

### WRITTEN BALLOT ORCHARD ESTATES SECTION THREE PROPERTY OWNERS ASSOCIATION

Orchard Estates Section Three Property Owners are asked to vote on an amendment to the Declaration of Covenant, Conditions and Restrictions. This action is being taken in the form of written ballots (pursuant to Indiana Code § 23-17-10-8 (2021) which have been mailed to all Property Owners in Orchard Estates Section Three.

The Board of Directors proposes amending the covenants to clarify the amendment process. Current language for Article XVIII of the covenants is unclear and does not specify the number of votes needed to pass an amendment. A full copy of the proposed amendment is provided herein.

A quorum of one-tenth (1/10) of the total voting power (29 Property Owners), is required for a vote to take place. A simple majority of votes in favor of the proposed amendment will signify approval. Ballots are due January 31, 2023. Instead of filling out a ballot, Owners may assign their vote to a proxy. The proxy form is on the back side of this page. Proxy forms must be received by January 31, 2023.

#### **Return your ballot by Tuesday, January 31, 2023**

I, the undersigned Owner of the property listed below, hereby vote:

\_\_\_\_\_ IN FAVOR of the proposed amendment to replace Article XVIII. Amendments or Revocation

\_\_\_\_\_ AGAINST the proposed amendment to replace Article XVIII. Amendments or Revocation

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Print Owner Name

\_\_\_\_\_  
Owner Address

**Send your ballot by U.S. Mail to Jeanna Overbey, 647 Peach Tree Lane, Danville, Indiana 46122. Ballots may also be hand-delivered to one of the Board Members listed below. Do not put ballots directly into a Board Member's mailbox.**

Carol Hubbard  
625 Peach Tree Ct.  
Danville, IN 46122

Tom Roeder  
651 Peach Tree Lane  
Danville, IN 46122

Jeanna Overbey  
647 Peach Tree Lane  
Danville, IN 46122

**Once you submit your ballot to the Association, it cannot be revoked. Ballots or proxy forms are due by January 31, 2023.**

**Orchard Estates Section Three Property Owners Association**

**PROXY FORM**

One Property Owner per Lot may vote on Association business. Any Property Owner wishing to vote by proxy must complete this form. This form may be given either to a neighbor whom they wish to vote on their behalf or to any current Board Member.

Your (Property Owner) Name \_\_\_\_\_

Your Address \_\_\_\_\_

**Check (and fill out) only ONE of the following:**

- ☐ I assign \_\_\_\_\_ the authority to vote on my behalf regarding Association matters.
- ☐ I assign the Orchard Estates Section Three Property Owners Association Board of Directors the authority to vote on my behalf regarding Association matters.

Your Signature \_\_\_\_\_

Date \_\_\_\_\_

**AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR  
ORCHARD ESTATES SECTION THREE**

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The Declaration of Covenants, Conditions and Restrictions for Orchard Estates Section Three dated December 15, 1993, and recorded on February 1, 1994, in Book 139 Page 727 in the office of the Recorder of Hendricks County, Indiana (hereinafter the "Covenants"), are hereby amended as follow:

Article XVIII, titled Amendments or Revocation, shall be deleted in its entirety and replaced with the following:

**XVIII. Amendments**

1. **Amendment by Association.** Except as otherwise provided in this Declaration or by applicable statute, amendments to this Declaration shall be proposed and adopted in the following manner:
  - a. **Resolution.** A resolution to adopt a proposed amendment may be proposed by the Board or Owners by a petition having in the aggregate at least two-thirds (2/3) of the total voting power of the Association.
  - b. **Notice.** Notice of the subject matter of any proposed amendment shall be included in the notice of the meeting at which the proposed amendment is to be considered.
  - c. **Meeting.** The resolution concerning a proposed amendment must be adopted by the designated vote at a meeting of the members of the Association duly called and held in accordance with the provisions of the by-laws of the Association.
  - d. **Adoption.** Any proposed amendment to this Declaration must be approved by a vote of not less than two-thirds (2/3) of the Owners.
2. **Recording.** Each Amendment to the Declaration made pursuant to Section 1 above shall be executed by the President or Vice President and Secretary of the Association. All amendments shall be recorded in the Office of the Recorder of Hendricks County, Indiana, and no amendment shall become effective until so recorded.