



Water's Edge, A Condominium
Falls Church, Virginia 22041

April 17, 2023

Dear Unit Owner(s):

The Unit Owners Association of Water's Edge, A Condominium (the Association) has always considered the electively installed skylights on twenty-two (22) units to be the individual unit owner's responsibility. The Association has determined that it would be beneficial to all unit owners to amend our Declaration and Bylaws adding clarifying language that the repair, replacement, and maintenance of skylights are the individual unit owner's responsibility. This amendment does not change any of the Association's policies and is being recommended for the purpose of adding clarity to our existing Declaration and Bylaws.

The passage of this amendment will provide several benefits to all unit owners including:

1. Ensure disclosure to future unit owners – The amendment will clearly communicate to all new unit owners their responsibility to repair, replace and maintain the skylights.
2. Mitigate the Association's legal expenses – Adding clarity to the Declaration and Bylaws will reduce the legal fees associated with interpreting, explaining, and defending the governing documents and policies of the Association.
3. Assist unit owners with insurance claims – Adding specificity will assist unit owners if they need to make insurance claims with their homeowner's insurer related to their skylights.

The Board is recommending that the unit owners of Water's Edge approve the enclosed amendment. We ask that all unit owners complete the Ratification of Amendment to the Declaration and Bylaws and return the enclosed form by May 15, 2023. Instructions are on the following page.

If you have any questions, please email Kelly Lang at klang@kpamgmt.com.

Sincerely,

The Water's Edge Board of Directors

Enclosures: Ratification of Amendment to the Declaration and Bylaws, Amendment to the Declaration and Bylaws, Chart of Maintenance Responsibility.



Water's Edge, A Condominium
Falls Church, Virginia 22041

**Instructions for Completing the Ratification of Amendment to the
Declaration and Bylaws of Water's Edge, A Condominium**

For the amendment to be ratified the Association must receive the completed enclosed form from by at least two thirds of all unit owners. To complete the form please:

1. Print the name(s) of all unit owner(s) of record. If in a Trust or LLC, list that entity.
2. Print the unit street number on the line beneath your names.
3. **Check all three boxes** to indicate your support for amending the Declaration and Bylaws.
4. All unit owners of record must sign and date. See note below on signatures.

The original completed form should be returned to:

Water's Edge Condominium
c/o KPA Management
6402 Arlington Blvd, #700
Falls Church, VA 22042

Note on All Record Unit Owners

All record owners of the Unit identified must sign this ratification in order for it to be valid. If the Unit is held by a Trust, this ratification must be signed by all Trustees in their capacity as Trustees by including "Trustee" after the signatory's name. If the Unit is owned by a corporation or partnership, this ratification must be signed by the authorized corporate officer or partner and be accompanied by certification from the corporation or partnership authorizing the signature.

Please return the completed form no later than May 15, 2023.

**RATIFICATION
OF
AMENDMENT TO THE DECLARATION AND BYLAWS OF WATER'S EDGE, A
CONDOMINIUM**

The Board of Directors of the Unit Owners Association of Water's Edge, A Condominium has proposed an amendment ("Amendment") to the Declaration of Water's Edge, A Condominium (the "Declaration") and the Bylaws of Water's Edge, A Condominium.

Under Article 13 of the Declaration and Article XII of the Bylaws, any amendment requires approval of Owners to which at least two-thirds (2/3) of the votes in the Association appertain. Your signature on page 2 of this Ratification will constitute your vote in favor of this Amendment and ratification of this Amendment.

THE AMENDMENTS

- *PROPOSED AMENDMENT TO ARTICLE 5, DIMENSIONS OF UNITS:*

Amend Article 5 by adding a new section (i) to the listing of items included as part of each unit, as follows: "(i) skylights serving only the Unit."

- *PROPOSED AMENDMENT AND REPLACEMENT OF CHART OF MAINTENANCE RESPONSIBILITIES:*

The Chart of Maintenance Responsibilities has been amended by adding "Skylights (if any)" as an Item, and establishing Unit Owner responsibility to "Maintain in good repair including replacement." The remainder of the Chart of Maintenance Responsibilities will not be amended and is restated.

