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KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER
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PAGES: 6
By: TK



Cross-Reference:

- Castle Cove, Section I (Plat), Instrument #77-67723
- Castle Cove, Section I-A (Plat), Instrument #85-20231
- Castle Cove, Section II (Plat), Instrument #83-20351
- Castle Cove, Section III (Plat), Instrument #83-65062
- Castle Cove, Section IV (Plat), Instrument #84-17292
- Castle Cove, Section V (Plat), Instrument #84-78704
- Castle Cove, Section VI (Plat), Instrument #85-28868
- Castle Cove, Section VII (Plat), Instrument #85-67631
- Castle Cove, Section VIII (Plat), Instrument #85-67632
- Castle Cove, Amended and Restated Declaration of Covenants, Instrument #2001-0087893

ADOPTION OF RULES AND REGULATIONS

AFFIDAVIT OF CORPORATE RESOLUTION

of

CASTLE COVE OWNERS ASSN., INC.

The Castle Cove Owners Assn., Inc., by its Board of Directors, on this 6th day of March, 2015, states as follows:

RECITALS

The residential community in Marion County, Indiana, known as Castle Cove was established upon the recording of Plats and other documents with the Office of the Recorder for Marion County, Indiana; and

The Plat for Castle Cove, Section I, was recorded with the Office of the Marion County Recorder on October 11, 1977, as **Instrument #77-67723**; and

The Plat for Castle Cove, Section I-A, was recorded with the Office of the Marion County Recorder on March 19, 1985, as **Instrument #85-20231**; and

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The Plat for Castle Cove, Section II, was recorded with the Office of the Marion County Recorder on March 30, 1983, as **Instrument #83-20351**; and

The Plat for Castle Cove, Section III, was recorded with the Office of the Marion County Recorder on September 8, 1983, as **Instrument #83-65062**; and

The Plat for Castle Cove, Section IV, was recorded with the Office of the Marion County Recorder on March 7, 1984, as **Instrument #84-17292**; and

The Plat for Castle Cove, Section V, was recorded with the Office of the Marion County Recorder on October 8, 1984, as **Instrument #84-78704**; and

The Plat for Castle Cove, Section VI, was recorded with the Office of the Marion County Recorder on April 10, 1985, as **Instrument #85-28868**; and

The Plat for Castle Cove, Section VII, was recorded with the Office of the Marion County Recorder on August 12, 1985, as **Instrument #85-67631**; and

The Plat for Castle Cove, Section VIII, was recorded with the Office of the Marion County Recorder on August 12, 1985, as **Instrument #85-67632**; and

The Castle Cove subdivision is subject to Covenants which run with the land, namely the Declaration of Covenants, Conditions and Restrictions of Castle Cove Owners Assn., Inc., recorded in the Office of the Marion County Recorder on August 8, 1980, as **Instrument #80-47665**; and then amended by the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Castle Cove ("Declaration"), recorded on May 25, 2001, as **Instrument #2001-0087893**; and

The Declaration states that by taking a deed to any Lot on the various Plats for the Castle Cove Development, each owner becomes a mandatory member of the subdivision's homeowner's association known as Castle Cove Owners Assn., Inc. ("Association"), an Indiana nonprofit corporation; and

As required by the Declaration, the Association was incorporated as a non-profit corporation by filing Articles of Incorporation ("Articles") with the Indiana Secretary of State, and having those Articles approved by the Indiana Secretary of State on February 14, 1980; and

The Declaration (Article IV, Section 4.5) allows the Board of Directors to make, amend, modify or repeal such reasonable rules and regulations as it may deem necessary or desirable to regulate the external design, appearance, landscaping and location of residences, buildings, structures or any other improvements placed on any Lot in order to maintain a harmonious relationship among structures and the natural vegetation and topography; guide owners as to the requirements of the Architectural Improvement Committee for the submission and approval of items; and establish additional requirements to those set forth in the Declaration or any Plat so long as the same are not inconsistent with the Declaration or such Plat; and

