred as a result of their service.

133 **Section 6.11 – Resignation.**

134 Any director may resign at any time by giving written notice to the Board of Directors. Any such
135 resignation shall take effect at the date of receipt of such notice or at any later date specified therein,
136 and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to
137 make it effective.

138 **ARTICLE VII – OFFICERS**

139 **Section 7.1 – Officers.**

140 The officers of the Organization shall be a President, a Vice President, a Secretary, and a Treasurer.
141 The duties of the Secretary and Treasurer may be combined with any other officer except the
142 President. The Organization may also have one or more Vice Presidents, assistant Secretaries,
143 assistant Treasurers, and other such officers with such titles as may be determined from time to time
144 by the Board of Directors.

145 **Section 7.2 – Election and Term of Office.**

146 The election of the officers shall take place at the next board meeting following each annual election
147 of Directors. The officers each shall hold office for one (1) year unless he or she shall sooner resign,
148 or shall be removed or otherwise disqualified to serve or until his or her successor shall be elected and
149 qualified, whichever occurs first.

150 **Section 7.3 – Removal and Resignation.**

151 Any officer may be removed with or without cause by the Board of Directors at any time. Any officer
152 may resign at any time by giving written notice to the Board of Directors. Any such resignation shall
153 take effect at the date of the receipt of such notice or at any later date specified therein, and unless
154 otherwise specified therein, the acceptance of such resignation shall not be necessary to make it
155 effective.

156 **Section 7.4 – Vacancies.**

157 Any vacancy in any office may be filled by appointment by the Board of Directors. The officer
158 appointed to such vacancy shall serve only for the remainder of the term of the officer he or she
159 replaces.

160 **Section 7.5 – President: Powers and Duties.**

161 The President shall be the chief executive officer of the Organization and shall, subject to the direction
162 of the Board of Directors, supervise and manage the affairs of the Organization and the activities of
163 the officers. He or she shall perform all duties incident to his or her office and such other duties as
164 may be required by law, the Articles of Incorporation, these Bylaws, or which may be prescribed from
165 time to time by the Board of Directors. The President shall preside at all meetings of the Board of
166 Directors and at all meetings as defined in Article IX Meetings and Notice. Except as otherwise
167 expressly provided by law, the Articles of Incorporation, these Bylaws, the President shall, in the
168 name of the Organization, execute such deeds, mortgages, bonds, contracts, checks, or other
169 instruments which may from time to time be authorized by the Board of Directors.

170 **Section 7.6 – Vice President: Powers and Duties.**

171 In the absence of the President, the Vice President shall perform all the duties of the President. The
172 Vice President shall have other powers and perform such other duties as may be prescribed by law, the
173 Articles of Incorporation, these Bylaws, or as may be prescribed by the Board of Directors.

174 **Section 7.7 – Secretary: Powers and Duties.**

175 The Secretary shall act as Secretary of all meetings of the Board of Directors, keep minutes of all
176 meetings in the books proper for that purpose; shall attend to the giving and serving of all notices of
177 the Organization; shall perform all duties incident to the office of the Secretary, subject, however to
178 the control of the Board of Directors; and shall perform other duties as shall from time to time be
179 assigned by the Board of Directors. The Secretary, unless specifically authorized by the Board, may
180 not enter into any contract or deliver any instrument in the name of or for the benefit of the
181 Organization.

182 **Section 7.8 – Treasurer: Powers and Duties.**

183 The Treasurer shall have custody of all funds and securities of the Organization which may come into
184 his or her hands. He or she shall keep or cause to be kept complete and accurate accounts of receipts
185 and disbursements of the Organization, and shall deposit all monies and other valuable effects of the
186 Organization in the name and to the credit of the Organization in such banks or depositories as the
187 Board of Directors may designate. Whenever required by the Board, the Treasurer shall render a
188 statement of accounts, and at all times exhibit the books and accounts to any Officer or Director of the
189 Organization; shall perform all duties incident to the Office of Treasurer, subject to the control of the
190 Board of Directors, and such other duties as shall be from time to time assigned by the Board of
191 Directors. The Treasurer shall, if required by the Board of Directors, give such assurances for the
192 faithful performance of duties (i.e. provide his or her written signature to attest that the financial
193 statements are accurate) as the Board of Directors may require. The Treasurer, unless specifically
194 authorized by the Board of Directors, may not enter into any contract or delivery of any instrument for
195 the use of or on behalf of the Organization.

