

CODE OF BY -LAWS
FOR
JEFFERSON RIDGE HOMEOWNER'S ASSOCIATION

ARTICLE I - NAME

The name of this association is JEFFERSON RIDGE HOMEOWNER'S ASSOCIATION.

ARTICLE II - PURPOSE

The purpose for which the Association is formed are to improve the physical, social and economic environment of Jefferson Ridge by maintaining and enhancing the neighborhood and development. Further, the Association is responsible for assisting the Declarant with the maintenance of common areas and street lighting that has been transferred by the Declarant and accepted by the Association.

ARTICLE III - DEFINITIONS

- I. Adult - A person who is aged 18 or older.
2. Association - Jefferson Ridge Homeowner's Association
3. Board - The Board of Directors of the Association, elected pursuant to provisions of the declaration and of these by-laws.
4. By-Laws - These By-Laws of the Association.
5. Common Areas - Any and all real property designated as such by Declarant and all real property acquired by the Association, together in each instance, with all improvements which may be at any time construction thereon, including but not limited to roads, bridges, utility facilities, recreational and community facilities, lakes, ponds, dams and parks.
6. Declarant - The developer, Pheasant Ridge, and Indiana partnership, its successors and assigns.
7. Declaration - A Declaration of Restrictions, Covenants, etc., as may from time to time be adopted by the Association and/or the Board of Directors, setting forth certain restrictive covenants, easements, etc., with respect to the development, as the same may be amended or supplemented from time to time.
8. Development - All of the real property comprising Jefferson Ridge located in Elkhart County, Indiana.
9. Household - One or more persons, each related to the other by blood, marriage or legal adoption, or a group of not more than three (3) adult persons, not so related, who, in each instance, regularly and customarily reside together in the same house as a principal residence,
10. Lot - Any numbered, named or lettered tract of real property with such boundaries as are shown on a Plat, as filed with the Elkhart County Recorder.
- II. Owner - Any person or persons, including Declarant who owns any lot, and any person or persons who has or have contracted to purchase any lot pursuant to a written agreement, in which case the seller shall cease to be an owner with respect to such lot while said agreement is in effect.

12. Plat - A final map with respect to the development, as kept in Declarant's office. The term "Plats" shall mean all of the final maps of the development, as recorded by Declarant from time to time, identified thereon as Plat Maps of Jefferson Ridge, including any additions or revisions thereto.
13. Revised Area - Any and all of the real property designated as such on a plat, ownership of which may be retained by Declarant and which may be put to such uses as Declarant shall determine, including but not restricted to future subdivision or associated commercial enterprises of any type or kind whatsoever, as limited by the Amended Protective Covenants and Restrictions, as provided in the declaration.
14. Road - Any and all of the real property designated as such on a plat.
15. Transfer, Constructions and Operation Agreement - Any agreement between the declarant and the Association, providing for, inter alia, transfer of common areas to the Association, construction of improvements thereto, including roads, utility facilities and certain recreational facilities, as provided therein, operation and maintenance of common areas and improvements thereto by the Association and transfer of the improvements to the Association.
16. Utility Facilities - All Property, real, personal, or mixed, acquired or constructed by Declarant of the Association and used or useful in connection with providing water supply service, telephone service, street lighting, security services, retention ponds, storm sewers, sanitary sewage collection and disposal service and electric service to lots within the development, or providing such other services as shall be determined by the Declarant of the Association to be useful or necessary to lots or to the development ..

ARTICLE IV - MEMBERSHIP

1. Membership - Each owner shall, by reason of ownership, become a member of the Association.
2. Voting Members - Shall be all owners, including Declarant, of all lots within the development, and shall be entitled to one vote for each paid membership, in good standing, with respect to all matters required hereby or by the Article of Declaration to be voted upon by members of the Association. In the event of joint ownership of a lot, only one vote with respect to any lot, shall be determined by the board, whose decision shall be final.
3. Non-Voting Members - If not otherwise a member, each of the following persons shall be entitled to all rights and privileges of membership in the Association, other than the right to vote:
 - a) The spouse and children, or any other persons constituting the household of an owner; and,
 - b) Bona fide guests of an owner, lessees as to any lot and guests or business invitees of the Declarant.

