

LAKE OF THE WOODS HOMEOWNERS ASSOCIATION, INC.

OFFICIAL CONSENT BALLOT INSTRUCTIONS

**** IMPORTANT DOCUMENT – READ THROUGH TO THE END ****

The enclosed **CONSENT BALLOT** is the only way to cast your vote **FOR** or **AGAINST** each proposed amended and restated instrument presented for your approval.

You may not cast a ballot in any other form. If you misplace, spoil, or make a mistake on the ballot delivered to your home, you would need secure a replacement ballot from our Secretary.

The instruments on which you will be voting include (1) the proposed Amended and Restated Declaration to replace the current Declaration adopted in 1984 and (2) the proposed Amended and Restated Bylaws to replace the current Code of Regulations adopted by the Developer. The documents incorporating all proposed updates to these instruments were sent to you electronically by e-mail transmission on July 10, 2026, or were delivered in paper form to the households of the few owners without e-mail accounts. **If you would like to study a paper form of each proposed instrument, contact our Secretary, S. David Worhatch, to make arrangements with him in advance to pick them up from his home at 2801 Forest View Drive.**

There is no deadline for returning ballots. Voting will remain open until the results on each proposed instrument are determined. Even so, prompt attention would be greatly appreciated.

Except when casting fractional votes (discussed below), indicate your vote by marking an "X" or a check mark ("✓") in the line next to "FOR" or "AGAINST" that applies to each measure.

A vote **FOR** an instrument means that you approve the same and authorize the Board of Trustees to record it in the chain of title to the lots in our subdivision if the required percentage of approval is attained for that instrument.

A vote **AGAINST** an instrument means that the instrument the amendment was designed to replace will remain in force without modification if the required percentage of approval is not attained for that instrument.

It is possible to vote **FOR** one proposed instrument and **AGAINST** the other, although the Board of Trustees strongly recommends voting **FOR BOTH PROPOSED INSTRUMENTS** for reasons detailed in various newsletters and e-mail messages sent to you over the past several weeks. If you have misplaced any newsletter(s) or did not receive one or more of them, contact our Secretary to secure duplicate copies.

Percentage Required to Approve the Proposed Amended and Restated Declaration. An affirmative vote of a majority of our 83 households is required, i.e., 42 of 83 households. (See Section 1 of Part F of Article III of the current Declaration.) Each household is entitled to cast a *single vote*. *No fractional voting is permitted on this proposed instrument.*

Percentage Required to Approve the Proposed Amended and Restated Bylaws. An affirmative vote of two-thirds of the *voting power* of the Association is required, presently 56 of 84 votes. (See Article VII of the current Code of Regulations.) The difference in minimum required votes on each of the two measures is attributable to the fact that Lots 17 and 19 each can cast 1½ votes on the

proposed bylaws update due to their split ownership of Lot 18 and voting on that measure is determined by a percentage of the *voting power* of the Association and **not** by a percentage of the total *households*. Each owner living in a household is entitled to cast an individual ballot on the proposed updated bylaws as long as the total number of votes cast by the household members on that issue does not exceed 1 (or 1½ each for Lots 17 and 19). (See special instruction, below, for casting fractional ballots.) *A ballot cast by a household without reflecting any fractional voting will be tallied as a single vote on behalf of that household.*

Return your ballot to the home of our President, 2800 Longwood Lane, Akron, Ohio 44333, by mail in the postage-prepaid, stamped envelope accompanying these instructions.

If the Amended and Restated Declaration is not approved, the currently recorded Declaration would continue in effect.

If the Amended and Restated Bylaws are not approved, the currently recorded Declaration (or the Amended and Restated Declaration, if approved) would be subject to governance under the currently recorded Code of Regulations.

If neither proposed instrument is approved, the currently recorded versions of each instrument would continue in effect.

Special Instructions for Fractional Voting on the Updated Bylaws. If two or more owners living in a single household wish to vote differently on the proposed Amended and Restated Bylaws, divide 1 by the total number of votes cast and allocate the fraction(s) cast for or against the measure. (The members living in Lots 17 and 19 would instead divide 1½ by the total number of votes cast and allocate such fraction(s) cast for or against the measure.) **Example:** Two members living in Lot X (not either Lot 17 or 19) are in disagreement over the proposed bylaws update, so they would divide their household's one vote by 2 and cast ½ vote for the measure and ½ vote against the measure. For fractional votes, instead of marking the ballot with an "X" or check mark ("✓") "FOR" or "AGAINST," insert the total fractional vote(s) cast on each side of the proposition, e.g., "FOR ½ and AGAINST ½." **Remember that fractional votes may be cast only in the referendum for the proposed Amended and Restated Bylaws and not in voting on the proposed Amended and Restated Declaration.**

May members refrain from voting on either or both of the measures? It is possible to vote in the referendum for one of the proposed instruments, but not in the referendum for the other instrument. In this odd circumstance, the household would return the ballot, completed and signed as specified above and in the ballot language itself, and only the votes actually cast would be tallied. **NOTE:** A ballot returned without a vote either "FOR" or "AGAINST" a measure will be treated as an abstention.

E-Mail Address(es) on Ballot. By including your e-mail address(es), you will be consenting to receive notices by e-mail transmission. If you withhold your e-mail address(es) on the ballot, notices will continue to be sent to you by mail or by hand delivery. Your consent, if given, can be revoked at any time by written notice to our Secretary.

For the Board of Trustees:

Gary L. Himmel, President

Dale G. Freygang, Vice President and Treasurer

S. David Worhatch, Secretary