

Frequently Asked Questions Indian Village Community Association – reactivation plan, Fall 2020

Rev1: 10/17/2020 S. Hays (updates in blue)

Listed below are questions being asked about the plan to reactivate Indian Village Community Association. This list will be updated from time to time. I will attempt to group these by alphabetical order to make items easier to find, but it would be perfect. Of course [cntrl]-F will help you find words

Please direct questions to the associations email.

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If you prefer to use FB please help us find it by tagging your question as follows:

'Steve Hays' – question:

FAQ's.

The main points for IVCA Informational Meeting held 10/14/20

- Indian Village Community Association, Inc.(IVCA) still exists as a non-profit corp. in Indiana
- Indian Village has a single protective covenant on record that applies to the entire village except Enola Court. These covenants were approved by owners in 1991 and amended in 1998. A link to these covenants is here:
 - <https://inallen.fidlar.com/.../WebSenseCustom/Default.aspx>
 - Note: This has been researched and verified by a new lawyer, Solomon Lowenstein, who was engaged to help work through this
 - IVCA is an HOA because of these covenants attached to the deed of each property. Buying the property is acceptance of the covenant whether aware or not.
- The covenants specify a maintenance fee of \$30 per year
 - This fee has not been collected for a few years, and no attempt will be made to collect back dues, or claim any of these current back dues when an owner sells. Any fees not paid after 2021 will have to be paid before closing of the sale.
- The board of governors that had been managing IVCA affairs are no longer serving since approx. Jan 2019 and had not acted to appoint new governors. (This has complicated things as you can imagine)
- Our goal as an organizing group is to reestablish an active IVCA with a properly elected board of governors. We see that this requires two main actions:
 - revised bylaws to operate the IVCA.
 - election of a board of directors.

Board of Governors (Board of Directors):

- When did the last IVCA board stop meeting?
 - IVCA had a budget in 2018.. .
 - The last annual meeting minutes we have on hand are March 2016.
 - The last IVCA board minutes are November 2018.

Enola Court: Is Enola Court in IVCA

- The simple answer is No. This is because of the way it was set up originally as Indian Hills Extended.

- However, the 1991 covenant does include lots 261-269 which is actually the east side of Enola only. Traditionally Enola Court was not included because of the way the plat for that section was recorded. The 1991 Covenant may have included petitions for 65% of Enola and have them included. We likely need to have a lawyer give us an opinion. It may not be worth it.
- However, though they will not be able to vote and will pay no maintenance fees, we would recommend that Enola be include in all IVCA activities.

HOA: Home Owners Association:

- What is the difference between a homeowners association (HOA) and a neighborhood association?
 - Below is a good brief definition from Wikipedia:
https://en.wikipedia.org/wiki/Neighborhood_association#:~:text=HOAs%20often%20own%20and%20maintain,general%20advocacy%20and%20community%20events.
 - HOA membership is mandatory generally through rules tied to the ownership of property like deed restrictions. Neighborhood association membership is voluntary or informal.
 - HOAs often own and maintain common property, such as recreational facilities, parks, and roads, whereas neighborhood associations are focused on general advocacy and community events.
 - A neighborhood association (NA) is a group of residents or property owners who advocate for or organize activities within a neighborhood. An association may have elected leaders and voluntary dues.
 - Basically a NA is voluntary group, typically not incorporated..
 - Regardless of our opinions, today we have an HOA.
- “Why was I told that IV did not have an HOA if IVCA is an HOA?
 - Good question.
 - IVCA has been struggling since 2014 when an attempt was made to change the covenants. The memorandum of from the research at that time only looked at the original covenants written between 1927 and 1954.
 - The 1991 Covenant in which the entire village petitioned to be under one covenant and one association appears to have been overlooked at that time.
 -

Indian Village:

- How many home owners are there?
 - approx 480 homes.

Mark Leonhardt (past president):Is Mark Leonhardt, the past president, still involved with the current activity

- No. Mark Leonhardt has not been involved in this activity and is no longer an IV resident.
- The responsibility for this activity to re-activate IVCA rests solely with the 10 people who met with Mr. Aplin to continue the effort to rewrite convenient. Six of those are still active, of which I (Steve Hays) am one. Mark Leonhardt was very open and honest in the last village meeting he led a year ago about his plans to move. He understood that he could not continue, nor is there a reason for him to. In that meeting he called for people to volunteer to continue the effort. He joined that group of volunteers at a meeting with Mr. Aplin one time and since that time has not been involved in any meetings. He has graciously answered questions when we asked. There is no cause

whatsoever to cast doubt on his integrity. He has wanted only the best for the entire neighborhood.

Organizing Committee: Where did the organizing committee come from.

