

Cross Reference: **Instrument No. 9125568**
 Instrument No. 2021038701
 Instrument No. 200300104496
 Instrument No. 2025005367

2026040725 RESOLUTION 30.00
09/01/2026 02:13 PM 7 PGS
TRINI BEAVER
HAMILTON COUNTY RECORDER, IN
RECORDED AS PRESENTED

RESOLUTION CLARIFYING MAINTENANCE OF TREES ON LOT 1 IN
THE ENCLAVE OF CARMEL SUBDIVISION

This Notice of Resolution Clarifying Maintenance of Trees on Lot 1 in The Enclave of Carmel Subdivision ("Resolution") was made as of the 27 day of Aug, 2026.

WITNESSETH

The Hamilton County, Indiana subdivision commonly known as The Enclave of Carmel ("Subdivision") was originally created and formed pursuant to certain Plats filed with the Office of the Recorder of Hamilton County, Indiana.

In conjunction with the Plats, the Subdivision was formed pursuant to a certain "Declaration of Covenants, Conditions and Restrictions for The Enclave of Carmel Subdivision," recorded in the Office of the Recorder of Hamilton County, Indiana, on September 26, 1991, as **Instrument No. 9125568** ("Declaration"), as from time to time amended.

Lot 1 in the Subdivision is located at and commonly described as 608 Melark Drive, Carmel, IN 46032 ("Lot 1"), and is owned by Ann Theresa Price (the "Lot 1 Owner").

There are trees, shrubbery, and other landscaping located within the twenty feet (20') "Drainage and Utility Easement," together with the existing "Signage Easement" along the southern twenty feet (20') of Lot 1 (the "Easements"). The attached survey denotes the areas of Lot 1 to which this Resolution is applicable.

Section 2.17 of the Declaration provides, in pertinent part, that the Association's "Maintenance and Operational Costs" shall include "landscaped areas upon the Lots ... and any other facility or improvement which the Association has determined is otherwise for the common good"

To ensure clarity, the Association's Board of Directors deems it necessary to record this Resolution to memorialize that the trees within the Easements shall be maintained by the Association as a common expense.

The Lot 1 Owner, by her signature on this Resolution and a copy of the survey dated and signed by both Parties hereto, indicates her agreement to the terms of this Resolution, and further

agrees the Association shall have access to Lot 1 for the limited purpose of maintaining, fungicide spraying, trimming, watering and replacing dead trees within the Easements, on, over, and across the property described and labeled on the attached survey exhibit as "Tree Maintenance Area." Such "Tree Maintenance Area" as shown in the attached Exhibit describes the location of the trees only, and is not intended to restrict the area upon which the arborists work to perform the activities associated with care, removal or replacement of those trees as long as no existing landscaping on Lot 1 is removed or damaged by arborists' equipment. The rights and obligations hereby created shall not be just to the present Lot 1 Owner but shall run with the land and be binding upon all successors and assignees to the fee simple title to Lot 1, as well as the Lot 1 Owner's heirs, beneficiaries, and designees.

The Association will maintain and replace dead trees within the Tree Maintenance Area as a common amenity paid through the common expenses. Nothing herein shall obligate the Association to do any specific maintenance, repairs, improvements, or replacements with respect to the trees outside of this area or surrounding landscaping, nor shall anything herein obligate the Association to maintain, repair, improve, or replace any other portion of the Subdivision or Lot 1, except to the extent required by the Declaration.

The Lot 1 Owner shall retain the right to make landscape changes relating to planting of bushes and flowers in the subject Easements pursuant to provisions and requirements of the Declaration and the Association's Architectural Guidelines.

The Association will regularly consult with an arborist regarding tree care, and the Lot 1 Owner will be informed by the Association in writing of the arborist recommended tree care prior to the work being commissioned in the Easements. The Association will provide the Lot 1 Owner with accurate and complete information available, in writing, regarding when work will be done on trees within the Easements, such as tree trimming and spraying. When the Association's contracted arborist advises that a dead tree needs to be removed and replaced, the choice of the tree type and location will be determined by the Association Board in consultation with arborists/landscapers and the Lot 1 Owner prior to implementation.

Thirty (30) days prior to the trimming or removal of any dead trees located within the easement area on Lot 1, the Association shall obtain the written consent of the Lot 1 owner which consent shall not be unreasonably withheld. The Lot 1 Owner shall receive a copy of any arborist report commissioned by the Association within fifteen (15) days concerning the trees and the Lot 1 Owner shall have the option to have an independent state licensed arborist of the Lot 1 Owner's choosing provide a second opinion in the event of any disagreement regarding tree removal or trimming. Further, the Lot 1 Owner shall be consulted on any replacement plantings to ensure that any removed dead trees are replaced with appropriate and proportional new plantings.

