

Cross-Reference:

Turfway Park, Section 1A (Plat), Instrument # 97014747 (Plat Book D, Page 56 A&B)
Turfway Park, Section 1B (Plat), Instrument # 98030628 (Plat Book D, Page 155 A&B)
Turfway Park, Declaration of Covenants, Instrument # 97009683



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REVISED AND RESTATED

CODE OF BYLAWS

for

TURFWAY PARK HOMEOWNERS ASSOCIATION, INC.

COMES NOW the Turfway Park Homeowners Association, Inc., by its Board of Directors, on this 1 day of January, 2012, and states as follows:

WITNESSETH THAT:

WHEREAS, the residential community in Johnson County, Indiana, commonly known as Turfway Park was established upon the recording of certain Plats and other documents with the Office of the Recorder for Johnson County, Indiana; and

WHEREAS, the Plat for Turfway Park, Section 1A, was recorded with the Office of the Johnson County Recorder on July 9, 1997, as **Instrument # 97014747**, in Plat Book D, Page 56 A & B; and

WHEREAS, the Plat for Turfway Park, Section 1B, was recorded with the Office of the Johnson County Recorder on October 29, 1998, as **Instrument # 98030628**, in Plat Book D, Page 155 A & B; and

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of Turfway Park ("Declaration") was recorded with the Office of the Johnson County Recorder on May 13, 1997, as **Instrument # 97009683**; and

WHEREAS, said Declaration states that by taking a deed to any Lot as set forth on the above listed Plats for the Turfway Park development, each owner becomes a mandatory member

46 of the subdivision's homeowner's association known as Turfway Park Homeowners Association,
47 Inc. ("Association"), an Indiana nonprofit corporation; and
48

49 **WHEREAS**, the Association was incorporated pursuant to the above listed Declarations
50 as a non-profit corporation pursuant to Articles of Incorporation ("Articles") filed with, and
51 approved by, the Indiana Secretary of State on May 15, 1997; and
52

53 **WHEREAS**, the Association's Initial Board of Director(s) adopted a Code of Bylaws
54 ("Bylaws") to provide for the administration of the Association; and
55

56 **WHEREAS**, the Articles (Article IX, Section 9.02) states that the Board of Directors of
57 the Corporation shall have the power, without the assent of the members, to make, alter, amend
58 or repeal the Bylaws; and
59

60 **WHEREFORE**, pursuant to the authority granted to the Board of Directors by the
61 Articles, a majority of the Board of Directors have voted to adopt this Revised and Restated
62 Code of Bylaws to replace the current Bylaws. This Revised and Restated Code of Bylaws does
63 not conflict in any manner with any provision contained in the Declaration or the Articles, and it
64 is the intention of the Association that this Revised and Restated Code of Bylaws shall replace all
65 formerly adopted Bylaws and any amendments thereto.
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[End of Recitals]

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71 **REVISED AND RESTATED**
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74 **CODE OF BY-LAWS**
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76 for
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78 **TURFWAY PARK HOMEOWNERS ASSOCIATION, INC.**
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83 **ARTICLE I**
84

85 **Identification**
86

87 **Section 1. Name.** The name of the corporation is “Turfway Park Homeowners Association,
88 Inc.” (also referred to as “Corporation” or “Association”).
89

90 **Section 2. Principal Office and Resident Agent.** The name and post office address of the
91 registered office of the Association is: Turfway Park Homeowners Association, Inc., c/o Stephen K.
92 Schaffer, 4627 Turfway Court, Greenwood, IN 46143, or as updated from time to time with the Indiana
93 Secretary of State’s Office.

94 The registered agent of the corporation is currently: Stephen K. Schaffer, 4627 Turfway Court,
95 Greenwood, IN 46143. However, it should be noted that the registered agent may be a member of the
96 Board of Directors or a hired management agent and can potentially change from year to year. Therefore,
97 the current registered agent of the Association may be determined through the most recent annual
98 business entity report filed with the Indiana Secretary of State’s office.

99 Until the Board of Directors otherwise determines, the registered office of the Association shall
100 be the registered place of business of the Association, but such registered office may be changed from
101 time to time by the Board of Directors in the manner provided by law and need not be identical to the
102 registered place of business of the Association.
103

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106 **ARTICLE II**
107

108 **Definitions**
109

110 **Section 1.** “Act” means the Indiana Nonprofit Corporation Act of 1991 and any subsequent
111 amendments thereto.
112

113 **Section 2.** “Articles of Incorporation” or “Articles” means the Articles of Incorporation of the
114 Corporation filed with the Office of the Secretary of State of Indiana, as the same are or hereafter may be
115 amended from time to time.
116

117 **Section 3.** “Association” or “Corporation” shall mean and refer to Turfway Park Homeowners
118 Association, Inc.

119
120 **Section 4.** “Board of Directors” means the Board of Directors of the Corporation.

121
122 **Section 5.** “Bylaws” means the most current Code of Bylaws, including any amendments or
123 revisions, adopted by the Association.

124
125 **Section 6.** “Declarant” or “Developer” means Crossmann Communities Partnership, and Indiana
126 general partnership and its successors and assigns.

127
128 **Section 7.** “Declaration” shall mean and refer to the Declaration of Covenants, Conditions and
129 Restrictions of Turfway Park that was recorded with the Office of the Johnson County Recorder on May
130 13, 1997, as **Instrument # 97009683**, and all subsequent amendments thereto.

131
132 **Section 8.** “Director” means a member of the Board of Directors either elected or appointed in
133 accordance with these Bylaws.

134
135 **Section 9.** “Owner” also referred to as “Member” or “Lot Owner”, means the record owner,
136 whether one or more persons or entities, of the fee simple title to any lot which is part of the Property,
137 including contract sellers, but otherwise excluding those having such interest merely as security for the
138 performance of an obligation.

139
140 **Section 10.** “Property”, “Properties”, “Real Estate” “Development” and “Tract” shall mean and
141 refer to the real estate described in the Declaration, identified in the exhibits attached to the Declaration,
142 and/or set forth on the various recorded Plats of the Development, and any property subsequently annexed
143 thereto pursuant to the Declaration.

144
145 **Section 11.** All other terms used in these Bylaws not set forth herein are to be interpreted as
146 defined and used in the Declaration.

147
148
149
150 **ARTICLE III**

151
152 **Membership, Meetings, and Voting Rights**

153
154 **Section 1. Membership:** Reference is hereby made to the Declaration and the Articles which
155 sets forth terms, provisions, and conditions governing and relating to membership in the Association and
156 the transfer of membership and voting rights of classes of members, all of which terms, provisions and
157 conditions are incorporated herein by reference.

