



DAVID BRENTON'S TEAM

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The covenants provided may or may not include any amendments made due to governing agencies (ie: national, state, city, local and neighborhood agencies). Please contact the Recorder's office for the county where the property is located to receive updated information.

The information is deemed reliable, but not guaranteed.

BY-LAWS

OF

HUDDLESTON ESTATES HOMEOWNERS ASSOCIATION INCORPORATED

(Incorporated February 6, 1989)

ARTICLE I

Identification

Section 1. Name. The name of the Corporation is HUDDLESTON ESTATES HOMEOWNERS ASSOCIATION, INCORPORATED (hereinafter referred to as the "Corporation").

Section 2. Registered Office for Service and Process and Registered Agent. The post-office address of the Registered Office for Service and Process of the Corporation is ~~300 Consolidated Building, 115 N. Pennsylvania Street, Indianapolis, Marion County, Indiana 46204;~~ and the name and post-office address of its Registered Agent is Frank W. Kogan, 300 Consolidated Building, 115 N. Pennsylvania Street, Indianapolis, Marion County, Indiana 46204.

Section 3. Seal. The seal of the Corporation shall be circular in form and mounted upon a metal die, suitable for impressing the same upon paper. About the upper periphery of the seal shall appear the words "HUDDLESTON ESTATES HOMEOWNERS ASSOCIATION INCORPORATED" and about the lower periphery thereof the word "INDIANA." In the center of the seal shall appear the words "CORPORATE SEAL" and "1989."

Section 4. Fiscal Year. The fiscal year of the Corporation shall begin on the 1st day of January in each year and end on the 31st day of December next succeeding.

ARTICLE II

Membership

Section 1. Classes. The membership shall be divided into two (2) classes as determined by the Articles of Incorporation.

Individual Membership. Individual memberships shall be open to all resident members of Huddleston Estates, and such other interested individuals as may be authorized by the Articles of Incorporation.

Organization Memberships. Interested organizations shall be open to all interested organizations.

Section 2. Dues and Assessments.

Individual Membership. Dues in the amount of Twenty-five Dollars (\$25.00) per year shall be assessed each individual member family and such interested individuals as may be authorized, payable at the annual meeting of members, or within thirty (30) days thereafter.

Organization Memberships. Dues in the amount of Twenty-five Dollars (\$25.00) per year shall be assessed each organization member, payable at the annual meeting of members, or within thirty (30) days thereafter.

The annual dues shall be used for expenses incurred in conducting the business relevant to serving the interests of the Corporation, such as legal services, postage, printing, costs, etc.

~~While it is the intent of the Corporation to operate on a pay as you go basis, assessments may be levied against members, provided such assessments are approved by a vote of three-fourths (3/4ths) of the votes cast by the members in good standing and present at a meeting specifically called for the purpose of this assessment with all members duly notified of the meeting and its specific purpose.~~

Section 3. Voting Rights. Each member of the corporation, whether individual or organizational, shall be entitled to one (1) vote per member at all meetings of the membership. There shall be no distinction, but rather shall be just one (1) class of membership, and all members shall enjoy the same rights, preferences, limitations and restrictions. Any members whose dues remain unpaid thirty (30) days past the date of the annual meeting of members shall be denied the right to vote in any meeting and to take part in group activities.

Section 4. Certificates of Membership. Cancelled checks will be proof of membership and will serve in place of a separate certificate. In the case of payment of dues in cash, the secretary will furnish the payee a receipt for such payment and this receipt will serve in place of a separate certificate.

ARTICLE III

Meetings of Members

Section 1. Place of Meetings. All meetings of the members of the Corporation shall be held at such place, within or without the area, as may be specified in the respective notices or waivers of notice thereof, or proxies to represent members thereat.

Section 2. Annual Meeting. The annual meetings for the election of Directors and for the transaction of such other business as may properly come before the meeting, shall be held at 8:00 P.M. on the first Wednesday in October.

