

# Indian Ridge Homeowners Association

## Bylaws of Indian Ridge

### ARTICLE I

The name of the corporation is INDIAN RIDGE OSCEOLA COUNTY HOMEOWNERS ASSOCIATION, INC., hereinafter referred to as the "ASSOCIATION". The principal office of the ASSOCIATION shall be located at 7585 INDIAN RIDGE TRAIL SOUTH, KISSIMMEE, FLORIDA 34747, but meetings of members and directors may be held at such places within Osceola Counties, Florida, as may be designated by the BOARD OF DIRECTORS. The Board of Directors may, from time to time, move the principal office to any other address in Osceola County, Florida.

### ARTICLE II PURPOSE

The purpose of this Association shall be to promote sound growth, progressive civic improvement, beautification and healthy residential and recreational development of the area included in, surrounding and contiguous to the Indian Ridge Subdivision and to act in furtherance of any other purpose set forth in the Article of Incorporation of the Association.

### ARTICLE III DEFINITIONS

- Section 1. "ASSOCIATION" shall mean and refer to INDIAN RIDGE OSCEOLA COUNTY HOMEOWNERS ASSOCIATION, INC., its successors and assigns.
- Section 2. "LOT" shall mean and refer to any platted or proposed but un-platted lot located in the Indian Ridge subdivisions according to the plat of various Sections thereof which have been recorded in the Public Records of Osceola County, Florida.
- Section 3. "OWNER" shall mean and refer to the Record Owner, whether one or more persons or entities of the fee simple title to any Lot.
- Section 4. "LONG TERM RENTAL" shall mean and refer to any person or persons renting a Home Dwelling which is situated upon a Lot, from A Owner for MORE than six (6) months consecutively in any given year, starting from the day the lease was signed.
- Section 5. "SHORT TERM RENTAL" shall mean and refer to any person or persons renting a Home Dwelling which is situated upon a Lot from A Owner for LESS than 28 days non-consecutively in any given year.
- Section 6. "COMMON PROPERTY or COMMON AREA" shall mean and refer to those areas of land shown on any plat of the Indian Ridge Subdivisions and intended to be devoted to the common use and enjoyment of the Owners, or any areas within or outside any plat of the Indian Ridge Subdivisions which are conveyed by the Developer to the Association.
- Section 7. "MEMBER" shall mean and refer to the CLASS A MEMBERS, CLASS B MEMBERS, of the Association, admitted pursuant to provisions of Article IV herein below the two classes of membership – further defined as follows:

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**“CLASS A”** member shall be all owners with the, and shall be entitled to one (1) vote for each Lot owned. When more than one person owns an interest in any Lot, all such persons shall be members. The VOTE for such Lot shall be exercised as they determine, but in NO event shall more than ONE (1) VOTE be cast with respect to any LOT.

**“CLASS B”** member shall be all Long Term and Short Term rentals and shall have NO VOTE in any matters that will affect the LOTS, COMMON PROPERTY and COMMON AREAS of Indian Ridge. They shall have a vote on recreational activities and functions and any other matters determined by the Board of Directors Class B Members will abide by the LAWS and RULES set forth by the Board of Directors. Class B Members CANNOT be elected or be a Member of the Board of Directors.

## **ARTICLE IV ADMISSION TO MEMBERSHIP**

Membership is automatic through purchase of property in the Indian Ridge subdivision and collection of transfer fee that may be greater than or equal to but not less than current year's annual assessment. Each property carries its' own annual assessment. Resignations and withdrawals from the Association must be submitted in writing to the Secretary. A Member in good standing is one whose dues and assessments have been paid to the Association in a timely fashion. Members in good standing at the time of resignation may be reinstated upon application to the Board of Directors. Membership shall automatically end when a Member is no longer an Owner or a Renter.

## **ARTICLE V DUES**

There shall be annual dues of SEVENTY AND NO/100 DOLLARS (\$70.00). The fiscal year of the Association shall begin on the first day of January and end on the last day of December of each calendar year. The Membership rights of any Member may be suspended by action of the Board of Directors during the period when dues remain unpaid, but upon payment of such dues his rights and privileges shall be automatically restored. If the Directors have adopted the rules and regulations governing the use of the COMMON PROPERTY and FACILITIES and the personal conduct of any person violates such rules, the Board of Directors may, in their discretion, to the extent permitted by law, suspend the rights of any such person for violation of such rules and regulations for a period not to exceed ninety (90) days or as the HOA Board sees fit based upon offense. Uncollected dues plus TRANSFER FEE of \$70.00 will be collected by the Title Companies at such time that the dwelling is being sold from the seller.