196 **ARTICLE VIII – COMMITTEES**

197 **Section 8.1 – Purpose.**

198 The Board of Directors may appoint members to such committees as deemed necessary to help carry
199 out the directives of the Board and to aid the Organization in carrying out its purposes and may be
200 removed by the Board with or without cause.

201 **Section 8.2 – Membership and Terms.**

202 Only members of the Organization may be appointed to committees. Any class of member shall be
203 eligible to serve on a committee, provided they are a member in good standing. Unless otherwise
204 specified the terms of all committees shall be one (1) year. Committee members serve at the pleasure
205 of the Board and may be removed by the Board with or without cause.

206 **Section 8.3 – Committees.**

207 The Organization may have ad hoc or standing committees as needed which shall be appointed by the
208 Board of Directors. The purpose and duties of each committee shall be set by the Board and may be
209 modified or revoked at any time with or without cause.

210 The Organization shall have a Nominations Committee which shall be responsible for soliciting and
211 evaluating candidates for the Board of Directors. The Nominations Committee shall have an odd
212 number of members of not less than three (3) and shall appoint their chairperson.

213 **ARTICLE IX – MEETINGS & NOTICE**

214 **Section 9.1 – Annual Meeting.**

215 The Organization’s annual meeting shall take place on a date specified by the Board of Directors.
216 Notice must be provided in writing in accordance with these Bylaws and as determined by the Board
217 of Directors. Notice to the members may not be more than thirty (30) days nor less than fourteen (14)
218 days in advance of the annual meeting. Notice must include the specific date, time and location of the
219 meeting, along with an agenda, a proxy and a ballot. The purpose of the annual meeting is to elect
220 eligible candidates to any open positions on the Board of Directors, and to transact any other business
221 as may come before the Organization. A quorum of the membership shall consist of ten percent (10%)
222 plus one (1) member of the voting members of the Organization present at the meeting. Annual
223 meetings are open to the public.

224 **Section 9.2 – Regular Meeting.**

225 The Organization’s regular meetings shall be scheduled as determined by the Board of Directors. A
226 quorum of the Board of Directors must be present to conduct the business of the Organization. The
227 Board of Directors may change and/or modify an existing schedule of regular meetings when
228 necessary. Notice of the date, time and location of a regular meeting shall be provided to the members
229 and the general public not less than ten (10) days prior to the meeting. The meeting agenda and the
230 previous meeting’s draft minutes shall be made available to the members and the general public
231 electronically not less than ten (10) days prior to the meeting. Regular meetings are open to the public.

232 **Section 9.3 – Special Meeting.**

233 The Board of Directors may call a special meeting of the members at any time as needed. A quorum
234 of the membership shall consist of ten percent (10%) plus one (1) member of the voting members of
235 the Organization present at the meeting. Special meetings are open to the public.

236 **Section 9.4 – Executive Session.**

237 The Board of Directors may call for any executive session of the Board in compliance with West
238 Virginia Code, the Articles of Incorporation and these Bylaws. Executive sessions are not open to the
239 the public.

240 **Section 9.5 – Proxies.**

241 Unless otherwise prohibited by West Virginia law, the Articles of Incorporation, or these Bylaws, any
242 member may provide a proxy to either the Secretary of the Organization, or another individual for
243 membership meetings only. The proxy shall count toward quorum, and shall include the following:

- 244 (a.) name of voting member,
- 245 (b.) date, and
- 246 (c.) signature.

