

Sunflower Gardens Homeowners Association  
September 29, 2017

Dear Neighbors,

This packet of materials is being provided to you in preparation for the Sunflower Gardens Homeowners Association Annual Meeting, scheduled to begin promptly at 7:00 p.m., Tuesday, October 17, 2017, at Summit Elementary School. We will gather beginning at 6:30 p.m. to sign in, enjoy some refreshments, and take time to visit with neighbors. There are a number of important issues we need to consider that affect all members of our community. We hope you will be able to attend but, if not, we ask that you please complete the enclosed proxy form and give it to a neighbor, a Board member, or Jamar Property Management at least one week before the meeting, i.e., by October 10. Either way, please indicate to Jamar at least a week in advance of the meeting if you will be attending or cannot do so.

*Please note that the proxy form is new this year because of changes in the Association Bylaws passed in 2016 to comply with Indiana law. So please use the enclosed form and destroy any you may have saved from previous years.*

We would also like to encourage you to contact Jamar if you would like to nominate someone (including yourself) for the 2018 Board or Design Committee.

**Agenda:**

- Approval of the minutes from the 2016 annual meeting.
- Financial report: review of 2017 budget and report on where we stand as of September 30, 2017.
- Presentation of 2018 budget and vote on approval.
- Elections for the Board of Directors and Design Committee.
- Presentation of proposed amendments to Bylaws and CCRs and vote on approval.

As you can see, we have lots of items to cover and, hopefully, fit into a 90-minute meeting. We urge you to read the proposed amendments before the meeting and to feel free to talk to a Board member if you have questions or comments. Again, if you cannot be present, please provide your proxy to someone you trust to cast your votes according to your wishes. If you have questions about any aspect of the above, please call Don Westerhaus, Board President, 515-229-6151.

Sincerely,

Your 2017 SGHOA Board

**Attachments:**

- 2017 Proxy form
- Minutes from the October 12, 2016 Special Meeting and Annual Meeting
- New cover pages for your Governing Documents (Bylaws and CCRs) binder
- Copy of Bylaws changes passed at the 2016 annual meeting to add to your binder
- Copy of proposed changes to Bylaws and CCRs that will be voted on at the meeting, included for your review prior to the meeting. These have been reviewed and approved by our HOA's attorney.

# Sunflower Gardens Homeowners Association

## **ANNUAL MEETING NOTICE**

Date of Notice: October 2, 2017

WHAT: 2018 Annual Homeowners Meeting: Vote on Board, Design Committee, Budget, Bylaws Amendment, and CCR Amendment

WHEN: Tuesday, October 17, 2017

TIME: 7:00 PM Business Meeting

WHERE: Summit Elementary School  
1450 West Countryside Lane  
Bloomington, IN 47403

### **PROPOSED AGENDA FOR ANNUAL MEETING**

- 1) Introduction of Homeowners
- 2) Proof of Notice of Meeting
- 3) Confirmation of Quorum
- 4) Approval of October 12, 2016 Annual Meeting Minutes
- 5) Financial Report
- 6) Presentation and Vote on 2018 Budget
- 7) Election of 2018 Board
- 8) Election of Design Committee
- 9) Presentation and Vote on Bylaws and CCR Amendments
- 10) Adjournment of Meeting

**All homeowners should attend either in person or by proxy.** If you are unable to attend, please complete, sign and mail the enclosed Proxy Form to:

Sunflower Gardens Homeowners Association  
c/o Jamar Property Management  
P.O. Box 7812, Bloomington, IN 47407

**Send your Proxy Form in by Tuesday, October 10 or give your signed Proxy Form to a neighbor to bring to the meeting on your behalf.**

Registration, light refreshments, and social time begins at 6:30 pm. The business meeting will start promptly at 7:00 pm and will adjourn no later than 9:00 pm.

