

Papakeechie Protective Association



Covenants & Bylaws

The Papakeechie Protective Association

The Papakeechie Corporation had the unusual foresight to provide the means for preserving a desirable environment by including in the original deeds certain conditions of ownership, also known as covenants. The Bylaws of the Association, Article V, Section 1 (A) paragraphs 1 through 7, quote the conditions of ownership contained in the original deeds. These grants and restrictions, by inclusion in the deeds, become perpetually binding upon original and subsequent owners of the properties. Changes in the conditions of ownership cannot be made except upon consent of each and every property owner.

One of the conditions (Bylaws Article V, Section 1 (A), 5) provided for an association of property owners, which would adopt rules and regulations consistent with the provisions in the original deeds. To that end, in 1928 the Papakeechie Protective Association was created as a Not-For-Profit Indiana Corporation. Then in 1954 the Papakeechie Corporation deeded to the Association the lake, one foot of earth around the margin of the lake, the dams and levees, and certain lands, which had not been divided into building sites. Real estate taxes are paid annually to the State of Indiana on all the land under the lake, on the one-foot around the lake and on the other property owned by the Association.

All of the lake and its inviting, surrounding terrain of superb natural beauty are owned exclusively by the Papakeechie Protective Association of which all property owners alike are members. The maintenance of this rich heritage is the responsibility and privilege of the Association. Funds for this come from the payment of annual membership dues.

The right of the Papakeechie Protective Association to enforce the restrictions and privileges contained in the original deeds and to assess dues has been sustained by court decisions in Kosciusko Circuit Court in 1957, and again in Whitley Circuit Court in 1965, and a number of times by injunction.

The Association's Bylaws, which are given below following the Articles of Incorporation, also set fourth additional regulations, which are detailed in Article V, Section 1 (B) throughout 1 (N) and Section 2. The Bylaws, except for the conditions of ownership given in Article V, Section 1 (A), may be amended by a majority vote of the members voting in person or by proxy at an annual or special meeting of the Association, or by a majority vote of members voting by mailed ballot.

ARTICLES OF INCORPORATION OF PAPAKEECHIE
PROTECTIVE ASSOCIATION

Approved and filed August 13, 1928. Recorded August 16, 1928 at 10:15 AM.
Amended June 19, 1974.

Article I

The name of said Association shall be Papakeechee Protective Association.

Article II

The purpose of this Association shall be to maintain and protect Lake Papakeechee, in Kosciusko County, State of Indiana, against injury or desecration of any kind; to protect the fish in said lake and assist in their propagation; to aid in the enforcing and carrying out of the terms and conditions of the deeds whereby the lot owners of said lake obtained titles from Papakeechee Corporation; to improve the sanitary and living conditions around said lake; to beautify said lake and assist in all other matters toward the increasing of the desirability of said lake as a place for permanent and summer homes; to take and hold title to the land under said lake, the one (1) foot margin around same and to all private roads and parks and to take over and execute leases relative to said land.

Article III

The business and prudential affairs of said Association shall be managed by a Board of Directors, which shall comprise the Executive Officers and nine (9) District Directors.

The Plat of Papakeechee, for the purpose of this Association only, shall be divided in the Bylaws into nine (9) districts, and a director shall be elected bi-annually by the lot owners in each district and shall be one of their numbers. Directors of odd-numbered districts shall be elected in odd-numbered years and directors for even-numbered districts shall be elected in even-numbered years, thus leaving previously elected directors on the board at all times.

Article IV

The Board of Directors shall prepare and adopt a code of bylaws, rules and regulations not inconsistent with these Articles and shall from time to time recommend to the membership such amendments as are necessary or desirable and shall also impose such assessments and shall hire and employ such employees as said Board deems desirable and shall have general charge of the management and control of the affairs of this Association.

Article V

The Executive Officers of said Association shall be a President, a Vice-President, a Secretary and a Treasurer to be elected to a two year term by majority vote of the members of the Association present at the Annual Meeting. Elections shall be held annually. The President and the Secretary would be up for election in even years and the Vice President and the Treasurer in odd years.

