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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 | January 14, 1993 |
| Miscellaneous Drawer 25, Instrument Number 2679 | 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
Instrument Number 2014 <u>17261</u>	October 13, 2014

; 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 of the Declaration [Instrument Number 2002 25365 October 9, 2002] and Article XI, Section 3 of the Declaration [Instrument Number 2014 201417261 October 13, 2014] and Rivers Edge Homeowners Ass'n v. Callis, the **Declaration** may be amended by a certificate signed by the Secretary and one other officer, recorded in the Office of the Recorder of Clark County, Indiana, stating that a majority of the quorum voted to approve such amendment. It shall not be necessary to record the signatures of the Lot Owners or their ballots. Written ballots shall be retained in the Corporate records; and

WHEREAS, pursuant to Article II, Sections 2 & 3 of the By-Laws [Instrument Number 2002 25365 October 9, 2002] 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 2014 201417261 October 13, 2014] and Rivers Edge Homeowners Ass'n v. Callis, the **By-Laws** may be amended by a certificate signed by the Secretary and one other officer, recorded in the Office of the Recorder of Clark County, Indiana, stating that a majority of the quorum voted

to approve such amendment. It shall not be necessary to record the signatures of the Lot Owners or their ballots. Written ballots shall be retained in the Corporate records; 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.


NOW, THEREFORE, in accordance with Article II, Sections 3 & 5 of the Declaration [Instrument Number 2002 25365 October 9, 2002] and Article XI, Section 3 of the Declaration [Instrument Number 2014 17261 October 13, 2014] and Article II, Sections 2 & 3 of the By-Laws [Instrument Number 2002 25365 October 9, 2002] 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 2014 17261 October 13, 2014] and Rivers Edge Homeowners Ass'n v. Callis, the President and Secretary of the Association certify as follows:

95 members were present at a meeting of the members duly noticed and convened on **April 30, 2014** held at the Rivers Edge Clubhouse, making 49 a majority of the quorum (95 x 51%) at that meeting. 84 members whose names and signatures appear on ballots retained in the Corporate records voted to approve and hereby amend the Declaration to include a revised **Article VII, Section 1.B**, of the **Declaration** which shall be deleted and replaced in its entirety to now read as follows:

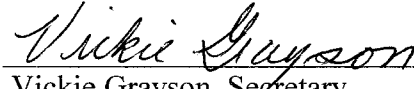
All construction contractors and lot owners shall present construction plans and Certificate of Insurance 30 days prior to beginning of construction for approval by Association Board of Directors. All construction contractors are to be provided copy of River's Edge Homeowner's Association Inc. "Declaration of Covenants, Conditions, and Restrictions" from Board of Directors and sign receipt of such document. Construction contractor must provide a dumpster for any major construction. Once a lot owner applies for a building permit, construction must begin within one year. Any construction on any lots herein must be at least five-foot (5') from the adjoining owners property line, excluding retaining walls on the river bank. Retaining walls may go from property line on the left to the property line on the right. All build-up foundations must be enclosed.

Owners are responsible for clean-up, removal of all construction debris, and any damages that may occur. All liability lies upon the lot owner.

IN TESTIMONY WHEREOF, witness the signatures of President and Secretary certifying amendment of the Declaration:



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



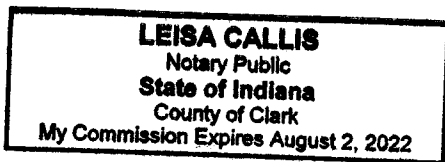
Vickie Grayson, Secretary
Rivers Edge Homeowners Association, Inc.

STATE OF INDIANA

SS}

COUNTY OF CLARK

Subscribed and sworn to before me, I certify that **Rivers Edge Home Owners Association Incorporated** by its **President, John M. Callis**, who appeared before me this 13th 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.



My commission expires August 2, 2022

My county of residence Clark



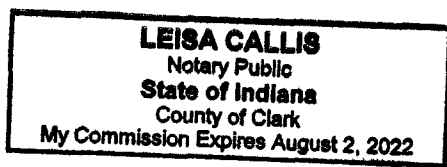
Leisa Callis, Notary Public

STATE OF INDIANA

SS}

COUNTY OF CLARK

Subscribed and sworn to before me, I certify that **Rivers Edge Home Owners Association Incorporated** by its **Secretary, Vickie Grayson**, who appeared before me this 13th 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.



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.

G S Condra

Gregory S. Condra, Esq. 27531-22