



**Indian Village Community Association**  
2214 Wawonaissa Trail \* Fort Wayne, IN 46809  
260-747-7141

September 30, 2014

Your IVCA Board of Governors held a special meeting on September 29, 2014, to discuss, and make changes to, the IVCA Constitution and Bylaws. A copy of the new Constitution and Bylaws is attached. Please remove the old Constitution and Bylaws from your 3-ring binder and replace them with the new ones.

Thank you for your attention to this matter.

IVCA Board of Governors

Brent Davis, President  
Loretta Watkins, Vice President  
Sarah Didier, Secretary/Treasurer  
Chuck Chapman  
Stan Robinson

Attch: Constitution and Bylaws

## Preamble to Indian Village Constitution

Whereas, by the terms of the Plat, and the Dedication thereof, and the statement of restrictions and provisions relating thereto, of Indian Village, an Addition to the City of Fort Wayne, Indiana, it was provided that there should be formed an Association of owners of lots in said Addition for certain definite purposes and also for other general purposes not specified, and whereas such an Association has been in existence informally for a number of years;

And whereas, it is deemed advisable to state definitely the purposes of such Association and terms of the organization thereof, and in order that the same may be effective for the purposes for which it is organized, this Constitution is adopted by the members of said Association.

## Constitution

### Article I - Name

The name of this Association shall be INDIAN VILLAGE COMMUNITY ASSOCIATION.

### Article II - Purposes and Objects

The purposes and objects of this Association shall be:

Section 1. To have, enjoy, exercise and enforce all rights, powers, duties and privileges, and to perform all functions, conferred upon such Association by the terms and provisions of the Dedication and Plat of Indian Village, Section A, An Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Book 13, pages 35-36, and in the Declaration of Restrictions affecting Lots 1 to 217, Section A, in said Indian Village, as recorded in Miscellaneous Record 72, pages 384 to 388, inclusive, all in the Office of the Recorder of Allen County, State of Indiana; "and by the terms and provisions of the Dedication and Plat of Indian Village, Section 'B,' an Addition to the City of Fort Wayne, Allen County, Indiana, as recorded in Plat Record 16, pages 109 and 109a, and in the declaration of covenants, restrictions and limitations affecting lots 1 to 29, Indian Village, Section 'B,' as recorded in Miscellaneous Record Book 112, page 566 all in the Office of the Recorder of Allen County, State of Indiana, both the foregoing Indian Village, Section 'A' and Indian Village, Section 'B' are hereinafter referred to as Indian Village or as 'said Addition'."

Section 2. To provide for the maintenance and betterment of said Addition, and to encourage, foster, promote and improve the social and community spirit, civic relations, and the general welfare, of said Addition and its environs, and of the owners of lots and residents of said Addition.

### Article III - Membership

Every resident of Indian Village, living in a home where the homeowner also resides, shall automatically be a member of this Association and shall remain a member so long, but only so long as such residency continues.

### Article IV - Meetings of Association

Section 1. The semiannual meetings of the Association shall be held on the second Wednesday of March and October, with an annual election, during the October meeting, to replace Board of Governors whose terms have expired.

Section 2. Special meetings of the Association shall be held upon order of the Board of Governors, or on a call issued by the President or Secretary.

Section 3. Fifteen (15) members shall constitute a quorum for the transaction of all business.

Section 4. At all meetings of the Association, only owners of land in Indian Village may vote, whether or not they are members. No matter how many lots an owner may own, that owner is entitled to one vote. If more than one person joins in owning land, only one person may vote.

Section 5. Robert's Rules of Order shall govern the conduct of meetings of the Association and control except where modified by, or in conflict with, this Constitution or the Bylaws adopted hereunder.

#### **Article V - Board of Governors**

Section 1. The business and prudential affairs of the Association, and the general management and control of its activities, shall be vested in a Board of Governors, five (5) in number. Upon the adoption of this Constitution, the Association shall elect five (5) members to the Board of Governors, and three (3) receiving the highest vote to serve for a term of two (2) years, and the two (2) receiving the next highest vote to serve for a term of (1) year; and thereafter, at each October meeting of the Association, there shall be elected in alternate years two members, and three members, respectively, to the Board of Governors to hold for a term of two (2) years and until their successors are elected and qualified, except Secretary and Treasurer shall be elected for a term of three years.

Section 2. No one shall be eligible to election to the Board of Governors except a member of the Association.

Section 3. A meeting of the Board of Governors shall be held immediately after the October meeting of the Association, for the purpose of organization and the election of officers, and regular meetings of the Board will be held on the 2nd Wednesday of every month or upon call of the President or Secretary.

Section 4. A majority of the Board shall constitute a quorum for the transaction of business.

#### **Article VI - Officers**

Section 1. The officers of the Association shall consist of a President, a Vice President, and a Secretary/Treasurer.

