

Lake of the Woods Homeowners Association

Legal Framework Comparison Report **DRAFT 9 EDITION**

1984 Original Declaration & Bylaws

vs.

2026 Draft 9 Amended & Restated Declaration & Bylaws
("FINAL FOR MEMBERSHIP APPROVAL," June 9–10, 2026)

Prepared for: Our Neighborhood

Date: July 11, 2026 | Summit County, Akron, Ohio

This edition updates and supersedes the March 25, 2026 report, which analyzed Draft 6.
All section and page citations in this edition have been re-verified against the final Draft 9 documents.

IMPORTANT DISCLAIMER: This report is provided for informational and educational purposes only. It does not constitute legal advice. The analysis contained herein reflects a layperson's review of publicly available legal documents and Ohio statutes. For legal advice regarding your specific situation, please consult a licensed Ohio attorney who specializes in real estate or HOA law.

I. Executive Summary

The Lake of the Woods HOA Board of Trustees proposes a complete replacement of the community's original 1984 governing documents with new "Amended and Restated" versions. This is not a minor update — it is a ground-up rewrite that would fundamentally change how the HOA operates.

The version now before owners is **Draft 9**, finalized June 9 (Bylaws) and June 10 (Declaration), 2026, labeled "FINAL FOR MEMBERSHIP APPROVAL," and distributed to owners the week of June 22, 2026. Draft 9 follows the widely circulated Draft 6 (March 22, 2026) and incorporates changes made in response to owner comments after the March 26 town hall. The Board also released red-lined versions showing every change from Draft 6 ("DRAFT 9B" Bylaws; "DRAFT 9C" Declaration). An independent word-by-word comparison of the Draft 6 and Draft 9 texts confirms those red-lines fairly disclose the changes.

The original documents were relatively simple: a 19-page Declaration and a 15-page set of Bylaws written in 1984 by the original developer. The Draft 9 replacements are dramatically more detailed: a 55-page Declaration and 47-page Bylaws. Together they roughly triple the length of the governing documents and introduce dozens of new rules, powers, and restrictions that did not previously exist.

■ [Verify: 1984 Declaration \(19 pp.\); 1984 Bylaws \(15 pp.\); Draft 9 Declaration \(55 pp., June 10, 2026\); Draft 9 Bylaws \(47 pp., June 9, 2026\)](#)

Key Takeaways

What the vote actually decides. Much of what Draft 9 restates is already Ohio law and applies however the vote goes (see the Plain-English Guide and the Provisions-by-Bucket analysis, Draft 9 editions). The items that genuinely change owners' legal position are the new grants of authority and new restrictions — so they are listed first:

- **More Board Power, With Some New Checks:** The Board gains broad enforcement powers, the ability to levy fines and "enforcement assessments," the power to enter your property to fix violations at your expense, and authority to suspend voting rights. **DRAFT 9 CHANGE** Unlike Draft 6, Draft 9 restores two member checks on assessments: a member majority may increase *or decrease* the annual assessment, and the Board may not raise the annual assessment more than 20% year-over-year without member approval. [Draft 9 Decl., Art. VIII, §1, pp. 32–33; Art. XII, pp. 44–46; Art. X, §6, p. 41]
- **Special Amendment Power:** The Board can amend the Declaration and Bylaws without any owner vote for seven enumerated purposes. Each homeowner is deemed to have granted the Board a power of attorney to consent to these Special Amendments on the owner's behalf. [Draft 9 Decl., Art. XI, §2, pp. 42–43]
- **Owner Challenge Limitations:** If you challenge an amendment in court and lose, you must reimburse the fees of *each prevailing party* (broadened from Draft 6) and the Association levies an enforcement assessment against your lot. Draft 9 also adds fee exposure for owners who unsuccessfully sue to discharge an assessment lien. [Draft 9 Decl., Art. XI, §3, p. 43; Art. VIII, §6, p. 35]