Sincerely,

Sunflower Gardens Board of Directors  
Jamar Property Management

**Sunflower Gardens Homeowners Association  
Proposed 2018 Budget**

	2016 BUDGET Unit Fee \$691.45	2016 ACTUAL 12/31/2016 \$691.45	2017 BUDGET Approved \$696.45	2017 FEE SCHEDULE Unit Fee \$696.45	2017 ACTUAL 1/1-4/1/17	# Units 45	2018 BUDGET Proposed \$800.45	2018 Proposed Unit Fee \$800.45	2018 Comments
<b>INCOME</b>									
Homeowners Fees (45 units)	\$31,095.00	\$29,188.28			\$27,203.53		\$36,000.00		
HO Insurance (billed separately)	\$10,681.25	\$10,681.25			\$11,642.44		\$16,197.50		15% increase, average
<b>TOTAL INCOME</b>	<b>\$41,776.25</b>	<b>\$39,869.53</b>	<b>\$41,603.44</b>	<b>\$696.45</b>	<b>\$38,845.97</b>		<b>\$52,197.50</b>		
<b>OPERATING EXPENSES</b>									
HO Insurance (separate from dues)	\$10,681.25	\$10,681.25	\$12,233.44	\$12,233.44	\$12,233.44	45	\$16,197.50		pass-through expense
<b>1. Landscaping Maintenance</b>									
a Mowing (12 times per season)	\$17,875.00	\$10,041.00	\$27,875.00	\$621.67	\$20,863.50		\$31,725.00	\$ 705.00	Sum of below
b Mulch (1 time per season)	\$6,210.00	\$6,300.00	\$17,640.00	\$392.00	\$10,200.00		\$19,600.00	\$ 435.56	28 mowings
c Edging	Included	Included	\$6,210.00	\$138.00	\$8,185.50		\$8,000.00	\$ 177.78	Color, Dark Hardwood x 1 time
d Lawn Appl/Fertilizing (4 X per season)	\$4,125.00	\$4,130.00	Included		Included		Included		sidewalks edged each time
e Grub Control/Fertilizer	\$0.00	\$0.00	\$4,125.00	\$91.67	\$2,478.00		\$4,125.00	\$ 91.67	\$18.33/unit-\$825/treatment x5
f Entrance Sign/Flowers	\$50.00	\$50.00							
2 Income Tax Filing	\$250.00	\$275.00	\$250.00	\$5.56	\$285.00		\$250.00	\$ 5.56	flat fee
3 Management Fees	\$1,890.00	\$1,896.00	\$1,890.00	\$42.00	\$1,264.00		\$2,160.00	\$ 48.00	\$4.00/unit x 12
4 Other Professional (Legal)	\$475.00	\$1,117.50	\$475.00	\$10.56	\$477.50		\$475.00	\$ 10.56	based on last 2 yrs
5 QuickBooks Online	\$465.00	\$461.64	\$465.00	\$10.33	\$487.76		\$465.00	\$ 10.33	
6 Office Supplies/Postage	\$100.00	\$203.65	\$100.00	\$2.22	\$0.00		\$100.00	\$ 2.22	
7 Sign Repair & Maintenance	\$100.00	\$60.00	\$100.00	\$2.22	\$1,049.71		\$100.00	\$ 2.22	
8 Annual Meeting Supplies	\$50.00	\$178.91	\$50.00	\$1.11	\$0.00		\$50.00	\$ 1.11	
9 Miscellaneous		\$714.39			\$237.00		\$675.00	\$ 15.00	calculated
10 Reserves							\$36,000.00	\$ 800.00	
<b>TOTAL OPERATING EXPENSES</b>	<b>\$31,305.00</b>	<b>\$34,948.00</b>	<b>\$31,305.00</b>	<b>\$696.47</b>	<b>\$24,664.47</b>		<b>\$52,197.50</b>		
<b>Net Income:</b>	<b>\$10.25</b>	<b>\$5,921.53</b>	<b>\$10.44</b>	<b>\$0.00</b>	<b>\$14,181.50</b>		<b>\$0.00</b>		
<b>Projected Net Income</b>							<b>\$0.00</b>		

**Notes for Budget Proposal**

**Some goals:**

Maintain attractively low HOA dues for current and future members  
Provide for essential services of its members, including insurance for exteriors and lawn care  
Increase Reserves

**Background:**

Major Common Expense centers around lawn care. Some optional services might be desired, such as aeration and grub control. City owns the streets and regulates issues such as trash pickup, street trees, garage sales, Kunst Conservancy. Development is complete, there are 45 units in the association now. Home owner insurance is paid by HOA and reimbursed by home owners.

**Lawn treatments:**

Lawn care and landscaping are the biggest items HOA pays for. Costs are summarized in lump size as well as detailed line items. Mowings are based upon weather, the more rain we get, the more lawn mowings are needed. Budget has been based on 28 mowings, as it is better to have money left over than having to dip into surplus. Mulching happens once a year in the spring. Sidewalks edged each time. Fertilizing, along with lawn applications has happened 4 times a year. March - crabgrass control and pre-emergent, April - crabgrass and broadleaf, June - broadleaf, July - optional grub, September - broadleaf. Other costs are self-explanatory.

**Surplus:**

There is now a reserve account set aside. Surplus funds will be moved to the reserve account. It is in the best interest of the homeowners association to increase these reserves. The surplus is driven largely on how much mowing needs to be done to maintain aesthetics.

