



# **Brierwood Hills**

## **Restrictive Covenants**

All lots in this subdivision will be subject to the following restrictions and limitations.

1. All lots will be used for residential purpose only.
2. one dwelling only will be erected on any one lot.
3. No building of any kind will be erected nearer the front lot line than the building as is set out for that lot.
4. No building will be erected nearer the side lot line than 15 feet.
5. No dwelling will be erected on lots no. 1 to 6 both inclusive, which shall have less than 1680 square feet of floor space, this may include breezeways and garages.
6. No dwelling will be erected on any of the remaining lots which shall have less than 1260 square feet of floor space, this may include breezeways and garages.
7. An easement on, along and over the rear 10 feet of each lot will be kept unobstructed for the placing of sewers, drains, utility poles or other public improvements.
8. Until such time as a combined sewage disposal system is available, all sewage will be disposed of by using septic tanks and seepage beds; same are to meet the approval of the Allen County Health Officer, and he is to be notified for inspection, before said system is covered.
9. All exterior material used in construction of buildings will be new material of good quality.

**10. No business of an objectional nature will be carried on , on any lot in this subdivision.**

**11. The owner of the property herein described are also the owners of the 80 foot strip extending from the south line of the lot No. 1 extended West to the North right of way line of U.S. Highway No. 24 and connecting Cherry lane with said Highway No. 24, and they hereby grant and dedicate a perpetual easment on, along and over said strip for a street for the use and benefit of the general public and all owners of any lot in this addition.**

**Approved by the Board of County Commissioners of Allen County, Indiana.**

BY-LAWS OF THE BRIERWOOD HILLS ASSOCIATION, INC.

Article I

NAME

The name of this Corporation is **BRIERWOOD HILLS ASSOCIATION, INC.**

Article II

PURPOSES

The purposes of the ASSOCIATION are to take such action as will:

- A. Foster and develop harmonious social and recreational pursuits, activities, and facilities for members of the ASSOCIATION.
- B. Tend to improve and render more attractive Brierwood Hills Addition.
- C. Tend to foster and develop the general welfare of Brierwood Hills Addition.

Article III

MEMBERSHIP

The membership shall consist only of the owners in fee simple, or if sold on contract, the purchasers of the lots in Brierwood Hills Addition; provided however, persons eligible for membership must apply for membership and make payment of dues as a condition of membership in the ASSOCIATION. The dues for membership for 1994 and thereafter shall be forty five dollars per residence. Dues shall be due on May 1st of each year for both joint or co-owners of property in the Addition. Each member of the ASSOCIATION shall be given a current copy of the By-Laws of this Corporation.

Article IV

DIRECTORS

The affairs of the ASSOCIATION shall be entrusted to the Board of Directors, composed of nine (9) members, each of whom shall

serve for a continuous period of two (2) years, or until their successors are elected. The immediate past **President** shall be an ex-officio member of the Board of Directors in addition to said nine (9) elected members.

## Article V

### OFFICERS

Section 1. The Officers of the ASSOCIATION shall be a **President, Vice-President, Secretary, and Treasurer**, all of whom shall be elected annually by the Board of Directors. Each of said Officers must be a Director.

Section 2. The **President** shall have general supervision of the affairs of the ASSOCIATION and preside at all meetings of the ASSOCIATION and Board of Directors. He/she shall, with the **Secretary** or the **Treasurer**, sign all written contracts and obligations of the ASSOCIATION and perform such other duties as the Board of Directors may determine.

Section 3. The **Vice-President** shall, in case of the absence or disability of the **President**, for any cause whatever, exercise all of the rights, possess all of the prerogatives and perform all the duties of the **President**.

Section 4. The **Secretary** shall record the proceedings of the ASSOCIATION and Board of Directors, conduct correspondence, and submit such reports as may be necessary to the Board of Directors, and to the ASSOCIATION at its meetings.

Section 5. The **Treasurer** shall have charge of the funds of the ASSOCIATION which shall be placed in a banking institution in Allen County, Indiana, under the direction of the Board of Directors and is authorized to sign all checks of the ASSOCIATION. He/she shall make collections and disbursements on vouchers and render reports at each regular Board meeting of the financial condition of the ASSOCIATION, and shall make such special reports as may be requested by the Board of Directors.

Section 6. The **Treasurer** shall be bonded each year by a reputable bonding company. The cost of the bond shall be paid by the ASSOCIATION, and the amount of the bond shall be determined by the Board of Directors.