- *INCLUSION OF CHART OF MAINTENANCE RESPONSIBILITIES IN BYLAWS:*

Amend Article VI, Section 1 of the Bylaws by adding a new section (d), as follows:

(d) Chart of Maintenance Responsibilities. Notwithstanding the general provisions for maintenance set forth in subparagraphs (a) and (b) above, specific maintenance responsibilities and the costs attributable thereto shall, to the extent set forth thereon, be determined pursuant to the Chart of Maintenance Responsibilities attached as "Exhibit A" hereto.

INSTRUCTIONS

You may ratify the proposed amendment in this Amendment to the Declaration and Bylaws of Water's Edge, A Condominium, by execution of this ratification form. The Owner must check the box to reflect his or her approval to the amendment(s). **All record owners of the Unit identified must sign this ratification in order for it to be valid. If the Unit is held by a Trust, this ratification must be signed by all Trustees in their capacity as Trustees by including "Trustee" after the signatory's name. If the Unit is owned by a corporation or partnership, this ratification must be signed by the authorized corporate officer or partner and be accompanied by certification from the corporation or partnership authorizing the signature.**

(I),(We) _____ and _____,
please print *please print*

as owner(s) of the Unit located at _____ Lakeside View Drive, Falls Church, VA
22041 in the Water's Edge, A Condominium hereby ratify:

☐ The amendment proposed in this Amendment to the Declaration of Water's Edge, A Condominium, Article 5.

☐ The amendment proposed in this Amendment to the Declaration of Water's Edge, A Condominium, Chart of Maintenance Responsibility.

☐ The amendment proposed in this Amendment to the Bylaws of Water's Edge, A Condominium, Article VI, Section 1.

Signature of Owner

Date

Signature of Owner

Date

12761808

Prepared By Marla J. Diaz, Esq. (VSB #46799)
And Return to: Whiteford, Taylor & Preston L.L.P.
3190 Fairview Park Drive, Suite 800
Falls Church, Virginia 22042-4510
(703) 280-9260

PIN Numbers:

PREPARED WITHOUT BENEFIT OF A TITLE EXAMINATION

**AMENDMENT TO THE DECLARATION AND BYLAWS OF WATER'S EDGE, A
CONDOMINIUM**

THIS AMENDMENT is made as of _____, 2023, by the UNIT OWNERS ASSOCIATION OF WATER'S EDGE, A CONDOMINIUM ("Association").

RECITALS

R1. The Water's Edge, A Condominium, was established by the recording of a certain Declaration of Water's Edge, A Condominium ("Declaration") among the Land Records of Fairfax County, Virginia, at Deed 5965, at Page 0926, *et seq.* and by all amendments thereto; and,

R2. The Bylaws of Water's Edge, a Condominium ("Bylaws") were recorded as "Exhibit A" to the Declaration; and

R3. Pursuant to Article 13 of the Declaration, the Declaration may be amended by the agreement of Owners to which two-thirds (2/3) of the votes in the Association appertain and in the manner provided by Section 55-79.72 of the Condominium Act, which is no longer a valid code provision due a re-codification of the Condominium Act but presumably refers to current statutory provision for amendment of condominium instruments, Section 55.1-1934; and,

R4. Pursuant to Article XII, Section 1 of the Bylaws, the Bylaws may be amended by the agreement of Owners of Units to which at least two-thirds (2/3rds) of the votes in the Association appertain and in the manner provided by Section 55-79.72 of the Condominium Act, which is no longer a valid code provision due a re-codification of the Condominium Act but presumably refers to current statutory provision for amendment of condominium instruments, Section 55.1-1934; and

R5. Owners to which at least two-thirds (2/3) of the votes in the Association appertain have approved this Amendment to both the Declaration and Bylaws as confirmed in the president's certification attached as "Exhibit B," in the manner provided for by Section 55.1-1934; and,

R6. No provision of this Amendment abridges, modifies, eliminates, or otherwise affects any right, power, easement, privilege, or benefit reserved by the provisions of the Declaration to Mortgagees; and

R7. The Amendment is intended to provide clarification to existing maintenance and financial responsibilities for skylights in the Condominium.

