

202700

JOSEPH P. O'CONNOR
MARION COUNTY ASSESSOR

2021 MAR -8 A 11:43

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

A202100030460

03/08/2021 11:52 AM
KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
FEE: \$ 35.00
PAGES: 13
By: KS

Chapelwood Glenn Community Association
Amendment
(Cover Page)



KS (B)

Cross Reference: Instrument No. 2006-0000933 recorded on January 5, 2006 in the office of the Recorder of Marion County, Indiana.

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS OF CHAPELWOOD GLENN**

The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn, located in Wayne Township, Marion County, Indiana, were imposed upon the land contained in the plat of such real estate and originally recorded with such plat as Instrument No. 2006-0000933 on January 5, 2006 in the office of the Recorder of Marion County, Indiana (the "Original Covenants").

Chapelwood Glen Community Association, Inc. (the "Association") is an Indiana nonprofit corporation created by the Lot Owners of the Plats governed by The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn and was formed to address neighborhood needs and concerns and to preserve and improve the health, safety, welfare and desirability of the neighborhood, among other purposes. The Board of Directors of the Association has considered the need for certain amendments to the Original Covenants in order to provide administrative clarity and budgetary flexibility to the Owners.

The Association/Owners sent a Meeting Notice to all owners/members containing notice of the proposed amendments, held the referenced meeting on January 28, 2021, collected the vote and/or written consent of sixty-seven percent (67%) of the Lot Owners of the Plats governed by The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn adopting a Resolution in favor of the amendments consistent with the requirements of Article 11 paragraph 11.1 of the Original Covenants.

The Notice, Resolution, Meeting Minutes, and Vote/Written Consents are a part of the records of the Association and are also attached as Exhibit A.

NOW, THEREFORE, The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn are amended as follows:

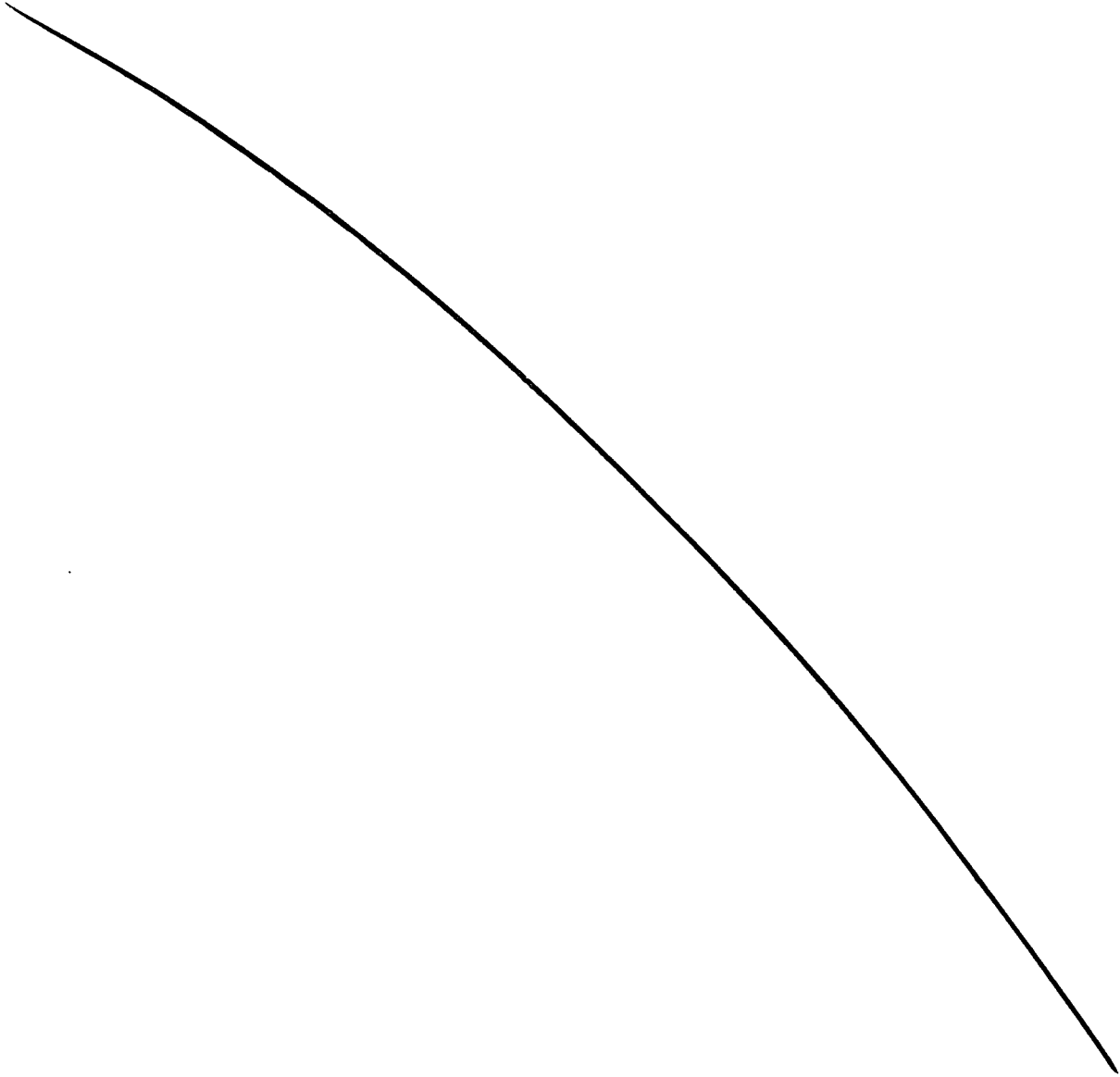
Article I Paragraph 1.1 is deleted and replaced with the following:

"Association" means Chapelwood Glenn Community Association, an Indiana not-for-profit corporation, which Developer has caused or will hereafter cause to be incorporated, and its successors and assigns, including Chapelwood Glen Community Association, Inc. incorporated and/or reincorporated on and/or before July 13, 2020. The spelling of the name of the corporation, whether "Glen" or "Glenn" will not alter the powers, authority, or status of the corporation as the Association.

Article V Paragraph 5.7 subpoint (x) is deleted.

The first phrase of the first sentence in Article IX Paragraph 9.1 stating "Except to the extent such maintenance shall be the responsibility of the Association under any of the foregoing provisions of this Declaration," is deleted.

-----Remainder of Page Intentionally Left Blank-----



IN WITNESS WHEREOF, Chapelwood Glen Community Association, Inc., for and on behalf of, and pursuant to the vote of the current Lot Owners of the Plats governed by The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn, hereby executes this Amendment to The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn this 3rd day of FEBRUARY, 2021.

By: Richard Cope
Richard Cope, President

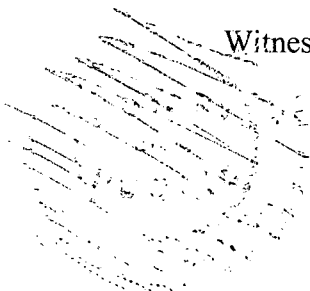
By: _____
Eric Petersen, Vice-President

By: _____
Noah Jaffe, Secretary

STATE OF Maryland)
) SS:
COUNTY OF Baltimore)

Before me, a Notary Public in and for said County and State, personally appeared Richard Cope, Eric Petersen, and Noah Jaffe, the President, Vice-President, and Secretary, respectively, of Chapelwood Glen Community Association, Inc., who acknowledged the execution of the foregoing Amendments to The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn on behalf of said corporation.

Witness my hand and notarial seal this 3rd day of February, 2021.



Christine M. Digman
Notary Public

CHRISTINE M. DIGMAN
(Printed Signature)

My Commission Expires:
MAY 25, 2024

My County of Residence:
Baltimore City

CHRISTINE M. DIGMAN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 25, 2024

"I affirm under penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law." /s/Brian R. DeHem

This instrument was prepared by, and should be returned to, Brian R. DeHem, DeHem Law, LLC, Noblesville, Indiana 46060.