This Resolution shall not be interpreted as creating any new easements on the Lot 1 Owner's property.

The Association will maintain the irrigation system for the irregular mulched area, which is more specifically described and labeled on the attached survey exhibit as "HOA Irrigation

Maintenance Area.” Further, the Association will continue to irrigate the area to the south of the Enclave fence in the right-of-way along 126th street. The Association shall, within ninety (90) days of the execution of this Resolution, replace all surface black hoses with sprinkler heads adequate to irrigate shrubs and flowers in the HOA Irrigation Maintenance Area.

NOW, THEREFORE, at a duly called and held meeting of the Board of Directors, the Board voted to approve this Resolution clarifying maintenance responsibilities as to the trees located in the Easements on Lot 1, 608 Melark Drive, Carmel, IN 46032. This Resolution shall have no impact on any other covenants, conditions, and restrictions applicable to the Enclave of Carmel subdivision. All other such covenants, conditions, and restrictions shall remain in full force and effect. As evidenced by her signature below, the Lot 1 Owner hereby consents to the terms of this Resolution.

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the Lot 1 Owner and officers of the Association have executed this Resolution to be effective as of the day and year first above written.

Lot 1 Owner

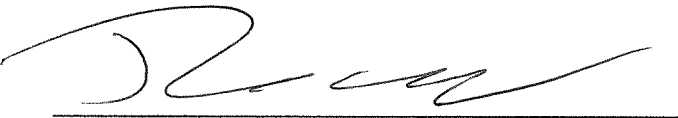


Ann Theresa Price

STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

Before me, a Notary Public in and for said county and state, personally appeared Ann Price, who, having been duly sworn, acknowledged the execution of the foregoing Resolution, this 27 day of Aug, 2026.

JOSEPH MILLER
Notary Public - State of Indiana
SEAL
Commission No. NP0743300
~~My Commission Expires 08/25/2030~~
My Commission Expires:
8/25/2030



My County of Residence:
Hamilton

Enclave of Carmel Homeowners Association, Inc.

By: Donald W Hecht

Printed Name: Donald W Hecht

Title: President

ATTEST:

By: Michael A Minnich

Printed Name: MICHAEL A. MINNICH

Title: Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

Before me, a Notary Public in and for said county and state, personally appeared Donald W Hecht, President of Enclave of Carmel Homeowners Association, Inc., an Indiana nonprofit corporation, and, Michael A Minnich, ^{Treasurer} ~~Secretary~~ of Enclave of Carmel Homeowners Association, Inc., an Indiana nonprofit corporation who, having been duly sworn, acknowledged the execution of the foregoing Resolution on behalf of said entity, this 27 day of Aug, 2026.

My Commission Expires:

8/28/2030

My County of Residence:

Hamilton

JOSEPH MILLER
Notary Public - State of Indiana
SEAL
Commission No. NP0743300
My Commission Expires 03/25/2030

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. /s/ Gregory A. Chandler

This instrument prepared by and to be returned to: Gregory A Chandler, Williams & Strohm, LLC,
PO Box 476, Carmel, IN 46032

SHEET
1 OF 1

SURVEYOR'S REPORT:

Owner of Record: Ann Theresa Price

Type of Survey: Boundary Retracement Survey

Purpose of Survey: Establish and mark the boundary lines and corners of the subject parcel.

BASIS OF BEARINGS:

The basis of bearings for this survey were based on the NAD83(2011) / InGCS Hamilton-Tipton (ftUS), using GPS observations on the monuments shown herein.

BOUNDARY RETRACEMENT SURVEY

DESCRIPTION - INSTRUMENT NO. 2021038701:

LOT NUMBERED ONE (1) IN THE ENCLAVE OF CARMEL, AN ADDITION TO THE CITY OF CARMEL IN HAMILTON COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 9125567, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

THEORY OF LOCATION:

Platted bearings and distances, obtained from the plat of The Enclave of Carmel, the plat of which is recorded as Instrument No. 9125567, in the Office of the Recorder of Hamilton County, Indiana, were utilized in the recreation of the lines and corners shown on this survey. We then rotated this plat's geometry to match the found Southwest corner of the Southeast Quarter of Section 30, Township 18 North, Range 04 East, and the mag nails found 468.26 feet East of the Southwest corner of Lot 1. When this method of establishment was utilized, a concrete monument found at the Southwest corner of Lot 1 fell within 0.2 feet of its calculated and accepted position. Where survey monuments were not found at the various survey corners of Lot 1, permanent monuments were set, as shown on this sheet.