# Sunflower Gardens Homeowner's Association

## BALANCE SHEET

As of August 31, 2017

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
Checking Account	6,607.09
Savings Account	5,000.00
<b>Total Bank Accounts</b>	<b>\$11,607.09</b>
Accounts Receivable	
Accounts Receivable	0.00
<b>Total Accounts Receivable</b>	<b>\$0.00</b>
Other Current Assets	
Undeposited Funds	0.00
<b>Total Other Current Assets</b>	<b>\$0.00</b>
<b>Total Current Assets</b>	<b>\$11,607.09</b>
<b>TOTAL ASSETS</b>	<b>\$11,607.09</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
Accounts Payable	0.00
<b>Total Accounts Payable</b>	<b>\$0.00</b>
<b>Total Current Liabilities</b>	<b>\$0.00</b>
<b>Total Liabilities</b>	<b>\$0.00</b>
Equity	
Retained Earnings	9,709.03
Net Income	1,898.06
<b>Total Equity</b>	<b>\$11,607.09</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$11,607.09</b>



# Sunflower Gardens Homeowner's Association

## TRIAL BALANCE

As of August 31, 2017

	DEBIT	CREDIT
Checking Account	6,607.09	
Savings Account	5,000.00	
Accounts Receivable	0.00	
Undeposited Funds	0.00	
Accounts Payable		0.00
Retained Earnings		9,709.03
Dues Income		27,149.96
Late Fees		65.00
Services		336.57
Unapplied Cash Payment Income	348.00	
Association Management:Income Taxes Paid	285.00	
Association Management:Management	1,264.00	
Association Management:QuickBooks	487.76	
Insurance	641.00	
Legal & Other Professional Fees	477.50	
Miscellaneous	237.00	
Repairs	1,049.71	
Yard Maintenance:Lawn Application - Fertilizer	2,478.00	
Yard Maintenance:Mowing	10,200.00	
Yard Maintenance:Mulching	8,185.50	
<b>TOTAL</b>	<b>\$37,260.56</b>	<b>\$37,260.56</b>

# Sunflower Gardens Homeowner's Association

## PROFIT AND LOSS

August 2017

	TOTAL
INCOME	
Dues Income	1,392.00
Services	26.57
<b>Total Income</b>	<b>\$1,418.57</b>
GROSS PROFIT	<b>\$1,418.57</b>
EXPENSES	
Association Management	
Management	158.00
QuickBooks	38.47
<b>Total Association Management</b>	<b>196.47</b>
Insurance	-3,987.58
Legal & Other Professional Fees	100.00
Repairs	934.71
Yard Maintenance	
Mowing	3,000.00
<b>Total Yard Maintenance</b>	<b>3,000.00</b>
<b>Total Expenses</b>	<b>\$243.60</b>
NET OPERATING INCOME	<b>\$1,174.97</b>
NET INCOME	<b>\$1,174.97</b>

# Sunflower Gardens Homeowner's Association

## PROFIT AND LOSS

January - August, 2017

	TOTAL
<b>INCOME</b>	
Dues Income	27,149.96
Late Fees	65.00
Services	336.57
Unapplied Cash Payment Income	-348.00
<b>Total Income</b>	<b>\$27,203.53</b>
<b>GROSS PROFIT</b>	<b>\$27,203.53</b>
<b>EXPENSES</b>	
Association Management	
Income Taxes Paid	285.00
Management	1,264.00
QuickBooks	487.76
<b>Total Association Management</b>	<b>2,036.76</b>
Insurance	641.00
Legal & Other Professional Fees	477.50
Miscellaneous	237.00
Repairs	1,049.71
Yard Maintenance	
Lawn Application - Fertilizer	2,478.00
Mowing	10,200.00
Mulching	8,185.50
<b>Total Yard Maintenance</b>	<b>20,863.50</b>
<b>Total Expenses</b>	<b>\$25,305.47</b>
<b>NET OPERATING INCOME</b>	<b>\$1,898.06</b>
<b>NET INCOME</b>	<b>\$1,898.06</b>

# Sunflower Gardens Homeowner's Association

## A/R AGING SUMMARY

As of September 11, 2017

	CURRENT	1 - 30	31 - 60	61 - 90	91 AND OVER	TOTAL
1401 Countryside Lane - Pearson				341.04		\$341.04
1457 W Petal Court - Nichols				301.25		\$301.25
1545 Countryside Lane - Sreedasyam					0.89	\$0.89
<b>TOTAL</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$642.29</b>	<b>\$0.89</b>	<b>\$643.18</b>



