

RESALE CERTIFICATE INSTRUCTIONS

Pursuant to West Virginia Code Chapter 36B-4-109, except in the case of a sale by the Declarant in which delivery of a Public Offering Statement is required, or unless exempt under section West Virginia Code Chapter 36B-4-101(b), a Unit owner shall furnish to a purchaser before execution of any contract for sale of a Unit, or otherwise before conveyance, a copy of the declaration (other than any plats and plans), the bylaws, the rules or regulations of the association, and the following certificates. If you fail to do so, pursuant to West Virginia Code Chapter 36B-4-109(c), the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever first occurs.

If you sell your Unit, you must:

- 1 Complete and submit **Resale Form 1** (attached) to the Association. The Association, must within ten days receiving **Resale Form 1** furnish a certificate containing the information necessary to enable the Unit Owner selling his or her Unit to comply with West Virginia Code Chapter 36B-4-109. A Unit Owner providing a Resale Certificate to a Buyer is not liable to the purchaser for any erroneous information provided by the Association and included in the Association's certificate. A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the Association. You, as the Seller of the Unit, are not liable to a purchaser for the failure or delay of the Association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever first occurs.
- 2 When you receive a certificate (**Resale Form 4**) from the Association in response to **Resale Form 1**, you must complete **Resale Form 2** (attached).
- 3 You must furnish to the purchaser:
 - A Completed **Resale Form 2**; and
 - B All documents identified on **Resale Form 2**; and
 - C The certificate provided by the Association in response to **Resale Form 1**; and
 - D Any documentation or exhibits to the certificate provided by the Association in response to **Resale Form 1**.

If you fail to complete any of the following, your contract for the sale of your Unit may be voided by the purchaser at any time prior to closing. If you comply with all of the foregoing, your contract for the sale of your Unit may only be voided for five days after you deliver all of the above documents to the purchaser or until conveyance, whichever first occurs. For your protection you should have the purchaser execute Resale Form 3 when you deliver the required documentation to the purchaser and you should retain fully executed Resale Forms for your records.

RESALE FORM 3

VILLAGE AT SLEEPY HOLLOW

UNIT PURCHASER AFFIDAVIT

STATE OF WEST VIRGINIA,

COUNTY OF MONONGALIA, TO-WIT:

The undersigned purchasers of Unit No. ____, Phase ____, VILLAGE AT SLEEPY HOLLOW Residential Subdivision, Union District, Monongalia County, West Virginia, hereby acknowledge the following:

I. That the undersigned have / have not retained the services of an attorney for the purpose of conducting a Title Examination and providing a Title Certification which addresses any and all Liens, Covenants, Restrictions, Limitations, Easements, Rights-of-Way, Exceptions, Reservations, and Conditions which may affect the above described Unit; and

II. That the undersigned acknowledge receipt on _____ of the following documents:

- The Declaration of Common Interest Community for Village at Sleepy Hollow, and the exhibits and Amendments thereto; and
- The Public Offering Statement for Village at Sleepy Hollow and the exhibits and Amendments thereto; and
- The By-Laws, Articles of Incorporation, Certificate of Incorporation, Rules and Regulations, and Building Control Guidelines of Sleepy Hollow Property Owners Association, Inc.; and

III. That undersigned understand and acknowledge that:

- (a) There are no rights of first refusal or restraints of the free alienability of the Unit to be sold which have an effect on the proposed disposition of the Unit but that the Declarant has reserved a right-of-first refusal to all earth and dirt removed from the Unit to be disposed of outside the Subdivision; and
- (b) The annual common expense assessment for the Unit is currently set at \$_____ **per year**, and that the Association of which the undersigned shall become member(s) by virtue of my ownership of the above described Unit may increase said common expense assessment and levy additional common and/or special assessments in the future; and
- (c) There are no unsatisfied judgments against the Association and there are no pending suits in which the Association is a Defendant; and

- (d) There are no leasehold estates affecting the Unit or the common areas of which a beneficial ownership and/or use interest is attributable to the Unit; and
- (e) There are no restrictions in the Declaration affecting the amount that may be received by a unit owner upon sale, condemnation, casualty loss to the Unit. The attached declaration contains certain provisions pertaining to limitations affecting the amount that may be received by the Unit owner as the result of condemnation, casualty or loss of the common elements of the Common Interest Community or the termination of the Common Interest Community.

Acknowledged and executed this ____ day of _____, 20__, of the following:

_____ [Purchaser] _____ [Date]

_____ [Purchaser] _____ [Date]

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by _____.

My commission expires: _____.