Article VI

The membership of said Association shall comprise the lot owners in the Plat of Papakeechee. New lot owners automatically become members upon the purchase of a lot. All memberships shall be perpetual so long as the individual owns his lot, provided such membership is not terminated for cause and provided further that the sale of a lot automatically terminates membership of the vendor as to such lot. Members shall pay their dues annually, conform to the rules and regulations of the Association and refrain from violating any of the terms and conditions of the deeds for the lots owned by them originally executed by Papakeechee Corporation and shall refrain from violating on said Plat of Papakeechee the fish and game laws of the State of Indiana.

Article VII

There shall be no capital stock.

Article VIII

The existence of this Association shall be perpetual.

Article IX

The principal office of this Association shall be located at Papakeechee Lake in Kosciusko County, State of Indiana.

Article X

These articles may be amended at any annual or properly called special meeting of the Association by a three-fourths (3/4) vote of the members present, or by proxy.

Article XI

There shall be an annual meeting of this Corporation to be held on a date and at a time and in such place as selected by the President.

Article XII

The seal of the Association shall consist of a circular disc in the margin of which shall be inscribed the name of the Association and across the face the word "Seal".

BYLAWS OF PAPAKEECHIE PROTECTIVE ASSOCIATION

A non-profit corporation incorporated under the laws of the State of Indiana. Approved and filed August 13, 1928, recorded August 16, 1928 at 10:15 AM.

Adopted: July 29, 1928. Revised: October 6, 1945. Revised: August 22, 1954. Amended: September 16, 1961. Amended: **August** June 22, 1963. Amended: July 18, 1964. Amended: August 27, 1966. Amended: August 31, 1968. Amended: July 19, 1971. Amended: July 1, 1972. Revised: June 29, 1974. Amended: May 10, 1975. Revised: August 22, 1981. Amended: September 23, 1989. Revised: August 15, 1992. Revised: August 15, 1998. Amended: August 17, 2002. Amended August 28, 2004. Covenants and Bylaws revised and reprinted: August 27, 2005. Amended: August 16, 2014.

Article I – Membership

Section 1:

The membership of the Association shall comprise the lot owners in any of the sub-divisions of the Plat of Papakeechie, as provided in Article VI of the Articles in Incorporation. New lot owners automatically become members upon the purchase of a lot. The sale of a lot automatically terminates membership of the vendor as to such lot. All memberships shall be perpetual as long as the individual owns his lot, provided such membership is not terminated for cause.

Section 2:

For the purpose of raising funds for the protection of Lake Papakeechie property and for carrying out the purpose of this Association as provided in Article II of its Articles of Incorporation and for paying all necessary expenses, each Association member shall pay One Hundred Ninety dollars (\$190) annual dues for each lake front lot and Eighty Dollars (\$80.00) for each non-front lot. If an increase in dues for the next calendar year is needed it will be voted on by the Members in attendance at the annual meeting. (Revised 08/12/2017)

When dues have been received from a member a receipt will be issued to him stating the date and amount paid. The receipt for current dues is his permit to cross the easement surrounding the lake and to use the lake for fishing, boating and swimming.

Dues for each year shall be paid during the period from January first to April first and shall be delinquent if not paid on or before April first. Such delinquent dues, together with interest thereon from April first of the year in which they become delinquent and cost of collection is hereafter privileged, shall be a continuing lien upon the lot or lots to which the dues relate. The Association may bring an action against the owner personally obligated to pay the delinquent dues, or it may foreclose the lien against the property. In either event there shall be added to the amount of such dues the costs of preparing and filing such action. The lien of the dues is provided for herein shall be subordinate to the lien of any mortgage or mortgages now or hereafter placed upon the property, taxes and assessments for public improvements. Said lien shall be in the amount sufficient to pay the

delinquent dues, together with interest thereon, the Recorder's fees, court costs and reasonable attorneys fees incurred in the preparation and filing of the notice of lien and in any foreclosure proceedings.

Article II – Officers

Section 1:

The Executive Officers of said Association shall be a President, a Vice-President, A Secretary and a Treasurer to be elected by majority vote of the members present at the Annual Meeting each year to serve for two (2) years or until their successors are elected and their term of office shall begin at the close of the Annual Meeting at which they are elected. A member may hold more than one office at a time except the President shall not also be the Secretary. The President and the Secretary shall be up for election in even years and the Vice President and the Treasurer in odd years.