ARTICLE V - MEMBER'S RESPONSIBILITIES

- I. Use of Common Areas and Recreational Facilities - Members shall have a license to use these areas and shall be required to maintain and insure the same, subject to provision of the declaration, and subject to such rules and regulations as may be established by the Association Board of Directors.

Water and waterfront common areas shall be used only by property owners owning lots adjoining the water common areas and by their family and guests as defined in Article IV (3) non-voting members above. Maintenance and insurance of said water or waterfront common areas shall be the sole responsibility of said adjoining land owners as worked out the Declarant.

2. Lots - Owners, including Declarant, of undeveloped or vacant lots shall maintain said lots, keeping them free from rubbish and weeds and grass cut to a reasonable length. In the event of violation of this provision and after giving the owner 10 days written notice to cure the condition, the Association, at the option of the Board of Directors, may elect to provide such maintenance at an additional charge to the owner.

ARTICLE VI - MEMBERSHIP MEETINGS

- I. Annual Meeting - An annual meeting of the members, for the purpose of hearing reports from the Board of Directors and all committees, and for election of the directors shall be held at such place as designated by the Board of Directors. This meeting will be held in the fall.
2. Special Meetings - Special membership meetings may be called by the President, by a majority of the Board of directors or by written petition signed by not less than one-third (1/3) of the members having voting rights. Special meetings shall be held within sixty (60) days of a petition for a special meeting.
3. Notice of Meetings- A written or printed notice stating the place, day and time of meetings and in case of a special meeting, the purpose for which the meeting is called, shall be delivered or mailed by the Recording Secretary to each member, entitled to vote, at the address which appears on the directory of the Association. This notice will be at least ten (10) days before the date of the meeting. However, if the total number of the Association shall exceed one thousand (1000), notice of the meetings may be given by one (1) publication in the daily newspaper of general circulation printed in English in Elkhart, Indiana. If notice is given by publication, the notice will not be less than ten (10) nor more than thirty (30) days prior to the date of the meeting.
4. Quorum and Voting - A quorum at all membership meetings shall consist of a simple majority of voting members. A majority vote of members present shall be required to pass a motion. Members shall cast their votes in person and proxies will be permitted if executed in writing by the member. The presiding officer shall have the right to vote only in the case of a tie vote of the members.
5. Recommendations for Membership Meetings - Any member of the Association may make a recommendation for consideration by the membership meeting. All recommendations by members shall be presented in writing to the Recording Secretary of the Association not less ten (10) not more than thirty (30) days before the date of the meeting. Any Director may make a recommendation for consideration by the membership at a meeting by presenting the recommendation orally or in writing at any meeting of the Board of Directors. No motions from the floor, except for points of order or clarification or adjournment and nominations at the annual election meeting are permitted, unless they shall have been first recommended to the Board as required by this paragraph.

ARTICLE VII - BOARD OF DIRECTORS

1. General Powers - The affairs of the Association shall be managed by the Board of Directors, which includes the right to establish fees, adopt rules and regulations governing the use of the common areas and facilities, and the personal conduct of the members and their guests, in accordance with the Amended Protective Restrictions, Covenants, Limitations, and Easements of Jefferson Ridge.

The board may suspend the voting rights, license to use the common areas and recreational facilities and any other rights of any member for:

- a) Any period during which any Association assessment, maintenance fee, dues or other obligation, as provided in the declaration, remains unpaid;
 - b) The period of any continuing violation by such member of provisions of the declaration, after the existence thereof shall have been declared by the board;
 - c) A period to be determined by the board for repeated violations of the By-Laws or of the rules and regulations of the Association.
2. Number, Tenure and Qualification - The board shall consist of seven (7) Directors elected by members of the Homeowner's Association by a simple majority. The initial board will be appointed by the declarant. The declarant, by permanent appointment, will be an ex officio member, with voting rights. Terms of office are two (2) years with two (2) directors to be elected one year, three (3) the next year. Each officer shall hold office until his successor has been and qualified. All voting members of the Association are eligible for nomination to the Board of Directors.
 3. Regular Meetings - The Board of Directors shall meet monthly at such times and places as it shall designate.

