

BY-LAWS
COVINGTON POINTE COMMUNITY ASSOCIATION, INC.
A NOT-FOR-PROFIT CORPORATION DESIGNED TO FACILITATE
THE MANAGEMENT OF MAINTENANCE, ACTIVITIES, AND USE OF
COMMON AREAS IN COVINGTON POINTE, SECTIONS I AND II
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY INDIANA

ARTICLE 1
Name and Address

Section 1. The name of the Corporation shall be “Covington Pointe Community Association, Inc.” (hereinafter referred to as the “Association”).

Section 2. The post office address of the Association is Above & Beyond Community Management, Inc., 507 Airport North Office Park, Fort Wayne, IN 46825 or current management company.

ARTICLE II
Purposes and Powers

The purpose and powers of the Association and the limitations thereon shall be those expressed in Article II of the Articles of Incorporation.

ARTICLE III
Membership

Section 1. Members. The members of the Association shall be the owners of Lots within Covington Pointe, Sections I and II. Such members shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any one Lot.

Section 2. Annual Meeting. The annual meeting of the members of the Association shall be held at the principal office of the Association on the 1st or 2nd Tuesday in September of each year, at such place (within Allen County, Indiana, reasonably convenient for members to attend) and time as may be fixed by the Board of Directors and designated in the Notice or Waiver of Notice of such

meeting. At the annual meeting, the Directors for the ensuing year shall be elected, the officers of the Association shall present their annual reports, the annual budget for the Association shall be adopted and all such other business shall be transacted as may properly come before the meeting. The current management company shall cause notice of the annual meeting to be given to each member of record of the Association entitled to vote by depositing the same in the United States mail, postage prepaid, in an envelope addressed to the latest address of such member as the same appears upon the records of the Association, such notice to be mailed at least ten (10) days before the date of such meeting.

Section 3. Special Meetings. Special meetings of the members may be held at such place within Allen County, Indiana, reasonably convenient for members to attend, as may be designated in the Notice or Waiver of Notice of such meeting. Special meetings may be called in writing by the President, by a majority of the Board of Directors or by written petition signed by the holders of not less than ten percent (10%) of the memberships entitled to vote. The current management company shall cause notice of the holding of any such special meeting to be given to each member of record of the Association entitled to vote upon the business to be transacted at the meeting by depositing in the United States mail, postage prepaid, in an envelope addressed to the latest address of such member as the same appears upon the books of the Association, such notice to be mailed at least ten (10) days before the date of such meeting.

Section 4. Address of Members. The address of each member appearing upon the records of the Association shall be deemed to be the latest address which has been furnished in writing to the Association by such member.

Section 5. Waiver of Notice. Notice of any meeting of members may be waived in writing by any member if the waiver sets forth in reasonable detail the purpose or purposes for which the meeting is called and the time and place thereof. Attendance at any meeting in person, or by proxy, when the instrument of proxy sets forth in reasonable detail the purpose or purposes for which the meeting is called, shall constitute a waiver of notice of such meeting. Each member who has, in the manner provided above, waived notice of a members meeting, or who personally attends a member's meeting or is represented thereat by a proxy to appear by an instrument of proxy complying with the requirements set forth above, shall be conclusively presumed to have been given due notice of such meeting.

When all members shall meet in person, such meeting shall be valid for all purposes and at such meeting any corporate action may be taken.

Section 6. Quorum. At any meeting of the members, the holders of a majority of the votes entitled to cast who are present in person or represented by proxy shall constitute a quorum for the transaction of business. If the holders of the number of votes necessary to constitute a quorum shall fail to attend in person or by proxy at the time and place fixed for such meeting, the holders of a majority of the votes present in person or by proxy may adjourn from time to time, without notice other than announcement at the meeting, until the holders of the number of votes requisite to constitute a quorum shall attend. At any such adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as originally called.

Section 7. Voting. Member shall vote either in person or by proxy appointed in writing and subscribed by such member or his/her duly authorized attorney-in-fact, or written document sent or provided by such member or attorney-in-fact and delivered to the current management company or any Board Member at or before the time of the holding of such meeting. No such proxy shall be valid after eleven (11) months from the date of its execution unless a longer time is expressly provided therein. Memberships held by fiduciaries may be voted by the fiduciary in such manner as the instrument or order appointing such fiduciary may direct. No membership shall be voted at any time when any assessment with respect to the Lot for which such membership is held is past due or unpaid.

Section 8. Voting List. The current management company shall keep at all times a complete and accurate list of the members entitled by the Articles of Incorporation to vote at such election, arranged in alphabetical order, with the address and number of the memberships so entitled to vote. Such list may be inspected by any member for any proper purpose at any reasonable time.

Section 9. Member Action by Consent in Lieu of Meeting. Any action required or permitted to be taken at any meeting of members may be taken without a meeting, if prior to such action a consent in writing setting forth the action to be taken is signed by all members entitled to vote and such written consent is filed with the minutes of the proceedings of the members.

ARTICLE IV
Officers

Section 1. Officers. The officers of the Association shall consist of a President, a Treasurer, and a Secretary, one or more Vice Presidents, and one or more Assistant Secretaries and Assistant Treasurers, all of whom shall be elected by the Board of Directors of the Association at the first meeting thereof immediately following the annual meeting of the members; and they shall hold office, subject to the removal as provided by law, until their successors are elected and qualified. One person may hold more than one (1) office, except that the offices of the President and Secretary shall not be held by the same person. The officers shall be chosen from among the Board.