- **Massive Expansion of Restrictions:** The 1984 Declaration had roughly a dozen property use rules. Draft 9 has over 30 detailed restrictions (§3(a)–(ff)), including bans on drones, artificial turf, and short-term rentals, plus occupancy limits, a sex-offender residency ban, strict home-office regulations, and — new in Draft 9 — outdoor lighting and holiday-decoration rules. [1984 Decl., Restrictions, pp. 3–8; Draft 9 Decl., Art. IV, §3(a)–(ff), pp. 10–24]
- **Shift in Legal Framework:** The 2026 documents bring the HOA under Ohio's Planned Community Act (ORC Chapter 5312), a statute that did not exist when the original documents were written in 1984. This is a significant modernization. [Draft 9 Decl., Art. I–II, pp. 1–7]
- **Developer Rights Eliminated:** The original developer's Class B membership and special powers are removed — a positive change for homeowners. [1984 Bylaws, Art. II; Draft 9 Bylaws, Art. III]
- **The Two Documents Can Pass Separately:** **DRAFT 9 CHANGE** New fallback provisions let the Bylaws take effect even if the Declaration fails, and vice versa. Owners are effectively voting on two independent questions. [Draft 9 Bylaws, Art. II, §§4–5, p. 8; Decl., Art. XIV, §§12–13, p. 51]

II. Background and Context

Lake of the Woods is a planned residential community in Summit County (Akron), Ohio, consisting of 84 single-family lots. The community was established in 1984 when developer Anthony A. Petrarca recorded the original Declaration of Restrictions and Covenants (March 23, 1984) and the homeowners association was incorporated as an Ohio nonprofit corporation (April 12, 1984).

■ [Verify: 1984 Declaration, opening paragraph and recording stamp, p. 1; Draft 9 Bylaws, Art. I, §2\(a\), p. 1](#)

The original documents were drafted under the legal framework available in 1984. In 2010, Ohio enacted the Planned Community Act (ORC Chapter 5312), which created a comprehensive statutory framework for HOAs. The proposed documents explicitly bring the Lake of the Woods HOA under this newer statute.

The proposed documents are labeled "Amended and Restated," meaning they replace the originals rather than modifying specific sections. If adopted, the 2026 documents become the governing authority (Article XIV, §3 states that restrictions from the original Declaration survive, but that the 2026 version prevails wherever the two conflict). [Draft 9 Decl., Art. XIV, §3, p. 49]

Documents at a Glance

Feature	1984 Originals	2026 Draft 9 (Final)
Declaration length	~19 pages	55 pages
Bylaws length	~15 pages	47 pages
Ohio statute referenced	ORC Chapter 1702 (Nonprofit Corp.)	ORC Chapters 5312 and 1702
Membership classes	Class A (owners) + Class B (developer)	Single class (all owners equal); land-contract buyers vote in place of record owners
Annual assessment	\$50/year minimum, tied to a defined maintenance scope; changes require member action under the Bylaws	Board-determined; member majority may raise or lower it; Board increases above 20%/yr require member approval; \$50/lot/yr floor retained
Property restrictions	~12 basic rules	30+ detailed restrictions
Minimum home size	2,200–2,400 sq. ft. by building type (4 types defined)	None — no square-footage or building-type requirement

Correction from the March (Draft 6) edition: the earlier report stated that the drafts retained a 1,800 sq. ft. minimum home size. A full-text re-verification found **no square-footage minimum in Draft 6 or Draft 9**. The 1984 documents require 2,200–2,400 sq. ft. depending on building type; the 2026 drafts eliminate minimum-size and building-type requirements entirely, leaving new construction and alterations to architectural review. [1984 Decl., Art. I, §A.1–A.2, pp. 2–3; Draft 9 Decl., Art. IV–V — no comparable provision]

III. Declaration Comparison: Key Changes

A. Legal Framework and Structure

The most fundamental change is bringing the HOA under Ohio's Planned Community Act (ORC Chapter 5312). The 1984 documents were written before this law existed. ORC 5312 provides statutory protections for homeowners (records inspection, due-process minimums before fines, meeting requirements) and also gives the HOA more defined legal authority. Bringing the HOA under this statute is generally considered a positive modernization. [Draft 9 Decl., Art. I–III, pp. 1–8]