Each officer shall be the owner of an interest in a lot in the Plat of Papakeechee, and if any officer shall, during his term of office, dispose of all interest in such lot his office shall be declared vacant. Should a vacancy occur in the Office of President, the Vice-President shall become the President for the unexpired term or until his successor is elected. Should a vacancy occur in the office of Vice-President, Secretary or Treasurer, the President shall appoint his successor who shall hold office for the unexpired term or until his successor is elected.

No one whose dues and/or assessments are not paid in full shall be or become an officer.

Section 2:

It shall be the duty of the President to preside at all meetings of the Board of the Association and also to perform such other duties as usually developed upon the President of a not-profit association.

The President shall not vote in Director's Meetings except in the event of a tie vote, when he shall cast the deciding vote.

The President shall each year appoint a nominating committee. It shall be the duty of this committee to nominate candidates for the offices to be filled at the Annual Meeting. Additional nominations from the floor are permitted.

All conveyances and legal documents of any form or character executed for and on behalf of the Association shall be signed by the President and attested by the Secretary under the seal of the Association.

The President shall appoint a committee of three (3) members of the Association to audit the Treasurer's books between June 1st and the date of the Annual Association Meeting and make their report at this meeting, or a public accountant may be selected to perform the Annual audit.

Section 3:

In the absence of the President it shall be the duty of the Vice-President to preside at meetings of the Board and of the Association.

Section 4:

It shall be the duty of the Secretary to keep correct minutes of all meetings of the Association and Board of Directors, and to perform such other duties as are common to the office of secretary of a non-profit association.

Section 5:

It shall be the duty of the Treasurer with the assistance of the Directors to collect all moneys due the Association and to issue receipts therefore; to keep correct accounts of all moneys received, pay the same out as required by these bylaws and to account to his successor for all funds that come into his hands.

PPA Officers with check writing authority shall be bonded, during the term of office, equaling in amount the maximum of funds that may be in his hands and under his control at any one time during their term of office, said bonds are to be issued by a surety company. The expense of said bonds is to be charged against the Association treasury.

No expenditure in excess of Five Hundred dollars (\$500) shall be paid out of the treasury unless the same has been allowed by the Board of Directors.

Article III – Board of Directors

Section 1:

The business and property of this Association and its prudential affairs in general shall be managed by a Board of Directors, which shall comprise the Executive Officers of the Association and the District Directors.

Section 2:

For the purpose of electing Directors the Papakeechee Lake property shall be divided into nine (9) districts, as follows, and a Director shall be chosen from each District by the qualified lot owners of such districts, to-wit:

- District # 1 -- All Lots in Sub-Division 1
- District # 2 -- All Lots in Sub-Division 2
- District # 3 -- All Lots in Sub-Division 3
- District #4 -- All Lots in Sub-Division 4
- District #5 -- All Lots in Sub-Division 5 (East of Denzel Drive)
- District #5A -- All Lots in Sub-Division 5 (West of Denzel Drive)
- District # 6 -- All Lots in Sub-Division 6
- District # 7 -- All Lots in Sub-Division 7
- District # 8-9 -- All Lots in Sub-Division 8 & Sub-Division 9

Directors shall be elected at the Annual Meeting of the Association by a majority vote of the members present from the district for which the Director is elected and shall hold their offices for a period of two (2) years from the date of their election or until their successors are duly elected and qualified, except when a Director is not considered satisfactory by a majority of the Association members from his District his resignation shall be requested, and the Board of Directors shall appoint a Director to fill the unexpired term. If no representatives of a District are present at the Annual Meeting, or if there are no candidates or nominees for Director of a District at the time of election, the President shall appoint a Director. Directors of the odd-numbered Districts; namely 1, 3, 5, 5A and 7 shall be elected during the odd-numbered years and Directors for the even numbered Districts, namely 2,4,6 and 8 shall be elected during the even-numbered years.

Each Director shall be the owner of an interest in a lot in the District from which he is selected and if any Director shall, during his term of office, dispose of all interest in the District from which he is selected, the President shall declare his office vacant and cause an appointment of a successor who shall hold office during the unexpired term.

No one whose dues and/or assessments are not paid in full shall be or become a director.

Section 3:

The Board of Directors shall have power to formulate such rules and regulations as they may see fit, for the benefit of the members of the Association.

Section 4:

The Board of Directors shall hold meetings when called by the President. Six (6) Board Members shall constitute a quorum for the conducting of all business.