Section 3. Special Meetings. Special meetings of the members may be called by the President, by the Board of Directors or by members holding not less than one-fourth (1/4th) of all memberships outstanding, regardless of class.

Section 4. Notice of Meetings. A written or printed notice, stating the place, day and hour of the meeting, and in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered or mailed by the Secretary, or by the officers or persons calling the meeting, to each member at the time entitled to vote, at such address as appears upon the records of the Corporation, at least ten (10) days before the date of the meeting. Notice of any such meeting may be waived in writing by any member if the waiver sets forth in reasonable detail the purpose or purposes for which the meeting is called, and the time and place thereof. Attendance at any meeting, in person or by proxy, shall constitute a waiver of notice of such meeting.

Section 5. Voting at Meetings.

Clause (a). Voting Rights. Each member of the corporation, whether individual or organizational, shall be entitled to one (1) vote per member at all meetings of the membership.

Clause (b). Proxies. A member may vote, either in person or by proxy executed in writing by the member or a duly authorized attorney-in-fact. No proxy shall be valid after six (6) months from the date of its execution, unless a longer time is expressly provided therein.

Clause (c). Quorum. At any meeting of members, a majority of the members entitled to vote, represented in person or by proxy, shall constitute a quorum.

ARTICLE IV

Board of Directors

Section 1. Number. The business of the Corporation shall be managed by a Board of seven (7) Directors, unless this section is amended and additional Directors elected by the members of the Corporation. Any vacancy occurring in the Board of Directors caused by increase in the number of Directors, at any time provided for the Code of By-Laws, shall be filled by vote of the members at their next annual meeting, or at any special meeting called for such purpose.

Section 2. Election and Qualification. At the first annual meeting of the members, and at each annual meeting thereafter, Directors shall be elected by the holders of memberships in the Corporation for a term of one (1) year; and they shall hold office until their respective successors are chosen and qualified. Directors must be members of the Corporation.

Section 3. Term of Office. The newly elected Board of Directors shall assume their offices immediately following the annual meeting at which they were elected.

Section 4. Vacancies. Any vacancy occurring in the Board of Directors caused by resignation, death or other incapacity shall be filled by a majority vote of the remaining members of the Board of Directors, until the next annual meeting of the members. If the vote of the remaining members of the Board shall result in a tie, such vacancy may be filled by vote of the membership at a special meeting called for the purpose.

Section 5. Annual Meeting. The new Board of Directors shall meet each year immediately after the annual meeting of the members, at the place where such meeting of the members has been held, for the purpose of organization, election of officers, and consideration of any other business that may be brought before the meeting. No notice shall be necessary for the holding of this annual meeting. If such meeting is not held as above provided, the election of officers may be had at any subsequent meeting of the Board of Directors specifically called in the manner provided in Section 6 of this Article.

Section 6. Other Meetings. Other meetings of the Board of Directors may be held upon the call of the President, or of any two (2) or more members of the Board of Directors, at any place within the State of Indiana, upon forty-eight (48) hours notice, specifying the time, place and general purposes of the meeting, given to each Director, either personally, by mailing, or by telegram. At any meeting at which all Directors are present, notice of the time, place and purpose thereof shall be deemed valid; and similar notice may likewise be waived by absent Directors, either by written instrument or by telegram.

Section 7. Quorum. At any meeting of the Board of Directors the presence of any majority members of the Board of Directors then qualified and acting shall constitute a quorum for the transaction of business except the filling of vacancies in the Board of Directors.

Section 8. Action Without a Meeting. Any action required or permitted to be taken in any meeting of the Board of Directors of the Corporation or of any committee thereof, may be taken without a meeting, if prior to such action a written consent thereto is signed by all members of the Board of Directors.

or of such committee, as the case may be, and such written consent is filed with the minutes of the proceedings of the board or committee.

