

AMENDED AND RESTATED BY-LAWS
SUMMITT CHASE CLUSTER ASSOCIATION

ARTICLE I
OFFICES

The principal office of the Corporation in the Commonwealth shall be located in the County of Fairfax. The Corporation may have such other offices, either within or without the Commonwealth of Virginia, as the directors may from time to time determine.

The Corporation shall have and continuously maintain in the Commonwealth of Virginia a registered office and a registered agent whose office is identical with such registered office, as required by the Virginia Nonstock Corporation Act. The address of the registered office and the registered agent may be changed from time to time by the directors and the registered office may be, but need not be, identical with the principal office of the Corporation in the Commonwealth of Virginia.

ARTICLE II
MEMBERSHIP

Section 1. Membership in the Corporation

- A. The members of the Corporation shall be all persons owning of record (whether in fee simple or life estate) any lot on the property shown on the recorded deeds of subdivision of land within Block 7A and 7B, Section 39, Reston, which include the Deed of Subdivision, Resubdivision, Deed of Conveyance and Easement Agreement recorded among the land records of Fairfax County, Virginia on March 20, 1986, at Deed Book 6338, Page 944, et seq., and the Deed of Resubdivision, Deed of Conveyance and Easement Agreement recorded among the land records of Fairfax County, Virginia on May 15, 1986 at Deed Book 6376, Page 1166, et seq. (collectively referred to herein as the Deeds of Subdivision) (the said land shown on the Deeds of Subdivision being hereinafter referred to as the "Property").

A person taking title to any lot as security for the payment of money or the performance of an obligation shall not be a member of the corporation.

No person or other entity shall be a member of the corporation with respect to each lot after he ceases to be the owner of record of such lot on the Property.

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- B. The Directors of the corporation may, after affording the member an opportunity to be heard, suspend any person from membership in the corporation during any period of time when there exists a violation of any of the provisions of the Articles of Incorporation, Deeds of Subdivision (including, but not limited to, the failure to make any payment to the corporation when due and payable), the Reston Association First Amendment to the Deed of Amendment to the Deeds of Dedication of Reston (“Reston Association Deed of Dedication”), recorded among the land records of Fairfax County, Virginia at Deed Book 18419, Page 1226, et seq., these By-Laws, and the Rules and Regulations of the corporation, with respect to the lot he owns or when he is in violation of any rule or regulation adopted by the corporation with respect to the Property.
- C. As part of the suspension from membership as referenced in paragraph B above the Directors of the corporation may, after affording the member an opportunity to be heard, suspend a member’s right to use facilities or services, including utility services and common area parking privileges, provided directly through the association for nonpayment of assessments which are more than 60 day past due, to the extent that access to the lot through the common areas is not precluded and provided that such suspension shall not endanger the health, safety, or property of any owner, tenant, or occupant.
- D. Each member of the corporation, by becoming such, agrees that he or she shall be personally responsible for the payment of the charges for the use of carports, parking, storage, or other facilities on the Property, such charges being imposed pursuant to the authority provided in these Bylaws and the Reston Association Deed of Dedication to which the Property is subject by virtue of the Deeds of Subdivision.
- E. The qualifications set forth herein for membership in the Corporation shall be the only qualifications for such membership.

Section 2. Voting Rights

The members of the corporation shall have the right to vote for the election of Directors. Except where a greater number is either required by Virginia law, the Articles of Incorporation, the Reston Association Deed of Dedication, the Deeds of Subdivision, or these Bylaws or when the members are electing directors, a majority of members present, voting in person or by proxy, at meeting at which a quorum is present, is required to adopt decisions at any meeting of the Association. Each member of the corporation shall have one vote, except that:

- A. Any person owning more than one lot shall have the number of votes equal to the number of lots owned.

Summitt Chase Cluster Association Bylaws (Continued)

- B. When any lot is owned of record in joint tenancy or tenancy-in-common, or in any other manner of joint or common ownership, such owners shall collectively be entitled to only that number of votes to which one person would be entitled was he the owner of such lot. Such vote shall be exercised by the majority action or consent of the owners of record of such lot who are entitled to vote with respect thereto.
- C. No member may vote at any meeting of the Association or be elected or continue to serve on the Board of Directors if payment by such member of any financial obligation to the Association is delinquent more than sixty days and the amount necessary to bring the account current has not been paid at the time of such meeting or election.