Section 2. Removal. Any officer of the Association may be removed by the Board whenever the Board in its judgment believes that the best interests of the Association will be served by such removal. Such removal will be without prejudice to the contract rights, if any, of the person(s) removed. Election or appointment of an offices does not of itself create contract rights.

Section 3. Compensation. Officers shall not be entitled to compensation for their services.

Section 4. Duties.

(A) **President.** The President shall be the chief executive officer of the Association and shall have the powers and perform the duties usually incident to that office. He shall at all meetings of the members and of the Board. He shall submit to the Board at least ten (10) days prior to the annual meeting of the members, an annual report of the operation of the Association during the preceding fiscal year, complete detailed statements of all income and expenditures and a balance sheet showing the financial condition of the Association at the close of the fiscal year. The President is authorized to sign, on behalf of the Association, contracts and other instruments in writing. The Secretary shall thereupon attest any such document requiring such attestation.

(B) **Vice-President.** In the absence or inability of the President to act, his duties shall be performed and his powers may be exercised by the Vice

President. The Vice President shall perform such other duties as shall be delegated to him by the Board.

(C) Secretary. The Secretary shall keep or cause to be kept a full, true and complete record of all the meetings of the members and of the Board of Directors and shall have charge of the Minute Book of the Association and of all of its other books and documents (except the books of account). He shall perform such other duties as may be required by the Board or the President.

(D) Treasurer. The Treasurer, in conjuncture with the current management company, shall have custody of the funds and other personal property of the Association and shall keep, or cause to be kept, correct and accurate books of account and shall also deposit, or see to the deposit of, the funds of the Association in a depository to be approved by the Board. He shall keep full and accurate account of all assets, liabilities, commitments, receipts, disbursements and other financial transactions of the Association in books belonging to the Association; shall (if directed by the Board) cause regular audits of such books and records to be made; shall see that all expenditures are made in accordance with procedures duly established, from time to time, by the Association; shall render financial statements at all regular meetings of the Board, and a full financial report at the annual meeting of members, if called upon so to do; and, shall perform such other duties as may, from time to time, be delegated to him by the Board or the President.

(E) Assistant-Secretaries. An Assistant Secretary shall assist the Secretary of the Association and shall perform such other duties as are delegated to him by the Board.

(F) Assistant-Treasurers. An Assistant Treasurer shall assist the Treasurer of the Association and shall perform such other duties as are delegated to him by the Board.

ARTICLE V
Assessments

Section 1. After the close of each calendar year and prior to the date of the Annual Meeting of the Association, the Board shall cause to be prepared and furnished to each member a financial statement, which shall show all receipts and expenses received, incurred and paid during the preceding calendar year.

Section 2. Annually, at the date of the regular Annual Meeting of the Association, the Board shall prepare a proposed annual budget for the ensuing calendar year estimating the total amount of to be incurred by the Association for the ensuing year and shall furnish a copy of such proposed budget to each member prior to the Annual Meeting. The annual budget shall be submitted to the members at the Annual Meeting for adoption and, if so adopted, shall be the basis for the assessments for the ensuing year. At the Annual Meeting, the budget may be approved in whole or in part or may be amended in whole or in part by a majority of the members present or represented.

Section 3. The annual budget as adopted shall, based on the estimated cash requirements for the expenses of the Association, contain a proposed assessment against each Lot. Immediately following the adoption of the annual budget each member shall be given written notice of the assessment against his/her Lot.

Section 4. The nature, type, amount, lien for and other matters with respect to assessments (and specifically including, but not limited to, Articles IV & V) as set forth in the Dedication and Declaration of Protective Restrictions, Covenants, Limitations and Easements and approvals appended as part of the Dedication and Plat of Covington Pointe, Sections I and II are hereby incorporated by reference as if they had been fully set forth herein.

ARTICLE VI
Common Area

Section 1. Certain areas have been designated in the recorded plat of Covington Pointe as Common Area. The Common Area is to be developed and improved by the Board and/or the Association. The Common Area may be used by any member of the Association and by his family members, guests and invitees at

such times and in such manner as may be more fully outlined in specific rules and regulations for such use to be adopted by the Association.

Section 2. No motorcycle, motor bikes, mopeds, motor scooters, snowmobiles or other motorized vehicles of any sort shall be permitted in the Common Area. There shall be no obstruction of the Common Area nor shall anything be stored in the Common Area (except in areas designated for such purposes) without the prior consent of the Association. No waste shall be permitted in the Common Area. No clothes, sheet blanket, sheets, blankets, laundry of any kind or other articles shall be hung out or exposed in any part of the Common Area. The Common Area shall be kept free and clear of rubbish, debris and other unsightly materials which are not in receptacles provided for such purpose.

ARTICLE VII

Funds

Section 1. Depository. The funds of the Association shall be deposited in a depository or depositories to be selected by the Board of the Association.

Section 2. Withdrawal of Funds. The funds of the Association may be withdrawn and disbursed by such officers as may be designed by the Board.

ARTICLE VIII

Miscellaneous

Headings are for reference only, and do not affect the provision of these By-laws. Where appropriate, the masculine gender shall include the feminine or neuter, and the singular shall include the plural.

ARTICLE IX

Amendment

These By-laws may be amended by the Board, by the affirmative votes of a majority of the whole Board, at any regular or special meeting notice of which contains the proposed amendment or a digest thereof, or at any meeting, regular or special, at which all Officers are present

Section 1. Amended May 13, 2026