



**CROSS REFERENCE: 200200093256, 2012035090, 2012035091, 2012035092**

**FOURTH AMENDMENT TO THE CODE OF BYLAWS OF ENCLAVE OF CARMEL  
HOMEOWNERS ASSOCIATION, INC.**

THIS FORTH AMENDMENT TO THE CODE OF BYLAWS OF ENCLAVE OF CARMEL HOMEOWNERS ASSOCIATION, INC. is made this 25th day of October, 2024, and is made by the Board of Directors and Members of Enclave of Carmel Homeowners Association, Inc.

**WITNESSETH:**

WHEREAS, the Code of Bylaws of Enclave of Carmel Homeowners Association, Inc. was recorded December 4, 2002, as Instrument No. 200200093256 in the office of the Recorder of Hamilton County, Indiana; and

WHEREAS, an Amendment to the Code of Bylaws of Enclave of Carmel Homeowners Association, Inc. was recorded June 25, 2012, as Instrument No. 2012035090 in the office of the Recorder of Hamilton County, Indiana; and

WHEREAS, a Clarification to the Code of Bylaws of Enclave of Carmel Homeowners Association, Inc. was recorded June 25, 2012, as Instrument No. 2012035091 in the office of the Recorder of Hamilton County, Indiana; and

WHEREAS, an Amendment to the Code of Bylaws of Enclave of Carmel Homeowners Association, Inc. was recorded June 25, 2012, as Instrument No. 2012035092 in the office of the Recorder of Hamilton County, Indiana; and

WHEREAS, the Board of Directors and Members of Enclave of Carmel Homeowners Association, Inc. desire to amend the Bylaws as proposed in this Fourth Amendment;

WHEREAS, pursuant to Bylaws, Article XIV, Section 14.1, the power to alter, amend, add to, and repeal the Bylaws of the Association is vested in the Board of Directors, except with respect to any provisions of the Bylaws which by law or the Articles or the Bylaws which require action by the Members; and

WHEREAS, this Fourth Amendment, as applicable to Section 6.4, 7.2, 7.6, and Article X of the Code of Bylaws of the Association, does not require action by the Members; and

WHEREAS, the Board of Directors has reviewed and affirmed the this Fourth Amendment applicable to Section 6.4, 7.2, 7.6, and Article X to the Code of Bylaws for Enclave of Carmel Homeowners Association, Inc. which was evidenced by a majority vote of the Board of Directors of Enclave of Carmel Homeowners Association per the provisions in Section 14.1; and

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WHEREAS, this Fourth Amendment, as applicable to Section 7.3 of the Code of Bylaws of the Association, requires approval of a majority of the Members at a regular, special, or annual meeting thereof; and

WHEREAS, on October 29, 2024, a meeting of the Members was held for the purpose of voting on the adoption of this Fourth Amendment applicable to Section 7.3 of the Code of Bylaws of the Association, with said meeting being attended in person or by proxy by a quorum of the Members; and

WHEREAS, on October 29, 2024, at the meeting of the Members, a majority of the Members voted to adopt this Fourth Amendment applicable to Section 7.3 of the Code of Bylaws, the records of said vote are part of the records of the Association.

THEREFORE, pursuant to the foregoing, the Members and the Board of Directors of Enclave of Carmel Homeowners Association, Inc., hereby amends the Code of Bylaws as follows:

Article VI – Meeting of Members. Section 6.4. Notice of Meetings.

A written, printed or electronic notice stating the place, day and hour of the meeting, and in the case of a special meeting, the purpose or purposes for which such meeting is called, shall be delivered, mailed or sent electronically by the Secretary or by the officer of person calling the meeting to each Member at such address or contact information as appears on the records of the Association not more than thirty (30) nor less than ten (10) days before the date of any meeting. Notice of any meeting may be waived by any Member in writing or electronically filed with the Secretary if the waiver sets forth in reasonable detail the purpose or purposes for which the meeting is called and the time and place of the meeting. Such waivers shall be filed by the Secretary in the minutes of the meeting. Attendance at any meeting shall constitute a waiver of notice of that meeting.

Article VII – Board of Directors. Section 7.1. Management.

The business and affairs of the Association shall be governed and managed by the Board of Directors. The number of Directors shall be five (5). No person shall be eligible to serve as a member of the Board of Directors unless such person is, or is deemed in accordance with these Bylaws to be, an Owner and a Member in good standing. Good Standing includes:

- A) To not be more than (30) days' delinquent on the payment of any financial obligation to the Association;
- B) To have not been found in violation of policies, restrictions or covenant conditions, which includes the Architectural Guidelines; and
- C) To have a commitment to fostering a climate of open discussion and debate, mutual respect, and tolerance consistent with the Association Civility Pledge.

Article VII – Board of Directors. Section 7.2. Additional Qualifications.

If an Owner consists of more than one person or is a partnership, corporation, trust or other legal entity, then one of the persons constituting the multiple Owner, or a partner, an officer or trustee, respectively, shall be eligible to serve on the Board of Directors, except that no single Lot may be represented on the Board of Directors by more than one person at a time.