ARTICLE III **MEETING OF MEMBERS**

Section 1. Annual Meeting

The Board of Directors shall be required to call and conduct at least one meeting of the members every calendar year, which shall be called the Annual Meeting. The Annual Meeting shall take place on any day, except a holiday or Sunday, selected by the Board of Directors. The election of directors shall take place at the Annual Meeting or any adjournment thereof. If the election of Directors shall not be held on the day designated herein for the annual meeting or at any adjournment thereof, or pursuant to Section 5 hereof, the Board of Directors shall cause the election to be held at a special meeting of the members held as soon thereafter as conveniently may be.

Section 2. Special Meetings

Special meetings of the members may be called by the President, the Board of Directors, or members of the corporation holding no less than one-fifth of the votes in the corporation.

Section 3. Place of Meetings

Meetings of the members shall be held at a suitable and convenient place in the Commonwealth of Virginia as may be designated by the Board of Directors or the President, if the President calls a Special Meeting of the members.

Section 4. Notice of Meetings

The Corporation shall publish notice of any Annual Meeting or Special Meeting of members in

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the manner provided by law. Written notice stating the place, day, and hour of the meeting, and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall also be mailed or delivered not less than ten (10) or more than fifty (50) days before the date of the meeting, except as otherwise specified by law, either personally or by mail, by or at the direction of the President or the Secretary or the person calling the meeting, to each member of the corporation at his address as shown on the records of the corporation. Notices of meetings may also be delivered by Electronic Transmission in accordance with the requirements of Virginia law. A member may, in a writing signed by him, waive notice of any meeting before or after the date of meeting stated therein. A member who attends a meeting shall be deemed to have had timely and proper notice of the meeting, unless the member attends for the express purpose of objecting to the manner in which the Board called or convened the meeting. Failure to mail or deliver any notice to any member shall not affect the validity of the published notice.

Section 5. Informal Action by Members

Any action required or permitted by law to be taken at a meeting of the members of the corporation may be taken without a meeting, if consent in writing setting forth the action so taken shall be signed by all of the members of the corporation.

Section 6. Quorum and Manner of Acting

Members holding one-fifth of the total votes, present in person or by proxy, shall constitute a quorum at any meeting of members. If quorum is not present at any meeting of members, a majority of the members present may adjourn the meeting from time to time without further notice. The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the members, unless the act of a greater number is required by law, or by the Articles of Incorporation of the Corporation, the Deeds of Subdivision, the Reston Association Deed of Dedication, or by these Bylaws.

Section 7. Proxies

A vote at a membership meeting may be cast by a proxy. The proxy form must be filed with the Secretary of the corporation before the appointed time of the meeting or at any time specified by resolution of the Board. Such proxy appointment shall be deemed revoked only upon actual receipt of notice of revocation by the person presiding over the meeting from any of the persons owning the Lot with respect to which the vote is cast. Except with respect to proxies in favor of a mortgagee, no proxy appointment shall be valid for a period in excess of eleven (11) months after the execution thereof and, in any event, any proxy (other than those in favor of a Mortgagee) shall terminate automatically upon the final adjournment of the first membership meeting held on or after the date of the proxy. The Board of Directors

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specifically reserves the power to establish rules and regulations concerning voting by proxy.

Section 8. Conduct of Meetings

The President shall preside over all meetings of the members on and the Secretary shall keep the minutes of the meeting and keep a record in a minute book of all resolutions adopted at the meeting as well as a record of all transactions occurring thereat. Roberts' Rules of Order (latest edition) shall govern the conduct of all meetings of the members when not in conflict with the Articles of Incorporation, the Reston Association Deed of Dedication, these Bylaws, the Virginia Property Owners' Association Act, or the Virginia Nonstock Corporation Act.

ARTICLE IV **DIRECTORS**

Section 1. General Powers

The affairs of the Corporation shall be managed by its directors.

Section 2. Number and Tenure

The number of Directors shall be five. The Directors shall be elected for a term of three years, or for the unexpired term of any resigning director, and until their respective successors are elected. Any vacancy occurring in the Board of Directors may be filled at any meeting of the Board of Directors by the affirmative vote of a majority of the remaining directors, though less than a quorum of the Board of Directors, or by a sole remaining director and if not previously so filled, shall be filled at the next succeeding meeting of the members of the corporation. Any director elected by the Board of Directors to fill a vacancy shall serve until the next members' meeting at which directors are elected.

