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Zachary Payne
Clark County Recorder IN
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**AMENDMENT TO THE
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

for the

RIVER'S EDGE HOMEOWNER'S ASSOCIATION INC.

Clark County, Indiana

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE RIVER'S EDGE HOMEOWNER'S ASSOCIATION, INC. (hereinafter "Declaration") 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
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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 17261	October 13, 2014
Instrument Number 2014 17262	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) creating one-vote-per-lot for all Members of the Association; 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 17261 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 17261 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:

15 members were present at a meeting of the members duly noticed and convened on **December 4, 2017** held at the Rivers Edge Clubhouse, and an additional 8 proxy ballots were timely presented to the Secretary of the Association. In total 85 lots were represented making 43 a majority of the quorum (85 x 51%) at that meeting. 23 members whose names and signatures appear on ballots, including proxy ballots, retained in the Corporate records cast 85 votes. The tally of votes was 66 yes; 15 no; 4 abstain. 66 is greater than 43 therefore the members voted to approve and hereby amend the Declaration to include a revised **Article IX** of the Declaration which shall be deleted and replaced in its entirety to now read as follows:

Article IX

Section 1A. The driveway in front of each owner's lot shall be for the exclusive benefit ~~for~~ of such owner and his guests. Each owner shall pave or concrete his or her driveway. Each driveway shall have a minimum 9 foot width at the entrance from the street, and shall be a minimum 20 feet in length from the edge of the street to the rear of the driveway.

Section 1B. Each lot with gravel within four (4) feet of the street shall have an apron of pavement or concrete, adjoining the street, of three (3) feet or more depth as measured from the street into the lot, designed to deter gravel from being transferred onto the street.

Section 1C. Each lot owner shall submit plans for installing a driveway or apron to the Association Board of Directors and obtain its written approval prior to the start of work.

Section 2. Each lot having had a mobile home, recreational vehicle, or travel trailer placed upon it on or before December 4, 2015 shall be brought into compliance with Article IX, Section 1A no later than September 30, 2018 at 6:00 p.m..

Section 3. Each lot having had a mobile home, recreational vehicle, or travel trailer placed upon it on between December 5, 2015 and December 4, 2017, inclusive, shall be brought into compliance with Article IX, Section 1A the later of September 30, 2018 at 6:00 p.m. or within two (2) years from the date a mobile home, recreational vehicle, or travel trailer was placed upon the lot.

Section 4. Each lot having had a mobile home, recreational vehicle, or travel trailer placed upon it on or after December 5, 2017 shall be brought into compliance with Article IX, Section 1A no later than two (2) years from the date a mobile home, recreational vehicle, or travel trailer is placed upon the lot.

Section 5. Each lot shall be in compliance with Article IX, Section 1B no later than September 30, 2018 at 6:00 p.m..

Section 6. Beginning December 4, 2017, each lot owner shall provide written notice to the Association Board of Directors within 21 days of a placing a mobile home, recreational vehicle, or travel trailer upon the lot stating the name, telephone number mailing address and email address of each deed holder of record, the street address and lot number, the date a mobile home, recreational vehicle, or travel trailer was placed upon the lot. In the absence of timely receipt of written notice by the Association Board of Directors, the Association Board of Directors may determine based upon its mere estimate the date a mobile home, recreational vehicle, or travel trailer was placed upon the lot, which date shall be conclusive for all purposes including but not limited to calculations under Article X Section 2 of the Declaration [recorded Oct. 9, 2002 instrument number 2002 25365] as may be amended from time to time, and for litigation.

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

John M Callis, President

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

Raymond Hart, SECRETARY

Raymond Hart, Secretary
Rivers Edge Homeowners Association, Inc.

STATE OF INDIANA

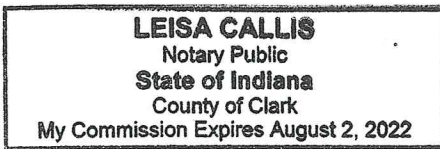
SS}

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 24th day of April, 2018 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



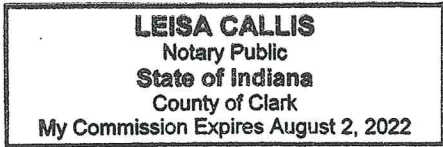
Leisa Callis
Notary Public

STATE OF INDIANA

SS}

COUNTY OF CLARK

Subscribed and sworn to before me, I certify that **Rivers Edge Home Owners Association Incorporated** by it **Secretary, Raymond Hart**, who appeared before me this 24th day of April, 2018 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

This instrument was prepared by:

Gregory 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.

Gregory S. Condra
Gregory S. Condra, Esq. 27531-22