## **ARTICLE VI RIGHTS OF MEMBERS TO USE COMMON PROPERTY**

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- **Section 1.** Each Homeowner shall be entitled to the use and enjoyment of the Common Property and facilities located there on. ONE “DO NOT DUPLICATE” KEY may be obtained by request for a fee of \$10.00. Replacement keys are \$25.00.
- **Section 2.** Any Homeowner may delegate his rights and enjoyment in the Common Property to the members of his family who reside upon any LOT or to any of his long term TENANTS. Such Homeowner shall notify the Secretary in writing of the name of any such person and of the relationship of the Member to such person as well as complete an “Assignment of Rights” form, or convey by some other non-verbal means of communication the required information. Keys must be obtained by the Homeowner or designated adult representative for distribution to their tenants. Keys will not be distributed directly to a tenant. The rights and privileges of such persons are subject to suspension under Article V to the same extent as those of a Homeowner.

## **ARTICLE VII MEETING OF MEMBERS**

- **Section 1. GENERAL MEMBERSHIP MEETINGS-** will be held quarterly and will be January, April, August, and November on the second Wednesday, and each subsequent regular Annual Meeting of the Members shall be held on the same day of the same month of each year thereafter, at the hour of 7:00 pm. If the day for the annual meeting of the Members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.
- **Section 2. MONTHLY MEETINGS** of the Members may be called at any time by the President or by the Board of Directors or upon written request on one-half (1/2) the Members who are entitled to vote.
- **Section 3. NOTICE OF MEETINGS.** Written notice of each meeting of the Members shall be given by, or at the direction of, the Secretary or person authorized to call the meeting, by mailing, or had delivered by a copy of the Indian Ridge Newsletter called the ‘TRAILBLAZER”, at least fifteen (15) days before such meeting to each Member entitled to vote thereat; if mailed, addressed to the Member's address last appearing on the books of the Association or supplied by such Member Association for the purpose of notice. Such notice may also be posted on the Indian Ridge Website at least 15 days prior to such meeting. Such notices shall specify the day and hour of the meeting and, in the case of a special meeting, the purpose of the meeting.
- **Section 4. QUORUM.** The presence at any meeting of Members entitled to cast or of proxies entitled to cast, a majority of the votes of the entire Membership at attendance of such meeting shall constitute a quorum for any action except as otherwise provided in the Article of Incorporation or these By-Laws.
- **Section 5. 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. Every proxy shall be

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revocable and shall automatically cease upon conveyance by the Member of his Lot. No proxy shall extend beyond a period of twelve (12) months. All proxies shall be renewed with the Secretary in writing annually.

- Section 6. VOTING. If a quorum is present, the affirmative vote of the majority of the votes entitled to be cast at the meeting shall be the act of the Members unless otherwise provided by law.

## ARTICLE VIII BOARD OF DIRECTORS; SELECTION; TERM OF OFFICE

- Section 1. NUMBER. The affairs of this Association shall be managed by a Board of NINE (9) Directors who must be a Member of the Association in good standing, owner of record on the "Osceola County" Tax Records. The President, Vice President and Secretary of the Association MUST BE Members of the Board of Directors at all times.

- Section 2. TERM OF OFFICE. Members shall elect NINE (9) Directors for a term of two (2) years. At each EVEN YEAR, starting from 1992 thereafter, Members shall elect three (3) Officers of the board and other Board Members shall be elected on each ODD YEAR, starting from 1993 thereafter.

- Section 3. REMOVAL. Any Director may be removed from the Board with or without cause by a majority vote at a meeting of the Board of Directors. In the event of death, resignation or removal of a Director, his Successor shall be selected by the President, and shall serve for the un-expired term of his Predecessor.

- Section 4. COMPENSATION. No Director shall receive compensation for any service he may render to the association. However, any Director may be reimbursed for his/her actual expenses and or purchases incurred on behalf of the HOA in the performance of his/her duties.