IN WITNESS WHEREOF, Chapelwood Glen Community Association, Inc., for and on behalf of, and pursuant to the vote of the current Lot Owners of the Plats governed by The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn, hereby executes this Amendment to The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn this 5th day of February, 2021.

By: _____
Richard Cope, President

By: _____
Eric Petersen, Vice-President

By: Noah Jaffe
Noah Jaffe, Secretary

STATE OF Texas)
) SS:
COUNTY OF Travis)

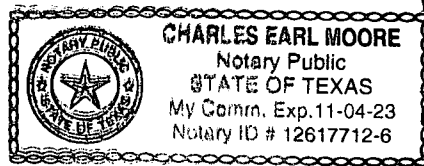
Before me, a Notary Public in and for said County and State, personally appeared Noah Jaffe, the Secretary of Chapelwood Glen Community Association, Inc., who acknowledged the execution of the foregoing Amendments to The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn on behalf of said corporation.

State of Texas
County of Travis

This instrument was acknowledged before me on February 5, 2021 by Noah Jaffe

Witness my hand and notarial seal this 5th day of February, 2021.

Charles Earl Moore
Notary Public



Charles Earl Moore
(Printed Signature)

“I affirm under penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law.” /s/Brian R. DeHem

This instrument was prepared by, and should be returned to, Brian R. DeHem, DeHem Law, LLC, Noblesville, Indiana 46060.

IN WITNESS WHEREOF, Chapelwood Glen Community Association, Inc., for and on behalf of, and pursuant to the vote of the current Lot Owners of the Plats governed by The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn, hereby executes this Amendment to The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn this 5th day of FEBRUARY, 2021.

By: _____
Richard Cope, President

By: [Signature]
Eric Petersen, Vice-President

By: _____
Noah Jaffe, Secretary

STATE OF)
) SS:
COUNTY OF)

Before me, a Notary Public in and for said County and State, personally appeared Richard Cope, Eric Petersen, and Noah Jaffe, the President, Vice-President, and Secretary, respectively, of Chapelwood Glen Community Association, Inc., who acknowledged the execution of the foregoing Amendments to The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn on behalf of said corporation.

Witness my hand and notarial seal this _____ day of _____, 2021.

PLEASE SEE
Notary Public
NOTARY ATTACHMENT

(Printed Signature)

My Commission Expires:

My County of Residence:

"I affirm under penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law." /s/Brian R. DeHem

This instrument was prepared by, and should be returned to, Brian R. DeHem, DeHem Law, LLC, Noblesville, Indiana 46060.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

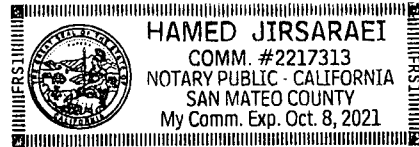
County of San Mateo

On 02/05/2021 before me, Hamed Jirsaraei, Notary Public, personally appeared Eric Petersen

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under Penalty of Perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

[Signature]
Signature of Notary Public



(Notary Seal)

OPTIONAL INFORMATION

The acknowledgment contained within this document is in accordance with California law. Any certificate of acknowledgement performed within the State of California shall use the preceding wording pursuant to Civil Code section 1189. An acknowledgment cannot be affixed to a document sent by mail or otherwise delivered to a notary public, including electronic means, whereby the signer did not personally appear before the notary public, even if the signer is known by the notary public. In addition, the correct notarial wording can only be signed and sealed by a notary public. The seal and signature cannot be affixed to a document without the correct notarial wording.