Section 3. Regular Meetings

Regular meetings of the Board of Directors may be held at such time and place in the Commonwealth of Virginia as shall be determined from time to time by a majority of the directors.

Section 4. Special Meetings

Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors. The person or persons authorized to call special meetings of

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the Board may fix any place, within or without the Commonwealth of Virginia, as the place for holding any special meeting of the Board called by them.

Section 5. Organizational Meeting

The first meeting of the Board of Directors following the Annual Meeting of the corporation shall be held within seven (7) days thereafter at such time and place as shall be fixed by the new Board at the meeting at which such Board of Directors shall have been elected, and no notice shall be necessary to the newly elected members of the Board of Directors in order to legally constitute such meeting, provided a quorum of the Board of Directors shall be present. The Board shall elect its officers at such meeting.

Section 6. Notice of Meetings

Notice of any meeting of the Board of Directors for the holding of which notice is required shall be given at least three (3) business days previous thereto by written notice delivered personally or sent by mail or Electronic Transmission to each director at his address as shown on the records of the corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. Any director may, in a writing signed by him, before or after the time of meeting stated therein, waive notice of any meeting. Except in the circumstances described in the Virginia Nonstock Corporation Act, the attendance of a director at any meeting shall constitute a waiver of notice of such meeting. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting, unless specifically required by law, by the Articles of Incorporation of the corporation or by these Bylaws. Notice of all meetings of the Board of Directors shall be posted on the corporation website, if such a website is operational.

Section 7. Quorum

Except as otherwise provided by law or by the Articles of Incorporation of the corporation, or by these Bylaws, a majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Directors are present at said meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice.

Section 8. Manner of Action

The act of a majority of the Directors present at a 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 law, or by the

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Articles of Incorporation of the corporation, or by these Bylaws.

Section 9. Informal Action by Directors

Any action required by law to be taken at a meeting of Directors, or any action which may be taken at a meeting of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed and approved by all the Directors.

ARTICLE V **OFFICERS**

Section 1. Officers

The officers of the Corporation shall be a President, one or more Vice Presidents (the number thereof to be determined by the Board of Directors), a Secretary and a Treasurer. The Board of Directors may elect such other officers, including one or more Assistant Secretaries and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed from time to time by the Board of Directors. Any two or more offices may be held by the same person, excepting the offices of the President and Secretary. The President shall be a Director of the Corporation. Other officers may be, but need not be, Directors of the Corporation.

Section 2. Election and Term of Office

The officers of the corporation shall be elected annually by the Board of Directors at the Organizational meeting of the Board of Directors, which will be held within seven business days following the annual meeting of members at which director elections are held. Each officer shall hold office until his or her successor shall have been duly elected. Officers shall be elected for a term of one year, which shall commence upon election at the regular annual meeting of the Board of Directors.

Section 3. Resignation, Succession, and Removal of Officers

Any officer may resign by delivering written notice to the Board of Directors. Unless otherwise specified in the notice, such resignation shall take effect upon the receipt thereof, and acceptance by the Board of Directors of such resignation shall not be necessary to make it effective. Should the President resign, the Vice President shall succeed that person until the next regular election of officers. Should any other officer resign, the Board shall appoint that person's replacement. Upon the affirmative vote of a majority of the directors, any Officer may be removed, either with

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or without cause, and a successor may be elected at any regular meeting of the Board or at any special meeting of the Board called for such purpose. A vacancy in any office arising because of death, resignation, or otherwise may be filled by the board of directors for the unexpired portion of the term.

Section 4. Powers and Duties

The officers of the corporation shall, except as otherwise provided by law, by the Articles of Incorporation, by these Bylaws, or by the Board of Directors, each have such powers and duties as generally pertain to their respective offices, as well as such powers and duties as may from time to time be specifically conferred or imposed by the Board of Directors. Specific officer powers and duties shall be as follows:

- A. President – The president shall be the chief executive officer of the Corporation. The president shall preside at all meetings of the Corporation and of the Board of Directors; have general and active direction of the business of the Corporation subject to the control of the Board; see to the execution of the resolutions of the Corporation and the Board of Directors; see that all orders and resolutions of the Board are carried into effect; and in general perform all the duties incident to the office of President.
- B. Vice President – The Vice President shall take the place of the President and perform the duties of the President whenever the President shall be absent or unable to act. If neither the President nor the Vice President is able to act, the Board of Directors shall appoint some other director to act in the place of the President on an interim basis. The Vice President shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors or by the President.
- C. Secretary – The Secretary shall keep the minutes of all meetings of the Corporation and of the Board of Directors or ensure that these minutes are kept by an appropriate third party; have charge of such books and papers as the Board may direct and as may be required by law; maintain a register setting forth the place to which all notices to Corporation members hereunder shall be delivered; give or cause to be given all notices required to be given by the Corporation; file or cause to be filed the annual report; and in general perform all the duties incident to the office of Secretary.
- D. Treasurer – The Treasurer shall be responsible for Corporation funds and securities; ensure the keeping of full and accurate financial records and books of account showing all receipts and disbursements; prepare or cause to be prepared all required financial data; ensure the deposit all monies and other valuable effects in the name of the Board of

Summitt Chase Cluster Association Bylaws (Continued)

Directors or the Corporation in such depositories as may from time to time be designated by the Board; and, in general, perform all the duties incident to the office of Treasurer.

ARTICLE VI **COMMITTEES**

Section 1. Committees

The Board of Directors may, by resolution establish such committees to perform such duties and to have such powers as may be provided in the resolution adopted by the Board of Directors. All such committees shall have at least one member of the Board as liaison. All standing committees shall be governed by a Committee Charter, duly adopted as a Resolution by the Board of Directors. The Board of Directors has the sole authority to appoint persons to serve on any committee, and all such persons shall serve at the pleasure of the Board and may be removed from the committee by the Board with or without cause.

Section 2. Rules and Procedures

Each committee may adopt rules and procedures for the committee provided that the rules and procedures are not inconsistent with the terms of the resolution of the Board of Directors forming the committee, the Articles of Incorporation, Reston Association Deed of Dedication, or these Bylaws.

ARTICLE VII **ADDITIONAL, RIGHTS, DUTIES, AND POWERS**

All those rights, duties, powers and obligations set forth in Article VII of the Reston Association Deed of Dedication and not heretofore specifically set forth in these Bylaws are incorporated herein by reference as is specifically set forth in haec verba. To the extent such powers, duties, rights and obligations contained in this Article VII may be in conflict with any other powers, duties, rights and obligations set forth in these Bylaws, the powers, duties, rights and obligations of this Article VII shall govern. The Board of Directors shall also have all powers, duties and rights authorized by the Virginia Property Owners Association Act (the "POAA"), Va. Code Ann. §§ 55-508, et seq.

Summitt Chase Cluster Association Bylaws (Continued)

ARTICLE VIII **AMENDMENTS**

These Bylaws may be altered, amended, or repealed and new Bylaws may be adopted by the Board of Directors.

ARTICLE IX **ASSESSMENTS**

Section 1. Cluster Fees

As set forth in the Reston Association Deed of Dedication to which the Association's Property is subjected by virtue of the Deeds of Subdivision, each member in the corporation shall be obligated to pay 1/90 of the sum which the Board of Directors estimates as necessary to meet the annual expenses of the Association. Cluster fees shall be payable quarterly. Payment is due on the twenty-sixth day of the last month of each quarter and must be received by March 26, June 26, September 26 and December 26 in order to avoid late charges. Other special assessments may be levied by the Board of Directors at any time against some or all of the Lots in the Cluster, applicable to not more than ten years, for the purpose of defraying in whole or in part, the cost of any acquisition or construction, reconstruction, repair or replacement of a capital improvement upon the Common Area or other property including fixtures and personal property thereon, provided such special assessment is approved by a majority vote of the members in the corporation.

Section 2. Late Charges, Interest, Attorney's Fees, Acceleration and Liens

- A. Any assessment, including but not limited to quarterly and special assessments, or installment thereof, not paid by the 26th day of the month in which it is due shall be delinquent and shall accrue a late charge of \$25.00 or such other amount as may be determined from time to time by resolution of the Board of Directors.
- B. Interest shall also accrue on any delinquent amount owed to the Association from the due date at a rate of 10% per annum.
- C. In any proceedings arising out of any alleged default by an owner located within the Property, the Association shall be entitled to recover the costs of such proceeding and such reasonable attorneys' fees as may be determined by the court. If the matter is settled prior to trial, the Association may still claim its costs and reasonable attorney's fees as part of the

Summitt Chase Cluster Association Bylaws (Continued)

settlement.