158
159 **Section 2. Quorum and Adjournments:** At any meeting of the membership, unless otherwise
160 stated in these Bylaws or in the Declaration, the presence of members, in person or by proxy, entitled to
161 cast five percent (5%) of the total number of valid and eligible owner votes shall constitute a quorum. For
162 purposes of this section, the term “eligible” means any owner whose privileges are not suspended for any
163 reason as set forth in the Declaration, Articles or these Bylaws. If a member has had his voting rights
164 suspended pursuant to the Declaration, Articles or these Bylaws, that vote is not considered a valid or
165 eligible vote toward calculating quorum requirements. After a member’s vote is represented, either in
166 person or by proxy, for any purpose at a meeting, the vote will be considered present for quorum purposes
167 for the remainder of the meeting and for any adjournment of that meeting. Except as otherwise provided

168 in the Declaration, Articles or these Bylaws, each question or action will be deemed passed if approved
169 by a simple majority of the eligible votes cast by the members present, in person or by proxy, at a meeting
170 at which a quorum is present.

171 For meetings at which: a) an increase of more than 10% of the annual assessment from the
172 previous year is to be voted upon; or b) a special assessment is to be voted upon, the presence of owners,
173 in person, by ballot or by proxy, entitled to cast sixty percent (60%) of the total number of eligible voting
174 owner votes shall constitute a quorum at the first meeting. If a sixty percent (60%) quorum is not met at
175 the first meeting for one of the above issues, then a subsequent meeting(s) may be called within sixty (60)
176 days, and the quorum requirement at the subsequent meeting(s) shall drop by one-half of the quorum
177 requirement at the preceding meeting until a meeting where quorum exists is held. However, no
178 subsequent meeting(s) may be called more than sixty (60) days after the preceding meeting without
179 providing new notice to the members.

180

181 **Section 3. Meetings:** Meetings of the Members of the Association will follow these provisions:

182

183 A. **Place.** Meetings of the Members are to be held in Johnson County, Indiana, at a place
184 selected by the Board of Directors of the Association.

185

186 B. **Annual Meeting.** The Board of Directors of the Association will set a date for the
187 Association's Annual Meeting to be held each year. The only limitation to setting the
188 date for the Annual Meeting is that the Annual Meeting must be held no more than fifteen
189 (15) months after the previous annual meeting. However, the specific date, time and
190 place of the Annual Meeting are to be determined by the Board of Directors. At each
191 Annual Meeting, the Members will conduct director elections and transact any other
192 Association business to be properly addressed at the meeting.

193

194 C. **Special Meetings.** A Special Meeting of the Lot Owners may be called by: a) the
195 President; b) resolution approved by a majority of the Board of Directors; or c) by written
196 petition signed by at least ten percent (10%) of the Lot Owners. The petition must be
197 presented to the President or Secretary of the Association and must state the purpose(s)
198 for which the Special Meeting is to be called.

199

200 The Board of Directors has thirty (30) days from the date the Secretary receives a
201 properly signed petition from the Members to send a Notice to the Membership calling
202 the requested Special Meeting. The purpose(s) of the Special Meeting, along with the
203 date, time and location of the Special Meeting must be stated in the meeting notice sent to
204 the Lot Owners. No business shall be transacted at a Special Meeting except as stated in
205 the notice of the meeting, unless all the Lot Owners are present.

206

207 It should be noted that according to the Act the Members may not call or hold a
208 Special Meeting of the Members without first submitting a petition, signed by not less
209 than ten percent (10%) of the Members, asking that the Board of Directors call a Special
210 Meeting as set forth above. If the Board refuses to call a Special Meeting of the
211 Members after receiving a proper petition from the Members, then the Members may call
212 a Special Meeting of the Membership on their own.

211

212 D. **Notice of Meetings.** Written or printed notices stating the place, day and hour of a
213 meeting and, in case of a special meeting, the purpose or purposes for which the meeting
214 is called shall be delivered or mailed by the Secretary of the Corporation to each member
215 of record of the Corporation entitled to vote at the meeting, at such address as appears
216 upon the records of the Corporation, at least ten (10) days before the date of the meeting,
217 but not more than sixty (60) days prior to the meeting.

218 Notices of any meeting may be mailed by first class U.S. Mail. Notices of
219 meetings may also be hand-delivered to an owner's residence. If the owner consents to
220 electronic service, then notice of meetings may be provided to owners by email or
221 postings on the Association's website, if one.

222 Notice of any meeting of the members may be waived in writing by any owner or
223 by the owner's attendance at the meeting in person, by proxy or by ballot.
224

225 E. **Order of Business.** The order of business at meetings of the members shall, to the extent
226 applicable, be as follows:

- 227 1. Call to Order.
- 228 2. Reading of minutes of preceding meeting.
- 229 3. Reports of officers.
- 230 4. Reports of committees.
- 231 5. Treasurer's Report and review of Annual Budget (if an annual meeting).
- 232 6. Election of director(s) (if an annual meeting).
- 233 7. Unfinished business.
- 234 8. New business.
- 235 9. Adjournment.
- 236
- 237
- 238

239 **Section 4. Voting at Meetings.**

240
241 A. **Voting Rights.** Unless otherwise suspended, each Lot is entitled to cast one (1) vote on
242 each issue properly brought before the membership. In the event any Lot is owned by more
243 than one person, the owners must decide among themselves which owner is entitled to vote
244 at a meeting of the members. In the event the lot is owned by a corporation or other entity,
245 that entity may appoint a representative to cast the vote(s) for the lot.
246

247 B. **Proxies.** A member may vote either in person or by his duly appointed proxy. Where a
248 member's vote is by proxy, the member must designate his proxy in writing and deliver it to
249 the Secretary of the Corporation or any other officer or agent of the Association authorized
250 to tabulate votes. The proxy is effective once it is received by the Association.

251 A proxy must contain the member's printed name, address or Lot number, the member's
252 signature, and the date the proxy is executed (signed). A proxy is only valid for eleven (11)
253 months from the date of its execution unless a longer or shorter period of validity is
254 expressly set forth in the proxy. A proxy may be revoked in writing by the member prior to
255 being exercised or by the member's personal attendance at the meeting where the vote is to
256 be taken.