247 If the proxy is general, it shall also state the name of the individual who is authorized to vote on behalf
248 of the member giving the proxy. A proxy terminates one year after its date, unless it specifies a shorter
249 term. Only proxies that are completed on Board approved forms shall be acceptable.

250 **Section 9.6 – Voting.**

251 Except as otherwise provided under West Virginia law, the Articles of Incorporation, or these Bylaws;
252 the election of directors may be conducted by a ballot. The ballot shall:

- 253 1. list the names of each candidate,
- 254 2. provide an opportunity to vote for Board of Director vacancies, and
- 255 3. specify the date by which the ballot must be received by the Organization in order to be
256 counted.

**AMENDMENT: November 17, 2021 Added New Section 9.7 Electronic Communications.
The Organization may communicate with members and conduct meetings, including voting, using
electronic communications as provided for under West Virginia Code §31E-7-708 and §39A as
amended.**

257 **ARTICLE X – CONTRACTS, CHECKS, DEPOSITS AND FUNDS**

258 **Section 10.1 – Contracts.**

259 The Board of Directors, except as otherwise provided in these Bylaws, may by resolution authorize
260 any officer or agent of the Organization to enter into any contract or execute and deliver any
261 instrument in the name of and on behalf of the Organization, and such authority may be general or
262 confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any
263 power or authority to bind the Organization by any contract or engagement or to pledge its credit or to
264 render it monetarily liable for any purpose or in any amount.

265 **Section 10.2 – Checks, Drafts and Similar Documents.**

266 Except as otherwise specifically determined by these Bylaws, or by resolution of the Board of
267 Directors, or as otherwise required by law; checks, drafts, promissory notes, orders for the payment of
268 money, and other evidence of indebtedness of the Organization shall be signed by the President, or
269 signed by the Treasurer and approved by the President of the Organization. Record of approval by the
270 President must be recorded.

271 **Section 10.3 – Deposits.**

272 All funds of the Organization shall be deposited to the credit of the Organization in such banks, trust
273 companies, or other depositories as the Board of Directors may select from time to time.

274 **Section 10.4 – Gifts and Contributions.**

275 The Board of Directors may accept on behalf of the Organization any contribution, gift, bequest, or
276 devise for purposes of this Organization.

277 **ARTICLE XI – BOOKS AND RECORDS**

278 There shall be kept at the office of the Organization or at such place as the Board of Directors may
279 determine, books of accounts of the activities and transactions of the Organization, including a
280 minutes book which shall contain a copy of the Articles of Incorporation, a copy of the Bylaws, and all
281 minutes of open meetings of the Organization. This data may also be stored electronically. All records
282 maintained by the Organization shall be available for examination and copying by any member, or by

283 any of their duly authorized agents or attorneys at the expense of the person examining the records
284 during normal business hours and after reasonable written notice.

285 The Organization shall keep the following records:

- 286 1. An account for each member or member association which shall
 - 287 (a.) designate the name and address of each member or member association,
 - 288 (b.) the amount of all dues and fees,
 - 289 (c.) the dates on which each are owed and paid, and
 - 290 (d.) the balance.
- 291 2. A record of all expenditures approved by the Board of Directors.
- 292 3. The most recently prepared balance sheet and income & expense statement, if any, of the
293 Organization.
- 294 4. The current operating budget and capital expenses adopted and ratified pursuant to the
295 Bylaws.
- 296 5. A record of any unsatisfied judgments against the Organization and the existence of any
297 pending suits in which the Organization is a defendant.
- 298 6. A record of insurance coverage provided for the benefit of the Organization.
- 299 7. Minutes of the proceedings of incorporators, members, Board of Directors, committees
300 and waivers of notice.
- 301 8. Such other records required by federal, state and local statutes.

302 All outgoing Directors, Officers and Committee Chairs shall transfer all records and other property of
303 the Organization to the Board of Directors.