Using the authority given to the Board of Directors in the Declaration, the Board of Directors now adopts the following rules and regulations regarding each owner's use, enjoyment and architectural improvement or maintenance of their lots in Castle Cove that the Board believes are reasonable and necessary to preserve and enhance values and to maintain a harmonious relationship among structures and other improvements within the Castle Cove community; and

THEREFORE, this Resolution containing Rules and Regulations for the Castle Cove community was adopted by a majority vote of the Board of Directors after giving all Owners at least fifteen (15) days advance written notice of the date of the Board meeting at which such proposed rules and regulations will be considered and voted upon by the Board. This Resolution does not conflict with any provision of applicable Indiana law, the Declaration, Articles, or the Bylaws for the Castle Cove community or the Castle Cove Owners Assn., Inc. This Resolution will become effective and applicable to each lot and lot owner in the Castle Cove subdivision fifteen (15) days after it has been delivered or mailed to all Owners.

[End of Recitals]

RULES AND REGULATIONS
for the
ENFORCEMENT
of the
DECLARATION,
STANDARDS OF CASTLE COVE—COMPLIANCE GUIDELINES and
ARCHITECTURAL RULES AND REGULATIONS

In the event of a violation, or threatened violation, of any of the covenants and restrictions contained in the Declaration, the Standards of Castle Cove—Compliance Guidelines, or the adopted rules and regulations of the Association, the Association or any Owner has the right to enforce any provision of the Declaration, along with the Standards of Castle Cove—Compliance Guidelines and any adopted rules and regulations, and pursue any and all remedies, at law or in equity, available under applicable Indiana law, with or without proving any actual damages, including the right to secure injunctive relief or secure removal by due process of any structure or improvement that is not in compliance with the covenants, conditions, restrictions in the Declaration, the Standards of Castle Cove—Compliance Guidelines, or the adopted rules of the Association, and will be entitled to recover reasonable attorneys' fees and the costs and expenses incurred as a result of taking enforcement action.

No delay or failure on the part of any aggrieved party to pursue any available remedy with respect to a violation of any one or more of the provisions of the Declaration, the Standards of Castle Cove—Compliance Guidelines, or the adopted rules and regulations of the Association, will be held to be a waiver by that party to assert any right available to him upon the occurrence, recurrence or continuation of such violation or violations of the Declaration, the Standards of Castle Cove—Compliance Guidelines, or any rules and regulations adopted by the Association.

Likewise, no delay or failure of any party to enforce any particular provision of the Declaration, the Standards of Castle Cove—Compliance Guidelines, or any rules and regulations adopted by the Association will be deemed a waiver of that party to enforce another provision of the Declaration, the Standards of Castle Cove—Compliance Guidelines, or any rules and regulations adopted by the Association.

[End of Rules & Regulations]

The undersigned executes this Affidavit of Corporate Resolution for Castle Cove Owners Assn., Inc. and certifies under penalties of perjury that all requirements for passage of the Resolution as set forth in the Declaration have been met as of this 6th day of March, 2015.

CASTLE COVE OWNERS ASSN., INC.

Marie Wright 3-6-15
President Date

Marie Wright
Printed Name of Director

ATTEST:

[Signature] 3/6/2015
Secretary Date

Ron Sans
Printed Name of Director

STATE OF INDIANA)
)
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared Ron Sans and Marie Wright, the President and Secretary, respectively, of Castle Cove Owners Assn., Inc., who acknowledged execution of the foregoing Affidavit of Corporate Resolution for Castle Cove Owners Assn., Inc. and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal of this 16th day of March, 2015.

Jerry Lee Davis-Johnson
Notary of Public - Signature

April 13, 2015
Commission Expiration Date

Jerry Lee Davis-Johnson
Printed

Marion
County of Residence

I hereby affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. -Scott A. Tanner

**This document was prepared by and should be returned to:
Scott A. Tanner, TANNER LAW GROUP, 6125 S. East St. (U.S. 31), Indianapolis, IN 46227**