



RECEIVED  
7/3/05

SURVEYOR'S OFFICE

# Hamilton County

*Kenton C. Ward, Surveyor*

*Phone (317) 776-8495*

*Fax (317) 776-9628*

*Suite 188*

*One Hamilton County Square*

*Noblesville, Indiana 46060-2230*

January 19, 2005

Shelborne Greene Community Assoc. Inc.  
Marge Smith  
PO Box 4055  
Carmel, IN 46032

Attn: HOA President

RE: Regulated Drainage Easements  
Non-Enforcement Agreements

To the President of the Homeowner's Association,

This letter comes as a reminder that the Hamilton County Drainage Board has easement rights within your subdivision.

The purpose of these Regulated Drain Easements is to allow the Drainage Board, its contractor, and its technical advisor (the Hamilton County Surveyor's Office) access to the drainage facilities it manages, for regular maintenance and for repairs when necessary.

Please be advised that encroachments into the Regulated Drain Easements are not permitted without the written consent of the Hamilton Drainage Board.

Where encroachments are made without the permission of the Drainage Board, items encroaching can be removed from the Easements at the discretion of the Board or Surveyor's Office, with all costs associated with removal to be borne by the property owner.

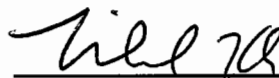
If a resident wishes to encroach into an Easement with a fence, landscaping, children's play equipment, or other non-permanent items, they need to submit a **Non-Enforcement Request** and have it approved by the Drainage Board. The permit fee is \$75.00, and is payable to the Hamilton County Treasurer. Form enclosed.

Please be advised that the Drainage Board will generally permit encroachments that will occupy up to half of a Regulated Drain Easement.

The Board will generally deny requests that involvement the encroachments of permanent structures, such as buildings with foundations. The reason for this is that many easements surround drain pipes. Should the pipe fail and a significant excavation be required in order to make repairs or replacements, the excavation could threaten the structural integrity of the building. This is a situation the Board wishes to avoid, in the best interest of all involved.

If you have any questions about Regulated Drain Easements, Non-Enforcement Agreements, or any other issue related to the County Drains, please do not hesitate to contact this Office on 776-8495.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Kole", written in black ink.

---

Michael R. Kole,  
Permit Inspector

STATE OF INDIANA  
OFFICE OF THE SECRETARY OF STATE

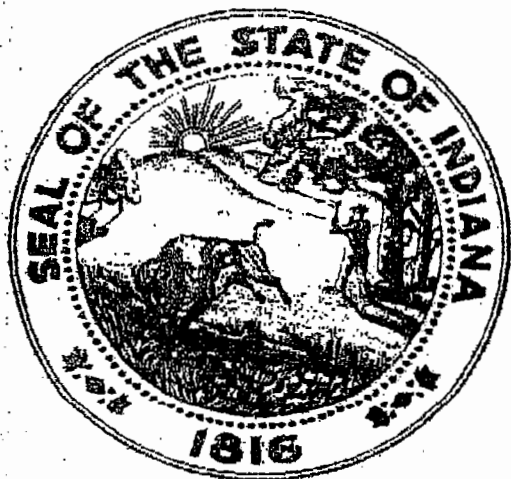
CERTIFICATE OF INCORPORATION:

OF

SHELBOURNE GREENE COMMUNITY ASSOCIATION, INC.

I, SUE ANNE GILROY, Secretary of State of Indiana, hereby certify that Articles of Incorporation of the above corporation have been presented to me at my office accompanied by the fees prescribed by law; that I have found such Articles conform to law; all as prescribed by the provisions of the Indiana Nonprofit Corporation Act of 1991, as amended.

NOW, THEREFORE, I hereby issue to such corporation this Certificate of Incorporation, and further certify that its corporate existence will begin November 16, 1995.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the City of Indianapolis, this Sixteenth day of November, 1995.

*Sue Anne Gilroy*  
SUE ANNE GILROY, Secretary of State

*[Signature]*  
Deputy

1995110883

ARTICLES OF INCORPORATION  
OF  
SHELBORNE GREENE  
COMMUNITY ASSOCIATION, INC.

APPROVED  
AND  
FILED  
IND. SECRETARY OF STATE

In compliance with the requirements of the Indiana Nonprofit Corporation Act of 1991, as amended, the undersigned, all of whom are residents of Marion County and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and do hereby certify:

ARTICLE I

The name of the corporation is Shelborne Greene Community Association, Inc., hereafter called the "Association". The Association is a mutual benefit corporation.

ARTICLE II

The principal office of the Association is at 3755 East 82nd Street, Suite 120, Indianapolis, Indiana 46240.

ARTICLE III

The name and street address of the registered agent and registered office of the Association is C. Richard Davis, 3755 East 82nd Street, Suite 120, Indianapolis, Indiana 46240.