304 **ARTICLE XII – FISCAL YEAR**

305 The fiscal year of the Organization shall begin on the first day of January and end on the thirty-first
306 day of December of every year.

307 **ARTICLE XIII – EXEMPT ACTIVITIES**

308 Notwithstanding any other provision of these Bylaws, no Director, Officer, employee or representative
309 of this Organization shall take any action or carry on any activity by or on behalf of the Organization
310 not permitted to be taken on by an organization except under §501(c)(3) of the Internal Revenue
311 Service and its regulations as they now exist or as they may hereafter be amended.

312 **ARTICLE XIV – WAIVER OF NOTICE**

313 Whenever any notice is required to be given under the provisions of the laws of West Virginia or
314 under the provisions of the Articles of Incorporation or by these Bylaws, a waiver thereof in writing
315 signed by the person or persons entitled to such notice, whether before or after the time stated therein,
316 shall be deemed equivalent to the giving of such notice.

317 **ARTICLE XV – INDEMNIFICATION**

318 The Board of Directors, Officers, committee members or any other agents of the Organization shall
319 have the liabilities, and be entitled to indemnification as provided in the statutes of West Virginia, the
320 provisions of which are hereby incorporated by reference and made a part hereof.

321 **ARTICLE XVI – LEGAL ACTION**

322 The Board of Directors may consult or retain legal council for any reasons deemed necessary. This
323 section does not prohibit any members of the Organization, either individually or as a group, from
324 sharing public information nor does this section prohibit any members from endorsing, sponsoring or
325 initiating legal actions on their own behalf at their own expense.

326 **ARTICLE XVII – AMENDMENTS TO BYLAWS**

327 These Bylaws may be amended by a majority vote of the members in
328 (a.) good– standing,
329 (b.) at a meeting noticed for such a vote,
330 (c.) provided a quorum is present and
331 (d.) provided a written notice including text of the proposed amendment or amendments shall
332 be made available at least thirty (30) days in advance of any such meeting.

333

334 **ARTICLE XVIII – EFFECTIVE DATE**

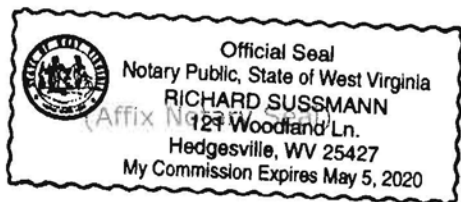
335 THE FOREGOING revision to improve procedures and increase flexibility to accommodate the
336 growing Organization was adopted as the Bylaws of the West Virginia Organization of Homeowners
337 Associations, Inc., a Non-Profit Organization, under the laws of the State of West Virginia, **revised on**
338 **the 28th day in the month of September, 2018 and adopted on the 1st day in the month of**
339 **October, 2018.**

340 

340 18 Phyllis Smock, Secretary

341 I, Richard A. Sussmann, a Notary Public within and for the State of West Virginia,
342 do hereby certify that the name signed in writing hereto attached, bearing date of the 1st day in
343 the month of October, in the year of 2018, for the West Virginia Organization of
344 Homeowners Associations, Inc., has this day in my said state, before me, acknowledged the said
345 writing to be the act and deed of said Organization.

346 Given under my hand this 1st day of the month in October in the year of 2018.



My commission expires: May 5, 2020



350 **REVISION 1.** Name Change June 18, 2011 from Jefferson County Organization of Homeowners
351 Associations, Inc. to Eastern Panhandle Organization of Homeowners Associations, Inc. and correct spelling
352 errors.

353 **REVISION 2.** Name Change October 1, 2018 from Eastern Panhandle Organization of Homeowners
354 Associations, Inc. to West Virginia Organization of Homeowners Associations, Inc.

355 EIN 27-0879365 / WV REGISTRATION 2230-3336

WEST VIRGINIA ORGANIZATION OF HOMEOWNERS ASSOCIATIONS, INC.