# Sunflower Gardens Homeowner's Association Budget vs. Actuals: 2017 - FY17 P&L

January - August 2017

	Aug 2017			Total		
	Actual	Budget	over Budget	% of Budget	Actual	over Budget
Income						
Dues Income	1,392.00	0.00	1,392.00		27,149.96	-4,170.04
Late Fees					65.00	65.00
Services	26.57		26.57		336.57	336.57
Unapplied Cash Payment Income					-348.00	-348.00
Total Income	\$ 1,418.57	\$ 0.00	\$ 1,418.57		\$ 27,203.53	\$ 4,116.47
Gross Profit	\$ 1,418.57	\$ 0.00	\$ 1,418.57		\$ 27,203.53	\$ 4,116.47
Expenses						
Association Management						
Annual Meeting		0.00	0.00		0.00	0.00
Income Taxes Paid		0.00	0.00		50.00	-50.00
Management	158.00	157.00	1.00	100.64%	285.00	35.00
Office Supplies & Postage	4.00	4.00	0.00	0.00%	1,890.00	-826.00
QuickBooks	38.47	38.00	0.47	101.24%	100.00	-100.00
Total Association Management	\$ 196.47	\$ 199.00	\$ -2.53	98.73%	\$ 1,856.76	\$ -157.24
Insurance	-3,987.58	0.00	-3,987.58		641.00	-11,642.00
Legal & Other Professional Fees	100.00		100.00		477.50	477.50
Miscellaneous			0.00		237.00	237.00
Repairs	934.71		934.71		1,049.71	1,049.71
Yard Maintenance			0.00		0.00	0.00
Entrance Sign & Flowers		0.00	0.00		100.00	-100.00
Lawn Application - Fertilizer		0.00	0.00		2,478.00	-1,647.00
Mowing	3,000.00	2,520.00	480.00	119.05%	10,200.00	-7,440.00
Mulching		0.00	0.00		8,185.50	1,975.50
Total Yard Maintenance	\$ 3,000.00	\$ 2,520.00	\$ 480.00	119.05%	\$ 20,863.50	\$ -7,211.50
Total Expenses	\$ 243.60	\$ 2,719.00	\$ -2,475.40	8.96%	\$ 25,125.47	\$ 17,987.53
Net Operating Income	\$ 1,174.97	\$ 2,719.00	\$ 3,893.97	-43.21%	\$ 2,078.06	\$ 13,871.06
Net Income	\$ 1,174.97	\$ 2,719.00	\$ 3,893.97	-43.21%	\$ 2,078.06	\$ 13,871.06

Monday, Sep 11, 2017 06:16:17 AM GMT-7 - Cash Basis

**2017 PROXY FORM**

If there is any doubt of your ability to attend the meeting, please send in your proxy, it can be canceled by your actual presence at the meeting!  
Call 330-8655 or email [jamarproperties@yahoo.com](mailto:jamarproperties@yahoo.com)  
your plans for attending.

### **MINUTES OF SPECIAL MEETING**

DATE: October 12, 2016

Meeting called to order at 6:45 p.m. by President Tim Callahan

Proof of Notice of Meeting given by Tonya of Jamar – notice mailed out September 29, 2016.

Confirmation of Quorum given by Tonya of Jamar – 18 owners appeared in person, and 18 by proxy, for a total of 36.

Brief presentation of Bylaws changes given by Tim Callahan.

Vote on Bylaws changes one through six – all in favor, passed.

Vote on Bylaws change number seven – 3 opposed, passed.

Meeting adjourned at 6:52 p.m.

### **MINUTES OF ANNUAL MEETING**

DATE: October 12, 2016

Meeting called to order at 6:55 p.m. by President Tim Callahan

Brief Introduction of Home Owners

Proof of Notice of Meeting given by Tonya of Jamar – notice mailed out September 29, 2016.

Confirmation of Quorum given by Tonya of Jamar – 20 owners appeared in person, and 18 by proxy, for a total of 38.

Presentation of October 6, 2015 Annual Meeting Minutes:

- Ruth Holman's name is spelled incorrectly and needs to be corrected.
- Status of sink hole on page 3, Item 6 – in limbo right now
- Questions regarding Item 7 regarding Smithville Fiber status – Bill Mankins talked to them and due to the size of the HOA, Sunflower was put in line, probably one year out.
- Susan Wier's name was spelled incorrectly and needs to be corrected.
- Leonard Kelly moved to approve last year's minutes, Bob Sherwood seconded said motion, all in favor – approved.

Financial Report given by Tonya of Jamar:

- Announcement that Reserves Fund has been made and \$10,000 was transferred from operating to reserves in June 2016.