4. Special Meetings - A special meeting of the Board of Directors may be called by the request of two (2) Directors. Notice of the time and place of each special meeting and the purpose for which it is called shall be given to each director at least five (5) days before the date of the meeting.
5. Open Meetings - All meetings of the Board of Directors of the Association shall be open to all members of the Association.
6. Quorum and Voting- The majority of the Directors shall constitute a quorum for the transaction of business at any meeting. A simple majority vote will be required to pass a motion.
7. Removal From Office- Any Director who shall be absent from three (3) regular meetings of the Board of Directors may be dismissed from the Board by a majority vote of Directors present at the third (3) consecutive regular meeting from which the Director is absent or by a majority vote of Directors present at any subsequent regular or special meeting.
8. Board Vacancies- Any vacancy occurring in any office of the Association by death, resignation or otherwise, shall be filled until the next annual election meeting by a majority vote of Directors present at a regular or special meeting of the Board of Directors.

ARTICLE VIII - OFFICERS

There shall be three (3) officers of the Association; a president, a secretary, and a treasurer. The officers shall be elected by a majority vote of the Directors present at the first regular meeting of the Board of Directors following the annual meeting.

1. President - The President shall preside at all meetings of the Association and the Board of Directors at which he is present, shall exercise general supervision of the affairs and activities of the Association, and shall serve as an ex-officio member of all standing and ad hoc committees.
2. Secretary - The Recording Secretary shall issue notice of and take minutes at all the meetings of the Association and take minutes at the Board of Directors meetings, which shall be an accurate and official record of all business transacted. The Recording Secretary shall be the custodian of all Association records.
3. Treasurer - The Treasurer shall have care and custody of all funds of the Association, which shall be disbursed by him only upon order of the Board of Directors or the President. He shall submit a Treasurer's report to members at the annual meeting of the Association and shall render special reports when requested to do so by the Board of Directors. He shall deposit all funds in the name of the Association in such banks as may be designated by the Board of Directors.

ARTICLE IX- COMMITTEES

1. Architectural Control Committee - This committee shall consist of three (3) members, 1 from Pheasant Ridge Development and 2 Lot Owners. They shall be responsible for reviewing and approving architectural plans for new construction or exterior modification or existing homes in the development in keeping with the character of the development and declarations. Any exterior additions such as fences or recreational facilities must also be submitted for action. Their authority is derived from the Restrictive Covenants and their decisions are final.

It is the responsibility of every homeowner to be familiar with and comply with the Restrictive Covenants.

2. Ad Hoc Committees - All other committees of the Association, shall be ad hoc in nature, and shall be designated and appointed by the President, with the consent and advice of the Board of Directors. All members, in good standing, of the Association shall be eligible and encouraged to participate in the activities of the committees of the Association.

3. Nominating Committee - The Nominating Committee shall consist of five (5) members of the Association. Two (2) will be Directors and three (3) will be from the general membership. The committee will be approved by a majority vote of the Board of Directors. It shall prepare a slate of nominees for all director positions to be filled at the annual election meeting. The nominating committee shall report its nominations for the positions to the Board of Directors and general membership at least thirty (30) days prior to the annual meeting. Nominations for elective positions may always be made from the floor.

ARTICLE X - FEES, DUES AND ASSESSMENTS

The fiscal year of the Association shall be from January 1 to December 31, both dates inclusive.

1. Initiation Fee - There will be a one-time initiation fee of \$100.00 charged per lot, upon closing.
2. Annual Dues - To provide a fund to enable the Association to carry out its duties as aforesaid, there will be an annual dues assessment. The annual dues shall be payable as determined by the Board of Directors.
3. Special Assessments - Special assessments may be levied upon the members of the Association only by a majority vote of the Association members voting on said assessment.

ARTICLE XI - AMENDMENTS

These By-Laws may be amended by a majority vote of the Board of Directors, subject to applicable law; provided that any matter governed by the declaration may not be amended except as provided in said declaration.