257 If a member signs more than one proxy appointment, the latest in time, if possible to
258 determine, is considered to be valid. If a member signs more than one (1) proxy to be used
259 at a particular meeting, and it cannot be determined which proxy is the latest in time, then
260 none of the member's proxies shall be counted or voted.
261

262 C. **Majority Required.** Except as otherwise provided in the Declaration, Articles, these
263 Bylaws, or Indiana law, each question or action voted upon at any member meeting will be
264 deemed passed if approved by a simple majority of the eligible votes cast by the members
265 present, in person or by proxy, at the meeting at which a quorum is present.
266

267 D. **Suspension of Voting Rights.** No member shown on the books or management accounts of
268 the Association to be more than thirty (30) days delinquent in any payment due to the
269 Association shall be eligible to vote, either in person or by proxy.

270 For purposes of this provision, the thirty (30) day period begins on the first day of the
271 fiscal year or the due date of the assessment as set by the Board of Directors pursuant to its
272 authority as set forth in the Declaration, whichever is later in time. If the amount due to the
273 Association is for an obligation other than assessments, such as reimbursement for a
274 covenant violation or court judgment, then the thirty (30) day period shall start on the date
275 the amount became due.

276 The term "payment" means the payment of all amounts due to the Association, including
277 any assessments, collection fees, interest, late fees, attorney fees, court costs, or other sums
278 that are owed to the Association. As a result, if any owner is paying the Association on a
279 payment plan or agreement, and that payment arrangement does not pay the entire amount
280 due to the Association within thirty (30) days of becoming due, then that owner's voting
281 rights will stay suspended until the entire amount due to the Association is paid in full.

282 In addition, payment of delinquent accounts by any method other than cash at a meeting
283 where a vote will be held does not end any suspension under this provision until the funds
284 from the payment are actually received by the Association. The Board of Directors is free to
285 adopt additional rules regarding the suspension of voting rights as they deem necessary or
286 appropriate for the failure of an owner to pay any sums owed to the Association.
287

288 **Section 5. Action by Written Ballot, Etc.** Any action required or permitted to be taken at any
289 meeting of the members may be taken by written ballot with or without a meeting if the Association
290 delivers a written ballot to every owner eligible to vote on the matter. To be valid, the ballot must
291 contain:

- 292 a) the printed name of the lot owner;
- 293 b) the signature of the lot owner;
- 294 c) the lot(s) owned or being purchased by the lot owner; and
- 295 d) the date the ballot is being signed.

296 Approval by written ballot is only valid if:

- 297 a) the number of votes cast in person and/or by ballot equals or exceeds the quorum required to
298 be present at a meeting authoring such action; and
- 299 b) the number of approvals equals or exceeds the number of votes required to approve the matter
300 at a meeting.

301 The written ballot must set forth each proposed action and provide an opportunity for the owner
302 to vote for or against each proposed action. A solicitation, or request, for votes by written ballot must
303 indicate:

- 304 a) the number of responses needed to meet the quorum requirements;
- 305 b) the percentage of approvals necessary to approve each matter, other than the election of
306 directors; and
- 307 c) specify the time by which a ballot must be received by the Association to be counted.
308

309 If a meeting is to be held, then ballots may be mailed or personally delivered to the Association's
310 registered office prior to the meeting date; however, unless otherwise stated on the ballot, all ballots cast
311 by owners NOT attending the meeting must be RECEIVED at the Association's registered office by the
312 end of business at least two (2) calendar days prior to the date of the meeting in order to be counted.
313 Unless otherwise stated on the ballot, any ballots received less than two (2) calendar days prior to the
314 meeting date will not be counted.
315
316

317 If a meeting is NOT to be held, then owners must mail or personally deliver their ballot to the
318 Association's registered office by the due date stated on the ballot. Any ballots RECEIVED after the due
319 date will not be counted.

320 Only official ballots sent to the owners by the Association will be accepted. Unofficial ballots
321 will not be counted. Ballots must be received by the Association in a sealed envelope; ballots in open or
322 unsealed envelopes will not be counted. Each owner must fully fill out the ballot, print their name and
323 address and sign the ballot. The Board of Directors may adopt additional voting procedures for
324 submitting and processing ballots.

325 If an owner signs or submits more than one ballot, the latest in time, if possible to determine, is
326 considered to be valid. However, if an owner signs or submits more than one ballot, and it is not possible
327 to determine which ballot is to be used, the Board may reject all ballots submitted by that owner.

328 In addition, voting and meeting participation may be held or performed in any manner set forth in
329 the Act or deemed acceptable by the Courts as a practical way to collect votes and allow Members to
330 participate in Association actions.

331 332 333 **ARTICLE IV**

334 **Nomination and Election of Directors**

335
336
337 **Section 1. Nominations.** Nominations for the Board of Directors may be made by any Owner
338 from those persons eligible to serve. Such nominations may be made in writing and presented to the
339 Secretary of the Association prior to the date of the annual meeting. The Board has the authority to set a
340 deadline date for submitting written nominations prior to the annual meeting.

341 If an insufficient number of written nominations are received prior to the date of the annual
342 meeting to fill all Board positions open for elections at the annual meeting, then oral nominations will be
343 accepted from the floor prior to voting on any open Directorship position.

344 If a sufficient number of written nominations are received prior to the date of the annual meeting
345 to fill all Board positions open for elections at the annual meeting, then the presiding officer of the annual
346 meeting has the sole discretion to either: 1) stand on the submitted written nominations; or 2) accept
347 additional oral nominations from the floor, prior to voting on any open Directorship position.

348
349 **Section 2. Election.** Voting on each position for the Board of Directors shall be by paper ballot
350 containing the signature, printed name and address of the Owner casting the ballot. Written balloting may
351 be waived by proper motion at the annual meeting and voting conducted by a voice vote or show of hands
352 in circumstances where the number of nominees does not exceed the number of Board positions open for
353 election (i.e. 2 nominees for 2 open directorships).

354 Each Owner, or their proxy, may cast the total number of votes to which he is entitled to cast for
355 as many nominees as are to be elected; however, cumulative voting shall not be allowed. Those persons
356 receiving the highest number of votes shall be elected.

357 At any director election where the terms of those directors being elected are to be staggered, the
358 highest vote recipient shall be elected to the longest term, the second highest vote recipient shall be
359 elected to the second longest term, and so on until all director positions being elected are filled. If there is
360 a tie for directorship positions of differing term lengths (i.e. two (2) persons both receive fifteen (15)
361 votes, but one (1) is to serve a two (2) year term and one (1) is to serve a one (1) year term), the directors
362 may agree to which term each will serve without the need for a new run-off vote. If the directors cannot
363 resolve the term dispute by agreement, then the presiding officer shall have the sole discretion to decide
364 the issue by either: 1) conducting a run-off ballot vote by the members; 2) draw from a hat; or 3) the flip
365 of a coin.