ARTICLE V

Committees

Section 1. Committees may be appointed by the President, subject to the approval of the Board of Directors, to work on specific problems or concerns of the Corporation, with respect to, but not limited to, the following areas:

Area Improvements
Public Safety
Representation Before Government Bodies
Street Lights and Signs
City Water and Sewers
Area Beautification
Social
School, Church and Community Relations

ARTICLE VI

Officers of the Corporation

Section 1. Officers. The officers of the Corporation shall consist of a President, Vice President, Secretary and Treasurer, elected by a majority of the Board of Directors, said officers MUST be members of the Board of Directors. No more than one office may be held by the same person. The Board of Directors, by resolution, may create and define the duties of other offices in the Corporation, and may elect or appoint persons to fill such offices. No officer shall be eligible for more than two (2) consecutive terms.

Section 2. The President. The President shall have general supervision and direction over the business and affairs of the Corporation and active executive management of its operations, subject, however, to the control of the Board of Directors.

The President shall preside at all meetings of members and directors, discharge all the duties which develop under a presiding officer, and perform such other duties as this Code of By-Laws provides or the Board of Directors may prescribe.

The President shall have full authority to execute proxies in behalf of the Corporation, and to execute, with the Secretary, powers of attorney, all subject to the provisions of the Indiana Not-For-Profit Corporation Act, as Amended, the Articles of Incorporation, and this Code of By-Laws.

Section 3. The Vice President. The Vice President shall preside in the absence of the President at any meeting of members, Board of Directors or appointed committees. He shall work at the direction of the President for the welfare of the Corporation.

Section 4. The Secretary. The Secretary shall attend all meetings of the members and of the Board of Directors and shall keep or cause to be kept in a book provided for the purpose, a true and complete record of the proceedings of such meetings, and shall perform a like duty for all committees appointed by the Board of Directors, when required. The Secretary shall attend to the giving and serving of all notices of the Corporation, and shall perform such other duties as this Code of By-Laws may require or the Board of Directors may prescribe. The Secretary shall have the care and custody of the Corporate Seal, minute book, records and membership list.

Section 5. The Treasurer. The Treasurer shall keep correct and complete records of account, showing accurately at all times the financial condition of the Corporation. He/She shall be the legal custodian of all monies, notes and other valuables which from time to time come into the possession of the Corporation. He shall immediately deposit all funds of the Corporation coming into his hands in some reliable bank or other depository to be designated by the Board of Directors, and shall keep such bank account in the names of the Corporation. He shall furnish at meetings of the Board of Directors, or whenever requested, a statement of the financial condition of the Corporation, and shall perform such other duties as this Code of By-Laws may require or as prescribed by the Board of Directors. The Treasurer may be required to furnish bond in such amount as shall be determined by the Board of Directors.

Section 6. Other Officers. The Board of Directors, by resolution, may create, define and elect or appoint any other officers of the Corporation; including, but not limited to the following:

Additional Vice Presidents
Parliamentarian and Assistants
Sergeant-at-Arms and Assistants

Section 7. Vacancies. Whenever any vacancy shall occur in any office by death, resignation, increase in the number of offices in the Corporation, or otherwise, the same shall be filled by the majority vote of the Board of Directors, and the officer so elected shall hold office until his successor is chosen and qualified.

Section 8. Delegation of Authority. In case of the absence of any officer of the Corporation, or for any other reason that the Board may deem sufficient, the Board may delegate the powers or duties of such officer to any other officer or to any Director, except the power to sign financial documents, for the time being, provided a majority of the entire Board concurs therein.

Section 9. Power to Sign Documents. The President, or in his absence, the Vice President, and Secretary, shall be empowered to sign all legal documents in the name of the Corporation. The signatures of the President and Treasurer, must appear on all checks, drafts, notes and other financial documents and

instruments. In the case of the absence of either the President or the Treasurer the Vice President may sign these documents. The negotiations of loans, or the undertaking of any expenditure in excess of One Hundred Fifty Dollars (\$150.00) must have approval of a majority of the Board of Directors. Any person entrusted with the handling of Corporation funds, may be required, at the discretion of the Board of Directors, to furnish, at Corporation expense, a suitable fidelity bond.