NOW, THEREFORE, the approvals required by Article 13 of the Declaration and Article XII of the Bylaws having been made by the Owners, the Declaration and Bylaws are hereby amended as follows.

1. Article 5, Dimensions of Units, is hereby amended by adding a new section (i) to the listing of items included as part of each Unit, as follows: "(i) skylights serving only the Unit."
2. An amended and restated Chart of Maintenance Responsibilities is attached hereto as **Exhibit A**, which supersedes and replaces the prior-recorded Chart of Maintenance Responsibilities attached to the Declaration and is incorporated into and made "Exhibit A" to the Bylaws of Water's Edge, a Condominium.
3. Article VI, Section 1 of the Bylaws is hereby amended by adding a new section (d), as follows:

(d) Chart of Maintenance Responsibilities. Notwithstanding the general provisions for maintenance set forth in subparagraphs (a) and (b) above, specific maintenance responsibilities and the costs attributable thereto shall, to the extent set forth thereon, be determined pursuant to the Chart of Maintenance Responsibilities attached as "Exhibit A" hereto.
4. Except as modified herein, all of the terms and provisions of the Declaration and Bylaws are hereby expressly ratified and confirmed and shall remain in full force and effect.

This Amendment to the Declaration and Bylaws of the Water's Edge, A Condominium, was approved by Owners to which at least two-thirds (2/3) of the votes in the Association appertain, as evidenced by the President's Affidavit Certifying Member Approval attached hereto as **Exhibit B** and in the manner proscribed by Section 55.1-1934 of the Condominium Act.

This Amendment shall become effective the date it is recorded in the Land Records of Fairfax County, Virginia.

IN WITNESS WHEREOF, the undersigned officer of the Association has executed this AMENDMENT to the DECLARATION AND BYLAWS OF WATER'S EDGE, A CONDOMINIUM this ____ day of _____, 2023.

[REMAINDER OF PAGE LEFT BLANK DELIBERTATELY]

UNIT OWNERS ASSOCIATION OF WATER'S EDGE,
A CONDOMINIUM

By: _____
_____, President

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid,
so certify that the foregoing Amendment to the Declaration and Bylaws of Water's Edge, A
Condominium, was executed and acknowledged before me this ____ day of _____ 2023, by
_____, as President of the Unit Owners Association of Water's Edge, A
Condominium, on behalf of such corporation.

Notary Public

My Commission Expires: _____
Registration No.: _____

EXHIBIT A

CHART OF MAINTENANCE RESPONSIBILITIES

NOTES

MAINTENANCE RESPONSIBILITIES:

This chart and the titles and headings used herein are not intended to describe or encompass all maintenance functions nor to delineate all respective responsibilities between the Unit Owners, severally, and the Association. The placement of responsibility under any specific column does not always accurately reflect the precise character and nature of ownership. The appropriate sections of the Declaration determine ownership.

Column I: Items. Items appearing in this column are illustrative and not exhaustive.

Column II: General Common Elements Under Association Responsibility. Responsibility for determining and providing for the maintenance, repair and replacement requirements of the General Common Elements and determining the costs thereof shall be primarily the responsibility of the Board of Directors and such designees to which it may delegate certain such responsibilities.

Column III: Limited Common Elements Under Association Responsibility. Responsibility for determining the maintenance, repair and replacement requirements of the Limited Common Elements shall be a shared responsibility between the Board of Directors and the Unit owner of a Unit to which a specific Limited Common Element is exclusively appurtenant, provided, however, that the Board shall have the final responsibility for determining the need for and accomplishing such maintenance, repair and replacement activities.

Column IV: Unit Components Under Association Responsibility. The items in this column are legally and by definition a part of a Unit but are attached or directly connected to or associated with the General Common Elements and Common Expense items in such a way that a clear distinction between Unit Owner and Association responsibility cannot be made. Moreover, such items frequently involve matters of concern relative to the general health, safety and welfare of all of the occupants of the building. Thus, certain costs which appear to benefit a single Unit Owner but which affect other Unit Owners are declared a Common Expense, especially when the correct functioning of an activity or element is integral to or supportive of the legally defined Common Elements and Common Expenses.