366 In the event no quorum is present at an annual meeting of the Association, or if a sufficient
367 number of candidates cannot be found to fill all open Board vacancies at the annual meeting, whether by

368 slating, written petition or oral nomination, then the remaining members of the Board of Directors may
369 fill any directorship positions open for election at the annual meeting. Any Director so appointed to fill
370 an open position on the Board of Directors shall serve the same term as if elected by the members at the
371 annual meeting.

372
373 **Section 3. Conducting Elections by Ballot.** The election of directors may be conducted by
374 ballot so that owners may select their nominees and send in their votes prior to the annual or special
375 meeting. If the number of written nominations received by the Association before the deadline date
376 exceeds the number of open board positions to be filled at the annual meeting, then a ballot will be mailed
377 to each owner for voting on new board members. *If the election of directors is conducted by ballot*
378 *voting, then NO write-in nominations or nominations from the floor will be accepted so everyone has a*
379 *chance to vote on the same list of candidates.*

380 If the number of written nominations received by the Association before the deadline date
381 matches the number of open board positions to be filled at the annual meeting, then there is no reason to
382 incur the expense of a mailed ballot since all submitted nominees will be elected by default. In this
383 situation, the Board may simply waive ballot voting and accept the submitted nominees by voice vote at
384 the annual meeting.

385 If an insufficient number of written nominations are received by the deadline date to fill all Board
386 positions open for election at the annual meeting, then ballot voting will not be conducted and oral
387 nominations will be accepted from the floor prior to voting on any open Directorship position.

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390 **ARTICLE V**

391 **Board of Directors**

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396 **Section 1. Number, Qualifications and Term of Office.**

397
398 (a). **Number.** The affairs of the Association shall be governed and managed by the Board of
399 Directors (collectively called the “Board” or “Directors” and individually called “Director”). The Board
400 of Directors will be composed of five (5) persons, with the minimum number of Directors being three (3)
401 and the maximum number being five (5). The exact number of Directors may be increased or decreased,
402 as permitted by law, by resolution of the Board of Directors. If the number of directors currently serving
403 changes due to the resignation or removal of directors, or if an insufficient number of members volunteer
404 to fill all possible Board positions, the Board shall continue to function with the remaining number of
405 directors until those vacancies are filled so long as there are at least three (3) directors serving.

406
407 (b). **Qualifications.** A director need not be a member of the Association, but must maintain his
408 primary place of residence in the Turfway Park community and not have his membership rights in the
409 Association suspended for any reason as set forth in the Declaration, Articles or these Bylaws. No Lot
410 may be represented by more than one person or representative on the Board of Directors at the same time.

411
412 (c). **Term of Office Generally.** The Board of Directors will serve their terms on a staggered
413 basis as provided by law and as set forth in the Declaration, with approximately one-third (1/3) of the
414 Board being open for election each year. Therefore, at the first Annual Meeting following adoption of
415 these bylaws, two (2) directors will be elected to serve a three (3) year term, two (2) directors will be
416 elected to serve a two (2) year term, and one (1) director will be elected to serve a one (1) year term. At
417 all director elections thereafter, directors will be elected to serve a three (3) year term. All directors shall
418 serve their full term and/or until their respective successors are properly elected and qualified.

419 In the event that the number of Directors is increased or decreased by resolution of the Board, the
420 election terms, or rotation, of said Directors shall be determined by the Board at the time the increase or
421 decrease is approved, so long as the election of Directors continues to be staggered and approximately
422 one-third (1/3) of the Board is open for election each year. If multiple directors are being appointed by
423 the Board to fill staggered Board vacancies, then the Board shall determine which appointee shall serve
424 each respective staggered term.

425
426 **Section 2. Vacancies and Removal.**
427

428 (a). **Vacancies.** Any vacancy that occurs on the Board of Directors due to the death,
429 resignation or removal of a director will be filled by a new appointee approved by a majority vote of the
430 remaining Directors, and the appointee will serve the remaining term of the vacant directorship; unless the
431 vacancy is caused by a Director being removed from the Board by a vote of the membership at a special
432 meeting called for that purpose, in which case the members in attendance at that special meeting must
433 select a replacement(s) to fill the position(s) of the removed Director(s). Any Director elected by the
434 members to fill a vacancy on the Board will serve the unexpired portion of the vacant directorship.
435

436 (b). **Removal.** Any Director may be removed from the Board of Directors, with or without
437 cause, by a three-fifths (3/5) vote of the members of the Corporation at a special meeting called for such
438 purpose. The vacancy of a Director removed by the members at a special meeting shall be filled by the
439 members in attendance at that same special meeting. Any Director elected by the members to fill a
440 vacancy on the Board will serve the unexpired portion of the vacant directorship.

441 Pursuant to Indiana Code 23-17-12-10, as may be amended or re-codified from time to time, and
442 the Articles, the Board of Directors also has the right to remove a Director from the Board “for cause” by
443 a majority vote of the remaining Board members.

444 For purposes of this provision, an act that constitutes “for cause” includes, but is not limited to: a)
445 failing to attend three (3) or more consecutive meetings of the Board of Directors; b) becoming ineligible
446 to serve on the Board according to any terms set forth in the Declaration, Articles or these Bylaws; c) acts
447 of fraud, theft, deception, or criminal behavior; d) breach or disclosure of confidential Board or owner
448 information or discussions to person(s) not on the Board; or e) any other actions not authorized or ratified
449 by the Board which hinder or bypass the authority of the Board to act as a whole.

450 Determination of whether “for cause” has been sufficiently established to justify removal of a
451 Director is left to the sole discretion of the members or the remaining Directors and may not be
452 overturned by judicial action unless it is determined by a court of competent jurisdiction that the removal
453 of the director was contrary to the Act. The vacancy of a directorship due to a Director being removed by
454 a vote of the Board shall be filled by a majority vote of the remaining Board members.
455

456 **Section 3. Duties of the Board of Directors.** The Board of Directors is the governing body of
457 the Association representing all of the Owners and is responsible for the functions and duties of the
458 Association, including but not limited to, providing for the administration of the Real Estate, the
459 management, maintenance, repair, upkeep and replacement of the Common Area (unless the same are
460 otherwise the responsibility or duty of Owners), and the collection and disbursement of the Common
461 Expenses.

462 The Board shall fulfill these duties in good faith, with the care an ordinarily prudent person in a
463 like position would exercise under similar conditions, and in a manner the Board believes to be in the best
464 interest of the Association. The availability of funds, the unforeseen or unexpected nature of expenses
465 caused by natural, administrative, or regulatory reasons, or any other factor or factors which may hinder
466 or prevent the Board from taking action to fulfill any of these duties shall be considered in determining
467 the reasonableness of the Board’s actions or failure to provide certain services or maintenance as provided
468 herein.