- D. In any case where an assessment against an owner is payable in installments, upon a default by such owner in the timely payment of any installment, the maturity of the remaining total of the unpaid installments of such assessment may be accelerated, at the option of the Board of Directors, and the entire balance of the assessment may be declared due and payable in full by the sending notice to such effect to the defaulting owner.
- E. The total annual assessment of each owner for Common Expenses, any additional assessment, any special assessment or any other sum duly levied (including without limitation interest, late charges, attorney's fees, costs, etc.), pursuant to the Reston Association Deed of Declaration, the Deeds of Subdivision, these Bylaws or Rules and Regulations adopted by the Board of Directors, is hereby declared to be a lien levied against any Lot owned by any owner. The Board of Directors may file or record such other or further notice of any such lien, or such other or further document, as may be required to confirm the establishment and priority of such lien. The lien created by this section shall be prior to all liens and encumbrances except those made superior by law. The lien for assessments may be enforced and foreclosed in any manner permitted by the laws of Virginia for foreclosure of mortgages or deeds of trust containing a power of sale, by an action in the name of the Board of Directors acting on behalf of the Association, or as provided by the Virginia Property Owners Association Act, Va. Code Ann. §§ 55-508, et seq.

Section 3. Annual Budget

The Board of Directors shall determine the fiscal year for the Association. At least sixty (60) days prior to the beginning of the fiscal year, the Board of Directors shall prepare an operating budget setting forth the anticipated expenses for the coming year.

Section 4. Notice of an Increase in Cluster Fees

The Board of Directors shall determine the amount of the annual cluster fees and notify the members of any increase at least thirty (30) days prior to the date on which the higher fee is due.

Section 5. Reserve Funds

The Association shall establish and maintain a reserve fund for replacement and maintenance of the common elements. That portion of the annual budget allocated as reserves shall be deposited in a special account during the course of the year.

Summitt Chase Cluster Association Bylaws (Continued)

ARTICLE X **COVENANTS**

Any community consisting of privately owned and commonly owned property requires a set of rules to insure that the common interest of all is served. In cognizance of the fact that the good sense of homeowners in the community will, in most cases, require little guidance, the Board of Directors has adopted a minimal set of rules.

These covenants supplement those already established by the Reston Association Deed of Dedication. Additional covenants may be added as deemed necessary by the Board of Directors.

Section 1. Parking

The Board of Directors may from time to time adopt those parking regulations it deems proper to govern the parking of vehicles in the Common Areas of the Summitt Chase Property.

Section 2. Pets

- A. Fairfax County leash laws will be enforced on Summitt Chase property. Pets should not be allowed to run freely through the development at any time.
- B. Pets may be walked in the common area while on a leash. Owners must immediately cleanup after their animals.
- C. Pets may not be left tied up, unattended in the common area or outside the unit's fenced yard at any time.
- D. Any animal which becomes a nuisance should be reported to the Board of Directors via the management company.

Section 3. Exterior Changes

The Reston Association Deed of Dedication covenants will be strictly enforced by the Summitt Chase Board of Directors. Application for all exterior changes outlined in the Reston Association Handbook must be made to the Reston Association Design Review Board. Copies of all applications should be submitted to the Summitt Chase Cluster Association Board of Directors.

The following is a partial list of projects requiring approval by the Reston Association Design Review Board: decks; patios; fences; alterations to existing decks, patios or fences; use of landscape timbers or railroad ties; replacement or removal of trees; repainting doors or trim

Summitt Chase Cluster Association Bylaws (Continued)

(exterior colors are restricted to those approved for the cluster); installation of storm windows or doors, attic fans or roof ventilators; skylights; antennas; and replacement or removal of exterior fixtures.

Section 4. Trash

The Board of Directors has contracted with a trash removal company to provide service to the entire Cluster. The Board of Directors may from time to time adopt those regulations it deems proper to govern the proper handling of trash within the Cluster.

