2026-11831
RECORDED AS PRESENTED ON
05/13/2026 11:34 AM
CANDACE S. BROWN
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RECORDER
PGS: 5 FEES: 25.00

DocId:8442996
Tx:4300629

# AMENDED CONSTITUTION AND BY-LAWS

# OF

# RIVER COMMONS HOMEOWNERS' ASSOCIATION, INC.

(Recorded document #2023-11937)

## ARTICLE I – Name

The Association shall be known as the River Commons Homeowners' Association, Inc.

## ARTICLE II – Purpose

A. Enforcement for the Declaration of Restrictions, Easements and Covenants as amended for the recorded plats of River Commons First through Tenth Sections inclusive, Clay Township, St. Joseph County, Indiana.
B. Protection of property values.
C. Provide a mechanism and vehicle for the residents to express common concerns about matters affecting the subdivision and develop responses in a cohesive manner.
D. Provide funding for achievement of mutually agreed goals, i.e., maintenance of the common grounds, signage, enforcement of covenants, etc.
E. Develop community projects and activities.
F. Provide communication for the membership.

## ARTICLE III – Membership

There shall be one class of membership. Each owner of a residence in River Commons shall be a member of the Association, except that there shall be no more than two members per household.

## ARTICLE IV- Voting

A. Voting privileges are restricted to members in good standing.
B. There shall be one vote per household.
C. A member in good standing is one with paid dues and assessments.
D. Voting may be in person, by proxy, or by ballot. A signed proxy, executed in writing by the member, and delivered to the Secretary of the Association, prior to the appointed time for any meeting, is valid only for that meeting. The proxy shall be used for all items of business specifically listed in the proxy.

## ARTICLE V – Dues, Assessments, and Fines

A. Dues are mandatory. Dues shall be $50.00 per year, per residence.
B. Assessments may be made only as approved by majority of the members in good standing and shall be levied uniformly by residence.
C. Dues collection:
    1. The Treasurer shall distribute dues notice to each homeowner no later than May 1. The dues shall be paid to the River Commons Homeowners Association.
    2. Dues shall be payable annually no later than May 31. New member dues are

payable within thirty (30) days after setting up residence and prorated on an annual basis to the nearest month.

3. Dues may be increased by proxy, or by ballot, at a meeting duly called and held. If dues and/or assessments are not paid within sixty (60) days of the due date, the Association, in its discretion, may bring an action at law against the homeowner. Such actions may include, but not be limited to, filing a lien, or filing a State law claim. Costs and reasonable attorney fees for any such action shall be added to the amount of the assessment and/or dues.

D. Fees/fines assessed for violations of Restrictions, Easements, and Covenants.

1. A Notice of Violation letter shall be sent to the homeowner, describing the violation of restrictions, easements, and covenants.

a) The letter shall state specific action required to remedy the violation.

b) The deadline for remedy shall be seven (7) days from receipt of letter.

2. If not remedied within seven (7) days of receipt of the first letter of violation,

a) A second notice of violation shall be sent to the homeowner, in the form of a certified letter and a fine of $50.00 will be due immediately.

b) Remedy of violation shall be done immediately upon receipt of certified letter.

c) A fine of $25.00 per day shall be assessed to the homeowner, for each day past the receipt of the certified letter that the violation has not been remedied.

3. If the violation remains unremedied within fourteen (14) days of receipt of the certified letter, the violation will be referred to the RCHOA attorney. The homeowner shall be charged any fees incurred by RCHOA, including, but not limited to attorney fees and court costs. The daily fine of $25.00 per day shall continue until the violation is remedied.

4. The RCHOA Board may waive fees/fines, depending on individual circumstances.

## ARTICLE VI – Meetings and Quorum

A meeting open to all members shall be held annually in March or April, upon fourteen (14) days written notice to each member in good standing. The purpose of the annual meeting is as follows:

1. Elect Officers and Area Representatives.
2. Receive reports from committees, officers, and treasurer.
3. Vote on issues or projects.
4. Change or amend covenants.
5. Exchange views.

A. Special meetings or votes may be called at any time at the discretion of the majority of the Board of Directors.

B. The board shall meet no less than once per quarter.

C. A quorum is defined as a minimum of 51% of Board of Directors present, either in person or remotely.

## ARTICLE VII – Officers and Board

The officers of the Association shall be the President, Vice-President, Secretary, and Treasurer.

A. The President shall preside at all meetings of the Association and board and shall appoint and be ex-officio members of all standing committees, and special committees.

B. The Vice-President shall preside at all meetings of the Association and board not attended by the President. He/she shall appoint needed committees in the event the President is not active at the time when such appointments are to be made.

C. The Secretary, or his/her proxy, shall be present at all meetings of the Association and board and shall keep minutes of all meetings. He/she shall perform such other duties pertaining to the office as may be designated by the board.

