

DEPT. OF METROPOLITAN
DEVELOPMENT
ADMINISTRATOR

FILED
JUN 26 1998
PIKE TOWNSHIP
ASSESSOR

RESOLUTION FOR AMENDMENT TO PLAT COVENANTS

CROOKED CREEK HEIGHTS WEST
Resolution to Form a Mandatory Homeowners Association

BE IT RESOLVED, the Plat Covenants for Crooked Creek Heights West, Section 1, recorded in the Office of the Marion County Recorder as Instrument No. 910015165 and for Crooked Creek Heights West, Section 2, recorded in the Office of the Marion County Recorder as Instrument No. 910120552, shall be amended as follows:

I. The current Paragraph 15 is deleted and replaced with the following:

15. Mandatory Membership in the Homeowners Association. All Owners of Lots in Crooked Creek Heights West (Section 1 and Section 2) shall be a member of the Crooked Creek Heights West Homeowners Association, Inc., an Indiana non-profit corporation. The Association shall be governed by a Board of Directors elected by the Lot Owners, pursuant to the By-Laws of the Association. The By-laws shall be approved by a majority of all Crooked Creek Heights homeowners. Each Lot shall be entitled to one vote on all Association matters.

The Association shall have the obligation of maintaining the landscape easements and common areas of the subdivision. The Board of Directors shall propose, for approval by the homeowners, an annual budget for Common Expenses which shall include landscaping, maintenance of the irrigation system and entry fences, lighting, utilities, office expense, accounting, and insurance, and may include amounts for maintenance of the adjoining public road right of way, street cleaning, snow removal, professional management, legal fees, social functions, reserves for future repairs or improvements and such other items or categories as the Board deems appropriate. If the homeowners do not approve an annual budget at the annual meeting of the Association, the Board of Directors may impose a budget of up to 125% of the last annual budget. The Association, by majority vote of its members, shall also have the authority to impose Special Assessments.

Each Lot Owner shall pay their proportionate share of the annual budget by the date set by the Board. No Owner may be or become exempt from liability for their contribution toward the Common Expenses, whether by Regular Assessment or by Special Assessment, by waiver of the use or enjoyment of any of the Common Area or by abandonment of their Lot.

The Board may impose late fees and may recover court costs and attorney fees, if required to collect delinquent (annual or special) assessments. The Board may also file a lien for the amount of any delinquent assessment upon the title to the lot for which the assessment is charged.

II. The current Paragraph 22 is deleted.

III. Identification of the Parties Proposing this Amendment.

This Amendment has been proposed by a group of homeowners within the Crooked Creek Heights West Community, as follows: Donna Collins, Sharon Ketner, Pat Mihelick, Jim Navarro, Bill Nelson, and Mel Ullrich.

IV. Passage of this Amendment.

This Amendment shall be effective if seventy percent (70%) of the Lot owners in Section 1 and seventy percent (70%) of the lot owners in Section 2 approve this Amendment by signing a Signature Page, and each of the Signature Pages shall be attached as Exhibits to this Resolution for recording with the Marion County Recorder.

The initial deadline for passage of this Amendment shall be October 20, 1997. However, the Steering Committee members who have proposed this Amendment may extend this deadline for a period of up to one year by majority vote. If the initial deadline is extended all Homeowner Approvals (Signature Pages) shall continue to be valid, unless the Homeowner requests in writing that their Signature Page be returned.

IN WITNESS WHEREOF, the undersigned Chairperson and Secretary of the Crooked Creek Heights West Steering Committee have caused this Resolution for Amendment to Plat Covenants to be executed this 17th day of June, 1998.

CROOKED CREEK HEIGHTS WEST
STEERING COMMITTEE

Donna Collins, Chair

Sharon Ketner, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, personally appeared Donna Collins and Sharon Ketner, the Chairperson and Secretary of the Crooked Creek Heights West Steering Committee, and acknowledged the execution of this Amendment to Plat Covenants this 17 day of June, 1998 and who, having been sworn, represent that the Exhibits attached to the Amendment represent the approvals of seventy percent (70%) of the owners in Section 1 and seventy percent (70%) of the owners in Section 2 of Crooked Creek Heights West.

Notary Public

Printed Name

My commission expires: 4-22-2000
My county of residence: Marion

This Instrument was prepared by William T. Rosenbaum, Attorney at Law, 1901 Broad Ripple Avenue, Indianapolis, Indiana 46220 (317) 259-6600