

**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 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
Instrument Number 2014 17261	October 13, 2014
Instrument Number 2014 17262	October 13, 2014
Instrument Number 2018 07557	May 2, 2018
Instrument Number 2018 12618	July 17, 2018

; 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:

Twenty (20) members were present at a meeting of the members duly noticed and convened on **November 12, 2022**, held at the Cobblestone Hotel & Suites, 2201 Grace Ave. Charlestown, Indiana 47111, and an additional 24 proxy ballots were timely presented to the Secretary of the Association. In total 70 lots were represented making 36 a majority of the quorum (70 x 51%) at that meeting. Forty-four (44) members whose names and signatures appear on ballots, including proxy ballots, retained in the Corporate records cast 70 votes. The tally of votes was as presented in the table below.


Amendment to...	For	Against	Abstain
Article X, Section 26 of the Declaration	64	6	0

The number of votes For amendment is greater than 36, therefore the members voted to approve and hereby amend the Declaration and Bylaws as follows;

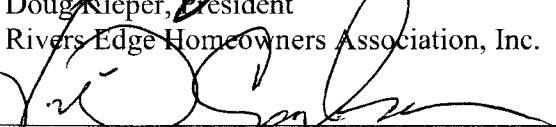
ARTICLE XI, SECTION 26 OF THE DECLARATION:

All valid laws, zoning ordinances and regulations of all governmental bodies must be adhered to. The building of permanent residences and buildings in the floodway or flood plain will not be permitted. The area and camp units on the lots may not be drastically changed or altered from the original intent of the developer. Camp units may be vertical or horizontal to the road.

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



 Doug Kieper, President
 Rivers Edge Homeowners Association, Inc.



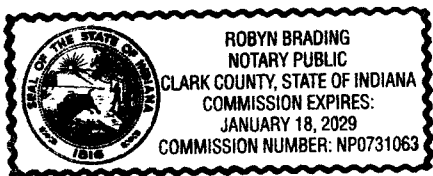
 Vince Goodman, Secretary
 Rivers Edge Homeowners Association, Inc.

STATE OF INDIANA

SS}

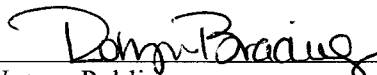
COUNTY OF CLARK

Subscribed and sworn to before me, I certify that **Rivers Edge Home Owners Association Incorporated** by its **President, Doug Kieper**, who appeared before me this 10th day of January, ~~2022~~ ²⁰²³ 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 01/18/2029

My county of residence Clark



 Notary Public

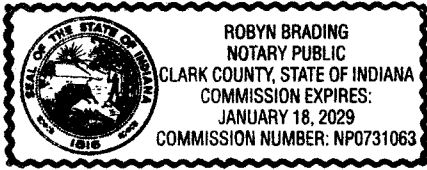
STATE OF INDIANA

SS}

COUNTY OF CLARK

Subscribed and sworn to before me, I certify that **Rivers Edge Home Owners Association Incorporated** by its **Secretary, Vince Goodman**, who appeared before me this 10th day of ~~November, 2022~~ 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.

January 2023



My commission expires 01/18/2029

My county of residence Clark

Robyn Brading
Notary Public

This instrument was prepared by:

G S Condra

Gregory S. Condra 27531-22
Condra Law Firm, PLLC
4500 Bowling Blvd., STE 100
Louisville KY 40207
Phone: (502) 891-4462

When recorded, return the amendment to Gregory S. Condra, Esq, Condra Law Firm, PLLC, 4500 Bowling Blvd., STE 100, Louisville KY 40207.

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