

UNDERSTANDING THE AMENDED & RESTATED BY-LAWS AND COVENANTS

WHAT ARE THESE DOCUMENTS?

The Revised Covenants govern the Wellington Northeast (“WNE”) subdivision and each homeowner’s Lot. The Revised Covenants are your “go-to” for determining what you can and cannot do with your Lot and how to do or not do something with your Lot. These Revised Covenants require everyone to follow the same rules. This is how WNE maintains its value and standards as a whole.

The Revised By-Laws govern the Wellington Northeast Neighborhood Association (“WNNA”), a non-profit corporation incorporated in the State of Indiana, whereby each of Lot owner is a “member” of “shareholder” of the WNNA. The Revised By-Laws create and provide for the authority, duties and rules for the Board (President, Vice President, Treasurer & Secretary), committees and section reps and ultimately how the WNNA is to operate.

WHY ARE WE REVISING THESE DOCUMENTS? – SIMPLIFY, CLARIFY & IMPROVE!

Simplify:

Prior to these proposed revisions to the Covenants, there were numerous sets of Covenants for various sections within WNE. This created difficulty in understanding what rules were applicable to whom and left members of WNE unclear as to what they could and could not do with their property. By creating a more uniform set of Covenants, the standards of WNE will be easier to understand.

Clarify

Between the Covenants and By-Laws there were rules and procedures that simply didn’t make a lot of sense under current laws and conditions. The Revised Covenants and By-Laws provide uniformity and cohesiveness between them allowing homeowners to quickly look up and determine the who, what, where, when and how these documents work together. This clarification should allow homeowners and the members of WNNA to quickly determine what their rights and responsibilities are while enjoying all of the benefits of living in WNE.

Improve

By simplifying and clarifying the Covenants and By-Laws, the argument for why this is an improvement is straightforward. Additionally, these Revised Covenants and By-Laws were carefully redesigned with a lot of input from the Board, Sections Reps, Members of the HOA and legal counsel to address various concerns that seemed to pop-up over time, including most-notably the financial circumstances of WNNA and WNE. As a whole, these Revised Covenants and By-Laws are a great balance struck between addressing consistent problems (i.e. rights of enforcement for violations, addressing the solvency concerns with WNE and creating minimum uniform requirements throughout the neighborhood) and providing responsible flexibility for the future with an understanding of present realities (restructuring quorum, voting requirements, creation of committees). While never perfect, should additional concerns arise, these Revised Covenants and By-Laws provide enough flexibility and control to address future concerns.

WHAT IS NEW AND IMPORTANT FOR ME TO READ AND UNDERSTAND?

A lot. It is critically important that each homeowner do their respective due-diligence and read these documents for their own benefit and understanding. However, as a “cliff notes” version, here are some of the highlights.

Starting with the Covenants, in an attempt to maintain the beauty of WNE, additional language concerning fences (§1.4), cars, trash and debris (§§1.6 & 1.10) as well as maintenance standards (§§1.7, 1.11-12) have been added. Article 5, which refers to the rights of enforcement gives members and the Board clear guidance on how to enforce these covenants, deferring to the procedures enacted by Indiana law. Article 10, concerning the Architectural Control Committee gives homeowners and the WNNA the greatest amount of flexibility and control in addressing the often-requested home improvements arena.

The Revised By-Laws maintain the two-class system of membership. However, the By-Laws now provide that “as of January 1, 2020, all purchasers of Lots shall be mandatory Recreational Members.” (Art. III, § 3.3(b)). This major change is designed to address the financial needs of the WNE and WNNA by making clear that as time passes and new buyers into WNE come through, the overall membership of WNE will shift to “Recreational Members” only. This is beneficial as the need for continually increasing dues upon all members lessens, while maintaining sufficient financial liquidity to address emerging costs of repairs. Lastly, as stated above, there are significant changes to quorum requirements, voting requirements and the creation of committees. Consistent with that approach, there are clear standards of conduct, duties and responsibilities of the WNNA committees and Board, procedures for addressing concerns by members of WNNA and a clearly stated purpose of creating harmony between all members of WNNA and the WNNA Board for the overall benefit of WNE.

WHY SHOULD I VOTE IN FAVOR OF THESE REVISED COVENANTS AND BY-LAWS?

If you’ve ever been to a WNNA meeting, you are guaranteed to hear one of two things – “I thought our [Covenants or By-Laws] require _____” or “why don’t our [Covenants or By-Laws] say _____?” These revisions were made in such a way to address key concerns with a cautious and precise approach with the hopes of creating a more sustainable path forward. The product that is the Revised Covenants and By-Laws, which you are asked to consider and ultimately support, was the end-result of several meetings, debates, compromises and conversations amongst individuals that were both in-favor and against these revisions. Rest assured that great consideration in every aspect of this project was given to the comments and feedback from members throughout WNE.