## Article VI

### VACANCIES OF OFFICERS AND MEMBERS OF THE BOARD OF DIRECTORS

The Board of Directors shall fill vacancies arising in the Board of Directors between annual meetings of the membership of the ASSOCIATION. All such vacancies shall be filled by the Board of Directors upon a simple majority vote at any regular or special meeting of the Board of Directors. If the **Presidency** should be vacated before the term of office is completed, the **Vice-President** shall automatically assume and exercise all of the rights and possess all of the prerogatives and perform all of the duties of the **President** until the next regular or special meeting of the Board of Directors, wherein, said Board of Directors shall elect a new **President** from among their members upon a simple majority vote. All other vacated officerships shall be filled by the Board of Directors at the next regular or special meeting of the Board of Directors by a simple majority vote. The officers and/or Directors selected as above-stated shall serve during the remaining part of the term of the Officer and/or Director replaced.

## Article VII

### COMMITTEES

Section 1. As soon as practicable after the annual meeting of the ASSOCIATION, the **President** shall appoint the following standing Committees as needed, the members of which shall serve as successors are designated:

- A. Publicity and Community Relations
- B. Social
- C. Hospitality
- D. Auditing and Budget
- E. Roads, Parkways, Recreation, Safety, and General Maintenance

Section 2. The **President** shall appoint any special committees from time to time as the need arises.

Section 3. The **Chairman** of any standing committee or special committee must be a member of the Board of Directors, and the balance of the membership of any said committee must consist of members of the ASSOCIATION.

Section 4. The **President** shall be an ex-officio member of each committee.

## Article VIII

### DUTIES OF COMMITTEES

Section 1. The **Publicity and Community Relations Committee** shall publish and distribute a newsletter to all members of the ASSOCIATION no less than two (2) times per year. The purpose of said newsletter is to keep the membership informed regarding the activities of the Board of Directors, Association Committees, and general ASSOCIATION activities. The **Committee** shall also annually compile a Membership Association Directory and one (1) copy of said Directory shall be distributed to each member of the ASSOCIATION. The **Committee** shall coordinate all community relations activities of the ASSOCIATION.

Section 2. The **Social Committee** shall plan and organize all of the social activities of the ASSOCIATION.

Section 3. The **Hospitality Committee** shall welcome each new member of the ASSOCIATION personally and present them with copies of the most recent published newsletter, By-Laws, and Membership Directory.

Section 4. The **Audit and Budget Committee** shall review the books and records of the ASSOCIATION fifteen (15) days prior to the annual membership meeting and shall make its report at the annual membership meeting as to the results of its audit. Immediately after the **Committee** is formed, it shall review the books and records of the ASSOCIATION and prepare a probable budget for the ensuing year, which is to be presented to the Board of Directors for approval and/or modification.

Section 5. The **Roads, Parkways, Recreation, Safety and General Maintenance Committee** shall have the responsibility of all matters relating to the development and improvement of the roads, parkways, and recreation facilities located within Brierwood Hills Addition. It shall also investigate all possible unsafe conditions of the roads, parkways, or other facilities within said Addition, and if any be found, report said conditions to the Board of Directors with their recommendations for the correction of said unsafe conditions. The **Committee** shall also be responsible for the general maintenance of all facilities owned by the ASSOCIATION or other facilities which are the responsibility of the ASSOCIATION to maintain.



## Article IX

### NOMINATING COMMITTEE

Section 1. The Board of Directors, by majority vote, shall appoint the Chairman of the Nominating Committee at the regular Board meeting for the month of January each year.

Section 2. The Chairman of the Nominating Committee shall appoint four (4) additional members of the Nominating Committee who shall be selected from the general membership of the ASSOCIATION, and must be members who are not presently serving on the Board of Directors.

Section 3. The Nominating Committee shall report its proposed slate for membership in the Board of Directors to the Board of Directors at the regular April meeting of the Board of Directors each year.

Section 4. The Board of Directors shall, by a majority vote, either approve or disapprove the slate for membership on the Board of Directors as presented by the Nominating Committee and the results of said approval or disapproval shall be published and provided to the general membership with the Notice of the Annual Meeting of the membership.

## Article X

### CORPORATE YEAR

The Corporate year of the Corporation shall begin on the 1st day of May and end on the last day of April of each year.

## Article XI

### NOMINATIONS AND ELECTIONS

Section 1. The Directors shall be elected annually at the annual general membership meeting of the ASSOCIATION in May.

Section 2. Voting will be on the basis of each membership having two (2) votes. Joint deed represents one (1) membership.