DESCRIPTION OF ATTACHED DOCUMENT

Amendment To Declaration of Covenants, Conditions And Restrictions of Chapelwood Glenn
(Title of document)

Number of Pages 4/P (Including acknowledgment)

Document Date _____

CAPACITY CLAIMED BY SIGNER

Individual

Corporate Officer

Partner

Attorney-In-Fact

Trustee

Other: _____

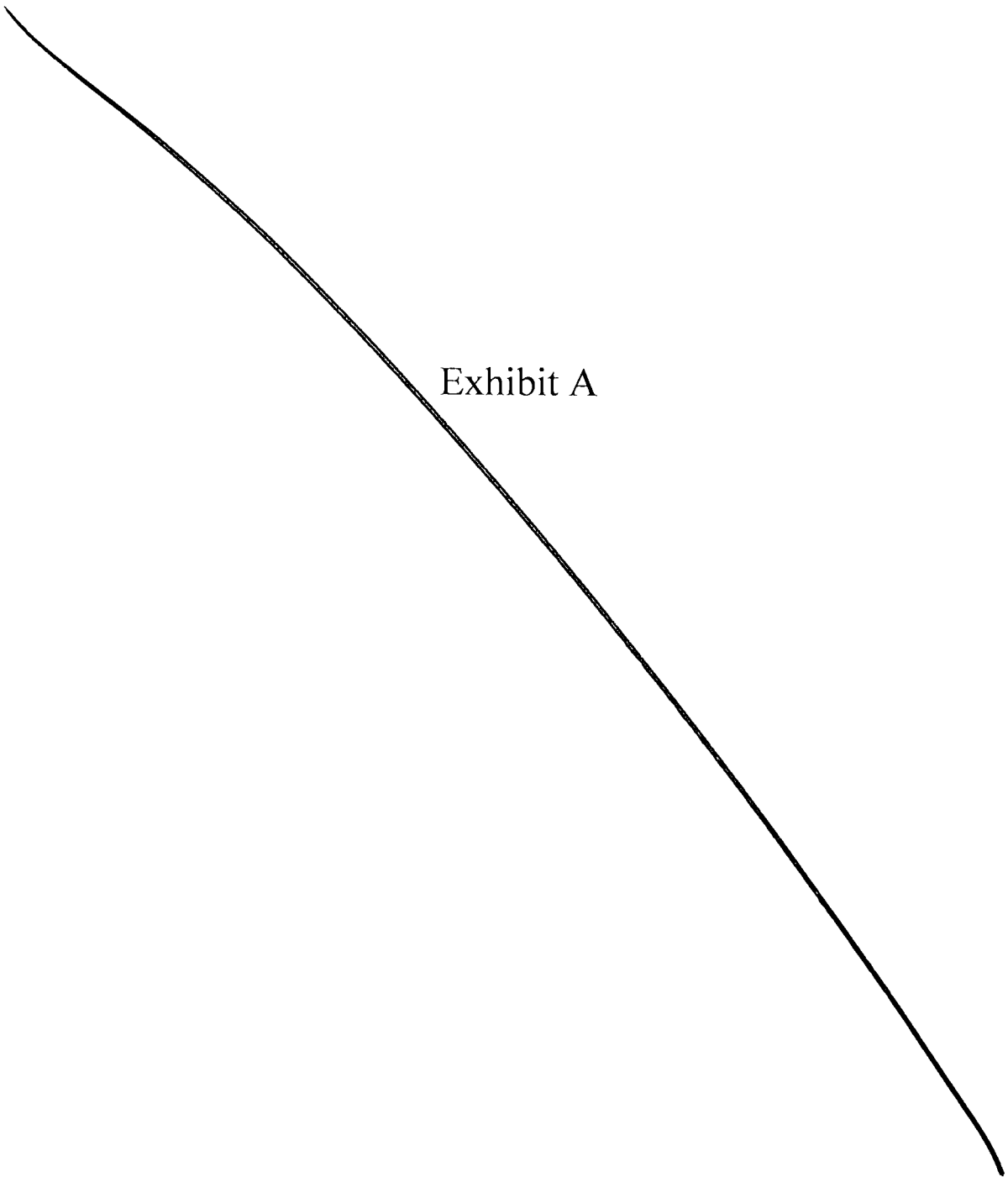


Exhibit A

-NOTICE-

**Chapelwood Glen Community Association, Inc.
SPECIAL MEETING NOTICE**

You are hereby notified that the Board of Directors has requested and hereby calls a Special Meeting of Chapelwood Glen Community Association, Inc. to be held on:

Date: January 28, 2021

Time: Eastern = 8:00 PM

Central = 7:00 PM

Mountain = 6:00 PM

Pacific = 5:00 PM

VIA ZOOM at the following link:

<https://us02web.zoom.us/j/83400527370?pwd=cGF3RTJrYW53N1lNcEZ6OHRIYVFHZz09>

Meeting ID: 834 0052 7370

Passcode: 23456

One tap mobile

+13017158592,,83400527370#,,,,*23456# US (Washington D.C)

+13126266799,,83400527370#,,,,*23456# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington D.C)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 834 0052 7370

Passcode: 23456

The purpose of the Special Meeting as requested by the Board is:

- 1) consideration and adoption of the attached proposed amendments to The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn; and
- 2.) consideration and adoption of the attached budget.

We look forward to seeing you at the meeting.

Sincerely,

Chapelwood Glen Community Association, Inc.

CHAPELWOOD GLEN COMMUNITY ASSOCIATION, INC. RESOLUTION TO AMEND
THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
CHAPELWOOD GLENN

Whereas, by purchasing a lot within the Chapelwood Glenn/Glen subdivision, the owner became a Member of the Association and subject to the The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn;

Whereas, the nature of the Community has changed such that the owners/members no longer desire certain maintenance and financial expenditures;

Whereas, the original corporation formed by the Developer/Declarant as the Association contains a misspelling and was permitted to administratively dissolve and was subsequently reincorporated; and

Whereas, the Association and owner/members desire to provide clarity regarding the Association's authority, identity, and financial responsibilities.

NOW, THEREFORE, BE IT RESOLVED that the Lot Owners of the Plats governed by The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn who are also members of the Association hereby adopt the Proposed Amendments attached as Exhibit I.

The undersigned, being the President, Vice-President, and Secretary, of the Association, hereby certify that at least 67% of the lot owners adopted the foregoing resolution by affirmative vote at a meeting called for the purpose of adopting the resolution on January 28, 2021.

By: Richard Cope
Richard Cope, President

By: _____
Eric Petersen, Vice-President

By: _____
Noah Jaffe, Secretary

CHAPELWOOD GLEN COMMUNITY ASSOCIATION, INC. RESOLUTION TO AMEND
THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
CHAPELWOOD GLENN

Whereas, by purchasing a lot within the Chapelwood Glenn/Glen subdivision, the owner became a Member of the Association and subject to the The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn;

Whereas, the nature of the Community has changed such that the owners/members no longer desire certain maintenance and financial expenditures;

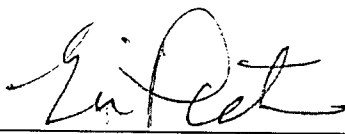
Whereas, the original corporation formed by the Developer/Declarant as the Association contains a misspelling and was permitted to administratively dissolve and was subsequently reincorporated; and

Whereas, the Association and owner/members desire to provide clarity regarding the Association's authority, identity, and financial responsibilities.

NOW, THEREFORE, BE IT RESOLVED that the Lot Owners of the Plats governed by The Declaration of Covenants, Conditions and Restrictions of Chapelwood Glenn who are also members of the Association hereby adopt the Proposed Amendments attached as Exhibit 1.

The undersigned, being the President, Vice-President, and Secretary, of the Association, hereby certify that at least 67% of the lot owners adopted the foregoing resolution by affirmative vote at a meeting called for the purpose of adopting the resolution on January 28, 2021.

By: _____
Richard Cope, President

By:  _____
Eric Petersen, Vice-President

By:  _____
Noah Jaffe, Secretary

Chapelwood Glen
Member Meeting Minutes
January, 28, 2021
Via Zoom

Zoom call was initiated at 7:54PM.

