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Jane White  
Clark County Recorder IN  
Recorded as Presented



**AMENDMENT TO THE  
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

**and to the**

**BY-LAWS**

**for the**

**RIVER'S EDGE HOMEOWNER'S ASSOCIATION INC.**

Clark County, Indiana

THIS AMENDMENT TO, AND RESTATEMENT OF, THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE RIVER'S EDGE HOMEOWNER'S ASSOCIATION, INC. (hereinafter "Declaration") and to the BY-LAWS OF RIVER'S EDGE HOMEOWNER'S ASSOCIATION, INC. (hereinafter "By-Laws") is made, imposed, and declared by River's Edge Homeowners Association, Inc. (hereinafter "Association").

**WITNESSETH, THAT:**

**WHEREAS**, the Association was created by the recording of the Code of By-laws of the River's Edge Private Subdivision and of The River's Edge Owners Association, Inc. (with a Declaration creating the River's Edge Subdivision attached thereto and made a part thereof. See Article I, Section 1.01) in Miscellaneous Drawer 21, Instrument Number 1809 in the Office of the Recorder of Clark County, Indiana on February 17, 1989; and

**WHEREAS**, the Declaration and/or By-Laws have been amended by instruments of record in the Office of the Recorder of Clark County, Indiana as follows:

- Miscellaneous Drawer 25, Instrument Number 625
- Miscellaneous Drawer 25, Instrument Number 2679

- January 14, 1993
- February 25, 1993

Miscellaneous Drawer 26, Instrument Number 4837	April 4, 1994
Miscellaneous Drawer 28, Instrument Number 10497	June 18, 1996
Miscellaneous Drawer 28, Instrument Number 10498	June 18, 1996
Instrument Number 2002 25365	October 9, 2002
Instrument Number 2002 07316	March 18, 2002
Instrument Number 2005 00816	January 14, 2005
Instrument Number 2007 05221	March 8, 2007
Instrument Number 2007 05222	March 8, 2007

; and

**WHEREAS**, the Indiana Court of Appeals ruled on the voting rights of the property owners in Rivers Edge Homeowners Ass'n v. Callis, 918 N.E.2d 25 (Ind.App. Dec 08, 2009) (NO. 10A01-0904-CV-160); and

**WHEREAS**, the Association has the power and authority to amend and enforce the Declaration with regard to all platted lots in a certain residential subdivision known as "The Rivers Edge Private Subdivision"; and

**WHEREAS**, pursuant to Article II, Sections 3 & 5 and Article XI, Section 3 of the Declaration [Instrument Number 2002 25365 October 9, 2002] and Rivers Edge Homeowners Ass'n v. Callis, the **Declaration** may be amended by an instrument signed by majority of the quorum and recorded in the Office of the Recorder of Clark County, Indiana; and

**WHEREAS**, pursuant to Article II, Sections 2 & 3 and Article XII, Section 1 of the By-Laws [Instrument Number 2002 25365 October 9, 2002] as well as Article IV, Section 1 of Declaration [Instrument Number 2002 25365 October 9, 2002] and Rivers Edge Homeowners Ass'n v. Callis, the **By-Laws** may be amended by a resolution signed by a majority of the quorum and recorded in the Office of the Recorder of Clark County, Indiana; and

**WHEREAS**, pursuant to Article II, Section 3 of the By-Laws [Instrument Number 2002 25365 October 9, 2002] and Article II, Section 5 of the Declaration [Instrument Number 2002 25365 October 9, 2002] and Rivers Edge Homeowners Ass'n v. Callis, all eligible voting members present at a meeting of the members constitute a quorum. Fifty-one percent of the quorum constitutes a majority.

134 members were present at a meeting of the members duly noticed and convened on October 18, 2011 held at the Rivers Edge Clubhouse, making 68 a majority (134 x 51%) at that meeting.

80 members were present at a meeting of the members duly noticed and convened on July 17, 2012 held at the Rivers Edge Clubhouse, making 41 a majority (80 x 51%) at that meeting.

28 members were present at a meeting of the members duly noticed and convened on December 18, 2012 held at the Charlestown Pizza Company, making 14 a majority (28 x 51%) at that meeting.

22 members were present at a meeting of the members duly noticed and convened on July 9, 2013 held at the Rivers Edge Clubhouse, making 12 a majority (22 x 51%) at that meeting.