B. Membership and Voting Rights

Topic	1984 Original	2026 Draft 9
Membership classes	Two classes: Class A (homeowners) and Class B (developer)	Single class: all lot owners with dwellings get 1 vote per lot. Developer class eliminated. Land-contract purchasers are members/voters in place of record owners.
"Good Standing"	No comparable concept	Owner not more than 30 days delinquent on payments. DRAFT 9 CHANGE Draft 6 also stripped Good Standing from any owner "adverse to the Association in any litigation" — Draft 9 deletes that clause. [Decl., Art. II, §2(n), p. 5; Bylaws, Art. I, §2(m), p. 5]
Voting while delinquent	Not addressed	Board may suspend voting rights of delinquent owners, but not for Director elections or bylaw-amendment votes — a delinquent member may still vote in those. [Bylaws, Art. IV, §5, p. 19; §8(i)-analog at Art. IV, §10(i), p. 25]
Voting methods	In person or by proxy only	In person, by proxy, by mail, or by electronic voting technology; at meetings, method (show of hands, voice, division, or written ballot) chosen by majority of members present. [Bylaws, Art. III, §3, pp. 8–11]
Proxies	Permitted; few restrictions	TIGHTENED IN DRAFT 9 Proxy holder must be a Member (Draft 6: anyone); maximum 300 days (Draft 6: 5 years); unspecified-duration proxies valid only for that meeting/measure. [Bylaws, Art. III, §3(a), p. 9]
Quorum	20% of voting power	20% of voting power (carried forward). [1984 Bylaws, Quorum §, p. 3; Draft 9 Bylaws, Art. III, §4(d), p. 13]

Impact: Eliminating the developer's Class B membership is a clear win. The Good Standing concept still ties general voting to being current on assessments, but Draft 9 removes Draft 6's most criticized feature (losing Good Standing by being "adverse in litigation") and guarantees delinquent owners a vote in elections and bylaw amendments. The new proxy limits cut the other way: owners can no longer give a durable proxy or name a non-member (such as an attorney or adult child who doesn't own a lot).

C. Property Use Restrictions

The 1984 Declaration had approximately 12 basic restrictions. Draft 9 expands this to over 30 detailed subsections (a through ff). The most significant:

Restriction	1984 Rule	2026 Draft 9 Rule
Residential use	Single-family residential only	Same, with detailed definitions and 7-condition home-office rules (see the separate Home Office Rules Breakdown, Draft 9 edition)
Minimum size / building types	4 defined types; 2,200–2,400 sq. ft. minimums	Eliminated — no minimum size, no building types (see correction note above)
Short-term rentals	Not addressed	Banned. Minimum 12-month written leases; no "bed and breakfast"/venue use; Association may even evict violating tenants. [Art. IV, §3(k), pp. 13–15]
Occupancy limits	Not addressed	Max 2 persons per bedroom (children under 36 months excluded). [Art. IV, §3(p), p. 18]
Drones	Not addressed	Banned without Board approval. DRAFT 9 CHANGE An owner may now authorize drone flight over the owner's own lot (no imaging of other lots). [Art. IV, §3(c), p. 10]
Outdoor lighting & holiday displays	Not addressed	NEW IN DRAFT 9 Accent lighting must be uniform color, dusk-to-dawn; no flashing/color-changing lights; holiday lights limited to Monday of Thanksgiving week – Jan. 10. [Art. IV, §3(l), p. 16]
Artificial turf	Not addressed	Prohibited. [Art. IV, §3(i), p. 13]
Sex-offender residency	Not addressed	Registered sex offenders/child-victim offenders subject to community notification barred from residing or remaining on the Property. [Art. IV, §3(q), p. 18]
Solar panels	Not addressed (statutory right applies)	Roof-mounted systems only , and only with prior written Board approval of location and specifications, required permits, compliance with Board rules/architectural guidelines, and safety standards. Ground-mounted arrays are not within the permission and would default to the general silence-equals-denial architectural regime; portable panels are unaddressed. Note: Ohio law grants owners a baseline right to install solar "on the owner's dwelling unit or other location within the owner's lot" unless the declaration specifically prohibits it, subject to reasonable size/place/manner rules (ORC 5312.16, eff. 2022) — whether Draft 9's roof-only permission validly narrows that right for ground arrays is an open question. [Art. IV, §3(y), pp. 21–22; Art. V, §2, p. 25]
Signs	Effectively none except "For Sale"	Six permitted categories, 10 sq. ft. cap, Front Yard placement. [Art. IV, §3(x), pp. 20–21]