NOTARY PUBLIC

RESALE FORM 2

COMMON INTEREST COMMUNITY UNIT RE-SALE CERTIFICATE

Pursuant to the provisions of West Virginia Code Chapter 36B, Article 4, Section 109, the undersigned _____ Owner(s) (hereinafter "Owner" whether singular or plural) of a Unit identified as _____ (hereinafter the "Unit") in the Common Interest Community known as Village at Sleepy Hollow residential Subdivision, hereby state and certify as follows:

I. The undersigned submitted the attached written **Request by Unit Owner to Association to Furnish Resale Information** to the Sleepy Hollow Property Owners Association more than ten days prior to the contemplated real estate closing and that the same either:

_____ Is attached as exhibit hereto; or

_____ Was not completed and returned to the undersigned by the Association.

II. The undersigned has attached the following documents:

_____ The Declaration of Common Interest Community; and

_____ The By-Laws of the Property Owners Association; and

_____ The Rules and Regulations and Building Control Guidelines of said Association.

III. To the best of the undersigned Unit Owner's knowledge:

(1) There are no rights of first refusal or restraints of the free alienability of the Unit to be sold which have an effect on the proposed disposition of the Unit; and

(2) The monthly or annual common expense assessment for the Unit is currently \$_____ per ([] month or [] year) and the amount of unpaid common and/or special assessments currently due and payable from the undersigned is \$_____; and

(3) The following additional fees are currently payable by Unit owner:

payable on a [] monthly / [] yearly / [] one time basis; and

(4) There are no unsatisfied judgments against the Association and there are no pending suits in which the Association is a Defendant; and

(5) There are no leasehold estates affecting the Unit or the common areas of which a beneficial ownership and/or use interest is attributable to the Unit; and

(6) There are no restrictions in the Declaration affecting the amount that may be received by a unit owner upon sale, condemnation, casualty loss to the Unit. The attached declaration contains certain provisions pertaining to limitations affecting the amount that may be received by

the Unit owner as the result of condemnation, casualty or loss of the common elements of the Common Interest Community or the termination of the Common Interest Community.

UNIT OWNER/SELLER(S):

DATE

DATE

RECEIVED AND ACKNOWLEDGED BY UNIT PURCHASER(S):

DATE

DATE

RESALE FORM 1

**REQUEST BY UNIT OWNER
TO ASSOCIATION TO FURNISH RE-SALE INFORMATION**

[Exhibit A to COMMON INTEREST COMMUNITY UNIT RE-SALE CERTIFICATE]

TO: _____

FROM: _____ (hereinafter "Owner" whether)
Owner of Unit _____ (singular or plural)

_____ Residential Subdivision

RETURN ADDRESS: _____ Fax: (_____) _____
_____ Tel: (_____) _____

Pursuant to the provisions of West Virginia Code Chapter 36B, Article 4, Section 109(b), the undersigned Owner of Unit _____, Phase _____, in Village at Sleepy Hollow residential Subdivision hereby requests that you furnish a certificate, within ten (10) days, containing the following information:

1. A description of the type and amount of insurance maintained by the Association for the benefit of the Association's members and Unit owners; and
2. A statement that the Association's Executive Board has no knowledge that any alterations or improvements to the above Unit or to the limited common elements assigned to said Unit violate and provision of the Declaration; and
3. A statement that the Association's Executive Board has no knowledge of any violations of applicable health or building codes with respect to the above Unit; the Limited Common Elements assigned to said Unit; or any other portion of the Common Interest Community; and
4. A statement that there are no leasehold estates affecting the Unit; and
5. A statement of any capital expenditures anticipated by the association for the current and two next succeeding fiscal years; and
6. A statement of the amount of any reserves for capital expenditures and any portions of those reserves designated by the Association for any specified projects.

Further, the undersigned owner requests that you furnish copies of:

- a. The most recent regularly prepared balance sheet and income and expense statements, if any, of the Association; and
- b. The current operating budget of the Association.

In the event that the Association is unable to provide any of the above information, or that the Association Board cannot certify compliance as requested hereinabove, please explain the same, with specificity.

UNIT OWNER/SELLER:

_____	_____
	DATE
_____	_____
	DATE

RESALE FORM 4

COMMON INTEREST COMMUNITY UNIT RE-SALE CERTIFICATE

Pursuant to the provisions of West Virginia Code Chapter 36B, Article 4, Section 109, the undersigned in behalf of Sleepy Hollow Community Owners Association, Inc., hereby respond to a request submitted by _____ Owner(s) (hereinafter "Owner" whether singular or plural) of a Unit identified as _____ (hereinafter the "Unit") in the Common Interest Community known as Village at Sleepy Hollow residential Subdivision, hereby state and certify as follows:

1. The Association currently has and maintains insurance of the type, and in the amount, for the benefit of the Association's members and Unit owners as is set forth on Exhibit A.
2. The Association's Executive Board has no knowledge that any alterations or improvements to the above Unit or to the limited common elements (if any) assigned to said Unit violate and provision of the Declaration, except as follows:
3. The Association's Executive Board has no knowledge of any violations of applicable health or building codes with respect to the above Unit; the Limited Common Elements assigned to said Unit; or any other portion of the Common Interest Community, except as follows:
4. The Association's Executive Board has no knowledge of any leasehold estates affecting the Unit, except as follows:
5. A statement of any capital expenditures anticipated by the Association for the current and two next succeeding fiscal years, if any, is attached as Exhibit B; and
6. A statement of the amount of any reserves for capital expenditures and any portions of those reserves designated by the Association for any specified projects, if any is attached as Exhibit C

Attached as Exhibits are also:

- a. The most recent regularly prepared balance sheet and income and expense statements, if any, of the Association; and
- b. The current operating budget of the Association.

SLEEPY HOLLOW COMMUNITY OWNERS ASSOCIATION, INC.,

By: _____

Its: _____