

ACNA Meeting Minutes April 22, 2021

The second 2021 quarterly meeting of the Allen County Neighborhood Association was held on April 22, 2021 in the Omni Room on the Garden Level of the Citizen Square Building. It was called to order at 6:30 by Kris Krishnan, ACNA Co-Leader. Twenty-five residents were in attendance.

Kris thanked those in attendance for coming and asked the attendees to please consider volunteering to help run the ACNA. Kris and Joanne Bergman have been co-coordinators of the group for many years and they are looking for new residents to take over the leadership. The ACNA provides a great service and the hopes are that the group will continue.

Charlie Heiny; Attorney

- Questions:
- Are there any resources that help residents file By-Laws? By-Laws are internal governing documents and do not need to be filed. The By-Laws tell the association how to run the business of the association, not how the association runs. If the association is incorporated, a record of that is on file with the Secretary of State office. If they are incorporated, then covenants will be filed with the Recorders office.
- Who prepares the By-Laws? The By-Laws are prepared and adopted by the directors of the association. They will state in them who can amend the By-Laws. By-Laws state how many officers are elected, for what term, details for holding meetings, voting at meetings and often times, budgets.
- Are they required to have By-Laws? No, not a requirement, but they provide a blueprint for running the association so it is strongly recommended to have them.
- Is there a guide for how much money an association should have in reserve? This depends on if it is a homeowner or condo association. Homeowners do not have any set amount. For condos, there was legislation requiring a set amount of reserve after the housing collapse in 2008.
- If you have common ground, do you need to have a HOA? This question led to many other questions. The main question was who owns the common land? Determining that answer leads to answering many other questions. Without a HOA, you would not be able to get insurance on the common land. If there was a pond on it, liability issues arise. The answer to many of these questions would come from the legal declaration on the common land.
- If the American Conservation Coalition wants to cut trees in a residential area, are they allowed to? The covenants would be the document to refer to to see if there are any restrictions. Most covenants refer to modifications to structures and trees are general not structures, so there is probably no reason why the trees can't be trimmed.
- Is there any place to go for help with a condo association that is not following set guidelines? There is really no agency to turn to. A follow up from an attendee – there is a Community Association Institute out of Indianapolis that has provided assistance.

- There has been no involvement from an association for several years – how can residents get it restarted? The first step is to check with the Secretary of State to see if the Article of Incorporation are still active. If they are not, the steps need to be taken to get that rectified. If they are, then schedule a meeting with the association. Anyone can schedule a meeting. Call any current board members to it. Get residents involved. Modify By-Laws if necessary, vote in new members, follow any covenants. If the current board has been in place for longer than the By-Laws allow, their term of office is no longer valid. What if there are no records? As difficult as it might be, continue to search for any records. Check with the Records office to see if covenants are on file. See if any past board members might have something. If all else fails, start fresh and collect info from this point forward.
- How can associations get dues collected? There is a simple process for dues – set the amount per covenants, send out bills to all residents with due dates, if no response, try talking to residents and send second notices. If no action after two notices, file a Homeowner’s Lien. If all else fails, then take the resident to Small Claims Court. Check your covenants to see if attorney fees can be collected. Once people find out they could be liable for a large amount more than the dues actually are, they generally pay. It is a lot of work by the board to follow through all these steps, but if covenants allow collecting dues, the residents are required to pay.

Ken Fries; Crimestoppers

- Crimestoppers was formed in Albuquerque, NM in 1976 after a news story came out after a homicide and there were no tips to find the criminals involved. Once a reward was offered, tips were received and the guilty party was arrested.
- Crimestoppers Fort Wayne was begun in 1983.
- Crimestoppers is now located in 22 countries and has over 1200 chapters in the US.
- Fort Wayne receives approximately 1500 tips a year.
- Tips can be sent via the P3 App – completely anonymous. The phone number is 436-STOP.
- Drug houses – just about every association will have at least one drug house in it – a sobering fact. Crimestoppers does not deal with these issues. It is more set up for handling serious felony cases. For drug house issues, contact your local police department and provide them with all the information. Be aware, drug house investigations can take up to six months to gather enough info to make arrests.
- Questions:
- Is there any press release model for what Crimestoppers does? No, there is not.
- TV and radio ads are run every month on the local channels – 15, 21, 55 – and they try to interview different detectives each time. Keeping the info fresh helps keep getting attention to the ads.
- Did Crimestoppers get any tips after the January 6th Capitol incident? No, none.
- What is the success rate for Crimestoppers? Approximately 60%.
- Crimestoppers is a 501c3, has a board of directors, is always looking for help and donations. They hold car shows and golf outings as fundraisers.

- Did they ever think of putting Crimestoppers on the Neighborhood Link app? No, Crimestoppers is looking to solve serious felony cases. General police issues should be handled on the local level. Get to know your local officers – before there are issues. Officers want to help. Residents know specifics of your neighborhood; police officers are not there all the time so they do not know. They need your help and are willing to help. Get to know them!
- “Ring” doorbells have been a huge benefit to helping police. They catch crimes in action all the time. It has become a great tool for police.

Anita Mather; Allen County Recorder

- Handout – Resources for Neighborhoods on the Web / What Do We Do?
- PowerPoint Presentation highlights:
- Record documents.
- Covenants.
- Property Fraud prevention.
- Records recorded from 1817 in the office.
- Drawings, plats, covenants on file.
- Why do we need covenants? To keep associations looking nice!
- Problems: lose documents, where to get them, where to find them?
- All in one location and on file.
- Educate yourself! Educate your residents. Give the copies of the covenants, give them the link on the handout so they can get the covenants themselves.
- Realtors are supposed to give a copy of covenants when they close a sale. This doesn't always happen.
- Video: Homeowner president shot by angry homeowner!
- What can you do? Promote where to find the covenants, provide info, educate the residents!
- Info all available on website: www.allencountyrecorder.us/neighborhoods
- 260-449-7165 – glad to help in any way. Contact the office.
- Free tool! From site, type in association name and all recorded documents can be found.
- Property Fraud Alert:
- This does happen, but not much in Allen County.
- By signing up, you will receive either a phone call or an email if any matches to your name are flagged. Call the office if you receive a notice and they will dig into the issue.
- Over 11,000 people have signed up for the service in Allen County.
- The service only works moving forward – it does not find any issues prior to sign up.
- Questions:
- Can fake covenant modifications be filed? Very difficult to do. Many steps required to amend covenants and all of these documents need to be brought in when recording. If somebody shows up with an “amended” covenants and does not have all the supporting paperwork, the office will not file it. Faking covenants is very difficult. Notarized signatures are required, notarized signature of the board members, are all required and without these, the office will not accept them.

- If covenants don't specify number of signatures required to amend, it defaults to 100%.
- The Records Office handles homeowner liens also.
- Liens are good for one year and then need to be refiled. If no action after one-year, Small Claims Court is the next step.

Open:

- Are there any associations that are not active and would like to get active? Yes, two residents in attendance. Meet after to discuss ways to get help.
- Congratulations to one association for celebrating 60 years!
- What to do if a board is not collecting dues?
- What message boards do other associations use for information? Quarterly newsletters, websites, FaceBook pages, email blasts, etc.

With no further open comments, Kris closed the meeting at 7:41 PM. He thanked everyone for attending and again asked for residents to help in running the ACNA.

The next meeting will be July 22, 2021 at 6:30 pm in the lower-level Omni Room in Citizens Square. The remaining 2021 meeting date is October 28th.