Section 2. The officers shall be elected by the Board of Governors out of their own number to hold office for a term of two (2) years except the Secretary/Treasurer, who shall hold office for a term of three (3) years or until his or her successor is elected and qualified. The Secretary/Treasurer shall receive a salary which shall be set at the beginning of each year by the Board of Governors.

Section 3. The President shall preside over all meetings of the Association and over all meetings of the Board of Governors and shall have such other authorities and powers as the Presidents of similar Associations usually enjoy.

Section 4. The Vice President shall serve in the capacity of President, with like powers and authority, when the President is absent or unable to act.

Section 5. The Secretary shall be custodian of the books and records and seal of the Association, he/she shall keep and record the minutes of all meetings of the Association and of the Board of Governors, submit reports to the Association at its annual meeting, and to the Board of Governors at such times as may be required by the Board. He/she shall collect and receipt for all maintenance fees and other moneys that may be due or payable to the association, and shall periodically, or at such times as the Board may designate, turn over all funds in his/her hands to the treasury, taking the receipt of the treasurer therefore.

Section 6. The Treasurer shall have charge and custody of all funds of the Association, and shall make and keep accurate records of all receipts and disbursements. He/she shall render an annual account of the finances of the Association and of its receipts and disbursements to the semiannual meeting of the Association and shall make such other reports to the Board of Governors as the Board may require. He/she shall disburse the funds of the Association under and in accordance with the direction of the Board of Governors.

Section 7. The accounts of the Secretary and the treasurer shall be audited by a committee of members of the Association, or by an Auditor appointed by the Board of Governors for that purpose, annually.

Section 8. The Treasurer shall, and the Secretary may be required by the Board of Governors, to give bond to the Association for the faithful performance of their duties and for the accounting of all funds and moneys that may come into their hands in such amount and with such sureties as may be determined by the Board of Governors.

Section 9. In the event of the disqualification, or continued inability to act, of any member of the Board of Governors or of any officer, or in the event of misconduct, the Board of Governors, after giving such officer notice, may hold a meeting for the purpose of listening to any charges regarding such disqualification, inability or misconduct, at which such officer shall be entitled to be present, and after such hearing, shall have the right, by majority vote of the other members of the Board, to declare the office of such officer or member of the Board to be vacant.

Section 10. The Board of governors, by a majority vote, shall have the right to fill any vacancy in the Board of Governors or in any office by election from the membership of the Association, the officer so elected to hold office until the organization meeting of the Board following the next annual meeting.

Section 11. The Board of Governors shall have authority to appoint such committees as they deem necessary or advisable to carry on the activities of the Association and to confide such powers to such committees as the Board of Governors may deem advisable.

#### **Article VII - Fiscal Year**

The fiscal year of the association shall begin on the 1st day of January of each year.

#### **Article VIII - Nominations and Elections**

Elections for membership on the Board of Governors shall be by ballot and nominations may be made by a Nominating Committee appointed prior to such election by the Board of Governors or may be made from the floor.

## **Article IX - Notices of Meetings**

Section 1. Written notice of the semiannual meetings of the Association, as well as of all special meetings of the Association, shall be delivered to all members of the Association, as their names and addresses appear upon the records of the Association, not less than ten (10) days before the holding of any such meeting, and the date of the delivering of such notices shall be deemed to be the date of the giving of notice thereby.

Section 2. Notices of all meetings shall set forth the time and place at which the meeting is to be held, and the general nature of the business which is to be transacted at such meeting.

Section 3. Notice of regular and special meetings of the Board of Governors shall be given to each member of the Board of Governors by the Secretary, not less than five (5) days before the holding of such meeting; such notice may be given orally, by telephone, by email, or by mail to the last address appearing on the books of the Association, and the mailing of such notice shall be deemed to be the date on which such notice is given. Such notice shall state the time and place of holding of the meeting and in general the business to be transacted thereat.

Section 4. Any member of the Association or of the Board of Governors may waive notice of any meeting by written waiver filed with the Secretary of the Association.

## **Article X - Amendments**

Amendments to the Constitution or Bylaws of the Association may be made by vote of a majority of those present at any annual or special meeting of the Association; provided due notice of the proposed amendment has been given to the members of the Association in the notice of the meeting; provided further, that the Board of governors, by a majority vote, may adopt an amendment to either the Constitution or Bylaws of the Association at any meeting of which the members of the Board of Governors have had proper notice under this Constitution, and provided further, that a copy of such amendment shall be mailed by the Secretary of the Association to each member of the Association promptly after its adoption. Any amendment so adopted by the Board of Governors shall be and remain in full force and effect from the time of its adoption, unless and until it is subsequently rescinded, modified or set aside by the members of the Association at a meeting called for that purpose. At the written request of five (5) members of the Association, the Secretary shall issue a call for a meeting of the members of the Association to pass on any amendment so adopted by the Board of Governors.