Vehicles	Basic rules	Detailed rules for RVs, boats, inoperable vehicles. DRAFT 9 adds: no commercial vehicle may remain overnight; but an owner's employer-provided commercial vehicle may park in the driveway during the day. [Art. IV, §3(cc), p. 23]
Wildlife feeding	Not addressed	Prohibited; bird feeding allowed only from a bird feeder on a lot (narrowed in Draft 9). [Art. IV, §3(dd), p. 24]
Swimming pools	Not addressed	In-ground and above-ground pools with prior written Board approval. DRAFT 9 deletes "portable" from the permission — Draft 6 literally required written Board approval even for an inflatable kiddie pool; under Draft 9 it is ambiguous whether portable pools are now unregulated or unpermitted. [Art. IV, §3(z), p. 22]
Use of Association name	Not addressed	Requires Board authorization. [Art. IV, §3(ee), p. 24]

Impact: Many restrictions reflect modern community-management practice, but the volume of new rules significantly limits what homeowners may do with their property, and several Draft 9 additions (lighting windows, overnight-vehicle rules) reach everyday activity.

D. Architectural Control

Feature	1984	2026 Draft 9
Who approves	Developer/successor, then a 3-homeowner Architectural Review Board	Board of Directors or an "Architectural Review Board" — but Draft 9 specifies the ARB's members <i>are</i> the Board of Directors. [Bylaws, Art. IV, §12, p. 27; Decl., Art. V, §1, p. 25]
If no response	Deemed APPROVED after 30 days	Deemed DENIED after 30 days. [Decl., Art. V, §2, p. 25]
Challenging a denial	Courts	NEW IN DRAFT 9 Mandatory reconsideration request (within 30 days) before any court challenge; if the Board doesn't act in 60 days, the decision is "deemed reaffirmed." [Decl., Art. V, §2, p. 25]
Written reasons	Not required	Denials and conditional approvals must include a written statement of grounds (carried forward from Draft 6). [Decl., Art. V, §3, p. 26]

Impact: The reversal of the "no response" default remains the most significant change: under current rules, Board silence for 30 days means your plans are approved; under Draft 9, silence means denial, and a new reconsideration step adds time before an owner can reach a court. Because the ARB is the Board wearing a second hat, the "separate review board" of 1984 is not restored.

E. Assessments and Financial Provisions

Feature	1984	2026 Draft 9
Regular assessment	\$50/year minimum tied to a defined maintenance scope (Exhibit "A"); changes to the assessment or scope require member action under the Bylaws (66⅔% amendment vote)	Board sets the annual assessment via budget. DRAFT 9 CHANGE A member majority may increase or decrease it; Board increases >20% year-over-year require member approval; \$50/lot floor retained. [Decl., Art. VIII, §1, pp. 32–33]
Special assessments	Member approval required for changes to scope	Board may levy without a member vote; DRAFT 9 may be levied "ratably or specifically by some or all" owners — i.e., targeted at particular lots. [Decl., Art. II, §2(a)(7), p. 3]
Enforcement assessments	Did not exist	Fines and enforcement costs levied against your lot as an assessment (lien-backed). [Decl., Art. XII, §2, p. 45]
Liens	Basic provisions	Detailed; 5-year lien; foreclosure authorized; DRAFT 9 lien certificate may be recorded before or after title transfers and binds the buyer. Unsuccessful lien challenges expose the owner to the Association's attorney/paralegal fees. [Decl., Art. VIII, §§4–6, pp. 34–35]
Reserves	Not required	Required in the annual budget (also an ORC 5312.06(A)(1) default). [Bylaws, Art. VIII, pp. 36–37]

Impact: This remains one of the most consequential areas, but Draft 9 is materially different from Draft 6. Draft 6 gave the Board unlimited assessment-setting power with no member check; Draft 9 caps Board-initiated increases at 20% per year and lets a member majority set the number directly. That is still a large change from 1984 — where the assessment was anchored to a defined scope of work — and the new lien, targeted-special-assessment, and fee-shifting provisions all favor the Association in disputes.

