

*Laura J. Lepore*

**FIRST AMENDMENT TO AMENDED AND UPDATED BY-LAWS OF LONG BAY  
HOMEOWNERS ASSOCIATION II**

**WITNESSETH:**

**WHEREAS:** Long Bay Homeowners Association II ("the Association") is a not-for-profit association duly established by law and authorized to do business in New Hampshire with property located in Laconia, New Hampshire and mailing address of 14 Country Club Road, Suite 6, Gilford, NH 03246; and

**WHEREAS:** The Amended and Updated By-Laws of the Association were dated August 24, 2024, and recorded August 26, 2024, at Book 3638, Page 708 of the Belknap County Registry of Deeds; and

**WHEREAS:** The residents of the Association wish to amend portion(s) of the above-described By-Laws and have voted to approve the within amendment(s) in accordance with Article 12-100 thereof,

**NOW, THEREFORE,** The Association hereby amends the said Amended and Updated By-Laws as follows:

**1. Article 2-900 is replaced in its entirety with the following:**

2-900. Votes by Electric Means: Voting under these By-Laws may be taken by electronic means pursuant to this section.

2-910 Scope of

of E-Voting:

A. Subject to subsection C below, whenever any portion of these By-Laws or the Rules passed under them call for a membership vote at an Annual or Special meeting, such vote may alternatively be taken by E-Voting under the provisions of this section.

B. The E-Voting process shall not replace any other methods of voting under these By-Laws.

C. Since it is a new process, use of E-Voting shall be limited to matters raised by the Board or the Association pursuant to section 2-920. It is not presently intended to replace voting at the Association's annual meeting. Based upon experience with the E-Voting process, this section may be amended to expand the scope of E-Voting usage by vote of the Association pursuant to Article 12-100.

2-920 Procedure to Initiate

E-Voting:

Voting under this section may be initiated by action of the Board of Directors. Alternatively, the Board shall initiate action under this section if requested in writing by at least thirty three percent (33%) of the voting power of all Unit and Lot owners as defined under these By-Laws.

2-930. Procedure upon initiation

of E-Voting.

A. Upon initiation of E-Voting, the Board shall notify all unit and lot owners that an E-vote will be taken and specify the proposed language or action to be voted upon.

B. Within 21 days of such notice, the Board shall hold no less than two public membership meetings in person or by electronic means at which unit and lot

owners shall have the opportunity to discuss the proposed action.

C. After the 21-day discussion period, the Board may conduct a survey to determine Association support for the proposal.

D. The Board may withdraw or modify the proposed E-vote if, as a result of community input, there appears to be insufficient support for the proposal. However, if the E-Voting was initiated by written request by Unit and Lot owners pursuant to section 2-920, the Board may only withdraw or modify the proposed E-vote if it first conducts a survey under 2-930 (C) which establishes an objective basis for such action.

#### 2-940. Procedures At Beginning

##### Of E-Voting Process:

Unless the Board determines there is insufficient support for the proposed action under section 2-930, after the 21-day discussion period, the Board shall deliver an electronic ballot to every unit or Lot owner entitled to vote.

#### 2-950 Contents of Ballot

The Electronic Ballot shall contain at a minimum:

- A. The final proposed language or action to be voted upon.
- B. The date E-Voting will begin.
- C. The deadline time, date and manner by which the electronic ballot must be submitted.
- D. The threshold necessary for the E-Vote to pass.
- E. A notification that assistance is available for any owner needing technical support with E-Voting and the manner by which such assistance may be obtained.
- F. A further notification that once cast, the E-Vote may not be withdrawn and is not revoked after submission by the death or disability of the unit or

lot owner or by the transfer of the lot or unit before the close of voting.

## 2-960 Procedures Upon Completion

### Of E-Voting

A. Following the completion of the voting period, all votes shall be promptly tabulated and announced by the Board to the membership.

B. Results of all completed E-Voting will be announced at the next Annual meeting after such voting takes place and shall be included in the minutes of that meeting.