- Section 5. ACTION TAKEN WITHOUT A MEETING. The Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of the majority of the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

## ARTICLE IX NOMINATION AND ELECTION OF DIRECTORS

- Section 1. NOMINATION. The Election Committee shall consist of a Chairman who shall be a member of the Board of Directors, and TWO members of the Association. The Election Committee shall be appointed by the Board of Directors prior to the General membership meeting. The Election Committee may also accept nominations from the floor at the Annual meeting. The Nominating Committee shall consist of a Secretary who shall be a Member of the Board of Directors, and two (2) or more Members of the Association. Such nominations may be made from among Members or Non-Members.

- Section 2. ELECTION. Election to the board of Directors shall be by secret written ballot. At such election the Members or their proxies may cast, in respect to each vacancy, as many

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votes as they are entitled to exercise under the provisions of the Articles of Incorporation. The persons receiving the largest number of votes shall be elected. Cumulative voting is NOT permitted.

## ARTICLE X MEETINGS OF DIRECTORS

- **Section 1. REGULAR MEETINGS.** Regular meetings of the Board of Directors will be held monthly with notice at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday then that meeting shall be held at the same time on the next day which is not a legal holiday.
- **Section 2. SPECIAL MEETINGS.** Special meetings of the Board of Directors shall be held when called by the President of the Association or by two (2) Directors after not less than two (2) day's notice to each Director.
- **Section 3. QUORUM.** A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

## ARTICLE XI POWERS AND DUTIES OF THE BOARD OF DIRECTORS

- **Section 1. POWERS.** The Board of Directors shall have the power to:
  - a) Adopt and publish rules and regulations governing the use of the Common Area and facilities and the personal conduct of the Members and their Guests therein, and to establish penalties for the infraction thereof.
  - b) Prosecute anyone found destroying or misusing any and all property of Lots, Common Areas, Common Facilities and Common Grounds.
  - c) In violation of the DEED RESTRICTIONS the following steps will be taken by the Board: (1) notify property Owner of the violation; if not corrected with ten (10) days, step two: (2) certified letter mailed with an acceptable response or correction within 30 days; (3) Board may employ an outside contractor to correct the violation; (4) Board will submit to Owner of Lot in violation a bill for reimbursement; (5) failure to pay back the Association will result in a process of litigation that would result in a lien against the home; (6) any legal fees incurred by the Association will be paid for by the Owner of Lot in violation.
  - d) Suspend the voting rights of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing for a period not to exceed sixty (90) days for infraction of published rules and regulations.
  - e) Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of these By- Laws or the Articles of Incorporation.

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- f) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors.
- g) Employ a manager, an independent contractor, or such other employees as they deem necessary and to prescribe their duties.
- h) Such other powers ordinary, reasonable and necessary to the functioning of the Association.

• **Section 2. DUTIES.** It shall be the duty of the Board of Directors to:

- a) Cause to be kept a complete record of all its acts and corporate accounts and to present a statement thereof to the Members at the annual meeting of the Members or at any special meeting when such statement is requested in writing by a majority of the class A Members who are entitled to vote.
- b) Supervise all officers, agents and employees of this Association and to see that their duties are properly performed.
- c) To: (1) fix the amount of the annual assessment against each Member at least thirty (30) days in advance of each annual assessment period; (2) send written notice of each assessment to every Member subject thereto at least thirty (30) days in advance of each annual assessment period.
- d) Issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of payment.
- e) Procure and maintain adequate liability and hazard insurance on property owned by the Association.
- f) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate.
- g) Cause the Common Area to be maintained.
- h) After dwellings have been erected on all of the Lots, the Board of Directors may appoint the Members of the Architectural Control Committee, subject to any appointment powers reserved to Lot Owners in the Restrictive Covenants governing all or portions of the Subdivision. The Architectural Control Committee, as appointed by the Board of Directors, shall consist of three (3) Members. The Architectural Control Committee shall review all construction plans and specifications submitted to it for erection, placement or alteration of a building or structure on any Lot and shall give written approval or disapproval of such plans and specifications within thirty (30) days after the plans and specifications have been submitted to it. The Committee shall consider in its review and discussion the following criteria: 1. Consistency of the plans and specifications with applicable covenants and restrictions of public record 2. Quality of workmanship and materials 3. Harmony of exterior design with existing structures 4. The location of the proposed structure in respect to topography and finished grade elevation The Committee approval or disapproval as

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required in these By-Laws shall be in writing. In the event the Committee fails to approve or disapprove within thirty (30) days after the plans and specifications have been submitted to it, or in any event if no suit to enjoin the construction has been commenced by the Committee prior to the completion thereof, approval will not be required.

