

**CODE OF BY-LAWS FOR  
ECHO POINTE HOMEOWNERS ASSOCIATION, INC.**

**Article 1.** The name of the corporation is Echo Pointe Homeowners Association, Inc. (hereinafter referred to as the "Association"). This Association is created for the benefit of homeowners and lawful owners of real estate within the subdivision known as Echo Pointe. The goal of the Association is to ensure the high quality of life, to maintain property value, and to create a unity among neighbors of Echo Pointe subdivision.

**Article 2. Definitions**

2.1 Homeowner(s)

Legal owner(s) of property located in Echo Pointe subdivision. A Homeowner shall be defined as a person who lawfully possesses sole or joint title in one or more lots in Echo Pointe Sections I, II, and III.

2.2 Association Member(s)

The Members of the Association shall be Homeowner(s) per Article 2.1. A member shall be in good standing so long as he or she remains in compliance with the covenant obligations of a "Homeowner" as determined by the Association. A member of the Homeowner's Association agrees to actively participate in the operation of the Homeowner's Association by casting a vote either in person or by written proxy on any issue raised for vote before the membership of the Homeowners Association.

2.3 "Declaration" shall mean and refer to the Plat Covenants and Restrictions for Section I of Echo Pointe recorded in the Office of the Recorder of Marion County, Indiana on June 16, 1988 as Instrument No. 880058055; and to the Plat Covenants and Restrictions for Section II of Echo Pointe recorded in the Office of the Recorder of Marion County, Indiana on January 16, 1989 as Instrument No. 890003231; and to the Plat Covenants and Restrictions for Section III of Echo Pointe recorded in the Office of the Recorder of Marion County, Indiana on January 26, 1993 as Instrument No. 930011023.

2.4 "Association" shall mean and refer to this corporation, which is also referred to as the "Association" in the Declaration and the "Corporation" in the Articles of Incorporation of this Association.

2.5 All of the terms as defined and used in the Declaration shall have the same meanings in these By-Laws.

**Article 3.** Annual meetings shall be held within 6 months after the close of the first fiscal year of the Association, the exact date to be decided by the Board of Directors. Meetings of the Members shall be held at such place in Marion County, Indiana, as may be designated by the

Board of Directors of the Associations. Meetings of the Members may be held virtually in which Members, by or through the use of any means of communications, may participate remotely, providing all Members participating can simultaneously hear each other during the meeting. Hybrid virtual meetings may be held where some Members may appear in person and some Members may appear remotely, providing all Members participating may simultaneously hear each other during the meeting. A Member participating in a meeting virtually shall be considered present in person at the meeting for all purposes. Special meetings may be called by the President of the Association and state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice.

New issues to be discussed for a vote may be voted upon at annual meetings. An agenda will be provided for the Members at least 15 days prior to the meeting. Membership will be notified that they may submit a proxy in writing to the Secretary at or prior to the beginning of a meeting.

#### **Article 4. Membership and Voting Rights**

4.1 Reference is hereby made to Article V of the Articles of Incorporation which sets forth terms, provisions and conditions governing and relating to membership in the Association, transfer of membership and voting rights of classes of Members, all of which terms, provisions and conditions are incorporated herein by reference.

#### 4.2 Quorum

Written notice of any meeting called for the purpose of taking any action authorized under this Article shall be sent to all Members not less than 15 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of Members or of proxies entitled to cast 10 percent of the total number of votes entitled to be cast shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one half of the required quorum at the preceding meeting. No such subsequent meeting shall be held more the 60 days following the preceding meeting.

#### 4.3 Proxies

Votes may be cast in person or by proxy. Proxies must be filed with the Secretary of the Association before the appointed time of each meeting of the Members of the Association. Cumulative voting shall not be permitted.

#### 4.4 Majority Required

A majority of the votes of Members present (in person or by proxy) at a meeting which a quorum is present shall be sufficient for the transaction of all business of the Association except on matters where a greater vote is required by the Declaration or the Articles of Incorporation, or by statute.