## 2-970 Voting Thresholds

A. Except when a different standard is required under these By-Laws, a quorum shall be established if E-Votes are submitted by at least one half of the owners' total voting power. If that minimum standard is reached at the deadline established by the Board for E-Vote submission, a simple majority of affirmative E-Votes shall be sufficient for any item or issue under consideration to be approved including By-Law amendments.

B. In matters where these By-Laws require a different quorum or percentage vote to be approved, E-Voting shall be subject to the quorum or percentage vote requirement of such By-Law provision.

## 2-980 Third-Party Support

### For E-Voting

The Board of Directors may retain the services of a web-based company or other third-party provider to implement all or any part of the provisions of this section.

Any such company or provider shall be required to document at a minimum:

A. Its ability to ensure the integrity of the voting using accepted verification processes and assuring only one vote per residence.

B. A means of creating login, password access, dual authentication or other accepted means of

verifying identity for each individual voting unit or lot owner and a method of providing information to that unit or lot owner.

- C. A means of tabulating the results of any E-Voting and of maintaining the results in a format that can be available for verification by the Board or unit and lot owners requesting the same.

2-990 Further Board Authority. The Board of Directors is authorized to promulgate rules consistent with these By-Laws to further implement their provisions.

**2. Article 7 is amended by addition of new section 7-600**

**7-600 Unit and Lot Ownership Transfer Fee.**

- a. When a Unit or Lot is sold or transferred, the new owner(s) must pay a one-time fee as a contribution to the Association's capital reserves. The fee shall be equal to the total assessments for the Unit or Lot (except special assessments, if any) for the year in which the transfer takes place. The fee must be collected at closing by the seller(s) or their agent and sent to the Association within 5 business days of recording the transfer. The fee is not refundable and will not be returned in any future transfer of the Unit or Lot.
- b. The fee is also due and payable if ownership is obtained through foreclosure, deed in lieu of foreclosure, or any involuntary transfer, such as an execution sale.
- c. The following conveyances shall be exempt from payment of the Transfer Fee, provided there is no exchange of consideration and:
  - i. Title is gifted to the owner's spouse, child(ren) or grandchild(ren); or
  - ii. Title is transferred to the Owner'(s) estate, surviving spouse or other heirs, resulting from the death of the Owner(s); or
  - iii. For bona fide estate or tax planning purposes, title to the Unit or Lot is transferred to a trustee.

IN WITNESS WHEREOF, The Long Bay Homeowners Association II, by its President,  
MARK BODENSTAB has executed the within document this  
23<sup>RD</sup> day of August 2025.

[Signature]  
Witness

[Signature]  
MARK BODENSTAB  
Name of President

THE STATE OF NEW HAMPSHIRE  
COUNTY OF BELKNAP

On this 23<sup>rd</sup> day of August 2025, the above signed  
Mark Bodensstab personally appeared before me who  
acknowledged himself to be the President of Long Bay Homeowners Association II and  
executed the following instrument for the purposes therein contained on behalf of the  
Association.

[Signature]  
Notary Public/Justice of the Peace

My Commission Expires: 10.7.2025

### CERTIFICATE OF PASSAGE

This will certify that at the Annual Meeting of Long Bay Homeowners Association II, held  
on August 23, 2025, at which a quorum was present, the within FIRST AMENDMENT  
TO AMENDED AND UPDATED BY-LAWS OF LONG BAY HOMEOWNERS  
ASSOCIATION II were approved by a  
majority of the total voting power of persons present in person, proxy or by absentee  
ballot at said meeting.

[Signature]  
Witness

[Signature]  
Cliff Mason  
Name  
Director  
Position

THE STATE OF NEW HAMPSHIRE

COUNTY OF BELKNAP

On this 23<sup>rd</sup> day of August 2025, the above signed  
W. F. Mason personally appeared before me who  
acknowledged himself to be the Director of Long Bay  
Homeowners Association II and executed the following instrument for the purposes  
therein contained on behalf of the Association.

Robin A. Kingston  
Notary Public/Justice of the Peace

My Commission Expires: 10.7.2025

