

# CONSTITUTION

## PREAMBLE

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.

## ARTICLE 1- Name

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

ARTICLE 11 - 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 I 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 declairation of covenants, restrictions and limitations affecting lots I 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 111 Membership

Every owner of a lot in Indian Village shall automatically be a member of this Association and shall remain a so long, but only so long, as such ownership continues.

#### ARTICLE IV Meetings of Association

Section I. The annual meeting of the Association shall be held on the first Monday of March in each year, for the election of members of the Board of Governors, reports of officers, and such other business as may be appropriate for such a meeting.

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, each member shall be entitled to one (1) vote, regardless Of the number of lots owned, and where a lot is owned by a corporation, firm, tenants by the entireties, in common, or in joint tenancy, such owner or owners shall have the right to one ( 1) vote, such vote to be cast by their accredited representative, regardless of the number of persons interested in such joint or common tenancy or the number of lots held by them.

Section 5. Roberts 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 By-Laws adopted hereunder.

#### ARTICLE V - Board of Governors

Section I. 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 one (1 ) year; and thereafter, at each annual 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 annual meeting of the Association, for the purpose of organization and the election of officers, and regular meetings of the Board may be held at such times as the Board of Governors may prescribe. Special meetings of the Board may be held at such times as the Board may designate 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 one (1) years except the Secretary/treasurer who shall hold office for a term of three (3) years or 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 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 shall collect and receipt for all maintenance fees and other monies 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 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 shall render an annual account of the finances of the Association and of its receipts and disbursements to the annual meeting of the Association and shall make such other reports to the Board of Governors as the Board may require. He 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 monies 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 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 annual meeting of the Association, as well as of all special meetings of the Association, shall be mailed 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 mailing 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 or telegraph, 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 waiver filed with the Secretary of the Association.

## ARTICLE X - Amendments

Amendments to the Constitution or By-Laws 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 By-Law 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.

## BY - LAWS

### BY—LAW NO. 1 Collection of Maintenance Fund

Section 1. The Secretary shall keep and maintain at all 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 shall notify all new owners of lots in the Addition of their right to membership in the Association and shall forward an application for membership. Upon receipt of an executed application, by a new owner of a lot or lots in said Addition, the Secretary shall note the filing of the same and of the granting of such membership.

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

Section 4. Secretary shall mail notice to all owners of lots in said Addition, not less than ten (10) days prior to the 1<sup>st</sup> day of January of each year, of the maintenance fee which will become due on that date, and of all delinquencies owing by such owners on the lot owned by them, and of the place where payment of such charges may be made.

Section 5. Secretary shall report all collections, and make remittance thereof, to the Treasurer, and at the end of three (3) months after the same becomes due, shall report all delinquencies to the Board of Governors for its action.

Section 6. The Secretary shall furnish, on request, a statement of the maintenance fee status of any lot to the owner thereof, or to anyone desiring to purchase such lot or to accept a lien thereon, and when all maintenance charges have been paid in full, the Secretary 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 lots I to 217 Section A, Indian Village, for the purpose of securing payment to the Association of any maintenance charges which are in arrears.

### BY—LAW NO. 2 Maintenance Fund Disbursement

Section I. The maintenance charge fund shall be held in a separate account by the Treasurer, and shall be disbursed by him first for the following purposes, namely, in caring for vacant and unimproved lands in A, and Section B, Indian Village, in removing grass and weeds, snow or other obstructions from sidewalks, in maintaining, preserving and improving grass and planted areas within the boundaries of streets and driveways; 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 Treasurer for such purposes as the Board of Governors may order or direct beneficial to the interest of the Addition.

BY-LAW NO. 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 conn 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.

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 anyone 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-F, Indian Village, for the purpose of securing payment to the Association of any maintenance charges which are in arrears.

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



## MANDATORY MAINTENANCE FEE POLICY

At the October 2002 Semiannual Meeting the residents approved the following policy regarding late payments of the mandatory maintenance fee outlined in the Protective Covenants. The maintenance fee is payable January 1 for the following year.

Protective Covenants: Page 4: Paragraph 2, imposes a yearly maintenance fee of \$30.00 on each lot which is payable January 1 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 December 1 and is payable January 1. 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 the amount due with each successive billing.

1 billing will be mailed Dec 1 for payment January 1	\$30.00
2 <sup>nd</sup> billing will be mailed Mar 1 for payment April 1	\$35.00
3 <sup>rd</sup> billing will be mailed May 1 for payment June 1	\$40.00
4 <sup>th</sup> billing will be mailed Aug 1 for payment September 1	\$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.