FLOOD NOTE:

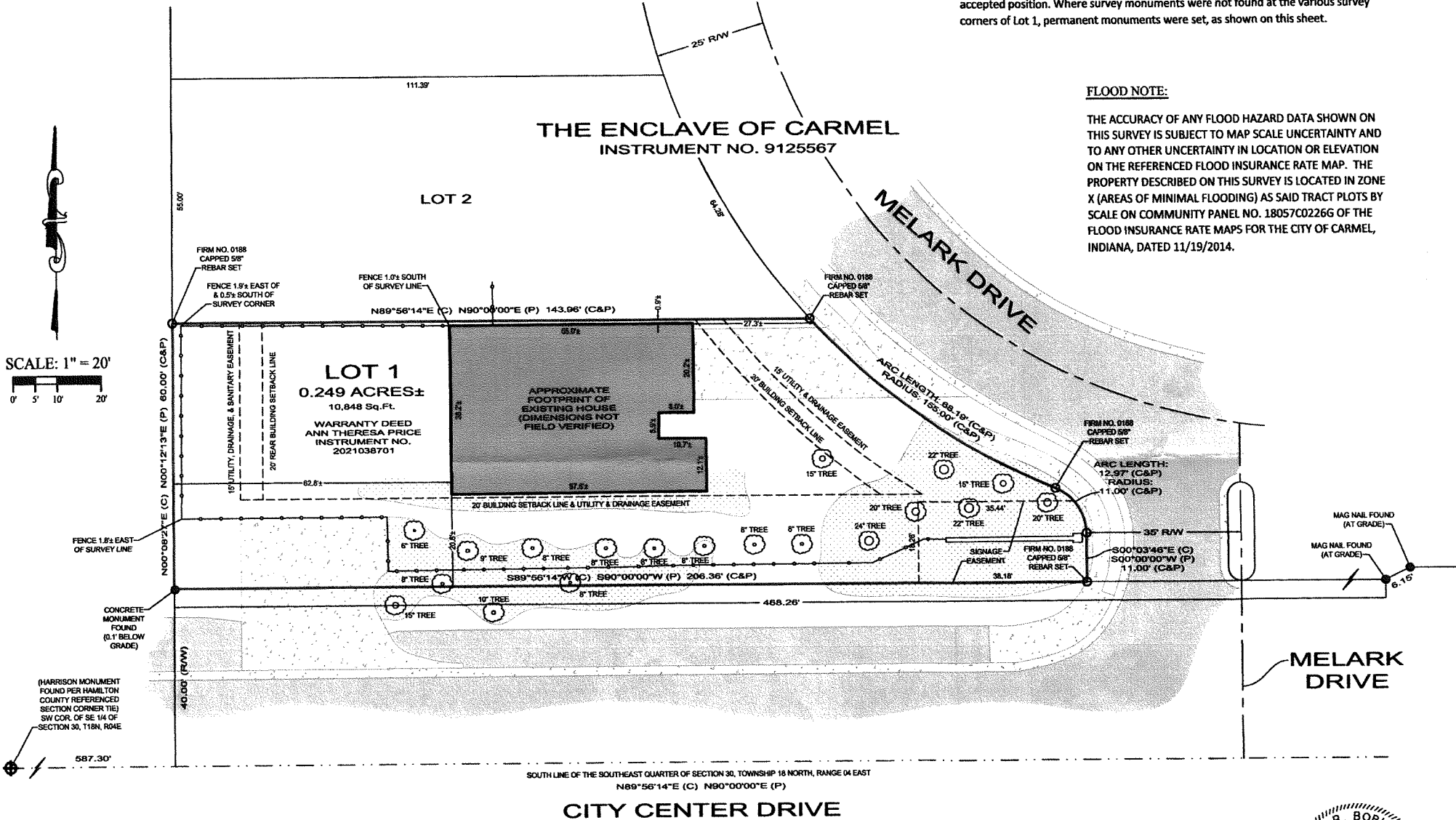
THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN ON THIS SURVEY IS SUBJECT TO MAP SCALE UNCERTAINTY AND TO ANY OTHER UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. THE PROPERTY DESCRIBED ON THIS SURVEY IS LOCATED IN ZONE X (AREAS OF MINIMAL FLOODING) AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL NO. 18057C0226G OF THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF CARMEL, INDIANA, DATED 11/19/2014.