F. Insurance Requirements

The 1984 Declaration had no insurance article. Draft 9 adds a comprehensive Article IX: owners must insure their dwellings; the Association insures itself and common elements; at least \$1 million liability coverage; fidelity bonding for those handling funds; waiver of subrogation. Substantively unchanged from Draft 6. Costs flow into Common Expenses. [Draft 9 Decl., Art. IX, pp. 36–39; ORC 5312.06(B)]

G. Easements

Draft 9 carries forward Draft 6's Article X: right of entry for maintenance with 48-hour advance notice except emergencies (§6, p. 41), and the notable **power of attorney** — by accepting a deed, each owner appoints the Association President as attorney-in-fact to execute easement instruments (§8, p. 41). Substantively unchanged from Draft 6.

H. Amendment Process

Feature	1984	2026 Draft 9
Standard amendment	Signed instruments from a majority of owners	Majority of total voting power, in person/proxy at a meeting or by identical written consents delivered to the Secretary (process detailed in Draft 9). [Decl., Art. XI, §1, pp. 42]
Board-only amendments	Did not exist	"Special Amendments" for 7 enumerated purposes, no owner vote, backed by a power of attorney deemed granted by every owner. [Decl., Art. XI, §2, pp. 42–43]
Owner challenges	Not addressed	One-year deadline; loser reimburses <i>each prevailing party's</i> fees (broadened in Draft 9) plus an enforcement assessment; Board members can only be sued in their representative capacity. [Decl., Art. XI, §3, p. 43]

The seven Special Amendment purposes: lender requirements, insurer requirements, ORC 5312 compliance, correcting clerical/typographical errors, successor agent for service of process, deleting discriminatory restrictions, and electronic-notice permission. "Bringing documents into compliance with ORC 5312" remains the broadest and least defined.

I. Enforcement and Remedies

Draft 9 carries forward Draft 6's Article XII enforcement powers: entry onto lots to abate violations at owner expense; injunctions; enforcement assessments (fines + attorney fees) as liens; Association cure-and-bill; suspension of voting rights. **DRAFT 9 CHANGE** Suspension now expressly cannot block a member from voting

in Director elections or on bylaw amendments, and must be exercised consistently with the rest of the documents. [Draft 9 Decl., Art. XII, §§1–4, pp. 44–46; Bylaws, Art. IV, §10(i), p. 25]

J. Notices; K. General Provisions

Modern notice methods (personal, door, certified mail, electronic with consent) — substantively unchanged from Draft 6. General provisions retain perpetual duration, severability, and liberal construction (Draft 9 deletes the reference to the Board-defined "Community Standard" from the liberal-construction clause — the defined term is removed throughout the document). The Declaration's scrivener-correction power now requires corrections to be recorded and treated as Special Amendments. [Draft 9 Decl., Art. XIII–XIV, pp. 46–51]

Drafting error note: the corresponding "Scrivener Corrections" section of the final Draft 9 *Bylaws* contains an incomplete sentence — words were evidently dropped between "typographical mistakes or" and "otherwise have express power" — leaving the provision garbled as written. Owners may wish to ask the Board to correct this before the vote. [Draft 9 Bylaws, final article, §9, p. 40]