Section 3. The **Treasurer** shall maintain a correct list of all members of the ASSOCIATION at all times, and shall bring such membership list to the annual meeting.

Section 4. The Nominating Committee shall report to the general membership its slate of proposed Board members and the **President** of the ASSOCIATION shall report to the general membership the approval or any exceptions by the Board of Directors to the Nominating Committee's report.



Section 5. Members of the ASSOCIATION may place in nomination from the floor such members as they desire as nominees to be voted on for the Board of Directors, but in no event, shall more than ten (10) persons' names be placed in nomination at any such meeting. At the first annual meeting of the members of the ASSOCIATION, the five (5) nominees receiving the greatest number of votes at the election shall be elected, and shall serve for a period of two (2) years or until their successors are elected. At the second annual meeting of the ASSOCIATION, the four (4) nominees receiving the greatest number of votes at the election shall be elected for a period of two (2) years or until their successors are elected. Thereafter, an alternate number of Directors as herein set forth shall be elected at each succeeding annual meeting to succeed those Directors whose terms expire.

## Article XII

### MEETING OF THE ASSOCIATION

Section 1. There shall be an annual general membership meeting of the ASSOCIATION during the month of May. Said meeting shall be for the specific purpose of electing the Board of Directors, receiving a financial report and the discussion and voting upon of all matters relating to the business and the purposes of the ASSOCIATION.

Section 2. Ten (10) memberships represented shall constitute a quorum.

Section 3. Written notice of said annual general membership meeting must be transmitted to the general membership no later than fourteen (14) days prior to the meeting. Said notice shall specifically state the date, time, and place of the annual general membership meeting and shall also contain the proposed agenda for said meeting.

Section 4. Any member of the ASSOCIATION wishing to have a subject placed upon the agenda for said annual general meeting, must do so by way of written notice to the **President** of the ASSOCIATION during the month of April preceding said annual meeting.

Section 5. Special meeting of the general membership of the ASSOCIATION may be called by written petition of a majority of the members of the ASSOCIATION, by a majority of the members of the Board of Directors, or upon the call of the **President** of the ASSOCIATION. Notice of special meetings shall be required in the same manner as notice of the regular annual membership meeting.

## Article XIII

### MEETING OF THE BOARD OF DIRECTORS

Section 1. The Board of Directors shall meet at least once each month, except for the months of **June, July, and August**. The date, time, and place of said regular meetings shall be decided by the Board of Directors at each preceding meeting, and notice of each meeting shall be transmitted to each member of the Board of Directors by the **Secretary** no less than seven (7) days prior to said meeting. Special meetings may be held upon the call of five (5) members of the Board of Directors, or upon the call of the **President** of the ASSOCIATION upon three (3) days written notice to each member of the Board of Directors. Five (5) directors shall constitute a quorum for any meeting of the Board of Directors.

Section 2. Any member of the Board of Directors who fails to attend any two (2) meetings of the Board of Directors consecutively may be removed from membership on the Board upon a majority vote of the Board. Any vacancy arising under the provision of this Section shall be filled pursuant to Article VI of these By-Laws.

## Article XIV

### RULES GOVERNING MEETINGS OF THE BOARD OF DIRECTORS AND OF THE GENERAL MEMBERSHIP

Robert's Rules of Order shall be the parliamentary guide and govern the proceedings of all meetings of the Board of Directors and of the general membership. If a conflict shall arise between Robert's Rules of Order and any specific provision of these By-Laws, said By-Laws shall govern.

## Article XV

Section 1. These By-Laws may be amended by a two-thirds (2/3) vote of the members of the ASSOCIATION presented at any annual or special meeting of the membership of the ASSOCIATION.

Section 2. Any member of the ASSOCIATION who wishes to amend the By-Laws must submit the proposed amendment to the Board of Directors no later than sixty (60) days prior to the annual general membership meeting. The proposed amendment will automatically be placed upon the agenda for the next annual general membership meeting, and the proposed amendment will be fully set forth in the notice to the general membership of said annual meeting.

Section 3. It shall be the duty of the Board of Directors to make recommendations to the general membership regarding any proposed amendment to these By-Laws. Said recommendation of the Board of Directors shall also be placed in the notice to the membership of the annual meeting.

APPROVED BY THE BOARD OF DIRECTORS, August 18, 1954

Revised as of December 6, 1965  
Revised as of October 15, 1974  
Revised as of January 18, 1982  
Revised as of January 21, 1983  
Revised as of March 14, 1991