UNCERTAINTY IN LOCATION OF LINES AND CORNERS:

- Availability and condition of reference monuments:
 - The Southwest corner of the Southeast Quarter of Section 30, Township 18 North, Range 04 East was found and defined as a Harrison Monument as the Hamilton County Referenced Section Corner Tie related to this corner indicates. Uncertainty relative to the location of this corner is negligible.
 - The concrete monument found at the Southwest corner of Lot 1 was found 0.1 foot below grade and in good condition. This monument is considered original in nature and therefore has no uncertainty associated with its location.
 - The mag nails found and shown on this sheet were found at grade and in good condition. These monuments are of unknown origin, however, there is no uncertainty associated with their locations.
- Occupation or possession lines:
 - Fence lines exist near the Northern, Western, and Southern lines of the Subject Real Estate. Distances relative to these calculated and accepted survey lines are as shown on this sheet.
- Clarity or ambiguity of record descriptions used:
 - There does not appear to be any ambiguities or issues associated with the current record descriptions utilized for this survey. No gaps or overlaps were observed.
- The Relative Positional Accuracy (Standard used by the surveyor herein) of the corners of the subject tract established this survey is within the specifications for a Suburban Survey (0.13 feet plus 100 parts per million). It should be assumed there is an amount of uncertainty along every line and corner of this survey equal to the magnitude of the above mentioned accuracy standard.

NOTES:

- Dimensions on this plat are expressed in feet and decimal parts thereof.
- The location of underground utilities are unknown as well as the location of utility service lines to the subject parcel. This also includes data pertaining to the condition, capacity or depth of any and all utilities. Contact the respective utility company for more information for said utility.
- Survey monuments set for the survey are 5/8" diameter 24 inch long rebar set at grade with "Firm No. 0188" identification caps, unless otherwise noted on plat.
- A title commitment for title insurance was not provided for use on this survey. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- Fence and occupation lines, as shown, are for informational purposes only. This survey does not warrant the right of possession or ownership of that part of the within described real estate lying between said fence and / or occupation lines and deed lines. There may be unwritten rights associated with occupation lines and / or uncertainties revealed in this survey.
- Unless specifically shown herein, this survey does not purport to indicate the presence or absence of storage tanks, asbestos, contaminants, or other hazardous or environmentally injurious materials; and the surveyor expressly disclaims any responsibility or liability for the same.
- A search for easements of record is not to be implied by this survey. Matters of zoning compliance is not expressed or guaranteed by this survey.



CONCLUSION OF UNCERTAINTIES:

The uncertainty per this survey relative to (1) availability and condition of reference monuments is 0.2 feet, more or less, as relative to (2) occupation or possession lines is 2 feet, more or less, and as relative to (3) clarity or ambiguity of record descriptions utilized for this survey is negligible.

LAND SURVEYOR CERTIFICATE

I, David R. Boblitt, hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana; and that to the best of my knowledge and belief, the survey and associated report herein represents a survey made under my supervision in accordance with Title 865, Article 1, Rule 12 of the Indiana Administrative Code. The date of the last fieldwork was completed on January 21, 2026.

Survey Prepared by:

David R. Boblitt II
Professional Land Surveyor No. 20300007

Property address: 608 Melark Drive, Carmel, Indiana

Survey and certified: February 12, 2026



RETRACEMENT SURVEY

608 MELARK DRIVE

LOT 1 IN THE ENCLAVE OF CARMEL
INSTRUMENT NUMBER 9125567

PREPARED FOR:
ANN THERESA PRICE

AXIS
SURVEYING, LLC

Complete Surveying Services for Commercial - Construction - Residential
(317) 841-1506 - www.AXISindy.com P.O. BOX 30936 - Indianapolis, IN 46250

PROJECT NUMBER 25-1185

DRAWN BY: BMHL
CHECKED BY: DRB
ISSUE DATE: 2/12/2026

SHEET
1 OF 1

LEGEND

○ SURVEY MARKER SET
(5/8" IRON REBAR)
WITH FIRM NO 0188 CAP
(SEE EXAMPLE TO RIGHT)

AXISINDY.COM
FIRM NO 0188

■ BUILDING
■ ASPHALT
■ CONCRETE
■ MULCH

● SURVEY MARKER FOUND
AS NOTED ON PLAT
● LINE STAKE SET
⊕ SECTION CORNER
(C) CALCULATED
(D) DEED
SRE SUBJECT REAL ESTATE