D. The Treasurer shall receive all money and shall deposit the same to the credit of the Association in such depositories as shall be approved by the board. A report of the books shall be made to the board as requested, and the books shall always be open to inspection. The books of account shall be subject to at least one audit during each fiscal year by an audit committee, appointed by the President.

E. The Board of Directors shall consist of the President, Vice-President, Secretary, Treasurer, and all elected Area Representatives. Area Representatives are to be elected from each of the internal administrative areas defined by the Board to facilitate governance, representation, and activities for River Commons homeowners. The areas do not modify, replace, or supersede the recorded plats of the subdivision. Unexpired terms of any officer or director shall be filled by vote of the Board. Nomination to fill any vacancy is to be made by the Nominating Committee.

F. Contracts, projects, or other financial obligations of the Association must be approved by the Board.

## ARTICLE VIII – Discretionary Powers and Duties

The RCHOA Board of Directors shall have the following powers and duties, which may be exercised at its discretion.

A. 1. To enforce any/all building restrictions which are imposed by the terms of this declaration, or which may hereafter be imposed on any part of the property. Nothing contained herein shall be deemed to prevent the owner of any residence. from enforcing the building restrictions in his/her own name. The right of enforcement shall not be to prevent such changes, releases, or modification of the restrictions or reservations placed upon any part of the property by any party having the right to make such changes, releases, or modifications in the deeds, contracts, declaration, or plats in which such restrictions and reservations are set forth; and the right of enforcement shall not have the effect of preventing the assignment of those rights by the proper parties wherever and whenever such right assignment exists. The expenses and costs of any enforcement proceedings initiated by the Association shall be paid out of the general fund of the Association.

2. To employ counsel and to initiate and prosecute such suits as the Association shall deem necessary and advisable to defend suits brought against the Association.

3. To employ from time to time such agents, servants, and laborers as the Association shall deem necessary to exercise the powers, rights, and privileges granted to it, and to make contracts.

## ARTICLE IX – Election of Board of Directors

Fourteen (14) days prior to the Annual Meeting of the Association, each member shall be furnished with a ballot prepared by the Nominating Committee, listing the candidates for the offices of President, Vice-President, Secretary, Treasurer, and one Area Representative from each section. The term of each office is one (1) year.

A. Officers and/or Area Representatives must be members in good standing.

B. The chairman of the Nominating Committee shall deliver the complete slate of nominees to the Board of Directors in sufficient time for the ballots to be distributed.

C. The tenure of office for all Officers and/or Area Representatives shall be from one (1) annual meeting until their successor has been elected and qualified.

## ARTICLE X – Amendments

A. The Constitution and By-Laws, and Articles of Incorporation may be amended by a majority vote of the Board of Directors. Amendments may be proposed by any member in good standing at least fourteen (14) days in advance of the date on which amendments are to be presented for a vote of approval.

## ARTICLE XI – Fiscal Year

A. The fiscal year of the Association shall run from May 1 to April 30 of each year.

## ARTICLE XII – Committees

A. Committees shall be recommended by the President and approved by the Board as needed to carry out the plans, programs, and purposes of the Association.

B. Permanent Committees:

1. Executive Committee. This committee shall consist of the four officers of the board: President, Vice-President, Secretary and Treasurer.

2. Communication Committee. This committee shall be responsible for public relations and periodic newsletter.

3. Nominating Committee. This committee will prepare a slate of names to be presented to the membership at the annual meeting in conformity with Article IX and shall submit nominations to fill interim vacancies to the Board.

PROPOSED RESOLUTION OF THE BOARD OF DIRECTORS
RIVER COMMONS HOMEOWNERS' ASSOCIATION

March 11, 2026

WHEREAS, the board members have been presented with the Amended Constitution and the By-laws attached hereto;

WHEREAS, the members have, by a majority, approved said Amendment Constitution and the By-laws by vote tallied at RCHOA meeting on Wednesday, March 11, 2026.

THEREFORE, BE IT RESOLVED that the Board of Directors hereby ratify said actions and adopt said Amended Constitution and By-laws.

Robert Rhodes
President

State of Indiana )

County of St Joseph )

Before me, a Notary Public in and for said County and State, personally appeared Robert Rhodes, who acknowledged execution of the foregoing Constitution and By-laws of River Commons Homeowners Association, and who, being first duly sworn under the penalties of perjury, stated that the facts and matters therein are true and correct. Prepared by Robert Rhodes, President, RCHOA.

Witnessed by my hand this 13th day of May 2026.

My commission expires: 01/07/2033

Sana Mansour, Notary Public

St Joseph County

State of Indiana

SANA MANSOUR
Notary Public
St Joseph County - State of Indiana
Commission Number NP0760799
My Commission Expires Jan 7, 2033

*I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document unless required by law.*

ROBERT RHODES