IV. Bylaws Comparison: Key Changes

A. Board Structure and Governance

Feature	1984 Bylaws	2026 Draft 9 Bylaws
Board size	3–7 trustees	3 directors; members may vote to expand to 5 — but only 3 or 5 are permitted, a narrower range than 1984's 3–7 . More flexible than Draft 6 (fixed at 3), narrower than today's rules. Note: the July 27, 2026 member initiative seeks 7 under the <i>current</i> rules — impossible under Draft 9. [Art. IV, §1, pp. 15–16]
Terms	3-year staggered	3-year staggered (unchanged)
Board meetings	As determined	Minimum quarterly. [Art. IV, §6, p. 21]
Executive sessions	Not addressed	Permitted for personnel, bids, litigation, privilege, enforcement — DRAFT 9 adds real-estate transactions. [Art. IV, §6, pp. 21–22]
Removal of directors	75% of voting power (with or without cause)	Members: majority of total voting power, with or without cause (a lower, more owner-friendly threshold than 1984); Board itself: majority, for 5 enumerated causes. [Art. IV, §8, p. 23]
Conflicts of interest	Not addressed	Disclosure and procedure rules added. [Art. IV, §9, pp. 23–24]

B. Meetings, Elections, and Voting

Feature	1984 Bylaws	2026 Draft 9 Bylaws
Annual meeting	First Wednesday of January	January–April window; postponable to end of June for Board vacancy or reasons "beyond the reasonable control" of the Directors. [Art. III, §4(a), p. 11]
Special meetings (member-called)	10 members	Members holding 50% of voting power (42 of 84 lots); costs of member-called meetings are borne by the members who call them. [Art. III, §4(b), p. 12]
Meeting notice	10 days	15 days. [Art. III, §4(c), p. 13]
Election method	Not specified	CHANGED IN DRAFT 9 Method chosen by majority of members present (show of hands, voice, division, or secret ballot); secret ballot only if no majority agreement. Draft 6 required secret ballots in contested elections. [Art. IV, §5, p. 18]
Election safeguards	None	NEW IN DRAFT 9 Sign-in tellers with photo-ID verification, provisional ballots, member-elected 3-person Committee of Counters, candidate observers, post-election audit, certification + notice within 30 days. [Art. III, §3(c)–(h), pp. 9–11]
Election disputes	Not addressed	NEW IN DRAFT 9 Adjudicated by the nominating committee or Board; decisions "final and binding on all Members." [Art. IV, §5, p. 20]

Nominations	Not detailed	Deadline notice 21 days before annual meeting; floor nominations if the Board misses its notice deadline. [Art. IV, §4, p. 17]
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Impact: The special-meeting threshold jump from 10 members to 50% of voting power remains the single biggest transfer of procedural power away from owners in the Bylaws — the July 27, 2026 special meeting itself was called by 12 member households under the current 10-member rule and could not have been called under Draft 9. On the other hand, Draft 9's election machinery (tellers, counters elected by members, audits) is more robust than either 1984 or Draft 6, and the member-removal threshold falls from 75% to a majority.

C. Officers; D. Financial Management; E. Indemnification

Standard officers; no compensation; committees allowed (the ARB is mandatory but staffed by the Board). Budgeting with reserves; assessments due January 31; prior-year amount continues absent notice by January 1; detailed lien and collection provisions; year-end surplus to reserves. Indemnification of directors/officers/committee members continues; **DRAFT 9** reframes advancement of defense costs as a Board power to "advance funds for or reimburse" reasonable expenses (Draft 6 conditioned advances on a request to repay). D&O insurance costs are Common Expenses. [Draft 9 Bylaws, Art. V–VIII, pp. 28–38]

V. Legality Assessment Under Ohio Law

This is not legal advice; a licensed attorney should review these documents.