Article IV – Meetings

Section 1:

There shall be an Annual Meeting of this Association, which shall be called by order of the President of the Association and shall be held every year on a date between June 15 and Labor Day at the Papakeechee Center or at such other place as may be fixed by the President of the Association, and notice of such meetings shall be given by United States Mail addressed to the last known residence of each lot owner not later than ten (10) days before the date of the meeting.

The President of the Association shall act as chairman and the Secretary of the Association shall act as Secretary of said meeting, if present, and in the absence of either one the Vice-President shall act as Chairman, if present, and a temporary Secretary shall be elected at the meeting, and in the absence of both the President and Vice-President, a temporary Chairman shall be elected at the meeting.

Section 2:

The owner of a lot or lots or sufficient part thereof for building purposes shall be permitted to cast one (1) vote. Where several parties own one lot or part thereof in their joint names there shall be only one vote for each such lot. Where a party owns more than one lot they shall be entitled to one vote regardless of the number of lots owned.

Section 3:

Special meetings of the members of this Association shall be called by the President at any time he may see fit, notice thereof to be given in the same manner as provided for Annual Meetings. The President shall call special meetings as outlined above if petitioned to do so by thirty-five (35) members of Association, the date and purpose of said meeting to be stated in the petition, and must provide time for notification of the Association members as set forth above. Except at the discretion of the President, only the business, which has specific in the notice of meeting, shall be transacted at these special meetings.

Section 4:

Thirty-five (35) members of the Association shall constitute a quorum for the conducting of business at Annual or specially called meetings.

Article V – Rules and Regulations**Section 1 (A):**

All lot owners must conform to the contract requirements, restrictions and conditions by which title to their lot was procured from Papakeechee Corporation, and shall obey all fish and game laws of the State of Indiana. The following is copied from the original Papakeechee Corporation Deed:

Conditions of Ownership (Covenants)

- 1) It is understood that the waters and the ground covered thereby and all fish therein, in Lake Papakeechee and a one (1) foot margin of earth around said lake at high water mark shall be and remain the property of said Corporation. Each lot owner is hereby granted an easement to pass over the one (1) foot margin for any and all purposes contemplated in this deed, together with the privilege of boating on said lake and the construction of docks at said margin, but no part of said margin shall be excavated without a special permit, which shall be in writing, protecting the Corporation its rights to pass over all private lanes and avenues which are now or shall hereafter be laid out by the Corporation around and adjacent to said lake.
- 2) A one day's fishing privilege shall consist of the right to take from said lake, not to exceed five (5) large fish (bass or Pickerel) not less than ten (10) inches in length; and twenty (20) perch, crappies, bluegills, and other small fish, to be taken by any method of catching which would be lawful under the laws of the State of Indiana. (This is not enforced as to numbers of fish which may be taken and

his been replaced by the provision that all fish and game laws of the State of Indiana shall be obeyed).

- 3) Each lot of fraction thereof (as originally sold) carries with it one fishing privilege for each day of the year during the open season as provided by law, which may be enjoyed by owner, his family or guests. This privilege cannot be increased by subsequent sub-divisions without the consent of the Corporation endorsed on the deed. The lease of a lot shall be deemed the owner while residing thereon. (A guest is defined to be a visitor at the home of the owner while residing on the lot or coming to the lake in company with the owner.) This privilege is not transferable except by sale of the lot.
- 4) Live boxes and boats propelled other than by hand or sail are absolutely prohibited.
- 5) It is further provided that no dwelling or other structure, having a value of less than \$500.00, except garages, shall be erected upon any lot fronting upon the lake, and any lot owner violating this provision shall, until such building is removed, thereby forfeit all rights and easements in the lake herein granted, which forfeiture may be enforced by the Corporation, or by any lot owner in its name; this restriction, however shall not apply to lots one (1) to seven (7) inclusive in sub-division (4) and one (1) to eighteen (18) inclusive in sub-division seven (7).

The lot owners in Papakeechee, each and all, are presumed to have a special interest in the general improvements and the beautifying of the lanes and by-ways of the park, and the preservation of the fish in the lake, and may form an association among themselves, under such plan as the Corporation will recognize, and adopt such rules as are not inconsistent with the rights of the Corporation, or the private owners of lots, and the same shall be enforceable as part of the grants and restrictions contained in each deed, and the Corporation agrees on its part not to convey any lot or lots bordering on said lake by any deed which does not contain these restrictions, except it reserves the right to make special contracts with clubs and hotels.