Column V: Certain Other Components Under Unit Owner's Responsibility Without Respect to Ownership of the Component. The items in this column are not intended to be exclusive and all-encompassing and do not affect responsibilities otherwise expressly provided for.

EXHIBIT B to the Amendment to Declaration and Bylaws**EXHIBIT A to the Bylaws of Water's Edge, A Condominium****WATER'S EDGE, A CONDOMINIUM
Maintenance Responsibilities**

I	II	III	IV	V
ITEMS	GENERAL COMMON ELEMENTS UNDER ASSOCIATION RESPONSIBILITY	LIMITED COMMON ELEMENTS UNDER ASSOCIATION RESPONSIBILITY	UNIT COMPONENTS UNDER ASSOCIATION RESPONSIBILITY	CERTAIN OTHER COMPONENTS UNDER UNIT OWNER'S RESPONSIBILITY WITHOUT RESPECT TO OWNERSHIP OF THE COMPONENT
Plumbing and related systems and components thereof.	All, in all regards.	-----	Only to the extent that a malfunction or threat of same has originated outside the Unit in which the malfunction occurs or may occur. Also damage caused to such Unit from causes initially occurring outside that Unit. Repair of grouting, caulking, and other water inhibitors when Unit Owner upon reasonable notice refuses to repair condition threatening or causing damage to other Units or Common Elements.	All portions within a Unit serving only that Unit, including fixtures and appliances attached thereto. Water damage to a Unit, when the primary source of such problem is through negligence of the occupants of that Unit, and water damage to other units, resulting from such negligence.
Electrical and related systems and components thereof, including fixtures.	All, in all regards.	-----	-----	All electrical and related systems and components thereof serving only one Unit, including exterior fixtures serving primarily one Unit.

EXHIBIT B to the Amendment to Declaration and Bylaws

EXHIBIT A to the Bylaws of Water's Edge, A Condominium

WATER'S EDGE, A CONDOMINIUM
Maintenance Responsibilities

I	II	III	IV	V
ITEMS	GENERAL COMMON ELEMENTS UNDER ASSOCIATION RESPONSIBILITY	LIMITED COMMON ELEMENTS UNDER ASSOCIATION RESPONSIBILITY	UNIT COMPONENTS UNDER ASSOCIATION RESPONSIBILITY	CERTAIN OTHER COMPONENTS UNDER UNIT OWNER'S RESPONSIBILITY WITHOUT RESPECT TO OWNERSHIP OF THE COMPONENT
Heating and cooling systems	Systems serving only Common Elements, all, in all regards.	-----	-----	Systems serving only one Unit, all, in all regards. Maintenance of condensate drain line.
Storm Doors and Storm Windows	Repainting as necessary, with routine building re-paint cycle.	-----	-----	Maintain in good repair including replacement of glass and screening.
Skylights (if any)	-----	-----	-----	Maintain in good repair including all financial responsibility for repair, replacement, and maintenance.
Exterminating	All, in all regards.	All, in all regards.	All, in all regards.	-----
Exterior patio door lights and entrance door lights	-----	-----	-----	Maintain in good repair, including replacement of light bulbs.
Insurance	Hazard and liability insurance as pertains to building	Hazard and liability insurance as pertains to building structures and Limited Common Areas	-----	Personal Property insurance and hazard and liability insurance as pertains to the individual unit.

EXHIBIT A to the Bylaws of Water's Edge, A Condominium

EXHIBIT B to the Amendment to Declaration and Bylaws

WATER'S EDGE, A CONDOMINIUM
Maintenance Responsibilities

I	II	III	IV	V
ITEMS	GENERAL COMMON ELEMENTS UNDER ASSOCIATION RESPONSIBILITY	LIMITED COMMON ELEMENTS UNDER ASSOCIATION RESPONSIBILITY	UNIT COMPONENTS UNDER ASSOCIATION RESPONSIBILITY	CERTAIN OTHER COMPONENTS UNDER UNIT OWNER'S RESPONSIBILITY WITHOUT RESPECT TO OWNERSHIP OF THE COMPONENT
	structures and Common Areas			