ARTICLE VII

Liability

Section 1. Liability. Nothing herein shall constitute members of the Corporation as partners for any purpose. No member, officer, agent or employee shall be liable for the act or failure to act on the part of any other member, officer, agent or employee of the Corporation; nor shall any member, officer, agent or employee be liable for his acts or failure to act under these By-Laws, excepting only acts or omissions arising out of his willful misfeasance.

ARTICLE VIII

Amendments

Section 1. Amendments. The power to make, alter, amend or repeal this Code of By-Laws is vested in the Board of Directors, with the approval of 3/4ths of the general membership, in good standing, but such action shall be taken only at a meeting specifically called for such purpose or at the regular annual meeting of the general membership.

Section 2. Conflict. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles of Incorporation shall control.

ARTICLE IX

Restrictive Covenants

Section 1. Restrictions Concerning Size, Placement and Maintenance of Dwelling Houses and Other Structures.

A. MINIMUM LIVING SPACE AREAS. The minimum square footage of living space of dwellings constructed on various residential lots in the Development, exclusive of porches, terraces, garages, carports, accessory buildings or basements, or portions thereof, or similar facilities not modeled and decorated for regular and continuous habitation, shall be designated on the recorded plat within the Development, but shall in no case contain less than 1200 square feet for a one-story dwelling (exclusive of one-story open porches, garages and other non-living areas, with no less than (70%) seventy percent being 1400 square feet. No two (2) story dwelling shall contain less than 950 square feet of living area on

the ground floor with total finished living area being 1400 square feet. All residences not single story but less than two (2) story shall contain not less than 1400 square feet living area.

B. RESIDENTIAL SET-BACK REQUIREMENTS.

- (i) Front Set-Backs. Unless otherwise provided in these Restrictions or on the recorded plat, all dwelling houses and above-grade structures shall be constructed or placed on residential lots in the Development so as to comply with the set-back lines, as established on the plat of the Development.
- (ii) Side Yards. The side yard set-back lines shall not be less than 6 feet from the side line of the lot having a total aggregate side yard of 16 feet.
- ~~(iii) Rear Yards. The rear set-back line shall be at least 20 feet from the rear lot line.~~

C. FENCES, MAILBOXES AND TREES. Tree Control Plan. In order to preserve the natural quality and aesthetic appearance of the existing geographic areas within the Development, any fence or mailbox must be approved by the Committee to size, location, height and composition before it may be installed. A lot must have a least two (2) trees growing upon it in the front yard by the time the house is completed. No live tree with a trunk diameter of 4-inches or more when measured 4-feet above the ground may be removed without the prior written consent of the Committee.

D. EXTERIOR CONSTRUCTION. The finished exterior of every building constructed or placed on any lot in the Development shall be of a wood siding product and a minimum of thirty (30%) percent brick or stone (partial masonry front) material other than tar paper, rollbrick siding, aluminum siding, vinyl siding or any other similar material. All driveways must be paved with concrete. All outbuildings shall be constructed of wood or wood products.

E. GARAGES REQUIRED. All residential dwellings shall include a two car attached garage of the same construction as the dwelling.

F. HEATING PLANTS. Every house in the Development must contain a heating plant installed in compliance with the required codes and capable of providing adequate heat for year-round human habitation of the house.

G. DILIGENCE IN CONSTRUCTION. Every building whose construction or placement on any residential lot in the Development is begun shall be completed within six (6) months after the beginning of such construction or placement. No improvement which has partially or totally been destroyed by fire or otherwise

shall be allowed to remain in such state for more than three (3) months from the time of such destruction or damage.

H. SALES OF LOTS BY DEVELOPER. Every lot within the Development shall be sold to an approved builder or developer by the Developer.