**NOW, THEREFORE**, in accordance with Article II, Sections 3 & 5 and Article XI, Section 3 of the Declaration [Instrument Number 2002 25365 October 9, 2002] and Article II, Sections 2 & 3 and Article XII, Section 1 of the By-Laws [Instrument Number 2002 25365 October 9, 2002] as well as Article IV, Section 1 of Declaration [Instrument Number 2002 25365 October 9, 2002] and Rivers Edge Homeowners Ass'n v. Callis, the members whose names and signatures appear at the end of this instrument hereby amend the Declaration and By-Laws to include:

**By a vote held October 18, 2011 ...**

A revised **Article II, Section 4.a**, of the **By-Laws** which shall be deleted and replaced in its entirety to now read as follows:

Expression of Sympathy: Upon the death of a member or member's spouse, the Association will send a floral arrangement in the amount of \$60.00 as expression of sympathy.

**By a vote held July 17, 2012 ...**

A general amendment to "strike or delete the words and /or phrase 'not for profit' anywhere it appears" in the **Declaration**.

A revised **Article II, Section 8**, of the **Declaration** which shall be deleted and replaced in its entirety to now read as follows:

Annual Meeting: The regular annual meeting of the membership of the Association is to be held at 11:00 A.M. on the second Saturday in November of each year.

A revised **Article II, Section 11.a**, of the **Declaration** which shall delete the sentence reading as follows:

The post office certificate of mailing shall be retained as proof of mailing.

**For sake of convenience and clarity, Article II, Section 11.a**, of the **Declaration** shall now read in its entirety as follows:

Annual Meeting: It shall be the duty of the Secretary to mail to each member a written notice of the annual meeting stating the purpose(s) thereof, as well as, the date, time, and place where it is to be held; and shall be delivered no less than 30 (thirty) days prior to such meeting.

A revised **Article IV, Section 6**, of the **Declaration** which shall delete the sentence reading as follows:

If a lot owner buys a piece of this property on the north side of the road, across from their Current lot, the assessment shall be waived.

And replace it with:

All lots on the north side of River's Edge Drive shall pay assessments based on road front footage and will be assessed on an annual basis at the current uniform rate.

**For sake of convenience and clarity, Article IV, Section 6**, of the **Declaration** shall now read in its entirety as follows:

**UNIFORM RATE OF ASSESSMENT:** Both annual and special assessments must be fixed at a uniform rate for all lots. Assessments shall be based on road front footage and will be assessed on an annual basis. The parties hereto acknowledge that the common property across the road from lots owned by the members of the Association are platted, and the Declarant acknowledges that these lots are for sale. All lots on the north side of

River's Edge Drive shall pay assessments based on road front footage and will be assessed on an annual basis at the current uniform rate.

A new **Article V, Section 6.a**, of the **Declaration** shall be added to read as follows:

A \$25 re-invoicing fee for late assessments will be charged to properties that are not paid within thirty (30) days of an invoice date. Re-invoicing will be completed every thirty (30) days and will reflect an additional \$25 fee for each instance of re-invoicing.

\* \* \*

A revised **Article III, Section 3**, of the **By-Laws** which shall be deleted and replaced in its entirety to now read as follows:

Annual Meeting: The regular annual meeting of the membership of the Association is to be held at 11:00 A.M. on the second Saturday in November of each year.

A revised **Article III, Section 6.a**, of the **By-Laws** which shall delete the sentence reading as follows:

The post office certificate of mailing shall be retained as proof of mailing.

**For sake of convenience and clarity, Article III, Section 6.a**, of the **By-Laws** shall now read in its entirety as follows:

Annual Meeting: It shall be the duty of the Secretary to mail to each member a written notice of the annual meeting stating the purpose(s) thereof, as well as, the date, time, and place where it is to be held; and shall be delivered no less than 30 (thirty) days prior to such meeting.

A revised **Article IV, Section 5.e**, of the **By-Laws** which shall be deleted and replaced in its entirety to now read as follows:

Keep a complete record of all of its acts and corporate affairs and to present a financial statement/check detail report, based on a calendar year, thereof to the members by the end of February of each year.