Article VII – Board of Directors. Section 7.3(a). Election: Terms of Office and Vacancy

(a) At each annual meeting of the Members of the Association there shall be an election of Directors. As provided in Section 6.4 of Article VI, the notice of the annual meeting of the Members of the Association shall be provided to each Member not more than 30 days prior to the scheduled date of the annual meeting. The notice also shall include a request that nominations from Members for the Office of Director be submitted to the Secretary within 14 days of the date of mailing of the meeting notice. The Secretary shall contact each nominee for Director recommended by a Member in order to obtain the consent of such nominee to be nominated and to serve on the Board of Directors if elected at the annual meeting. Not less than 10 days prior to the scheduled date of the meeting, the Secretary shall provide to Members proxy forms including the names of all the Members nominated to serve on the Board of Directors who have agreed to be nominated for the Office of Director and to serve if elected. If there are an inadequate number of nominations for Director, provisions will be made for nominations to be made from the floor during the annual meeting. Members holding proxies shall vote for the Directors designated on the proxies they hold, and may vote in their discretion for nominees that were nominated from the floor during the annual meeting in the event an insufficient number of nominations had been received prior to the meeting. If there are more nominees than the number of Directors to be elected, then Directors shall be elected by secret written ballots. Members shall vote by their respective Lots, with one vote and ballot per Lot. Each ballot shall contain the same number of votes as the number of directorships to be filled. A person is elected when the person receives a majority of the votes cast. If more than the requisite number of nominees receives a majority of the votes cast, then the persons receiving the higher majorities are elected.

[Article VII –Section 7.3(b) and Section 7.3(c) remain unchanged.]

Article VII – Board of Directors. Section 7.6. Notice of Meetings.

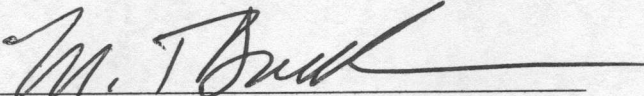
Notice of all meetings of the Board of Directors, except as herein provided, shall be given by mailing or electronic communication at least ten (10) days before the meeting to the usual address or contact information of the Director as shown upon the records of the Association. Notice of any meeting of the Board may be waived by any Director in writing or electronically filed with the Secretary if the waiver sets forth in reasonable detail the purpose or purposes for which the meeting is called and the time and place of the meeting. All such waivers shall be filed by the Secretary with the minutes of the meeting. Attendance at any meeting of the Board shall constitute a waiver of notice of that meeting. Any meeting of the Board may adjourn from time to time to reconvene at the same place or some other place. No notice need be given of any such adjourned meeting.

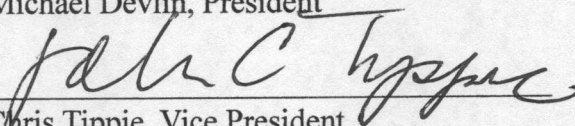
Article X – Nominating Committee

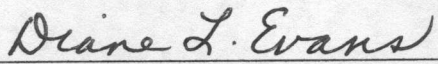
[Article X is stricken in its entirety]

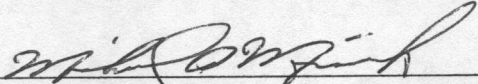
IN WITNESS WHEREOF, Enclave of Carmel Homeowners Association, Inc. has executed this Fourth Amendment as of the date first written above.

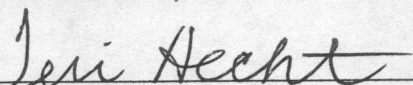
THE ENCLAVE OF CARMEL HOMEOWNERS ASSOCIATION, INC.

By:   
Michael Devlin, President

By:   
Chris Tippie, Vice President

By:   
Diane Evans, Secretary

By:   
Mike Minnich, Treasurer

By:   
Teri Hecht, Director at Large

STATE OF INDIANA  
COUNTY OF HAMILTON

IN WITNESS WHEREOF, we, the undersigned, do hereby certify that all requirements for and conditions precedent to these Amendments have been fulfilled and satisfied, hereby execute said AMENDMENTS TO THE CODE OF BYLAWS OF THE ENCLAVE OF CARMEL HOMEOWNERS ASSOCIATION, INC., and hereby certify the truth of the facts herein stated, this 25 day of OCTOBER, 2024.

ENCLAVE OF CARMEL HOMEOWNERS ASSOCIATION, INC.

Michael T. Devlin  
Signature of President

Diane L. Evans  
Signature of Secretary

MICHAEL T. DEVLIN  
Printed

DIANE L. EVANS  
Printed

STATE OF INDIANA )  
COUNTY OF Hamilton )

Before me a Notary Public in and for said County and State, personally appeared Michael T. Devlin and Diane L. Evans, the President and Secretary, respectively, of Enclave of Carmel Homeowners Association, Inc., who acknowledged execution of the foregoing for and on behalf of said corporation and its members and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal this 25<sup>th</sup> day of October, 2024.

JULIE ANNE SIEGEL  
NOTARY PUBLIC  
SEAL  
STATE OF INDIANA  
Commission Number NP0735145  
My Commission Expires 08/01/2029  
My Commission Expires:

Julie Anne Siegel  
Notary Public, Signature

Julie Anne Siegel  
Printed

Residence County: Marion

08/01/2029

**Non-Disclosure of Social Security Data**

**"I 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." Steven C. Earnhart, Esq.**

This instrument prepared by and return original to: Steven C. Earnhart, Thrasher Buschmann & Voelkel, P.C., 8440 Woodfield Crossing Blvd., Suite 310, Indianapolis, IN 46240- 317/ 686-4773 [earnhart@indiana-attorneys.com](mailto:earnhart@indiana-attorneys.com) .