469 The Board may employ a managing agent upon such terms as the Board shall find, in its
470 discretion, reasonable and customary. The managing agent shall assist the Board in carrying out its
471 duties, which include, but are not limited to:

- 472 (a) maintenance, repair, replacement, landscaping, painting, decoration, furnishing, and
473 upkeep of the Common Areas, unless the same are otherwise the responsibility or duty of
474 Owners of Lots;
- 475 (b) procuring of utilities in connection with the Common Areas (to the extent the same are
476 not provided and billed directly to Owners of Lots and Dwelling Units by utility
477 companies);
- 478 (c) assessment and collection from the Owners of the Owners' respective shares of the
479 Common Expenses;
- 480 (e) preparation of the annual budget, a copy of which will be mailed or delivered to each
481 Owner;
- 482 (f) preparing and delivering annually to the Owners a full accounting of all receipts and
483 expenses incurred in the prior year;
- 484 (g) keeping a current, accurate and detailed record of receipts and expenditures affecting the
485 Common Areas and the business and affairs of the Association, itemizing the Common
486 Expenses when possible;
- 487 (h) procuring and maintaining for the benefit of the Association, the Owners, any Managing
488 Agent and the Board the insurance coverage required under this Declaration and such
489 other insurance coverage as the Board, in its sole discretion, may deem necessary or
490 advisable;
- 491 (i) paying taxes and assessments assessed against and payable with respect to the Common
492 Areas and paying any other necessary expenses and costs in connection with the
493 Common Areas;
- 494 (j) enforcing all covenants, restrictions, bylaws and rules and regulations in the Declaration,
495 Articles, Bylaws or adopted rules and regulations;
- 496 (k) all duties and obligations imposed upon the Association or the Board under this
497 Declaration, the Articles, the Bylaws or the Act.

499 **Section 4. Powers of the Board of Directors.** The Board of Directors shall have such powers
500 as are reasonable and necessary to accomplish the performance of their duties. These powers include, but
501 are not limited to, the power to:

- 502 (a) employ a managing agent to assist the Board in performing its duties;
- 503 (b) purchase, lease or otherwise obtain for the Association, to enable it to perform its
504 functions and duties, such equipment, materials, labor and services as may be necessary
505 in the judgment of the Board of Directors;
- 506 (c) employ legal counsel, architects, contractors, accountants and others as in the judgment
507 of the Board of Directors may be necessary or desirable in connection with the business
508 and affairs of the Association;
- 509 (d) employ, designate, discharge and remove such personnel as in the judgment of the Board
510 of Directors may be necessary for the maintenance, upkeep, repair and replacement of the
511 Common Areas, and to perform all other maintenance, upkeep, repair and replacement
512 duties of the Association and the Board;
- 513 (e) include the costs of performing all of its functions, duties and obligations as Common
514 Expenses and to pay all such costs there from;
- 515 (f) open and maintain a bank account or accounts in the name of the Association;
- 516 (g) create, adopt, revise, amend or alter from time to time such additional rules and
517 regulations with respect to use, occupancy, operation, enjoyment, and architectural
518 additions or modifications of the Property, including the individual lots, streets (whether
519 public or private), and the Common Areas, said rules and regulations being in addition to

520 the rules and restrictions set forth in the Declaration, as the Board, in its discretion, deems
521 necessary or advisable; provided, however, that copies of any such additional rules and
522 regulations so adopted by the Board shall be promptly delivered to all Owners;
523 (h) take any and all appropriate action, including legal action, if necessary, to enforce or gain
524 compliance by all Owners of the provisions, restrictions or requirements within
525 Declaration, Articles, Bylaws, or rules and regulations of the Association;
526 (i) grant to such public or private companies, entities or bodies as the Board may approve,
527 such easements as may be necessary to provide the Lots, Dwelling Units and Common
528 Areas with facilities for utility and similar services, including but not limited to cable
529 television facilities and service; provided that such easements are located within or are
530 co-extensive with any one or more utility easements, maintenance and access easements,
531 landscape and maintenance easements, or Common Areas shown upon, and identified as
532 such on, or provided for in, any subdivision plat of the Development, whether such plat is
533 heretofore or hereafter recorded.
534

535 **Section 5. Annual Meeting.** The Board of Directors must meet annually, without notice,
536 immediately following, and at the same place as, the annual meeting of the membership; or at the next
537 regularly scheduled Board meeting, for the purpose of electing officers.
538

539 **Section 6. Regular Meetings.** Regular meetings of the Board of Directors shall be held at such
540 regular intervals, without notice, at such place and hour as may be determined from time to time by
541 resolution of the Board of Directors. If a regular meeting of the Board is to be held on a date other than a
542 regularly scheduled meeting date previously set by the board, then notice of the meeting must be provided
543 to each director at least forty-eight (48) hours prior to the meeting.
544

545 **Section 7. Special Meetings.** Special meetings of the Board of Directors may be called by the
546 President or by a majority of the members of the Board of Directors, at any place within or without the
547 State of Indiana, upon twenty-four (24) hours notice, specifying the time, place and general purposes of
548 the meeting, given to each Director personally, by telephone or email; or notice may be given by U.S.
549 Mail if sent, via first class, postage pre-paid, mail at least three (3) days before such meeting.
550

551 **Section 8. Notice and Waiver of Notice.** Notices of Board meetings shall be given to each
552 Director as set forth in these Bylaws. A Director waives formal meeting notice requirements by attending
553 the meeting or by voting in writing or email on any issue addressed at a meeting of the Board.
554

555 **Section 9. Quorum.** A majority of the entire Board of Directors then qualified and acting
556 constitutes a quorum for the purpose of transacting business, except for filling vacancies in the Board of
557 Directors which shall require action by a majority of the remaining Directors. Any act of the majority of
558 the Directors present at a meeting at which a quorum shall be present shall be the act of the Board unless
559 otherwise provided for by law or by these Bylaws. A majority of the Directors present may adjourn any
560 meeting from time to time. Notice of an adjourned meeting need not be given other than by
561 announcement at the time of adjournment.
562

563 **Section 10. Attendance at Board Meeting.** Any board member may participate in a board
564 meeting telephonically, such as a conference call, or electronically, such as internet video transmission, or
565 other internet or electronic communication by which all directors participating may hear each other during
566 the meeting.
567

