

Ballot

Proposed Bylaws Amendments to bring Sunflower Gardens Governing Documents into Compliance with Indiana House Enrolled Act 1286 October 12, 2016

House Enrolled Act No. 1286 (HER1286) became effective July 1, 2015. It sets rules that apply to multiple unit residential developments such as Sunflower Gardens. Because HER1286 details can change over time, an SGHOA Ad Hoc Committee appointed to study its implementation recommended inserting HER1286 information as Indiana Code references – e.g., IC 32-25.5-5. – to help Owners look up the then current wording as needed in the future. Proposed new wording below has been underlined to help you see the change – except that throughout the Bylaws, section headings are always underlined. That is not a change. In the same way, places where some wording has been removed have been ~~struck through~~.

Change 1 -- Grievance Resolution (New)

To the wording below, I vote:

☐ Yes

☐ No

Article 8 Grievance Resolution

All claims arising from the Bylaws and governing documents of the HOA among the HOA, its members and/or the HOA Board shall be resolved in accordance with IC 32-25.5-5.

Change 2 -- Removal of Directors (New)

To the wording below, I vote:

☐ Yes

☐ No

Section 3.12 Removal of Directors

A director may be removed from office by a majority vote at any annual or special meeting of the HOA members at which there is a quorum. Any director so removed may be replaced at the same meeting (just as if it were an annual meeting in cases where it is not) as provided in Section 2.6.6.4.

Change 3 -- Interim Budgets (Amended)

To the wording below, I vote:

☐ Yes

☐ No

Section 5.6. Temporary Budget and Assessments.

5.6.1. If there is no quorum at the annual meeting, the Board may set an annual budget and Regular Assessments for the next year of up to 110% of the amount of the last annual budget and Regular Assessments.

5.6.2. If for any reason an annual budget and the Regular Assessments for any year have not been determined as of December 15th of any year, the budget and Regular Assessments in effect during the preceding year shall continue in effect until

such time as the annual budget and Regular Assessments are determined in accordance with this Declaration and the Bylaws.

Change 4 – Proxies (Amended)

To the wording below, I vote:

☐ Yes
☐ No

2.6.4. Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary before the appointed time of each meeting and shall conform to IC 32-25.5-3-10. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot or upon receipt of notice by the Secretary, or the Board of the death or judicially declared incompetence of a member or upon the expiration of 180 days from the date of the proxy. A form of proxy or written ballot may provide an opportunity to specify approval or disapproval with respect to any proposal.

Change 5 -- Financial Records and Minutes (4.5 Amended)

To the wording below, I vote:

☐ Yes
☐ No

Section 4.5. Secretary. The Secretary shall be elected from among the Directors. The Secretary shall attend all meetings of the Association, and the Board and shall keep or cause to be kept a true and complete record of the proceedings of such meetings, shall perform all other duties incident to the office of the Secretary and such other duties as from time to time may be prescribed by the Board. The Secretary shall specifically see that all notices of the Association or the Board are duly given, mailed, or delivered, in accordance with the provision of these Bylaws, and that copies of meeting minutes are provided to members upon request. The Secretary and President shall not be the same person.

Change 6 -- Financial Records and Minutes (4.9 New)

To the wording below, I vote:

☐ Yes
☐ No

Section 4.9. Records. Board members (and the Management Company when there is one) are responsible for keeping copies for a minimum of two years of any correspondence whether written or electronic regarding financial transactions of the Association.

Change 7 -- Annual Meeting (Amended)

To the wording below, I vote:

☐ Yes
☐ No

Section 2.2. Annual Meeting. The annual meeting of the members of the Association shall be held during ~~the first week of November~~ October¹ in each calendar year. At the annual meeting the Owners shall elect the Board of Directors in accordance with the provisions of these Bylaws and transact such other business as may properly come before the meeting.