- Current amount in checking as of September 30<sup>th</sup> was \$2421.45.
- Review of 2015 Actuals:
  1. More income collected due to some people not paying in 2014. Total extra collected came to \$676.55.
  2. Insurance was less than expected, but is a pass through expense.
  3. Under budget in Landscaping by \$1100.00.
  4. Legal fees were over budget by \$550.64, but we had a lot of legal consultation regarding the drainage issue.
  5. QuickBooks accounting program came in just over budget by \$35.11.
  6. Office supplies and postage was up by \$25.83.
  7. Sign Repair and Maintenance was under by \$32.39.
  8. Total operating expenses were under budget by \$550.78.
  9. Net income for the year was \$1637.78.
- Review of 2016 Budget and where we currently stand as of September 30, 2016:
  1. Accounts receivable looks good, except for 1417 Petal Court, which was sold at tax sale and did not bring in enough income to pay back the dues so the HOA will take a loss on this one.
  2. Landscaping Maintenance is currently at 85.90% of the budget, so we should be able to stay within budget.
  3. Income tax filing was over budget by \$25.00.
  4. Currently at 75% for Management Fees, so this will be right on budget.
  5. Currently over on legal fees by \$162.50, but we have had continued discussions regarding drainage issue and 1417 Petal Court issue.
  6. Annual Meeting Supplies were over budget by \$185.45, but this is because we sent extra packets in the mail this year in preparation of this meeting.
- Susan Wier moved to approve financials, motion seconded by Anita Westerhaus, all in favor – approved.

Presentation of 2017 Budget given by Tonya of Jamar:

- Discussion regarding \$5.00 increase in dues – this was approved at last year's annual meeting, but was never put on the actual budget. Therefore, this year we are writing it in.
- Insurance will be bid out, but we always account for a 15% increase. This is a pass through expense though.
- All other figures will remain the same as last year's budget.
- Projected \$15 net income.
- Armelda Mayfield moved to approve 2017 Budget, motion seconded by Linda Sherwood, all in favor – approved.

Presentation of Proposed CCR Changes:

- Brief background information given by Secretary, Don Westerhaus – Jamar had an attorney look at the CCRs and two sections differ. Both sections utilize the words "maintain" and "maintenance" without clear definitions.



- Each amendment stands alone and we will be voting on them separately.
- Change 1: Add new definition regarding maintenance
  1. This amendment means each owner is responsible for their lot; no common areas; limit HOA activity to small fees for property maintenance, mowing, mulching, and beautification of grounds outside "5 foot strip" next to each residence.
  2. Terry Fink was opposed to this change and believes everyone needs time to understand the changes. He moved to table the discussion of all CCR changes except number 6 and 11. Carol Wise seconded said motion. Vote: 8 in favor, 28 opposed. Motion denied.
  3. Bill Mankins voiced his concerns regarding the drainage issue. Asked whether the concrete structure on the east side of the subdivision should be seen as a common structure for the HOA? Wants to table discussion on all CCR changes related to drainage (i.e. 1, 2, 3, 5, and 7). He believes the legal route is the way to go, and doesn't want the HOA to pay for it but wants the HOA to "go to bat" for the owners.
  4. Terry Fink moved to table Change 1, Susan Wier seconded said motion, 17 in favor, 21 opposed. Motion defeated.
  5. Motion to strike the words "cleaning" and "weeding" from the first paragraph proposed by Lynn Hufford, said motion seconded by Anita Westerhaus, 32 in favor, 5 opposed – passed.
  6. Leonard Kelley moved to Change CCR 1 as amended, motion seconded by Susan Wier, 29 in favor. Motion defeated, as we need 34 to pass a CCR change.
- Change 2 and 3: failed due to Change 1 failing.
- Change 4: Revised wording of Section 5.1.4
  1. Brought to our attention that Section 12.1 states you can't make this change.
  2. Don Westerhaus moved to table all further discussion of the changes until a committee can look into this further. Ruth Holman seconded said motion. 32 in favor, 0 opposed, 6 did not vote – passed

Election of 2017 Board: Cathy Larson, Bev Malooley, Ryan Nichols, Susan Wier, and Don Westerhaus were elected to serve on the Board.

Election of Design Committee: Tim Callahan, Dot Hufford, and Greg Lobdell were elected to serve on this committee.

Drainage Committee: Bill Mankins, Ryan Nichols, Tim Callahan, Carol Wise, and Evelyn Griffith volunteered for this committee.

CCR Committee: Don Westerhaus, Terry Fink, Bill Holdeman, and Bill Mankins volunteered for this committee.

Neighborhood watch sign was posted.