## ARTICLE XII OFFICERS AND THEIR DUTIES

- **Section 1. ENUMERATION OF OFFICES.** The Executive Officers of this Association shall be President / Financial Officer, Vice President and Secretary and shall at all times be Members of the Board of Directors and other such officers as the Board may from time to time by resolution create.

- **Section 2. ELECTION OF OFFICERS.** The election of Officers shall take place at the November meeting of the Board of Directors following each EVEN YEAR ANNUAL MEETING OF THE GENERAL MEMBERSHIP

- **Section 3. TERM.** The Officers of this Association shall be elected every two (2) years by the General Membership, and each shall hold office for two (2) years unless he shall sooner resign, or shall be removed, or otherwise be disqualified to serve.

- **Section 4. SPECIAL APPOINTMENTS.** The Board may elect such other Officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority and perform such duties as the board may from time to time determine.

- **Section 5. RESIGNATION AND REMOVAL.** Any Officer may be removed from office with or without cause by the Board. Any Officer may resign at any time giving written notice to the Board, the President / Financial Office, the Vice President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

- **Section 6. VACANCIES.** A vacancy in any office may be filled by appointed by the President. The Officer appointed to such vacancy shall serve for the remainder of the term of the Officer he replaces.

- **Section 7. MULTIPLE COMMITTEE POSITIONS.** Any two (2) or more Committee positions may be held by the same person. **Section 8. DUTIES.** The duties of the Officers are as follows:

- **a) President/ Financial Officer:** the President / Financial Officer shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall sign all checks and promissory notes.

- **b) Vice President:** the Vice President shall act in the place and stead of the President in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of Him or Her by the Board.

- **c) Secretary:** The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board, and serve notice of meetings of the Board and of the

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Members; keep appropriate current records showing the members of the Association together with their addresses and shall perform such other duties as required by the Board.

- d) *Financial Officer*. The Financial Officer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; a statement of income and expenditures to be presented to the membership at its monthly meetings.

## ARTICLE XIII COMMITTEES

The Association shall appoint an Architectural Control Committee, and Election Committee. The Board of Directors may also appoint a Recreational Committee, Crime Watch Committee, Grievance Committee, Membership Committee, Landscaping Committee, Nominating Committee and as provided in these By-Laws. In addition, the Board of Directors may appoint other committees as deemed appropriate in carrying out its purpose.

## ARTICLE XIV BOOKS AND RECORDS

The books, records and papers of the Association shall be at all times, during our monthly meetings only, subject to inspection for good reason, after an appointment has been made 72 hours in advance. The financial status is otherwise published in the Trailblazer.

## ARTICLE XV CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference the words: INDIAN RIDGE OSCEOLA COUNTY HOMEOWNERS ASSOCIATION, INC., CORPORATION NOT FOR PROFIT.

## ASSOCIATION SEAL

The Association shall have a seal in circular form having within its circumference the words: INDIAN RIDGE HOMEOWNERS ASSOCIATION and in its center the word: SEAL. This seal shall be affixed to all Membership cards and anything deemed necessary by the Board of Directors that does not need the corporate seal.

## ARTICLE XVI AMENDMENTS

- Section 1. These By-Laws may be amended at a regular or special meeting of the Board of Directors by a vote of majority of a quorum of all Directors voting in person.
- Section 2. In case of any conflict between the Articles of Incorporation and the By-Laws, the Articles shall control.





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## **ARTICLE XVII MISCELLANEOUS**

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of Incorporation. These By-Laws adopted on the date of Incorporation and amended at emergency meetings of the Board of Directors on September 1, 1992, September 3, 1996, August 23, 1997, January 13, 1998, October 11, 1999, February 13, 2001, January 9, 2006 President / Financial Officer John Abrahamsen Vice President (Acting) William Hasher (original signatures on file). Amended-August 4, 2020 Alice G. Paracha, President/Financial Officer & Jane Lively, Vice-President