EXHIBIT B

PRESIDENT'S AFFIDAVIT CERTIFYING MEMBER APPROVAL

I, _____, hereby certify as follows:

1. I am the duly elected and acting President of THE UNIT OWNERS ASSOCIATION OF WATER'S EDGE, A CONDOMINIUM.
2. The foregoing Amendment to Declaration and Bylaws of Water's Edge, A Condominium was approved by Owners to which at least two-thirds (2/3) of the votes in the Association appertain. I hereby certify that the requisite majority of the Owners signed ratifications of this foregoing Amendment, approving the foregoing Amendment to the Declaration and Bylaws of Water's Edge, A Condominium.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Association this _____.

_____, President

COMMONWEALTH OF VIRGINIA :
: ss:
COUNTY OF _____ :

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that _____, President of the Unit Owners Association of Water's Edge, A Condominium, whose name is signed to the foregoing President's Affidavit Certifying Member Approval, has acknowledged the same before me in my jurisdiction aforesaid on behalf of the corporation.

GIVEN under my hand and notarial seal this _____ day of _____, 2023.

NOTARY PUBLIC

My Commission Expires: _____
Registration No.: _____



Water's Edge, A Condominium
Falls Church, Virginia 22041

**Instructions for Completing the Ratification of Amendment to the
Declaration and Bylaws of Water's Edge, A Condominium**

For the amendment to be ratified the Association must receive the completed enclosed form from by at least two thirds of all unit owners. To complete the form please:

1. Print the name(s) of all unit owner(s) of record. If in a Trust or LLC, list that entity.
2. Print the unit street number on the line beneath your names.
3. **Check all three boxes** to indicate your support for amending the Declaration and Bylaws.
4. All unit owners of record must sign and date. See note below on signatures.

The original completed form should be returned to:

Water's Edge Condominium
c/o KPA Management
6402 Arlington Blvd, #700
Falls Church, VA 22042

Note on All Record Unit Owners

All record owners of the Unit identified must sign this ratification in order for it to be valid. If the Unit is held by a Trust, this ratification must be signed by all Trustees in their capacity as Trustees by including "Trustee" after the signatory's name. If the Unit is owned by a corporation or partnership, this ratification must be signed by the authorized corporate officer or partner and be accompanied by certification from the corporation or partnership authorizing the signature.

Please return the completed form no later than May 15, 2023.

INSTRUCTIONS

You may ratify the proposed amendment in this Amendment to the Declaration and Bylaws of Water's Edge, A Condominium, by execution of this ratification form. The Owner must check the box to reflect his or her approval to the amendment(s). **All record owners of the Unit identified must sign this ratification in order for it to be valid. If the Unit is held by a Trust, this ratification must be signed by all Trustees in their capacity as Trustees by including "Trustee" after the signatory's name. If the Unit is owned by a corporation or partnership, this ratification must be signed by the authorized corporate officer or partner and be accompanied by certification from the corporation or partnership authorizing the signature.**

(I),(We) _____ and _____,
please print *please print*

as owner(s) of the Unit located at _____ Lakeside View Drive, Falls Church, VA
22041 in the Water's Edge, A Condominium hereby ratify:

☐ The amendment proposed in this Amendment to the Declaration of Water's Edge, A Condominium, Article 5.

☐ The amendment proposed in this Amendment to the Declaration of Water's Edge, A Condominium, Chart of Maintenance Responsibility.

☐ The amendment proposed in this Amendment to the Bylaws of Water's Edge, A Condominium, Article VI, Section 1.

Signature of Owner

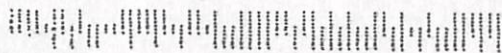
Date

Signature of Owner

Date

12761808

ge Co
gton
ch, VA 22042



US POSTAGESM PITNEY BOWES



ZIP 22042 \$ 001.74⁰
02 4W
0000378036 APR 19 2023

Rec'd 4/24/23

Grace Recabo
3314 Longwood Drive
Falls Church, VA 22041

REMELY IMPORTANT
DO NOT DISREGARD