- 6) The grantee accepting this deed hereby agrees to obey the restrictions herein contained, and such other and additional rules as may in the future be adopted by a recognized organization of the lot owners and approved by the Corporation.
- 7) Penalty – Any lot owner, by himself, his family, or his guests, who shall take in any day, fish in excess of a day's fishing privilege hereby acknowledges himself a trespasser, and indebted to the Corporation in the sum of five dollars (\$5.00) for each large fish and one dollar (\$1.00) for each small fish, as herein described, for each and every excess fish so taken, as liquidated damages, which may be enforced in any Court of competent jurisdiction, either by the Corporation or any lot owner in its name. Upon satisfactory proof of a third party violation said lot owner shall forfeit all rights, easements and privileges granted with this conveyance so long as he or any member of his family

remains the owner of the lot. And such forfeiture and annulment of rights shall be entered as part of the decree and judgment of the court.

All fines and penalties shall be preserved for the use of the association of lot owners to be hereafter formed, or used by the Corporation in beautifying and improving the lake until the same is formed (Lake Papakeechee was conveyed to the Papakeechee Protective Association by the Papakeechee Corporation by deed number 005128 recorded July 27, 1954 volume 179, page 156)

Section 1 (B):

Renting of boats on Lake Papakeechee is prohibited.

Section 1 (C):

Snowmobiles and motorized or fuel-driven vehicles of any kind or nature are prohibited from entering upon or being operated upon the waters or frozen surface of the lake.

Section 1 (D):

It shall be the responsibility of each Association member to keep his property in good, safe sanitary condition so that it will not be a nuisance to any of the other property owners or a hazard to the community.

If a property owner fails to accept this responsibility, pollutes the lake, permits the growth of noxious weeds, etc, on his property or in any way maintains a nuisance, any association member observing these conditions shall report them to the Board of Directors for necessary corrective action.

Section 1 (E):

All garbage must be kept in covered receptacles and permanently disposed of.

Section 1 (F):

No boathouses shall be constructed on the lakefront.

Section 1 (G):

Each district may formulate building restrictions and building lines for such district, and when same are formulated, the Directors shall see that they are enforced. Before constructing or moving a building on any lot, the approval of the Board of Director must be secured as to type and location.

Section 1 (H):

The Board of Directors shall make such provisions as they deem advisable for the cutting and elimination of the weeds in the lake, and small brush shall be cut on all lots and along roads. If the property owner fails to comply with the regulations of paragraph (D), the Directors shall arrange for correction at the owner's expense.

Section 1 (I):

No member of the Association shall be permitted to live in a garage, trailer or temporary building more than one (1) year.

Section 1 (J):

Installation of mobile homes shall not be permitted in the Plat of Papakeechee after July 1, 1974.

Section 1 (K):

The use of firearms and/or air rifles on Lake Papakeechee or on any lot in the Plat of Papakeechee shall not be permitted.

Section 1 (L):

The Board of Directors and all members of the Association shall cooperate and assist in the propagation and protection of desirable species of fish in Lake Papakeechee.

Section 1 (M):

Annual fishing privilege will be granted to members when they pay their current dues.

The State of Indiana requires that state fishing licenses must be purchased to fish on Lake Papakeechee; State exceptions apply.

Section 1 (N):

Lily pads shall not be removed from the lake without permission of the Board of Directors which shall not be unreasonably withheld.

Section 1 (O):

No person, whether a PPA property owner or not, shall have the right to use Association property for personal or commercial use/gain without the prior approval of the PPA Board. All PPA members, families, guests have the right to use any PPA road to obtain access to their property. If their dues are current they have the right to fish off PPA property.