568 **Section 11. Action Taken Without a Meeting.** Any action required or permitted to be taken at
569 a meeting of the Board of Directors or any committee may be taken without a meeting if the action is
570 approved by a majority of the entire Board in writing or via email. If an action is approved via writing or

571 email, evidence of the written or email approval must be made a part of the corporate Board minutes or
572 records. However, failure to keep documentation of the approval does not automatically invalidate the
573 decision.
574

575 **Section 12. Compensation.** No Director shall receive compensation for any service he may
576 render to the Association as such director. However, any Director may be reimbursed for his actual
577 expenses incurred in the performance of his duties, and any Director may be paid and compensated for
578 services rendered to the Association in a capacity other than as a director.
579

580 **Section 13. Non-Liability of Directors.** The Directors shall not be liable to the Owners or any
581 other Persons for any error or mistake of judgment exercised in carrying out their duties and
582 responsibilities as Directors, except for their own individual willful misconduct, bad faith or gross
583 negligence. The Association shall indemnify and hold harmless and defend each of the Directors against
584 any and all liability to any person, firm or corporation arising out of contracts made by the Board on
585 behalf of the Association, unless any such contract shall have been made in bad faith. It is intended that
586 the Directors shall have no personal liability with respect to any contract made by them on behalf of the
587 Association.
588

589 **Section 14. Additional Indemnity of Directors.** The Association shall indemnify, hold
590 harmless and defend any person, his heirs, assigns and legal representatives, made a party to any action,
591 suit or proceeding by reason of the fact that he is or was a Director of the Association, against the
592 reasonable expenses, including attorneys' fees, actually and necessarily incurred by him in connection
593 with the defense of such action, suit or proceeding, or in connection with any appeal therein, except as
594 otherwise specifically provided herein in relation to matters as to which it shall be adjudged in such
595 action, suit or proceeding that such Director is liable for gross negligence or misconduct in the
596 performance of his duties. The Association shall also reimburse to any such Director the reasonable costs
597 of settlement of or judgment rendered in any action, suit or proceeding, if it shall be found by a majority
598 vote of the Owners that such Director was not guilty of gross negligence or misconduct. In making such
599 findings and notwithstanding the adjudication in any action, suit or proceeding against a Director, no
600 Director shall be considered or deemed to be guilty of or liable for negligence or misconduct in the
601 performance of his duties where, acting in good faith, such Director relied on the books and records of the
602 Association or statements or advice made by or prepared by the Managing Agent (if any) or any officer or
603 employee thereof, or any accountant, attorney or other person, firm or corporation employed by the
604 Association to render advice or service unless such Director had actual knowledge of the falsity or
605 incorrectness thereof; nor shall a Director be deemed guilty of or liable for negligence or misconduct by
606 virtue of the fact that he failed or neglected to attend a meeting or meetings of the Board of Directors.
607

608 **Section 15. Bond.** The Board of Directors may provide surety bonds (or an equivalent form of
609 coverage) and may require the managing agent (if any), the treasurer of the Association, and such other
610 officers as the Board deems necessary, to provide surety bonds (or an equivalent form of coverage),
611 indemnifying the Association against larceny, theft, embezzlement, forgery, misappropriation, wrongful,
612 abstraction, willful misapplication and other acts of fraud or dishonesty, in such sums and with such
613 sureties as may be approved by the Board of Directors and any such bond (or equivalent form of
614 coverage) shall specifically include protection for any insurance proceeds received for any reason by the
615 Board. The expense of any such bonds (or equivalent form of coverage) shall be a Common Expense.
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ARTICLE VI

Officers

Section 1. In General. The officers of the Corporation must be members of the Board of Directors and may consist of a President, a Vice President, a Secretary, a Treasurer, and such other officers or assistant officers as the Board shall from time to time create and so appoint. Any two (2) or more offices may be held by the same person, except that the duties of the President and Secretary shall not be performed by the same person.

Section 2. Election and Terms. Each officer will be appointed by the Board of Directors at the Board's annual meeting, and shall hold that officer position until: a) the next annual meeting of the Board; b) the expiration of the director's term on the Board of Directors; or c) the director's removal or resignation from the Board, whichever occurs first.

Section 3. Vacancies and Removal. Whenever any vacancy shall occur in any office by death, resignation, increase in the number of officers of the Corporation, or otherwise, the vacant office shall be filled by the Board of Directors, and the officer so elected shall hold office until the next annual meeting of the Board or until his or her successor is duly elected and appointed.

Any officer may be removed at any time, with or without cause, by vote of a majority of the whole Board. A Director removed from a particular office shall continue to serve on the Board of Directors, and may be re-appointed to a different office or may serve on the Board without an officer designation.

Section 4. President. The President shall be the chief executive officer of the Corporation; shall preside at all meetings of Voting Members and of the Board of Directors; shall have general and active supervision, control, and management of the affairs and business of the Corporation, subject to the orders and resolutions of the Board; shall have general supervision and direction of all officers, agents and employees of the Corporation; shall see that all orders and resolutions of the Board are carried into effect; and in general shall exercise all powers and perform all duties incident to such office and such other powers and duties as may from time to time be assigned to him by the Board.

The President shall have full authority to execute proxies on behalf of the Corporation, and to execute, with the Secretary, powers of attorney appointing other corporations, partnerships or individuals the agent of the Corporation, all subject to the provisions of the laws of the State of Indiana, the Declaration, the Articles of Incorporation and this Code of Bylaws.

Section 5. Vice-President. The Vice-President shall act in the place or stead of the President in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required by him the Board of Directors or as are delegated to him by the President.

Section 6. Secretary. The Secretary shall attend meetings of the Board and of the Voting Members and shall act as Secretary of such meetings; shall give or cause to be given all notices provided for in these Bylaws or required by law; shall record all votes and minutes of all proceedings of the meetings of Voting Members and the Board in a book or books to be kept for that purpose; shall be custodian of the records of the Corporation; shall have charge of the list of Voting Members; and in general shall exercise all powers and perform all duties as may be from time to time assigned to him or her by the Board or by the President. The Secretary, or Board in the Secretary's absence, shall have the authority to appoint someone to serve as the Secretary's assistant for note/minute taking purposes at a meeting.