I. PROHIBITION OF USED STRUCTURES. All structures constructed or placed on any numbered lot in the Development shall be constructed with substantially all new materials, and no used structures shall be relocated or placed on any such lot.

J. MAINTENANCE OF LOTS AND IMPROVEMENTS. The Owner of any lot in the Development shall at all times maintain the lot and any improvements situated thereon in such a manner as to prevent the lot or improvements from becoming unsightly; and specifically, such Owner shall:

- (i) Mow the lot at such times as may be reasonable required in order to prevent the unsightly growth of vegetation and noxious weeds.
- (ii) Remove all debris or rubbish.
- (iii) Prevent the existence of any other condition that reasonably tends to detract from or diminish the aesthetic appearance of the Development.
- (iv) Cut down and remove dead trees.
- (v) Keep the exterior of all improvements in such a state of repair or maintenance as to avoid their becoming unsightly.

K. Notwithstanding compliance with the foregoing minimum living area requirements, the Department of Metropolitan Development of the City of Indianapolis, County of Marion, in Indiana, shall not issue an Improvement Location Permit for any dwelling upon any lot in this development, nor shall any dwelling be constructed unless the building and site plans presented by the lot owner have been approved by and bear the stamp of approval of the Architectural Control Committee, or its duly authorized representative, which approval and stamp shall be substantially the following form, to wit:

THIS SITE AND/OR BUILDING PLAN FOR LOT --- IN HUDDLESTON ESTATES SUBDIVISION, HAS BEEN APPROVED FOR PERMITS AND CONSTRUCTION BY ----- AS THE BUILDING CONTRACTOR FOR THE LOT OWNER, AS REQUIRED BY THE PLAT OF HUDDLESTON ESTATES SUBDIVISION.

HUDDLESTON ESTATES ARCHITECTURAL CONTROL COMMITTEE

BY -----

L. MODEL HOMES. No Owner of any lot in the Development shall build or permit the building upon said lot of any dwelling house that is to be used as a model home or exhibit house without permission to do so from the Developer.

M. TEMPORARY STRUCTURES. No temporary house, trailer, tent, garage or other outbuilding shall be placed or erected on any lot.

N. DITCHES AND SWALES. It shall be the duty of every Owner of every lot in the Development on which any part of an open storm drainage ditch or swale is situated to keep such portion thereof as may be situated upon his/her lot continuously unobstructed and in good repair, and to provide for the installation of such culverts upon said lot as may be reasonably necessary to accomplish the purposes of this subsection.

O. UTILITY SERVICES. No utility services shall be installed under finished streets except by jacking, drilling or boring.

P. WELLS AND SEPTIC TANKS. No water wells shall be drilled on any of the lots nor shall any septic tanks be installed on any of the lots in the Development, unless public sewer tap-in is unavailable.

Q. DRIVEWAYS. Each driveway in the Development will be of concrete material and will not exceed 12' in width outside the side boundaries of the garage. No additional parking will be permitted on a lot other than the existing driveway.

R. SIGNS. No sign of any kind shall be displayed to the public view on any lot except that one sign of not more than six square feet may be displayed at any time for the purpose of advertising the property for sale or rent, except the Developer may use larger signs during the sale and development of the Development.

S. SWIMMING POOLS. Swimming pools are restricted to entirely "in ground" type construction.

T. HOUSE COLORS. Exterior color approval is required of the architectural committee of the board of directors when changing existing colors of the structure(s). [Note: It is the recommendation of the board of directors that colors be restricted to the "earth tone" colors with the exception that orange will not be used.]

ARTICLE X

Section 1. Audit of Books and Records. The books and records of the Treasurer shall be subject to an annual audit, within thirty (30) days following the annual meeting, by a Public Accountant.

Section 2. Parliamentary Procedure. Roberts Rules of Order (Latest edition) as interpreted by a parliamentarian to be appointed by the President, shall govern the procedure and conduct at all meetings of members and committee meetings.