Section 5. Property Maintenance

- A. The Association will be responsible for mowing the grass in the front and side yards of the Lots. It is the homeowner's responsibility to otherwise maintain the health of the lawn on the front and side of their property including, fertilizing, weed control and repair of damaged lawns through the application of seed or sod. Each homeowner is also responsible for the maintenance of mulch beds, trees, shrubbery and other plantings in the front and side yards as well as the backyard within the fenced area. Uncut grass, weeds, dead flowers, unpruned trees, etc., detract from the appearance and value of not only the individual property, but also neighboring property and the Cluster as a whole.
- B. Siding, shutters, trim, paint, fences and decks must be well maintained by the lot owner and replaced or repaired when necessary.
- C. Engines, tires, bricks, and other debris or unsightly material must not be stored where visible to others from the common area.
- D. No covering may be placed over the exterior of any window or glass door, and interior window coverings must not detract from the exterior appearance.

Section 6. Signs

- A. When a home is for sale or rent, only one (1) real estate sign may be displayed on the individual lot. No other real estate sign may be placed on Cluster property. All signs for properties sold or rented are to be removed within one (1) working day of completion of the transaction.
- B. No signs other than those specified in Section 6A may be posted on a unit's property or on any Cluster Property without the prior approval from the Board of Directors.

Summitt Chase Cluster Association Bylaws (Continued)

Section 7. Rental Properties

- A. Owners are responsible for the actions of tenants and their guests. All leases for Summitt Chase properties must contain a complete set of both Cluster and Reston Association covenants and bylaws and include a statement that the tenant is responsible for complying with the covenants and restrictions contained therein.
- B. Copies of all leases must be filed with the Board of Directors via the Association's managing agent within fifteen (15) days of ratification of a contract.

Section 8. Speed Limit

The maximum speed limit in the development is 15 miles per hour.

Section 9. Light Posts

The Summitt Chase complex utilizes light posts at the front of each lot rather than lights in the common areas. These fixtures provide light for the safety and security of the complex. Since the post and associated circuitry are a part of each lot, the Cluster Association cannot be responsible for maintenance of these important items. Therefore, each homeowner is responsible for keeping his or her light post in working order. The photoelectric cell which automatically turns on the light may not be removed or disabled. Light post bulbs must be white, sixty (60) watts. The lamp must be repaired or replaced within twenty-four (24) hours when the light is inoperable.

Section 10. Use of Common Ground

- A. No resident may use common grounds for a party, yard sale, or any other activity without prior approval by the Board.
- B. Dumping of any debris or trash, or storage of any object or material is not allowed on Common Ground.
- C. The common grounds may not be altered in any way without the prior written approval of the Board of Directors. This includes planting or removing trees and shrubs or other plantings, installing or removing retaining walls, installing or removing drain pipes, trimming of trees or shrubs, or changing the existing grade.

Summitt Chase Cluster Association Bylaws (Continued)

Section 11. Enforcement

The Board of Directors shall have the right to enforce all provisions of these Bylaws, the Deeds of Subdivision, the Reston Association Deed of Dedication, and any Rules and Regulations duly adopted by any proceeding at law or in equity authorized by these Bylaws, the Deeds of Subdivision, the Reston Association Deed of Dedication, or the Virginia Property Owners Association Act, Va. Code Ann. §§ 55-508, et seq. The Board of Directors shall issue a written warning to the offending resident when they become aware of a violation of the covenants. If the problem is not promptly corrected, the Board shall take whatever steps are necessary, including legal action to enforce compliance with the covenants.

In any proceedings arising out of any alleged default by an owner located within the Property, the Association shall be entitled to recover the costs of such proceeding and such reasonable attorneys' fees as may be determined by the court. If the matter is settled prior to trial, the Association may still claim its costs and reasonable attorney's fees as part of the settlement.

If a resident feels that a covenant is being violated, he or she should make the Board aware of the problem. This can be done by contacting a Board member or the Association's managing agent. Written documentation of the alleged violation may be requested.

CERTIFICATION

We, the undersigned, do hereby certify:

THAT we are the duly elected officers and directors of the Summitt Chase Cluster Association, a Virginia Nonstock Corporation; and

THAT the foregoing Bylaws constitute the Amended & Restated Bylaws of said Corporation, as duly adopted by majority vote at a meeting of the Board of Directors at which a quorum was present, held on the _____ day of _____, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Corporation this _____ day of _____, 2014.

_____, President

_____, Secretary

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CERTIFICATE OF MAILING

I certify that this Amended & Restated Bylaws of Summitt Chase Cluster Association was mailed via first class mail, postage prepaid on the _____ day of _____, 2014 to all of the Members at their address of record on file with the Corporation

By: _____

Title: _____