673 **Section 7. Treasurer.** The Treasurer shall keep correct and complete records of account
674 showing accurately at all times the financial condition of the Corporation; shall be the custodian of the
675 corporate funds and securities; shall immediately deposit, in the name and to the credit of the Corporation,
676 all moneys and other valuable effects of the Corporation in such depositories as may be designate by the
677 Board of Directors; shall disburse the funds of the Corporation as may be ordered by the Board or by the
678 President; and in general, shall exercise all powers and perform all duties customarily incident to such
679 office and such other powers and duties as may from time to time be assigned to him or her by the Board
680 or the President.
681

682 **Section 8. Special Appointments.** The Board of Directors may appoint such other officers
683 and/or assistant officers as the affairs of the Association may require, each of whom shall hold office for
684 such period, have such authority, and perform such duties as the Board of Directors may, from time to
685 time, determine.
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689 **ARTICLE VII**
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691 **Committees**
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693 **Section 1. In General.** The Board of Directors, by resolution adopted by a majority of the
694 Board of Directors, may create or appoint one (1) or more various committees to assist the Board in
695 carrying out the purposes of the Association. Members of committees may, but need not, be members of
696 the Board of Directors. Each committee, to the extent provided in such resolution or as authorized
697 pursuant to the Act, Articles, Declaration, or these Bylaws, shall have and may exercise such authority of
698 the Board of Directors as shall be expressly delegated by the Board from time to time; except that no such
699 committee shall have the authority of the Board of Directors in reference to:
700

- 701 a. Adopt, amend or repeal the Articles of Incorporation;
- 702 b. Approve or recommend a plan of merger or consolidation of the corporation not requiring
703 Member approval;
- 704 c. Approve or recommend to the Members the sale, pledge, lease, transfer or exchange of all or
705 substantially all of the assets of the Corporation;
- 706 d. Approve or recommend to the Members the dissolution of the Corporation or a revocation
707 thereof;
- 708 e. Adopt, amend, or repeal the Bylaws of the Corporation;
- 709 f. Fill vacancies on the Board of Directors or committees;
- 710 g. Elect, appoint or remove Directors or members of committees;
- 711 h. Fix the compensation of any member of such committee; or
- 712 i. Alter or repeal any resolution of the Board of Directors that by its terms provides that it shall
713 not be so amendable or repealable.
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715 A majority of all members of any such committee may determine its action and fix the time and
716 place of its meetings, unless the Board of Directors shall otherwise provide. The Board of Directors shall
717 have power at any time to change the number and members of any such committee, to fill vacancies and
718 to discharge any such committee. The designation of such committee and the delegation thereto of
719 authority shall not operate to relieve the Board of Directors, or any member thereof, of any responsibility
720 imposed upon it or him by the Indiana Nonprofit Corporation Act of 1991, as amended.
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ARTICLE VIII

Records of the Association

729 **Section 1. In General.** Current copies of the Declaration, the Articles, the Bylaws, rules and
730 regulations, other corporate documents concerning the Real Estate or the Association and its operation
731 required to be kept and made available for inspection shall be available for inspection by any member or
732 other properly designated party at the principal office of the Association during reasonable business hours
733 or under other reasonable circumstances, where copies of the same may be purchased at reasonable cost.

734 The Association shall keep detailed books of account showing all expenditures and receipt of
735 administration which shall specify the maintenance and repair expenses of the Common Areas, all
736 easements, and any other expenses incurred by or on behalf of the Association and the members. The
737 accounts, books, records, financial statements, and other papers of the Association shall be open for
738 inspection by any member upon written request submitted to the Board at least five (5) days in advance of
739 the inspection date, and said inspection is to be made during reasonable business hours or under other
740 reasonable circumstances. Any holder, insurer, or guarantor of a first mortgage on a Lot shall be entitled
741 upon written request to receive a financial statement for the immediately preceding fiscal year.

742 The Association reserves the right to require any member to request inspection of the accounts,
743 books, records, financial statements, and other papers of the Association according to the requirements set
744 forth under the Indiana Nonprofit Corporation Act of 1991, specifically Indiana Code 23-17-27 et seq.,
745 and any amendments or re-codification subsequently adopted thereto. The Association reserves the right
746 to deny an owner access to any records that are not required to be opened for inspection under Indiana
747 law, or if the Association determines the owner's request; a) was not made in good faith or for a proper
748 purpose; b) the member fails to describes with reasonable particularity the purpose and the records the
749 member desires to inspect; or c) the records requested are not directly connected to the stated purpose for
750 the request.

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ARTICLE IX

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Execution of Instruments

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759 **Section 1. Checks, Draft, etc.** All checks, drafts, bills of exchange or other orders for the
760 payment of money, obligations, notes or other evidences of indebtedness of the Association shall be
761 signed or endorsed by such officer or officers, employee or employees of the Association as shall from
762 time to time be designated by the Board of Directors.

763
764 **Section 2. Contracts.** All contracts, agreements, deeds, conveyances, mortgages and similar
765 instruments authorized by the Board of Directors shall be signed, unless otherwise directed by the Board
766 of Directors or required by law, by the President, and attested by the Secretary.
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ARTICLE X

Assessments and Fiscal Year

Section 1. Assessments. Each Owner is obligated to pay to the Association annual and special assessments as more specifically described in the Declaration. The assessments are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid within thirty (30) days shall be delinquent.

If the assessment is not paid within thirty (30) days after the assessment falls due, the assessment shall bear interest from the date of delinquency at the rate of eight percent (8%) per annum. In addition, the Association may impose reasonable late fees on all delinquencies. The Board shall have the right to determine the amount of the late fees, the time period before the late fees are imposed, the rate of the late fees (i.e. annually, monthly, etc.) and to make any other provisions for late fees and interest charges on late payments as the Board, in its sole discretion, deems appropriate. The Board may also adopt specific collection procedures to be used in collecting assessments and pursuing delinquent accounts.

If the Association incurs administrative fees or expenses as a result of collecting delinquent amounts, the Owner shall be personally obligated to reimburse the Association these fees.

If the Association employs legal counsel to pursue the collection of unpaid amounts owed to the Association, the Owner shall be personally obligated to pay any collection costs or expenses for the sending of collection letters or other correspondence or communication prior to the filing of legal action, or for the Association's attorney to take any other action in an attempt to collect the unpaid amounts.

The Association may bring an action at law against the Owner personally obligated to pay the same or to foreclose the lien against the property, or both, and there shall be added to the amount of such account balance the costs of preparing the collection notices and letters, preparing and filing the complaint in such action, interest and late fees on any assessment as above provided, and reasonable attorneys' fees, together with the costs of the action.

In addition, an Owner who becomes more than thirty (30) days delinquent on any assessment or other payment due to the Association shall not be eligible to vote, either in person or by proxy; to be elected or serve on the Association's Board of Directors; or to use any of the Common Area facilities, if any, pursuant to the provisions set forth in the Declaration, Articles and/or these Bylaws.