- In 2017 the existing IVCA board began an attempt to rewrite the protective covenant to include all of IV instead of the two section (C & D) that had been assumed were the only sections with a community association per the Shively2014 Memorandum.(more on this later)
- A poll was taken at a owners meeting to confirm that the owners wanted to pursue including all of IV in IVCA. A majority of those present did.. Committees were formed to establish what the owners wanted included in the covenants. (footnote: the lawyer was amazed with how few restrictions the committees wanted.
- In 2019 Mark Leonhardt, the lone IVCA board member remaining announced he would have to step aside as well since he was selling his IV home. Mr. Aplin stated he needed at least 10 owners to move forward to establish the IVCA covenant.
- On Oct 14, 2019 a group of 10 owners met with Mr. Aplin and Mr. Leonhard to establish a single covenant for IV/IVCA. The group decided to call itself the Organizing Committee since it could not act as a board of IVCA.. The group included: Dan Jones, Matt Densel, Dean Kinter, Katherine Fawcett, Don Hayden, Karen Gilb, Sally Williams, Steve Hays, Stan Robinson, Jill Brown.
- On 6/15/20 the committee decided to release Mr. Aplin and retain Soloman Lowenstein.
 - Good move, Mr. Lowenstein was much more responsive.
- On 8/17/20 it was reported that Mr. Lowenstein had identified the 1991 Covenant and 98 Amendment on records at the county clerk. It appears that the 2014 Shively Memorandum had not identified this Covenant that superseded the original covenants. The 1991 Covenant had approval from the entire village less Enola Court*. Mr. L indicated that this meant IVCA Inc. included the entire village and superseded all previous covenants all that was needed was a board of directors to be elected and bylaws to govern operation.
- The organizing committee started to make plans with a target to have the board in place in time to send notices for maintenance fees.
- On Oct 14, 2020, the IVCA informational meeting was held to announce our findings and prepare a ballot for election of directors.

What would it take to dissolve the HOA and IVCA?

This is only the humble opinion of Steve Hays from what I have learned of what it would take to remove the covenant, fees and IVCA. It is likely more complicated.

-First, IVCA Inc must elect a board to act on behalf of the owners, a non-profit corporation

-that board would have to agree to recommend to the owners that the 1991 covenant be amended to remove the protective covenants, fees and the association

-the board would have to decide how to dispose of the common property that IVCA now owns (boulevard, teepees, monument) This would likely be donated to FW Parks if they would take it.

-The board would have to give notice to all 480 owners of a special meeting for this purpose.

-At that meeting a quorum is 15, so in theory 8 people can pass this motion if only 15 show up

-Then 241 owners (51% of 480) have to sign a petition to agree to dispose of the property, void the covenants, and dissolve IVCA.

- then the officers would have to dispose of all property
- the petition to dissolve would have this recorded at the county and all existing covenants amended to be superseded by dissolving petition.
- at that point there would be no restrictive covenants, the fee would be removed from all deeds, and IVCA would be dissolved.

I am not being facetious (except for the suggestion that the votes of 8 people could get this done), I truly think this would be the steps to take.

Far better, easier and cheaper to work together to make what we have into a great association that trusts each other and makes the village a great place to live.

Taxes:

- Are taxes for IVCA current?
 - IVCA has been filing tax returns included for the last tax year. The accountant that has been managing the accounts was looking out for IVCA and offered to file the tax form. She is a gem. When did the last IVCA board stop meeting?
 - she has been the accountant for IVCA for many years. There has been an acting board until the last couple years.

Voting:

- How many residents are needed to make this happen?
 - Since the association exists, we need a quorum at a special meeting to conduct business: The legacy bylaws (1994) state 'Fifteen (15) members shall constitute a quorum for the transaction of all business.' (Art: IV.3) The draft bylaws retain this number.
- When the vote happens, do you need x amount of everyone or an X amount yes of those who vote?
 - Roberts Rules of Order govern, so a majority of the votes cast (Art: IV.5)
- Who can be nominated for the board:
- Nomination for the board will be open the night of the business meetings as the bylaws state. The only requirement is that the nominee is an owner in IV, and implicit of course it that the person has agreed to let their name stand. You are free to nominate yourself if you'd like!

Rental Properties: Are rental properties allowed.

- Owners are free to rent their property.
- One of the past tensions was an attempt to eliminate rental properties in the village which would require a rewriting of the covenants. The organizing committee would recommend that this not be pursued at any point in the near future. We feel a thriving community association will make investment in rental properties unattractive to investors.

Restrictions: What are the current restrictions in the current covenant/bylaws

- If you read the covenants what you fear isn't in there. In order for an HOA to restrict what kind of pets you have, The members would have to vote to amend the covenants. That takes at least 50% of the lot owners, not 50% of people who show up at a meeting. I doubt 50% of the home owners in Indian Village care what my garage door looks like, or that I painted my house a little too blue.

Website: Does IVCA have a website?

- We currently do NOT have a website. We see the value of this, but have a need to conserve cash. FB is free (for now).