
What are Homeowner's Association "Governing" Documents?

Declaration of Covenants, Conditions, Restrictions and Easements

- Sometimes referred to as the CCR's, or just "the Declaration"
- The Declaration is the main legal document, a legal contract.
- It is recorded with the county.
- The Declaration establishes:
 - ❖ property rights,
 - ❖ standards of architectural control,
 - ❖ community restrictions,
 - ❖ obligations of the association,
 - ❖ obligations of the homeowner.
- The Declaration sets up rules for enforcement and legal remedies for violations.
- Amendment requires a $\frac{3}{4}$ vote of the members of the community.

Articles of Incorporation

- Establishes the association as a non-profit corporation.
- Established under the "Indiana Non Profit Corporation Act of 1991".
- It is filed with the Secretary of State.
- Defines the association's basic purposes and powers.
- Incorporation limits the liabilities of individual owners for acts of the association.

By-Laws

- The By-Laws set the regulations for administration of the association.
- Establishes rules for:
 - ❖ nominations,
 - ❖ elections,
 - ❖ voting,
 - ❖ meetings,
 - ❖ duties and powers of the Board,
 - ❖ duties of the management agent,
 - ❖ access to the association's books, records and documents.
- Amendment requires a $\frac{2}{3}$ vote of the members of the community.

Rules and Regulations

- Sometimes called "House Rules".
- This document offers the best opportunity for community input.
- They establish the standards that act as the guidelines for the Architectural Review Committee (ARC).
- They are the day-to-day rules and restrictions of the association.
- Amendment is by resolutions adopted by the board. No vote of the community is needed.