Solicitation issue discussed – A letter was sent to the City and they say we have to post a "No Solicitation" sign. Motion to install a no solicitation sign was made by Helen Feng, said motion seconded by Bill Mankins, all in favor – passed.

Motion to adjourn made by Tim Callahan, seconded by Don Westerhaus, all in favor.

Meeting adjourned at 8:35 p.m.

Donna Lobdell, Secretary

**COPY**

**FOURTH AMENDMENT TO  
THE CODE OF BYLAWS OF**

2017013677 MIS \$25.00  
09/26/2017 02:36:17P 3 PGS  
Eric Schmitz  
Monroe County Recorder IN  
Recorded as Presented



**SUNFLOWER GARDENS ASSOCIATION OF CO-OWNERS, INC.**

This FOURTH AMENDMENT TO THE CODE OF BYLAWS OF SUNFLOWER GARDENS ASSOCIATION OF CO-OWNERS, INC. (this "Amendment") is made as of the 9th day of March, 2017 by Sunflower Gardens Association of Co-Owners, Inc., an Indiana nonprofit corporation (the "Association"), in accordance with the terms and provisions of the Code of Bylaws of the Association (the "Bylaws").

**WITNESS ETH:**

WHEREAS, pursuant to Article 7 of the Bylaws, the Bylaws may be amended by a vote of not less than 66 2/3 percent of the votes of the Owners (as defined in the Bylaws); and

WHEREAS, pursuant to the Written Consent of the Members and Board of Directors of Sunflower Gardens Association of Co-Owners, Inc. dated October 12, 2016, attached hereto and incorporated herein by reference, 66 2/3 percent of the Owners voted to amend the Bylaws as set forth herein.

NOW, THEREFORE, the Association hereby amends the Bylaws as follows:

I. Amendment of Section 2.2. Section 2.2 of the Bylaws is hereby amended to delete the first sentence thereof and substitute the following in lieu thereof:

"The annual meeting of the Members of the Association shall be held during October in each calendar year."

2. Amendment of Section 2.6.4. Section 2.6.4 of the Bylaws is hereby deleted in its entirety and the following substituted in lieu thereof:

"Section 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 of 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."

3. Addition of Section 3.12. Section 3.12 is hereby added to the Bylaws as a new Section to read as follows:

"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."

4. Amendment of Section 4.5. Section 4.5 of the Bylaws is hereby deleted in its entirety and the following substituted in lieu thereof:

"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 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 provisions 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."

5. Addition of Section 4.9. Section 4.9 is hereby added to the Bylaws as a new Section to read as follows:

"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."

6. Amendment of Section 5.6. Section 5.6 of the Bylaws is hereby deleted in its entirety and the following substituted in lieu thereof:

"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 10% 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 annual 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 the Declaration and these Bylaws."



7. Addition of Article 8. Article 8 is hereby added to the Bylaws as a new Article to read as follows:

**"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."

8. Definitions. Capitalized terms used in this Amendment shall have the definitions set forth in the Bylaws, except as specifically modified herein.

9. Incorporation. This Amendment shall be incorporated into and made a part of the Bylaws, and all provisions of the Bylaws not expressly modified or amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed as of the day and year first above written.

SUNFLOWER GARDENS ASSOCIATION OF  
CO-OWNERS, INC., an Indiana nonprofit  
corporation

By:

Printed:

Its:

Donald J. Westerhaus  
DONALD J. WESTERHAUS  
PRESIDENT

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF MONROE    )

Before me, a Notary Public in and for said County and State, personally appeared Don Westerhaus, by me known to be the President of Sunflower Gardens Association of Co-Owners, Inc., an Indiana nonprofit corporation, who acknowledged the execution of the foregoing instrument for and on behalf of said corporation.

WITNESS my hand and notarial seal this 9<sup>th</sup> day of March, 2017.

My Commission Expires: 1/23/21  
My County of Residence: Monroe



Tonya L. Newlin  
Notary Public

Printed

# **Sunflower Gardens Homeowners Association**

## **Governing Documents:**

*Covenants, Conditions, and  
Restrictions*

plus

*Amended Code of Bylaws*

*As of October 1, 2017*

# **Covenants, Conditions, and Restrictions**

Accompanying Amendments:

1. *August 24, 2004 – Original Declaration*
2. *May 10, 2005 – Annual Accounting*
3. *July 19, 2007 – Minimum Size*
4. *May 23, 2008 – Casualty Insurance*
5. *September 27, 2011 – Tapp Class B Resignation*

## **Amended Code of Bylaws Of Sunflower Gardens Association of Co-Owners, Inc.**

Incorporates the following Amendments:

1. *May 17, 2008 by Board of Directors*
2. *October 2, 2012 during Special Meeting at 6:30 pm, and*
3. *October 2, 2012 during Annual Meeting at 7:45 pm*
4. *October 12, 2016 during Special Meeting at 6:30 pm*

**Amended Code of  
Bylaws  
of  
Sunflower Gardens  
Association of  
Co-Owners, Inc.**

Incorporates the following Amendments:

- 1. May 17, 2008 by Board of Directors*
- 2. October 2, 2012 during Special Meeting at 6:30 pm, and*
- 3. October 2, 2012 during Annual Meeting at 7:45 pm*
- 4. October 12, 2016 during Special Meeting at 6:30 pm*



## **Board-Proposed Amendments to the SGHOA Governing Documents**

The ad-hoc committee charged with examining our governing documents and proposing changes, if needed, to the Bylaws and CCRs (Covenants, Conditions, and Restrictions), submitted its written report on February 21, 2017. As part of its overall review of the proposal, the Board would like to again thank the committee for its work. The current document offers the Board's recommendations for amendments to our governing documents, several of which owe a debt to the committee's suggestions. It also includes some additional proposals, which were influenced by feedback from HOA members at a meeting held on September 6, 2017. These proposals have also been reviewed and approved by the HOA's attorney.

## **SGHOA Board-Proposed Amendments to the Governing Documents**

*(Except for section titles, proposed new wording is in **BOLD + italics**; proposed deletions are struck through.)*

### **1. Change #1, Bylaws, Section 5.3, Assessments: Regular Assessments**

[Change from semi-annual to quarterly installments and payments on Regular Assessments. Replace the current wording (first item) with the one below it in **Bold + italics**. An amendment passed in October 2012 had moved from annual to semi-annual installments and payments (in January and July of the current year). The intent is to satisfy concerns expressed by some Owners about dues and insurance premiums that can hit at or nearly at the same time. This amendment also specifies when the Regular Assessment for each year becomes a lien on each lot. Note: quarterly payments are an option, but Owners may still pay Regular Assessments in advance, if they so prefer. This change also adds a section to clarify Assessments for Insurance.]

#### Current language in Bylaws for 5.3 Regular Assessments as amended in 2012, with previous strike-throughs removed for easier reading:

The Regular Assessment against each Lot shall be paid in semi-annual installments in January and July of the current year. Payment is due as stated on the semi-annual billing invoice. Any Owner may elect to pay Regular Assessments in Advance. The Regular Assessment for each year shall become a lien on each separate Lot as of October 1<sup>st</sup> of the year in which the assessment is owed.

#### Proposed change; replace the current language above with:

**Bylaws Section 5.3. Regular Assessments.** The Regular Assessment against each Lot shall be paid in *quarterly installments in January, April, July, and October of the current year, and shall be due no later than January 30, April 30, July 30, and October 30 of that year, respectively.* Any Owner may elect to pay Regular Assessments in advance. *If the total Regular Assessment is not paid by October 30, a lien shall be placed on each separate Lot as of November 1 of the year in which the assessment is owed.*

Then add:

**Bylaws Section 5.3.1, Assessment for Insurance.** *Annual insurance assessments (covering both casualty insurance on the supporting structures and the exterior of residences and liability insurance for the Association) are invoiced separately from Regular Assessments for Common Expenses. The Assessment for Insurance is due no later than 30 days from the date on the invoice. If the insurance assessment is not paid in full by the due date, the Board may follow collection procedures, including liens and/or fines, as described in Bylaws Sections 5.3 and 5.10.*

Note: See also the related Bylaws, Section 5.10 Collection of Assessments, which treats both Regular and Special Assessments and adds language about delinquent payments, including 18% interest and attorney fees per annum on the unpaid balance and the option of the Board of Directors to "bring suit to recover a money judgment."

For additional information on Insurance see CCRs, Sections 8.9 and 11.

## **2. Change #2, CCR Section 1. Add Section 1.29.**

**Section 1.29. Governing Documents.** *"Governing Documents" means the "Amended Code of Bylaws of Sunflower Gardens Association of Co-Owners, Inc." and the "Covenants, Conditions and Restrictions," as amended. (See IC 32-25.5-2-3.)*

IC 32-25.5-2-3 "Governing documents"

Sec. 3. "Governing documents" includes the following:

(1) The articles of incorporation and bylaws of a homeowners association

and all adopted amendments to the articles of incorporation and bylaws.  
 (2) Any applicable covenants filed with the office of the county recorder of the applicable county recorder, whether contained in a declaration of covenants, contained in conditions and restrictions (or similarly titled document), or contained within a plat.