## **Article 5. Board of Directors**

5.1 The affairs of the Association shall be governed by the Board of Directors and which shall consist of not less than three (3) members nor more than (5) members.

5.2 The members of the Board of Directors shall be elected by the membership at the annual meetings and shall serve for two (2) years, staggered terms. Every other year two (2) directors shall be elected and in the off year one (1) director shall be elected.

## **Article 6. Officers**

6.1 The officers of the Association shall be a President, Secretary and Treasurer, all of whom shall be members of the Board of Directors, and such other officers, as the Board of Directors may from time to time by resolution create.

6.2 The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the Members of the Association.

6.3 The President, or someone duly appointed by the President, shall preside over all regular meetings and any other business requiring his/her attendance. The President shall have general supervision and direction of all officers and committee chairs (hereinafter referred to as Leadership Committee) and shall see that all orders and resolutions of the Leadership Committee are carried in effect. The office of President will be established for a two-year term with the election taking place in even years.

6.4 The Secretary shall record and maintain a written record of all regular meetings. The Secretary shall establish meeting times, dates and location for annual meetings and any special meeting that is to be called. The Secretary shall also forward minutes of all meetings within 30 days to the webmaster to be posted on Association website. The office of Secretary will be established for a two-year term with the election taking place in even years.

6.5 The Treasurer shall function as fiduciary agent of the Association and shall be accountable for all monies belonging to the Association. Treasurer will update Association Members as to financial matters at the annual meeting. The office of Treasurer will be established for a two-year term with the election taking place in odd years.

6.6 Any officer may be removed and replaced at any time by the Board of Directors or by two-thirds (2/3) vote of a meeting of the membership. Removal does not require cause.

**Article 7.** Standing committees shall be established upon the acceptance of these By-Laws by the full membership. Additional standing committees shall be established by a vote of the Members annually at a regularly scheduled meeting. The standing committees established for the Association shall be:

### 7.1 By-Laws Committee

The By-Laws Committee shall be chaired by an association member appointed by the Board. The Committee shall make recommendations as to revisions of the By-Laws. By-Law changes must be presented to the Board for approval. Changes to the By-Laws be communicated to the membership before becoming effective.

### 7.2 Budget Committee

The Treasurer and the Budget Committee shall determine the annual operating budget for the Homeowner's Association and thereby establish the annual membership dues and assessment. The annual budget and dues must be discussed at a meeting and voted on for acceptance. The assessment and membership dues will be due and payable April 15 of each year.

### 7.3 Architectural Control Committee

The Architectural Control Committee shall be empowered to monitor the Covenants and Restrictions established by the Developer and the Association.

### 7.4 Social Committee

The Social Committee shall be responsible for planning and organizing special social events for the subdivision such as an annual picnic, block party, yard sale, etc.

7.5 Temporary committees may be created for special purposes.

## **Article 8. Powers and Duties of the Board**

### 8.1 Vacancies

The Board may fill any vacancy on the Board or on a committee by majority vote of the Board. A member appointed to fill a vacancy shall serve the remainder of the unexpired term.

### 8.2 Board Meetings

The Board shall meet when the need arises, but no less than once a year. Board meetings shall be open to the Members, except when in executive session to discuss pending legal matters or the delinquent assessments. Only Board members may vote at board meetings. A quorum for board meetings shall be a majority of the Board.

### 8.3 Powers and Duties

The Board shall have the following powers and duties:

- A. To cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by Members holding 10% of the total votes of the membership entitled to vote.

B. To establish the annual assessment period and fix and collect the amount of the annual assessment from each member for each Lot owned, all in accordance with the terms of the Declaration and these By-Laws.

C. To send written notice of each assessment to each Owner in accordance with the Declaration.

D. To foreclose the Association's lien for assessments against any property for which assessments are not paid within 30 days after the due date thereof or to bring an action at law against the Owner or other person personally obligated to pay the same.

