
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
Turfway Park, Amendment to Declaration, Instrument #97014746
Turfway Park, Revised and Restated Code of Bylaws, Instrument #2012-005329
Turfway Park, Rules and Regulations, Instrument #2011-020893
Turfway Park, Rules and Regulations, Instrument #2017-010569

TURFWAY PARK HOMEOWNERS ASSOCIATION, INC

AMENDMENTS
to the
RULES, REGULATIONS AND PROCEDURES
for
TURFWAY PARK

Turfway Park Homeowners Association, Inc., by its Board of Directors, on this 3 day
of September, 2019, states as follows:

INTRODUCTION:

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

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

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

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

The Declaration states that by taking deed to any Lot as set forth on the above listed Plats for the Turfway Park development, each owner becomes a mandatory member of the subdivision's homeowner's association known as Turfway Park Homeowners Association, Inc. ("Association"), an Indiana nonprofit corporation; and

The Association was incorporated pursuant to the above listed Declarations as a non-profit corporation pursuant to Articles of Incorporation (“Articles”) filed with, and approved by, the Indiana Secretary of State on May 15, 1997; and

The original Board of Directors adopted a Code of Bylaws (“Bylaws”) for the Association to define the operating procedures of the Association and the powers and authority of the Board of Directors, said Bylaws being revised and amended from time to time thereafter; and

The Declaration, Article III, Section 3.1(c), and Article VI, Section 6.21, both state that the Board of Directors has the authority to adopt rules and regulations for the use, improvements, additions, and alterations of the Lots and any common areas owned by the Association; and

The Articles, Article II, Section 2.03(c), states that the Association shall have the power to adopt rules and regulations and to perform such deeds as are deemed necessary to achieve the aforesaid purposes; and

The Bylaws, Article V, Section 4(g), states that the Board of Directors of the Association has the power to create, adopt, revise, amend or alter from time to time such additional rules and regulations with respect to use, occupancy, operation, enjoyment, and architectural additions or modifications of the Property, including the individual lots, streets (whether public or private), and the Common Areas, said rules and regulations being in addition to the rules and restrictions set forth in the Declaration, as the Board, in its discretion, deems necessary or advisable; and

Using the authority granted to the Board by the Bylaws, the Board adopted Rules, Regulations and Procedures for Turfway Park, and recorded them on October 20, 2011, as Instrument No. 2011-020893, in the Office of the Recorder of Johnson County, Indiana; and

The Board has determined that some revisions and additions to the previously adopted rules are necessary; and

AS A RESULT, the Board adopts the following revisions and additional rules which replaces or supplements the rules recorded under Instrument No. 2011-020893. All other rules in Instrument No. 2011-020893 not modified in this document remain the same.

[End of Introduction]

Rule 7 (Parking) is revised to read as follows:

7. Parking

A. Definitions

1. **“Inoperable”** as used in Section includes: **a)** any vehicle that has not been noticeably moved or driven by its owner for a period of seventy-two (72) hours or longer; **b)** any vehicle on jacks, blocks or stands; **c)** any vehicle that has a block or other device under the tires to prevent movement or rolling; or **d)** any vehicle which has a flat tire or other obvious damage that would prevent the vehicle from being driven.
2. **“Stored”** as used in Section includes: **a)** any vehicle that is stationary on any Lot with a tarp or cover over it; **b)** any vehicle that has not been noticeably moved or driven by its owner for a period of seventy-two (72) hours or longer; or **c)** any vehicle that has a block or other device under the tires to prevent movement or rolling.
3. An **“unlicensed”** or **“unregistered”** vehicle includes any vehicle that does not properly display a valid license plate on it as required by law.

B. In General

All vehicles belonging to Owners, members of a household, and guests must be parked in the garages or on the driveways serving their Lot between the hours of midnight and 7:00 AM. As set forth in these rules, no vehicles, whether belonging to an owner or a guest, shall park on any street or public right-of-way between the hours of midnight and 7:00 AM. Other rules parking rules include:

1. Vehicles may not be parked for any length of time on any portion of the grass, yard, or other non-paved area within the Development, including the Lots.
2. Commercial vehicles primarily used or designed for commercial purposes, tractors, busses, mobile homes, recreational vehicles, trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, and boat trailers must be parked only in an enclosed garage.
3. No semi-tractor, semi-trailer, semi-tractor/trailer combo, box style, non-pickup style trucks or other similar vehicles are permitted in the Development, with the exception of vehicles or commercial vehicles that are temporarily present for the sole purpose of performing or providing moving, construction, routine home maintenance or health care services for a Lot in the neighborhood.
4. “Unlicensed” vehicles must be parked only in an enclosed garage, not in the driveway.
5. “Inoperable” vehicles must be parked only in an enclosed garage, not in the driveway.
6. “Stored” vehicles must be parked only in an enclosed garage, not in the driveway.
7. No vehicles of any kind may be repaired or restored on any Lot unless such repairs or work is done in an enclosed garage, or if the repairs are done for emergency purposes in order that the vehicle may be moved to a proper repair facility. For purposes of this provision, changing a vehicle’s oil, changing a tire or washing the vehicle is not considered a vehicle repair or restoration unless it is not completed from start to finish within twenty-four (24) hours.
8. It is important that the streets remain clear of parked vehicles so that general traffic and emergency vehicles can use the street. Hence, in the event that vehicles are parked on the street according to the limitations of these rules, vehicles may be parked on one side of the

street only. Vehicles may not be parked directly across the street from other vehicles (i.e. on both sides of any street). If this happens, both vehicles will be subject to immediate towing.

C. Standard Towing Policy

To make sure the residents are following the street parking restrictions stated in these rules, the Board has adopted this Standard Towing Policy. This policy has been designed to give every resident several warnings before having their vehicles towed.

1. Drive-through inspections of the entire Development will be conducted each month on a random date and time basis. Any vehicle found parked on the street between the hours of midnight and 7:00 AM of this random drive-through inspection will be marked, tagged or stickered with a seventy-two (72) hour removal notice. Under Indiana Code 9-22-1 et seq., a vehicle is considered abandoned if it is parked on the street for seventy-two (72) hours or more. Under the law, it does not matter if the vehicle has actually been moved between the time it was initially marked, tagged, or stickered and seventy-two (72) hours later if the vehicle is found parked on the street in the same or substantially same location as it was when it was initially marked, tagged or stickered.
2. **“Seventy-Two (72) Hour” Policy:** After a vehicle is marked, tagged or stickered during a random drive-through inspection, another follow-up drive-through inspection will be conducted approximately seventy-two (72) hours later to make sure the vehicle has been removed from the street. During this follow-up drive through inspection, any vehicle that is still parked on the street in the same or substantially same location as it was when it was marked, tagged or stickered will be towed. It does not matter if the vehicle has actually been moved between the time it was initially marked, tagged, or stickered and seventy-two (72) hours later.
3. **“Three Strikes and You’re Out” Policy:** If a vehicle is marked, tagged or stickered more than three (3) times within a one (1) calendar year period of time (January 1st–December 31st) during the random monthly drive-through inspections, then on the fourth (4th) or more violation, the vehicle will be immediately towed without further notice, marking, tagging or stickers.
4. The person who owns the vehicle being towed will be responsible for all costs involved in the removal, storage and disposal of the vehicle.
5. If a vehicle is not claimed after being towed and is ultimately disposed of, the proceeds from the sale or disposal, if any, will go to satisfy any outstanding tow, storage and disposal costs first, then to the Association to reimburse it for any costs and expenses incurred as a result of the rule violation. The remainder (if any) shall be refunded to the owner of the vehicle.
6. For purposes of the **“Three Strikes and You’re Out” Policy**, the one (1) calendar year period to be used for the Standard Towing Policy will begin anew as of January 1st of each calendar year.

D. Special Towing Policies

The Standard Towing Policy procedures are meant to be a guideline for handling typical street parking enforcement.

However, enforcement of these rules may depend on many unique factors and/or the specific facts of each situation, including the number of previous parking violations committed by the owner or the type, or seriousness, of the violation that is occurring. As a result, the Board has the right under these rules to have a vehicle towed immediately if the Board determines it is necessary and/or appropriate under the circumstances. The failure of the Board to follow the

“Seventy-Two (72) Hour” or “Three (3) Strikes and You’re Out” policies described in the Standard Towing Policy will not waive or estop the Association’s right to enforce any provision of the Declaration or of these rules at any time.