A revised **Article VI, Section 6.b**, of the **By-Laws** which shall be deleted and replaced in its entirety to now read as follows:

Secretary/Treasurer: As Treasurer, he/she shall have responsibility for Association funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association in accordance with good accounting practices which shall be open to lot owners at reasonable times and written summaries of which shall be supplied by the end of February of each year.

**By a vote held December 18, 2012 ...**

A new **Article II, Section 12**, of the **Declaration** shall be added to read as follows:

Summer Meeting. The association shall have a summer meeting, in addition to the annual meeting, on the second Saturday of June from 9:00 A.M. to 11:00 A.M. at the Rivers Edge Clubhouse.

\* \* \*

A new **Article III, Section 10**, of the **By-Laws** shall be added to read as follows:

Summer Meeting. The association shall have a summer meeting, in addition to the annual meeting, on the second Saturday of June from 9:00 A.M. to 11:00 A.M. at the Rivers Edge Clubhouse.

**By a vote held July 9, 2013 ...**

A revised **Article IV, Section 1**, of the **Declaration** which shall be deleted and replaced in its entirety to now read as follows:

The By-Laws of this Corporation may be adopted by the Lot Owners hereto and may be altered, amended or rescinded by a majority of the quorum, and shall be effective upon a certification by the Secretary and one other officer of the results of the election being


recorded in the Office of the Recorder of Clark County, Indiana. It shall not be necessary to record the signatures of the Lot Owners or their ballots. Voting regarding adopting, altering, amending or rescinding the By-laws shall be by written ballot, and said ballots shall be retained in the Corporate records.

A revised **Article XI, Section 3**, of the **Declaration** which shall be deleted and replaced in its entirety to now read as follows:

AMENDMENT: This Declaration may be amended or changed at any time by a majority of the quorum, and shall be effective upon a certification by the Secretary and one other officer of the results of the election being recorded in the Office of the Recorder of Clark County, Indiana. It shall not be necessary to record the signatures of the Lot Owners or their ballots. Voting regarding amending or changing this Declaration shall be by written ballot and said ballots shall be retained in the Corporate records.

**IN TESTIMONY WHEREOF**, witness the signatures of members amending the Declaration and By-Laws:

  
\_\_\_\_\_  
John M. Callis, President  
Rivers Edge Homeowners Association, Inc.

  
\_\_\_\_\_  
Vickie Grayson, Secretary  
Rivers Edge Homeowners Association, Inc.

STATE OF INDIANA

SS}

COUNTY OF CLARK

Subscribed and sworn to before me, I certify that **Rivers Edge Home Owners Association Incorporated** by it **President, John M. Callis**, who appeared before me this 13<sup>th</sup> day of October, 2014 in person, presented evidence satisfactory to me that he is the person named in the foregoing instrument, and acknowledged that he signed and delivered the instrument as the act of said corporation, for the uses and purposes set forth in the instrument.

**LEISA CALLIS**  
Notary Public  
State of Indiana  
County of Clark  
My Commission Expires August 2, 2022

My commission expires August 2, 2022

My county of residence Clark

Leisa Callis  
Leisa Callis, Notary Public

STATE OF INDIANA

SS}

COUNTY OF CLARK

Subscribed and sworn to before me, I certify that **Rivers Edge Home Owners Association Incorporated** by it **Secretary, Vickie Grayson**, who appeared before me this 13<sup>th</sup> day of October, 2014 in person, presented evidence satisfactory to me that she is the person named in the foregoing instrument, and acknowledged that she signed and delivered the instrument as the act of said corporation, for the uses and purposes set forth in the instrument.

**LEISA CALLIS**  
Notary Public  
State of Indiana  
County of Clark  
My Commission Expires August 2, 2022

My commission expires August 2, 2022

My county of residence Clark

Leisa Callis  
Leisa Callis, Notary Public

This instrument was prepared by:

G S Condra  
Gregory S. Condra 27531-22  
Condra Law Firm, PLLC  
4965 US Hwy 42, Suite 1000  
Louisville, KY 40222  
Phone: (502) 855-3415



When recorded, return the amendment to Gregory S. Condra, Esq, Condra Law Firm, PLLC, 4965 US Hwy 42, Suite 1000, Louisville, KY 40222.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

A handwritten signature in black ink, appearing to read "G S Condra", written over a horizontal line.

Gregory S. Condra, Esq. 27531-22