E. To make, amend and enforce rules and regulations and guidelines governing the Lots, streets, easements and common areas.

F. To employ a professional management firm or agent (Management Agent) at the option of the board, to which the Board may delegate a portion of its responsibilities.

G. To issue, or to cause an appropriate officer to issue, upon demand by any person or entity, a certificate setting forth whether or not any assessment has been paid.

H. To procure and maintain the insurance coverages required by the Declaration and such other insurance coverages as the Board of Directors, in its sole discretion, deems necessary or advisable.

I. To cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate, and at least as required by the Declaration.

J. To cause all of the Common Areas and all easement hereunder, but not limited to Landscape Easements, Drainage Easements and Utility Easements to be maintained to the extent of the Association's responsibilities therefore as provided in the Declaration.

#### 8.4 Waiver of Notice

Before or at any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent of the giving of such notice. Attendance by a Director at any meeting of the Board of Directors shall be deemed a waiver of notice by him of the time and place thereof. If all the directors are present at any meeting of the board, no notice shall be required and any business may be transacted at such meeting.

#### 8.5 Virtual and Hybrid Meetings

Regular and special meetings of the Board of Directors may be held virtually in which the Directors, by or through the use of any means of communication, may participate remotely, providing all Directors participating may simultaneously hear each other

during the meeting. A Director participating in a board meeting virtually shall be considered present in person at the meeting for all purposes.

**Article 9. Books of Accounts**

9.1 The Association shall keep detailed books of accounts showing all expenditures and receipts of administration which shall specify the maintenance and repair expenses of the Common Areas and all easements including, but not limited to, the Landscape Easement, Drainage Easement and Utility Easement areas and any other expenses incurred by or on behalf of the Association and the Members.

9.2 The fiscal year of the Association shall commence January 1 and end the following December 31 each year provided that the fiscal year for purposes of assessments may be different than the general fiscal year of the Association.

**Article 10. Contracts, Loans & Checks**

10.1 Authorization: The Board of Directors may authorize any officer or officers or agent or agents of the Association to enter into any contract or execute any instrument on its behalf. Such authorization may be general or confined to specific instances. Except as provided in these By- Laws, no officer, agent or employee shall have any power to bind the Association or to render it liable for any purpose or amount unless so authorized by the Board of Directions.

10.2 Checks. All checks, drafts, or other orders for payment of money by the Association shall be signed by the President, Secretary, Treasurer or such other person as the Board of Directors may from time-to-time designate by resolution.

**Article 11. Miscellaneous**

11.1 These By-Laws may be amended at a regular or special meeting of the Members of the Association by a vote of a majority of a quorum of Members present in person or by proxy. In addition, the Board of Directors of the Association shall have the right and power, without the consent of the Members to make, alter, amend or repeal these By-Laws.

11.2 In the case of any conflict between the Articles of Incorporation and these By-Laws the Articles of Incorporation shall control. In the case of any conflict between the Declaration and these By-Laws, the Declaration shall control. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles of Incorporation shall control.

11.3 The failure of the Board of Directors to enforce any provision of the Declaration, By-Laws or any rule of regulation shall not be deemed a waiver of the right of the Board of Directors to do so thereafter.

**Article 12.** These By-Laws are intended to enhance the lawful position of the Echo Pointe Homeowners Association, Inc. These By-Laws shall conform to all Federal, State, and Local laws and ordinances. The Association shall not engage in, or support the practice of, discrimination due to race, color, creed, religion, sex or ethnic background.

The foregoing was adopted as the By-Laws of Echo Pointe Homeowners Association, Inc., at the first meeting of the Board of Directors after incorporating.

ECHO POINTE HOMEOWNERS  
ASSOCIATION, INC.

By:   
Its: Secretary

Orig. 2/2022