Present on the zoom call were Board members Richard Cope, Eric Petersen, Noah Jaffe. Additional owners present on the call were Ruth Cope, John Kasten, Andrew Townsend, Joseph Kim, Susie Kim-VanderGriend (non-voting property manager for Joe Kim), Brooke Beaman, Bernadette Keiper, Ayanna Jackson, Kenan Shoulds, and Alyssa and Shane Markham.

Present representing the Association were attorney Brian Dehem.

1. Meeting was called to order at 8:04pm.
Quorum (over 10% of unit owners) was obtained with 10 owners present representing 28 units and proxies naming Rick Cope for 5 additional owners representing 9 units. 37 units represented in person and by proxy, of 42 total units. Copies of all proxies are kept as an addendum to these minutes.
2. Rick Cope introduced the board and counsel
3. Overview of recent Board Activity
 - a. Ardsley to YourHoa transition is complete
 - i. Introduce YourHOA
 - ii. Your HOA is a 75% savings over Ardsley—with much better service
 - b. Transitioning financial records
 - c. Planning a budget
 - d. Getting quotes for insurance, landscaping, snow plowing - Landscaping bids still to be placed
4. **Vote to amend CC&R to remove obligation of the HOA to maintain owner lawns and clarify origins of the HOA.** 29 unit Votes required for adoption (67%)
Andrew Townsend, Bernadette, Ayanna and Kenan mentioned that yards were well cared for in 2020. Some residents expressed concern that the yards will not be maintained properly which would affect property values. It was suggested that the board consider mowing every other week to save costs. It was pointed out that this vote says that the HOA is not required to mow every yard, but that the HOA can continue to investigate landscape maintenance options and has the latitude at any time to adopt a full-service maintenance agreement if the HOA so resolves. A vote of Yes is in favor of the resolution to adopt the amendment
The motion passes with 32 votes for yes (76%), 5 votes against (12%)
5. **Vote to approve dues and Budget for 2021** - More than 50% of attendees required to approve
Corrections to numbers from the mailed budget:
 1. Beginning balance for 2021 was actually \$2033 instead of our expected \$3475
 2. Insurance Premiums for 2021 is \$1,256 instead of \$626
 3. Electricity is \$660 instead of \$1256.Basis of dues is \$90 for January, 2021 and \$50 / month for Feb thru Dec. 2021.
Questions were asked if owners should be concerned about the prior management company or builder coming back to demand payment for prior years HOA dues. The current board would work with our owners and our legal counsel to fight any such effort and we believe that we have a strong case to defend any such action. The current board is starting dues as of 1/1/21 and considers

everyone to have no other money due prior to that period. A question was also asked if there was a credit available for people who paid dues in prior years. The current board believes that Ardsley collected money that they were not properly authorized to collect up to the time that the current board was elected. We are currently evaluating options to see if we can do more about what was done in the past. The board does not believe that we are in a position to offer any financial help to members that sent money to Ardsley. Ardsley turned over only \$2,000 from all that was done last year. Our budget is based on every owner starting to pay the dues as stated for 2021.

The motion passes with 36 Yes votes, 0 against

The budget is adopted.

6. General Discussion

- A non-binding vote was taken to show support for the board to levy \$10 late fees, beginning after first quarter of 2021 to give people time to get signed up on the YourHOA website and get their dues caught up to date for this year.
36 Yes, 0 Against
- Concerns were raised about some properties having tires, debris, trash cans, etc left in front of the houses making the community look unkempt. Rick to send a letter to each home on the street and all owners informing them of cleanliness and lawncare responsibilities. There are provisions in the CC&R for the HOA to take remedial action and bill the owner if they do not respond to specific requests to remove such eyesores.
- The board has an offer to have mailboxes replaced or repaired so they are all consistent as some have been damaged. He has a special pricing offer from the vendor "Mailbox Solutions" that is good until March 31. That offer will be sent to all homeowners.

7. The meeting was adjourned at 9:47 PM