Section 2:

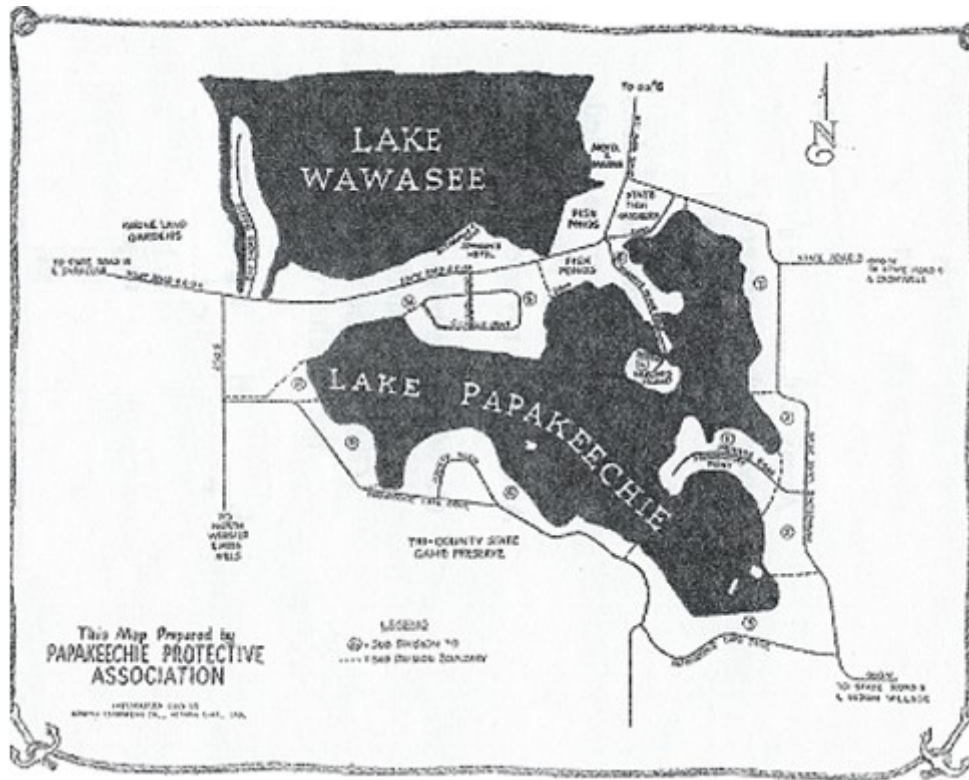
The Board of Directors may revoke any member's privileges for non-payment of dues or if he violates any of the Bylaws or restrictions of the Association or of the deed of the Papakeechee Corporation. After revocation neither the lot owner nor any person in his name or stead shall have any rights on Lake Papakeechee and shall be prevented by the Board of Directors from exercising any rights. He shall remove his boats, docks etc from Lake Papakeechee until he is reinstated by the Board of Directors who will require him to make application for reinstatement to the director of his District and sign an agreement and he will comply with the Bylaws and give reasonable assistance in enforcing them.

Article VI – Amendment of Bylaws

The Bylaws of the Corporation may be amended or repealed in whole or in part upon the recommendation of the majority of the Board of Directors of the Association in either of the following manners.

- A. By a majority vote of the members of the Association present at any regularly scheduled meeting of the membership, including properly called special meetings; provided, however, that a written notice of the proposed change in the Bylaws must be sent to each member of the Association to his last known address at least ten (10) days in advance of such properly called meetings.

- B. The Board of Directors may direct the Secretary of the Association to mail a copy of a proposed change in the Bylaws, together with a ballot, to each member of the Association at his last known address (all such notices and ballots must be mailed by the Secretary at the same time); provided however, in order for the proposed change to become effective a majority of the total membership of the Association must return their ballots and a majority of those voting must indicate approval of such recommended change to the office of the Association within thirty (30) days after such ballot are mailed by the Secretary.



LAKE PAPAKEECHIE

Out where the fish are biting,
Out where the breezes blow,
Out where the birds are calling,
It's there that I want to go.

Take me to Lake Papakeechie,
Away with the care and strife,
Away with the sin and sorrow,
That saddens the most of life.

If fain would forget the burdens
That under my hart lie curled,
Take me to Lake Papakeechie,
And gladden my grey old world.

Go where the bass and bluegill
Slim sliver shafts of light,
Gleam on the silent water
In the watches of the night.

Let me thrill to a golden sunrise,
Rejoice in the crimson west,
And I'll hold to my heart forever,
The things that I love the best.

I fain would forget the burdens
That under my heart lie curled,
Take me to Lake Papakeechie
And gladden my grey old world.

H. Chadwick, 1928