### 3. **Change #3, CCR Section 9.7, Assessments: Operating Funds**

Delete "*non-interest-bearing*" from this section regarding approved types of operating funds accounts and add "credit union" as an approved type of financial institution.

**9.7. Operating Funds.** The Association shall be obligated to establish an operating fund for the various expenses to be paid by the Association pursuant to this Declaration, based upon good faith estimates of such expenses. All amounts held by the Association pursuant to this Section shall be maintained in a federally-insured, ~~*non-interest-bearing*~~ account in a commercial bank, *credit union*, or savings bank doing business in Monroe County, Indiana.

### 4. **Change #4, CCR Section 12.3, General Provisions: Notice**

The changes add the requirement that no additional changes to the governing documents, including amendments from the floor, can be considered at the meeting in which a vote on a proposal is to take place; the proposal must be resubmitted to the membership for consideration. Begin 12.3 with the following in Bold + italics. The rest of the section follows and includes the inclusion of email delivery and the deletion of personal delivery; this change reflects the discussion at the open meeting held on September 6, 2017:

***Any proposed change to the governing documents shall be provided in writing to all Owners at least 14 days prior to the meeting at which it is to be voted upon. In the event that a proposed change cannot be passed unaltered at such meeting, the voting shall be postponed to a later meeting and the notification requirements of this process shall restart.***

Any notice required to be sent to any Owner under the provisions of this Declaration shall be deemed to have been properly sent, and notice given, when ***delivered by electronic mail to the most recent e-mail address provided by the Owner to the Association's property***

*management company* or mailed *by pre-paid regular U.S. mail, with postage prepaid*, addressed to the Owner at the last known post office address of the person who appears as Owner in the records of Monroe County Auditor's office. ~~Valid notice may also be given to an Owner by (i) personal delivery to any occupant of the applicable Residence who is at least 14 years of age, or (ii) by affixing the notice to or inserting it via any entry/exit door of such Residence.~~

**5. Change #5, CCR Section 8.8, Association: Maintenance Areas.**

Add the last sentence (in bold and italics) to the end of this section:

The Association shall maintain the Signage; all yards, vegetation, plantings, and landscaping which are outside the Five-foot Strip on all Owners' Lots as well as within such Five-foot Strip on Owners' Lots if this Declaration so requires; street lamps (if any, including paying the utility fees and expenses); and other areas as shown on subsequent plats, or as determined from time to time by the Association, or as more specifically described in the Declaration. ***The Association's responsibility for the maintenance of yards, vegetation, plantings, and landscaping as required by this Section shall not be construed to require the Association to perform any such maintenance that has not been funded historically by the Owners through regular assessments in the annual budget (taking into account that the yearly assessment can change to reflect increased costs), or through a special assessment.***

**6. Change #6, CCR Section 7.1.1, The Design Committee: General.** This subsection falls under 7.1, Powers of the Design Committee. Add the indicated information below:

In order to preserve the natural quality and aesthetic appearance of the existing geographic area, no Residence, Building or exterior improvement of any type or kind shall be repainted, constructed, or placed on any Lot without the prior written approval of the Design Committee, ***although Design Committee approval shall not be required if a repair of exterior damage restores the exterior of a residence to its original condition and/or appearance. Required approvals*** shall be obtained only after written application has been



made to the Committee by the Owner of the Lot requesting authorization. Such written application shall be in the manner and form prescribed from time to time by the Committee, and shall be accompanied by two complete sets of plans and specifications for any such proposed construction or improvement."

[Note: the rest of this section continues on at length with no additional changes.]

**7. Change #7, CCR Section 7.5. Membership (of the Design Committee):**

Replace the current Section 7.5 with the following; changes include specifying one-year terms, changing the need for 2/3 majorities for election either initially or 'from time to time,' and eliminating the requirement that in the event of a vacancy, the remaining committee members may only temporarily appoint a new member until the 2/3 percentage of all Owners appoints a replacement:

***7.5 Membership. The Design Committee shall consist of three resident Owners, elected by written ballot at each annual meeting for one-year terms. Nomination forms may be submitted to the Secretary of the Association (or the Property Management Company, if applicable) at least one week prior to the date of the annual meeting. Nominations may also be made from the floor at the annual meeting. Those Owners nominated from the floor shall also be considered for the vote if they are in attendance and indicate a willingness to serve. The three persons receiving the highest number of votes shall be elected. In the event of a vacancy on the Committee, the remaining Committee members may appoint an eligible Owner to the Committee to serve until the next annual meeting. The Design Committee shall select its own chairperson.***