ARTICLE IV

PURPOSE AND POWERS OF THIS ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the general purposes for which it is formed are to provide for maintenance, preservation and architectural control of the Lots and Common Area of Shelborne Greene, located in Hamilton County, Carmel, Indiana, and to promote the health, safety and welfare of the residents within the above described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association, and, specifically, to:

- (a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions, dated as of October 25, 1995, hereinafter called the "Declaration", applicable to the Property and first recorded in the Office of the Recorder of Hamilton County, Indiana on November 15, 1995, as the same may be amended from time to time

as therein provided, said Declaration (including without limitation the defined terms therein) being incorporated herein as if set forth at length;

(b) fix, levy, collect and enforce payment by any lawful means of all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including without limitation all licenses, taxes or governmental charges levied or imposed against the property of the Association;

(c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) borrow money, and with the assent of two-thirds (2/3) of each class of members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) dedicate, sell or transfer all or any part of or interest in the Common Areas to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the Board of Directors;

(f) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger or consolidation shall have the assent of two-thirds (2/3) of the members,

(g) have and exercise any and all powers, rights and privileges which a corporation organized under the Nonprofit Corporation Law of the State of Indiana by law may now or hereafter have or exercise.

## ARTICLE V

### MEMBERSHIP

Every person or entity who is a record owner of a fee interest in any Lot which is subject to the Declaration, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of the Lot which is subject to assessment by the Association.

## ARTICLE VI

### VOTING RIGHTS

The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners, with the exception of the Developer, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in a Lot, all such persons shall be Class A members and the vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B member shall be the Developer and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and shall be converted to Class A membership upon the occurrence of the Applicable Date.

## ARTICLE VII

### INCORPORATORS

The names and addresses of the incorporators of the Association are as follows:

C. Richard Davis 3755 East 82nd Street, #120, Indpls, IN

Deborah Scorso 3755 East 82nd Street, #120, Indpls, IN

## ARTICLE VIII

### DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each class of members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

## ARTICLE IX

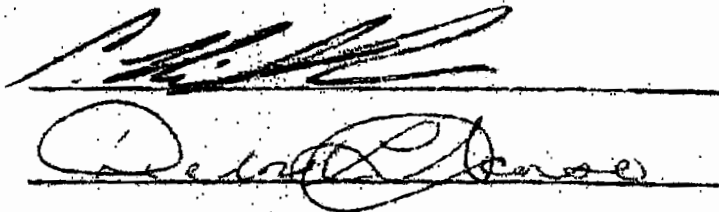
### DURATION

The Association shall exist perpetually.

**ARTICLE I****AMENDMENTS**

Amendment of these Articles shall require the assent of 75 percent (75%) of the entire membership.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Indiana, we, the undersigned, constituting the incorporators of the Association, have executed these Articles of Incorporation this 16th day of November, 1995, and we hereby verify, subject to penalties of perjury, that the facts contained herein are true.



The image shows two handwritten signatures, each written over a horizontal line. The top signature is a stylized, cursive name that appears to be 'C. Richard Davis'. The bottom signature is also cursive and appears to be 'C. Richard Davis'.

This Instrument prepared by C. Richard Davis, Vice President,  
Davis Holding Corporation, 3755 East 82nd Street, Suite 120,  
Indianapolis, Indiana 46240.

3(a)

**FIRST AMENDMENT TO  
ARTICLES OF INCORPORATION OF SHELBORNE GREENE COMMUNITY  
ASSOCIATION, INC.**

This Amendment ("Amendment") amends those certain Articles of Incorporation of Shelborne Greene Community Association, Inc., (the "Articles") by adding the following new Article XI to the terms and conditions thereof:

**Article XI**  
**FHA/VA Approval**

As long as there is Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Commission: annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles.

Except as otherwise expressly provided herein to the contrary, the Articles shall remain in full force and effect without modification.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of July 31, 1997.

Shelborne Greene Community Association, Inc.

By: Christopher R. White  
Christopher R. White,  
President

By: Li Ching Wu  
Li Ching Wu, Secretary,

This Instrument prepared by C. Richard Davis, Vice President, Davis Holding Corporation, 3755 East 82nd Street, Suite 120, Indianapolis, Indiana 46240.



4(a)

**FIRST AMENDMENT TO  
BY-LAWS OF SHELBORNE GREENE COMMUNITY  
ASSOCIATION, INC.**

This Amendment ("Amendment") amends those certain By-Laws of Shelborne Greene Community Association, Inc., (the "By-Laws") by adding the following sentence to the end of Section 1 of Article XII thereof:

"Notwithstanding anything herein to the contrary, the Federal Housing Commissioner or the Veterans Administration shall have the right to veto amendments hereto while there is Class B membership outstanding."

Except as otherwise expressly provided herein to the contrary, the By-laws shall remain in full force and effect without modification.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of July 31, 1997.

Shelborne Greene Community Association, Inc.

By: Christopher R. White  
Christopher R. White,  
President

By: Li Ching Wu  
Li Ching Wu, Secretary,

This Instrument prepared by C. Richard Davis, Vice President, Davis Holding Corporation, 3755 East 82nd Street, Suite 120, Indianapolis, Indiana 46240.