1. In addition to the Standard Towing Policy, the Association may also monitor street parking based upon:
 - a. Complaints or observations of current violations of the Declaration or this parking rule by the Association’s Board, homeowners, management agents, employees, or other agents.
 - b. Previous violations of this rule by a particular owner; or
 - c. Any other reason or method deemed appropriate by the Association.
2. A vehicle may be subject to immediate towing if it is parked in the street in violation of the Declaration, this rule, or local ordinance, and it is:
 - a) In the way of or hinders the ability of neighboring property owners from entering or exiting their driveways or using the streets;
 - b) In the way of or hinders snow plows from plowing snow on the streets;
 - c) In the way of or hinder school busses or emergency vehicles from driving through the subdivision;
 - d) Parked in a manner that blocks a mailbox or hinders mail delivery;
 - e) Parked in a manner that blocks a fire hydrant;
 - f) Parked in a manner that blocks or hinders the use of a cul-de-sac;
 - g) Leaking fluids
3. Any “unlicensed” vehicles found parked on any street in the Development shall be subject to immediate towing.
4. Any “inoperable” vehicles found parked on any street in the Development shall be subject to immediate towing.
5. Any commercial vehicles primarily used or designed for commercial purposes (includes semi-trucks, box trucks, tow trucks, and vehicles with commercial equipment visible), tractors, busses, mobile homes, recreational vehicles (RV’s), trailers (either with or without wheels), campers, camper trailers, boats and other watercraft, and boat trailers found parked on any street in Turfway Park will be subject to immediate towing, with the exception of vehicles or commercial vehicles that are temporarily present for the sole purpose of performing or providing moving, construction, routine home maintenance or health care services for a Lot in the neighborhood.
6. Any vehicles found parked on any street in the Development that are on jacks, jack stands or other similar devices, or are in any state or condition so as to pose a health or safety risk to any owner or resident in Turfway, will be subject to immediate towing.

E. Waiver of Liability

1. If an Owner’s vehicle, or any vehicle belonging to any resident, occupant, guest and invitee of an Owner, is towed pursuant to the Declaration or this rule, the Association and any person or agent acting on behalf of the Association will not be liable for any damage, loss or expense incurred by the Owner or the resident, occupant, guest and invitee of an Owner as a result of a vehicle being towed from the Development.

F. Enforcement

1. These parking rules, including any future amendments or changes, are binding and enforceable upon each and every Lot, Lot Owner, and any resident, occupant, guest and invitee of an Owner in Turfway Park the same as if it were set forth in the Declaration itself.

The violation of any rule adopted by the Association will be subject to legal action by the Association to enjoin (stop) the violation, or to pursue any other relief or remedy as may be stated in the Declaration.

If the Association takes action to enforce any rule or regulation set forth herein, including, but not limited to, the preparing and sending of violation letters, towing of vehicles, or legal action filed in the courts, then the Association is entitled to reimbursement of all its costs and expenses, including reasonable attorney fees, administrative charges by a management agent, and court costs, of the enforcement action from the party or parties in violation of the covenant or rule.

In addition, the Owner and any resident, occupant, guest and invitee of an Owner may be subject to towing and storage fees and other expenses as a result of being towed. The Owner and any resident, occupant, guest and invitee of an Owner will be responsible to the towing and storage agent(s) for these towing and storage expenses.

The foregoing remedies are in addition to, or supplement, any remedies of the Association identified in the Declaration, and may be used or applied to any enforcement activity or action taken against a violation of the Declaration or any rule properly adopted by the Association.

These additional remedies are adopted to maintain the intent and spirit of the Declaration that the Association and its members should not be penalized or suffer from financial loss to the Association's operating budget the cost of any enforcement efforts necessary to gain or achieve an Owner's compliance, including any resident, occupant, guest and invitee of an Owner, with the terms and restrictions of the Declaration or any rule properly adopted by the Association.

G. Adoption of Additional Rules

The Board reserves the right to adopt additional rules, or to change these rules, regarding parking in Turfway Park according to the authority granted to the Board by the Declaration.

Rule 8(C)(6) (Towing) is deleted in its entirety.

[End of Rule]

We certify that these Amendment to the Rules, Regulations and Procedures for Turfway Park were duly moved and passed by a majority vote of the Board of Directors.

TURFWAY PARK HOMEOWNERS ASSOCIATION, INC.

Richard C. Weis
President

RICHARD C. WEIS
Printed Name of Director

9-3-2019
Date

ATTEST:

Christine Miller
Secretary

Christine Miller
Printed Name of Director

9.3.19
Date

STATE OF INDIANA)
COUNTY OF Marion)

Before me a Notary Public in and for said County and State, personally appeared Richard C. Weis and Christine Miller, the President and Secretary, respectively, of Turfway Park Homeowners Association, Inc., who acknowledged execution of the foregoing Affidavit of Corporate Resolution for Turfway Park Homeowners Association, Inc. and who, having been duly sworn, stated that the representations contained herein are true.

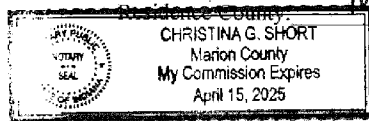
Witness my hand and Notarial Seal of this 3 day of September, 2019.

Christina G. Short
Notary of Public - Signature

Christina G. Short (# 697130)
Printed Name

My Commission Expires:

4-15-25



I, Mitchell D. Pearson, hereby affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

This document was prepared by:

Mitchell D. Pearson
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