## **Bylaws**

### **Bylaw Number 1 - Collection of Maintenance Fund**

Section 1. The Secretary/Treasurer shall keep and maintain at all times an up-to-date list of the owners of lots in Indian Village, and from time to time shall note all changes in ownership, and, as far as possible, shall keep a record of the addresses of the respective owners.

Section 2. The Secretary/Treasurer shall notify all new owners of lots in the Addition of their mandatory membership in the Association.

Section 3. The Secretary/Treasurer shall keep an itemized record of the accrual of all maintenance fees and of other assessments that become due to the association of all payments thereof, and of delinquencies.

Section 4. The Secretary/Treasurer shall notify all owners of lots in said Addition, on or about January 1st of each year, of the maintenance fee which will become due on that date, and of all delinquencies owed by such owners on the lot owned by them, and of the place where payment of such charges may be made.

Section 5. The Secretary/Treasurer shall report all collections and all delinquencies to the Board of governors at the end of three (3) months after the same becomes due, for its action. Action will be taken following the current Mandatory Maintenance Fee Policy.

Section 6. The Secretary/Treasurer shall furnish, on request, a statement of the maintenance fee status of any lot to the owner thereof, or to any one desiring to purchase such lot or to accept a lien thereon, and when all maintenance charges have been paid in full, the Secretary/Treasurer may issue a maintenance charge clearance to any such owner or person.

Section 7. Whenever a delinquency exists in the payment of any maintenance charge or charges upon any lot in said Addition, no action shall be taken to enforce the lien securing the same, except upon the vote and authority of the Board of governors, but said Board, upon consideration of the matter, may, by resolution of a majority of the Board, take steps to enforce and foreclose the lien provided for by the Declaration of Restrictions affecting all lots in Sections A-E, Indian Village, and Indian Hills, for the purpose of securing payment to the Association of any maintenance charges which are in arrears.

#### **Bylaw Number 2 - Maintenance Fund Disbursement**

Section 1. The maintenance charge funds shall be held in a separate account by the Secretary/Treasurer, and shall be disbursed by him/her for the purposes outlined in the approved annual budget, as directed by the Board of Governors, in looking after, promoting and maintaining the best appearance of said Addition and of the lots and grounds in it.

Section 2. Any balance of such maintenance fund charges received, and any funds received from other sources, shall be disbursed by the Secretary/Treasurer for such purposes as the Board of Governors may order or direct beneficial to the interest of the Addition.

#### **Bylaw Number 3 - Powers Relating to Control and Maintenance of Lots and Approval and Rejection of Proposed Plans**

Section 1. All powers conferred upon such Association, relating to the control and maintenance of lots, and to the approval and rejection of plans and specifications for proposed residences, shall be, and are, vested in the Board of Governors.

Section 2. The Board of Governors may appoint one or more of its own members, or a nonmember, who possesses expert qualifications in that connection, as a Committee for the purpose of examining and passing upon plans and specifications for proposed residences in Indian Village, and such Committee shall report to the Board its findings in connection therewith, and its recommendations as to the approval or rejection thereof.

Section 3. The Board of Governors shall act upon such plans and specifications for proposed residences, and the recommendations of said Committee thereon, and shall approve or reject such plans within 10 days from the time when said plans and specifications are first submitted to the Association for its approval or rejection. The action of the Board of Governors thereon shall be final.

### **Mandatory Maintenance Fee Policy**

On September 29, 2014, during a special meeting of the Indian Village Board of Governors, the Board approved the following policy regarding late payments of the mandatory maintenance fee outlined in the Protective Covenants. The maintenance fee is payable January 1st for that year.

Protective Covenants: Page 4: Paragraph 2, imposes a yearly maintenance fee of \$30.00 on each lot which is payable January 1st each year. Line 5 of Paragraph 2 states that nonpayment of the yearly fee "shall constitute a lien on each and every lot."

The first billing of each year is mailed to the property owner on or around January 1st and is payable January 1st. Each additional billing for any previously unpaid fee will have a \$5.00 late fee added to the total amount due

**A \$5.00 late fee will be added to any unpaid amounts with successive billings quarterly on the following dates:**

- 1st billing January 1st, for payment on that date, in the amount of \$30.00
- 2nd billing April 1st, for payment on that date, in the amount of \$35.00
- 3rd billing July 1st, for payment on that date, in the amount of \$40.00
- 4th billing October 1st, for payment on that date, in the amount of \$45.00

If full payment is not received within 18 months a lien will be filed at the Allen County Recorder's Office. We will add to the lien the cost of filing and withdrawing the lien. Billings will continue, at the rate of four billings per year for each year of unpaid maintenance fees. If a new lien has to be filed due to previously unpaid maintenance fees, all additional fees will be added to the amount due. This will assure that fees will be paid.