A. Provisions Deserving Closer Scrutiny

1. **Sex-offender residency ban** — Fair Housing Act exposure is unsettled nationally; unchanged from Draft 6.
2. **Special Amendment power + deemed power of attorney** — aggressive; "compliance with ORC 5312" is broadly worded; unchanged from Draft 6.
3. **Fee-shifting against challengers** — now broader than Draft 6 (each prevailing party; lien-challenge counterclaims). Contractual fee-shifting is usually enforceable in Ohio, but courts may scrutinize provisions that chill access to courts.
4. **Suspension of voting rights** — Draft 9 is narrower than Draft 6 (elections and bylaw amendments protected), reducing but not eliminating the concern; the statute's default suspension power (ORC 5312.06(D)(15)) is limited to delinquency.
5. **Occupancy limits (2/bedroom)** — HUD's Keating Memo cautions that blanket 2-per-bedroom policies are not automatically reasonable; unchanged from Draft 6.
6. **Election-dispute finality** — **NEW IN DRAFT 9** making the vote-counting body's decisions "final and binding" concentrates election administration and adjudication in the same hands (often the Board); worth asking about.
7. **Targeted special assessments** — **NEW IN DRAFT 9** "specifically by some or all" language permits lot-specific levies; fairness and equal-treatment questions could arise in application.
8. **Right of entry / cure powers** — common but must be exercised reasonably; unchanged from Draft 6.
9. **Scrivener provisions** — the Bylaws version contains an apparent drafting error (see §III.K note); the Declaration version now routes corrections through recorded Special Amendments, an improvement.

B. Provisions That Appear Generally Legal

- Adoption of ORC 5312; elimination of the developer class; most property-use restrictions (rental limits, architectural control, vehicle rules) — generally upheld by Ohio courts when reasonable.
- Assessment authority as structured in Draft 9 (Board sets, members may adjust, 20% cap) — ORC 5312.10(C) leaves assessment structure to the declaration.
- Lien provisions (ORC 5312.12), insurance (ORC 5312.06(B)), indemnification (ORC 1702.12(E)), electronic voting/notice, reserves.

VI. HOA Dissolution Process in Ohio

Unchanged analysis: terminating the recorded declaration requires **unanimous** consent of all owners (ORC 5312.05(B)); dissolving the nonprofit corporation requires a member resolution under ORC 1702.47 plus filings, notice, publication, and winding-up. Dissolving the corporation does *not* terminate the recorded covenants. As a practical matter, eliminating an Ohio HOA is very difficult; reform efforts usually focus on amending documents rather than dissolution.

VII. Summary of Impact on Homeowners (1984 → Draft 9)

This table measures Draft 9 against the **1984 documents that govern today** — the actual choice before owners. Concerns are listed first; the Board's own newsletter series presents the case for adoption, so this report leads with the material those mailings do not emphasize — while still stating the genuine positives. Changes Draft 9 made relative to Draft 6 are listed separately below, because an improvement over Draft 6 is not necessarily an improvement over the 1984 status quo.

Area	Concerns (vs. 1984)	Positive Changes (vs. 1984)
Governance	Board size capped at 3 or 5 — 1984 allows 3 to 7 (the pending member initiative for a 7-member Board would be impossible); member-called special meetings require 50% of voting power vs. 10 members today; executive sessions (new); election disputes decided "final and binding" by the body that counts the votes; no guaranteed secret ballot (1984 is silent); proxies restricted to member-only holders with a 300-day cap (1984 expressly allows non-member proxies, no duration cap)	Developer control eliminated; conflict-of-interest rules added; quarterly Board meetings; member removal threshold lowered from 75% to a majority; formal election machinery where 1984 had almost none (sign-in tellers, member-elected counters, observers, audits, certification of results)
Financial	Assessment-setting moves from 1984's member-anchored system (\$50 floor tied to a defined scope of work, member action required to change it) to Board budgeting — bounded by a 20%/yr cap and a member-majority override, but no member action is needed for changes at or below 20%; new special and enforcement assessment categories create liens that can lead to foreclosure; special assessments can target specific lots; liens can follow a sale to the buyer; expanded fee-shifting against owners who go to court	Reserves required in the annual budget; far more detailed budgeting, records, and annual-review provisions than 1984

Property rights	Roughly 12 restrictions become 30+; short-term rental ban; occupancy limits; drone restrictions; outdoor-lighting and holiday-decoration windows; commercial-vehicle overnight ban; a 7-condition home-office regime; silence = denial on architectural requests (1984: silence = approval); Association entry and cure powers; no minimum-home-size protection carried forward (1984 required 2,200–2,400 sq. ft.; Draft 9 has no minimum); solar expressly permitted only as roof-mounted with prior written approval — Ohio law otherwise grants a right to install on the dwelling <i>or elsewhere on the lot</i> (ORC 5312.16)	Few relative to 1984: decorative wire-mesh fences become possible with Board approval (1984 banned all wire fences); expanded sign rights (political, school, security signs that 1984 prohibits)
Legal protections	Board-only Special Amendment power backed by a deemed power of attorney; loser-pays provisions (broadened in Draft 9); perpetual duration; mandatory reconsideration before suing on architectural decisions	Severability clause; the ORC 5312 statutory floors (records access, due process before fines, owner suits) — though these apply with or without Draft 9

