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The Lakes at Willow Creek Homeowners Association

Huntertown, Indiana

Rules, Policies, & Procedures

The Rules, Policies, and Procedures document serves as a “catch-all” tool to address issues not addressed, or not addressed sufficiently, in the Bylaws and Covenants of The Lakes at Willow Creek.

Its focus is on day-to-day operations/fiscal matters to aid the HOA board on how the CC&R/Bylaws are to be implemented and regulated.

The document also provides continuity to decisions made over the years and helps avoid different interpretations of the CC&R/Bylaws.

This is a “living document”. It can be added to, subtracted from, and amended as times and laws change. It provides transparency and, most importantly, consistency in enforcement.

Rules, Policies, and Procedures also rank sixth (6th) on the hierarchy of HOA documents (see Addendum).

1. MAILBOX REPLACEMENT

The costs to replace or repair mailboxes and mailbox stands are shared between the residents and the HOA.

- a. The costs to replace mailboxes are the responsibility of the homeowner/s who are the USPS occupants of the mailbox.
- b. The cost to replace a mailbox stand is dependent upon the circumstances:
 1. The HOA will cover the costs to replace mailbox stands that are no longer functional due to natural causes or that are damaged due to unknown causes.
 2. Residents damaging a mailbox stand are responsible for the costs.
 3. The replacement and installation of mailbox stands is the responsibility of the resident/s. HOA board members can assist voluntarily.
 4. In all cases, replacement of mailboxes and mailbox stands shall conform to the plans and standards of the Lakes at Willow Creek. Specifications for mailbox style and stand are available upon request.

2. ENFORCEMENT PROCEDURES (Board approved October 2020 – Amended 2023)

When a resident violates the CC&R, the following steps shall be taken to ensure consistent treatment of all homeowners.

- a. A friendly reminder shall be sent by first-class mail of the nature of the violation. The letter shall reference the rule in violation via section/subsections of the CC&R and specify a date (usually fifteen days from mailing) to correct the violation. The letter shall also contain the board member/s contact information.

- b. If the infraction has not been corrected, or the resident has failed to contact the board to provide a satisfactory explanation of extenuating circumstances, a second notice shall be sent by first-class mail repeating the violation and the references to the section/subsections of the CC&R that were violated. The letter may specify a second date, if applicable, to correct the violation. The second notice shall be clear regarding the punitive consequences, including that the matter will be referred *to the HOA attorney if not corrected. It shall also refer to Section 8, Attorney Fees, and Related Expenses.*
- c. If the resident fails to correct the infraction or contact the HOA board, the matter shall be turned over to the HOA attorney.
- d. If a homeowner wishes to challenge the CC&R, they should be informed of Indiana HEA #1286, Grievance Resolution Procedure.
 - 1. (Subsection “d” was not board-approved, as HEA No. 1286 was recently passed by the State.)

3. COMMUNICATIONS (Board approved, July 2020 – Amended 2023)

The Lakes at Willow Creek shall have a unified set of standards and practices relating to HOA-sponsored communiques. The purpose of the standards and practices is to avoid the possibility of liability and to alert and receive support from all board members of forthcoming HOA-sponsored news releases, announcements, and other communications. The following shall be followed:

- a. All communications representing the LAWC HOA and its board shall be submitted to the Communications Committee for approval.
- b. Following approval, all HOA board members shall be notified as to the pending communication release.
- c. In the event of disagreement or the need for clarification, the Communication Committee, the author, or any board member may request that the communication be submitted to the full board for interpretation, review, and approval.
- d. There need be only a one-time review for all recurring communiques.
- e. Notifications and news releases by local government and other sanctioned entities may be forwarded to residents without prior approval.
- f. There shall be no personal opinions expressed by individual board members under any sponsored LAWC HOA communiques that represent the LAWC HOA board and the resident members.

4. METAL ACCENT ROOFING

Metal accent roofing is restricted to the perimeter of residential structures and may be permitted according to the following scenarios:

- a. Metal accent roofing is limited to the perimeter edges of the home. Areas permitted include:
 - 1. Porches and patios
 - 2. Entryways and porticos
 - 3. Windows, Dormer Windows, and Bay Windows
- b. Metal accent roofing must be approved by the Architectural Committee as to area, color, type (copper, aluminum, steel, etc.), and style (Standing Seam, or concealed fastener panel, shingles, tiles, etc.)

5. TREE FELLING AND REMOVAL (Board approved September 2022)

The felling and/or removal of trees in the common areas and entrances in the LAWC is necessary from time to time. Due to liability and insurance coverage, the following procedures have been adopted:

- a. The board of the LAWC HOA shall only contract with vendors who have tree-felling experience and who are licensed, bonded, and insured.
- b. Volunteers who are HOA residents are allowed to cut down and remove trees in the common areas.
- c. Unless approved by our insurance agent, non-residents shall not be authorized to fell and/or remove trees from the common grounds and entrances of the LAWC.

6. FIREWORKS

The use of fireworks in common areas is prohibited unless approved by the HOA board. These areas include zones 1-13. They include, but are not limited to, the eyebrow islands, the entrances, and the common areas contiguous to the ponds and cemetery.

7. BUDGET: OPERATING AND RESERVE FUNDS

I.C. 32-25-4-4 (c.) states that an HOA shall use generally accepted accounting principles and that reserve funds may be used for capital expenditures and replacement and repair of common areas and facilities, and may not be used as usual and ordinary operating funds to repair common areas and facilities.

8. RESERVE FUNDS (continued)

Although the State of Indiana does not require a reserve study to determine the dollar amount that should be in a reserve account, the LAWC board researched this subject and concluded that the reserve funds shall be maintained at a 1:1 ratio to the operating budget. Funds over the 1:1 ratio shall be used for capital improvements as outlined in #7 above.

ADDENDUM

HIERARCHY OF HOA DOCUMENTS

As an HOA board member, you have the responsibility to uphold and follow the HOA's governing documents fairly and consistently. Understanding and implementing the *hierarchy of order* can help with these tasks.

1. Federal and State Laws and Statutes

- a. Federal overrules everything.
- b. Indiana law overrules local.

2. Recorded Maps

- a. Preliminary/Final Plans and others (e.g., drainage, topographical).

3. Covenants, Conditions & Restrictions

- a. Rights of homeowners and responsibilities.
- b. Assessments, maintenance, and enforcement.
- c. Specific specifications and procedures.

4. Articles of Incorporation

- a. A legal document filed with Indiana formally establishing the Lakes of Willow Creek as a corporation.

5. Bylaws

- a. How the HOA is run.
- b. How to operate the HOA.

6. Rules, Policies, and Procedures

- a. Adopted by the Board of Directors of the Lakes at Willow Creek Board of Directors
- b. Serves as a catch-all. Covers items addressed in the Covenants or Bylaws.
- c. Explains how a particular matter, or situation, is handled now & in the future.
- d. Flexible and adaptable to changing events. Can be modified by the Board.

7. Optional, Work Program

- a. In effect, our Capital Improvement Projects (CIP).