Section 2. Fiscal Year. The fiscal year of the Association shall begin at the beginning of the first day of January in each calendar year and end at the close of the last day of December of the same calendar year.

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ARTICLE XI

Rules and Regulations; Enforcement

Section 1. Rules and Regulations. The Board shall have the authority to promulgate, adopt, revise, amend, and alter from time to time such additional rules, regulations, policies, procedures and guidelines governing the use, occupancy, operation, enjoyment and architectural changes and modifications of the lots, streets (public or private), common areas, and any other portion of the Property, including the personal conduct of the members and guests thereon, as in the sole discretion of the Board are deemed necessary or advisable. These rules, regulations, policies, procedures and guidelines, and any amendments thereto, shall be furnished by the Association to all owners prior to the effective date. All rules, regulations, policies, procedures and guidelines shall be binding and enforceable upon each and

826 every lot and member, including all occupants, guests and invitees of any lot or member, in the
827 Development the same as if it were expressly set forth in the Declaration itself. Any rules, regulations,
828 policies, procedures and guidelines adopted by the Board may be specifically overruled, cancelled, or
829 modified by the Board or at a duly called and constituted regular or special meeting of the members by a
830 majority vote of all eligible members of the Association.
831

832 **Section 2. Enforcement In General.** Any party to whose benefit the Declaration or these Bylaws
833 inures, including the Association, any Committee, or any individual owner, may proceed at law or in
834 equity to prevent the occurrence or continuation of any violation of the Declaration or these Bylaws, or
835 any rules, regulations, policies, procedures or guideline adopted thereto, but neither the Association or
836 any Committee shall be liable for damages of any kind, including legal fees and costs, to any person for
837 failing to enforce or carry out any of the provisions of the Declaration or these Bylaws.
838

839 **Section 3. Costs and Attorney Fees.** The provisions of the Declaration, Articles, Bylaws, and
840 rules, regulations and architectural guidelines for Turfway Park, including amendments or modifications
841 thereto, shall be binding and enforceable upon each and every Lot and Lot Owner in Turfway Park. For
842 any violation of the Declaration, Articles, Bylaws, or rules, regulations or architectural guidelines adopted
843 by the Board or the Architectural Committee, each owner in violation shall be subject to an action at law
844 or in equity by the Association to enjoin the violation, or pursue any other relief or remedy as may be set
845 forth in the Declaration, Articles, Bylaws or rules and regulations.

846 If the Association takes any action to enforce any provision or restriction in the Declaration,
847 Articles, Bylaws, and rules, regulations and architectural guidelines of Turfway Park, including, but not
848 limited to, the preparing and sending of violation letters, towing of vehicles, self-help or legal action filed
849 in the courts, then the Association shall be entitled to reimbursement of all its costs and expenses,
850 including, but not limited to reasonable attorney fees, administrative charges by a management agent, and
851 court costs, of said enforcement activity or action from the party or parties in violation of said rule or
852 regulation.

853 The foregoing remedies shall be in addition to, or supplement, any remedies of the Association
854 identified in the Declaration, Articles or Bylaws, and may be used or applied to any enforcement activity
855 or action taken pursuant to any violation of the Declaration, Articles or Bylaws or any properly adopted
856 rule or regulation.

857 These remedies are adopted herein to maintain the intent and spirit of the Declaration, Articles or
858 Bylaws that the Association and its members should not be penalized or suffer a financial loss to the
859 Association's operating budget for the cost of any enforcement efforts necessary to gain or achieve an
860 Owner's compliance with the terms and restrictions set forth in the Declaration, Articles or Bylaws or any
861 properly adopted rule or regulation.
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863 **ARTICLE XII**

864 **Amendments**

865 **Section 1. Amendments.** The Board of Directors of the Association shall have power to make,
870 alter, amend or repeal the Bylaws of the Association, by an affirmative vote of the majority of the
871 members of the Board of Directors of the Association, except as otherwise provided in the Declaration.
872

873 **Section 2. Recording.** While the Code of Bylaws does not have to be recorded under Indiana
874 law, if the Board decides at any point in time to record the Bylaws, the Bylaws, including all future
875 amendments or changes thereto, must be executed by the President and Secretary of the Board and
876 recorded in the Office of the Johnson County Recorder before becoming effective.

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878 **Section 3. Document Conflicts.** In the case of any conflict between the Declaration and the
879 Articles, the Declaration will control. In the case of any conflict between the Declaration and these
880 Bylaws, the Declaration will control. In the case of any conflict between the Articles and these Bylaws,
881 the Articles will control.

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ARTICLE XIII

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The Indiana Nonprofit Corporation Action of 1991

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890 The provisions of the Indiana Nonprofit Corporation Act of 1991, as amended, applicable to any
891 of the matters not herein specifically covered by these Bylaws, are hereby incorporated by reference in
892 and made a part of these Bylaws.

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[End of Bylaws]

895

896 The undersigned hereby certifies that this Revised and Restated Code of Bylaws for Turfway Park
897 Homeowners Association, Inc. was duly moved and passed by a majority vote of the Association's Board
898 of Directors and that all other requirements for amending the Code of Bylaws have been met.
899

900 TURFWAY PARK HOMEOWNERS ASSOCIATION, INC.

901 Jerry L. Ashlock
902
903
904 President

1 January 2012
Date

905
906 Jerry L. Ashlock
907 Printed Name of Director

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910 ATTEST:

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913 Thomas J. Warner
914 Secretary

1 January 2012
Date

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916 Thomas J. Warner
917 Printed Name of Director

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921 STATE OF INDIANA)
922)
923 COUNTY OF MARION)

924
925 Before me a Notary Public in and for said County and State, personally appeared
926 Jerry L. Ashlock and Thomas J. Warner, the President
927 and Secretary, respectively, of Turfway Park Homeowners Association, Inc., who acknowledged execution of the
928 foregoing Revised and Restated Code of Bylaws for Turfway Park Homeowners Association, Inc. and who, having
929 been duly sworn, stated that the representations contained herein are true.

930
931 Witness my hand and Notarial Seal of this 1 day of January, 20 12.

932 Scott A. Tanner
933
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935 Notary of Public – Signature
936 Scott A. Tanner
937 Printed
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Stamp:

Scott A Tanner
Notary Public Seal State of Indiana
Johnson County
My Commission Expires 11/18/12

940 *I hereby affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security*
941 *number in this document, unless required by law. –Scott A. Tanner*
942

943 **This document was prepared by and should be returned to:**
944 **Scott A. Tanner, TANNER LAW GROUP, 6745 Gray Road, Suite H, Greenwood, IN 46237**

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