Draft 6 → Draft 9 refinements — for context, not gains versus 1984

Draft 9 softened a number of Draft 6 provisions in response to owner feedback. These matter if you reviewed Draft 6 this spring, but **none of them leaves owners better off than they are under the 1984 documents today** — most simply decline to impose a restriction that 1984 never had:

- The "adverse in litigation" Good Standing clause was deleted (1984 has no Good Standing concept at all).
- A member majority may raise or lower the annual assessment, and Board increases are capped at 20%/yr (1984 requires member action for any change to the assessment scheme — a stronger check).
- Fishing is not banned (Draft 6 would have banned it; 1984 never did).
- Home-schooling is expressly protected and the "sight, sound, or smell" home-office test was dropped (1984 has no home-office restrictions at all).
- The Board-defined "Community Standard" was removed (a Draft 6 concept; never in 1984).
- Garage sales no longer need per-sale approval (1984 has no garage-sale rule).
- Only owners — not tenants/occupants — must be reported to the Association (1984 requires no reporting).
- The Board can be expanded to 5 rather than fixed at 3 (1984 allows up to 7).
- The election-integrity machinery (tellers, counters, audits) is genuinely new relative to both 1984 and Draft 6.

VIII. Conclusion

Draft 9 is a comprehensive modernization that removes developer control, adopts the Planned Community Act, formalizes elections, and — unlike Draft 6 — restores meaningful member checks on the annual assessment while deleting the "adverse in litigation" Good Standing clause and the Board-defined "Community Standard." Those are real responses to owner feedback.

At the same time, the structural concentration of power that characterized Draft 6 remains: Board-only Special Amendments backed by a deemed power of attorney, silence-equals-denial architectural review, broad enforcement and entry powers, expanded fee-shifting against owners who go to court, a 50%-of-voting-power bar for member-called special meetings, and new Draft 9 provisions (targeted special assessments, "final and binding" election adjudication, proxy limits) that each shift leverage toward the Association.

Questions owners may want answered before voting:

- The Bylaws' Scrivener Corrections section contains a garbled sentence — will it be corrected before the vote?
- Can the special-meeting threshold be lowered from 50% toward something achievable (the current rule is 10 members)?
- Why must election disputes be decided "final and binding" by the body that counts the votes?
- Can secret ballots be guaranteed (not merely available) in contested elections?
- What standards will govern "specifically" targeted special assessments?
- Has the sex-offender ban been reviewed for Fair Housing Act compliance?
- Can the loser-pays provisions be narrowed to frivolous suits?
- Does §3(z) require Board approval for a temporary kiddie pool? Draft 6 said "portable" pools need written approval; Draft 9 deleted the word — which reading governs?

This report was prepared on July 11, 2026, based on: (1) Lake of the Woods Restrictions and Covenants, recorded March 23, 1984; (2) 1984 Code of Regulations (Bylaws); (3) Draft 9 — Amended and Restated Declaration ("FINAL FOR MEMBERSHIP APPROVAL," June 10, 2026, 55 pp.); (4) Draft 9 — Amended and Restated Bylaws ("FINAL FOR MEMBERSHIP APPROVAL," June 9, 2026, 47 pp.); (5) the Board's red-lined comparisons (DRAFT 9B, June 9; DRAFT 9C, June 10); and ORC Chapters 5312 and 1702. It updates and supersedes the March 25, 2026 (Draft 6) edition. Page citations refer to the printed page numbers of the final documents. This document is for informational purposes only and does not constitute legal advice. Consult a licensed Ohio attorney for advice specific to your situation.