

Sand Creek Farms Homeowners Association, Inc. March 4, 2022

Sand Creek Farms Homeowners Association, Inc. and its Board of Directors would like to address a matter involving a non-homeowner tenant parking a commercial semi-truck in the neighborhood. While the Association typically does not address these matters publicly, the non-homeowner tenant has made several false and misleading statements on social media about the situation, as well as engaging in what the Association considers threatening and harassing behavior. The Association believes that each homeowner should be provided with the facts.

Why and How Does the Association Enforce the Restrictions and Rules of the Community?

Our community is governed by the “Declaration of Covenants, Conditions and Restrictions for Sand Creek Farms”, which establishes certain rules and restrictions for the community. While the Board of Directors is certainly not eager to enforce these rules, the Board is contractually required and has a fiduciary obligation to enforce the rules and restrictions, so the Board may not simply choose to ignore the Declaration.

Enforcement of the Declaration is one of the most difficult, time-consuming, and stressful actions the Board undertakes, especially since the Association has converted to a self-managed community saving the homeowners thousands of dollars each year. However, this means that the Board of Directors must manage all aspects of the Association themselves. The Board of Directors are unpaid volunteers, who receive absolutely zero compensation for their extensive time and effort.

It is for these reasons that the Board of Directors takes any enforcement action very seriously and attempts to avoid such actions whenever possible. For example, in the past, the Board members have attempted to visit homeowners directly by knocking on doors and making phone calls. However, this practice stopped for safety reasons, since Board Members were more frequently greeted with angry cursing and threatening behavior. Moreover, police and legal counsel have expressly recommended that Board Member do NOT visit any homes. Therefore, the Association sends Courtesy Notices by mail to inform homeowners of any particular violation.

What Actions Did the Association Take Regarding the Commercial Semi-Truck Stored by Non-Homeowner Tenants?

Throughout 2021, the Association learned that a non-homeowner tenant was parking and storing his commercial semi-truck in the neighborhood in violation of the express terms of the Declaration. Despite the misleading claims by the tenant on social media, the truck is absolutely a commercial semi-truck within the definition of the Declaration, as is pictured in the attached photos. The commercial truck capacity is approximately 20 tons, and the attached photos have timestamps indicating that the truck has been stored in the neighborhood for several months.

In an attempt to avoid engaging in enforcement action, the Board Members attempted to contact the homeowner twice by telephone without any return call. The Association did not have the contact information for the non-homeowner tenant because he is not a homeowner or member of the Association and does not pay any assessments whatsoever.

Therefore, after months without a response, the Association sent a courtesy notice by mail to both the homeowner and the tenant at the street address. Again, there was no response and the semi-truck remained. The mailing of a Courtesy Notice was the only official Association action taken with regard to the semi-truck.

At this point and after months without a response, the Association's only other option was to initiate legal action against the homeowner and tenant, since the Board Members have a contractual and fiduciary obligation to enforce the Declaration. However, in a last effort to communicate with the tenant in a safe manner, the Fishers Police Department was asked to visit the non-homeowner tenant, since the semi-truck also violated a City Ordinance. Again, Board Members no longer personally visit homes, due to the history of threats. The Police visited the tenant, informed him of the violation, and asked him to move the semi-truck.

After the tenant move the semi-truck, the Association considered the matter closed. Essentially, the Board Members had found a way to ensure compliance with the Declaration without incurring significant attorney fees or imposing costly litigation on the non-homeowner tenant. Therefore, the Association took no further action.

Harassment and Threatening Behavior Against Our Board Members

Following the above events, the non-homeowner tenant and his spouse posted several false statements on Social Media in an apparent attempt to misconstrue what had actually occurred. ***However, what is more concerning is that the tenants began to harass Board Members by telephone with yelling, cursing, and false accusations. The non-homeowner tenants also seemingly attempted to confront a Board Member's spouse while dropping children off at school. Worse yet, the non-homeowner tenants have begun visiting, recording, and monitoring the homes of Board Members throughout the day and night. All of these actions are entirely and undeniably inappropriate.***

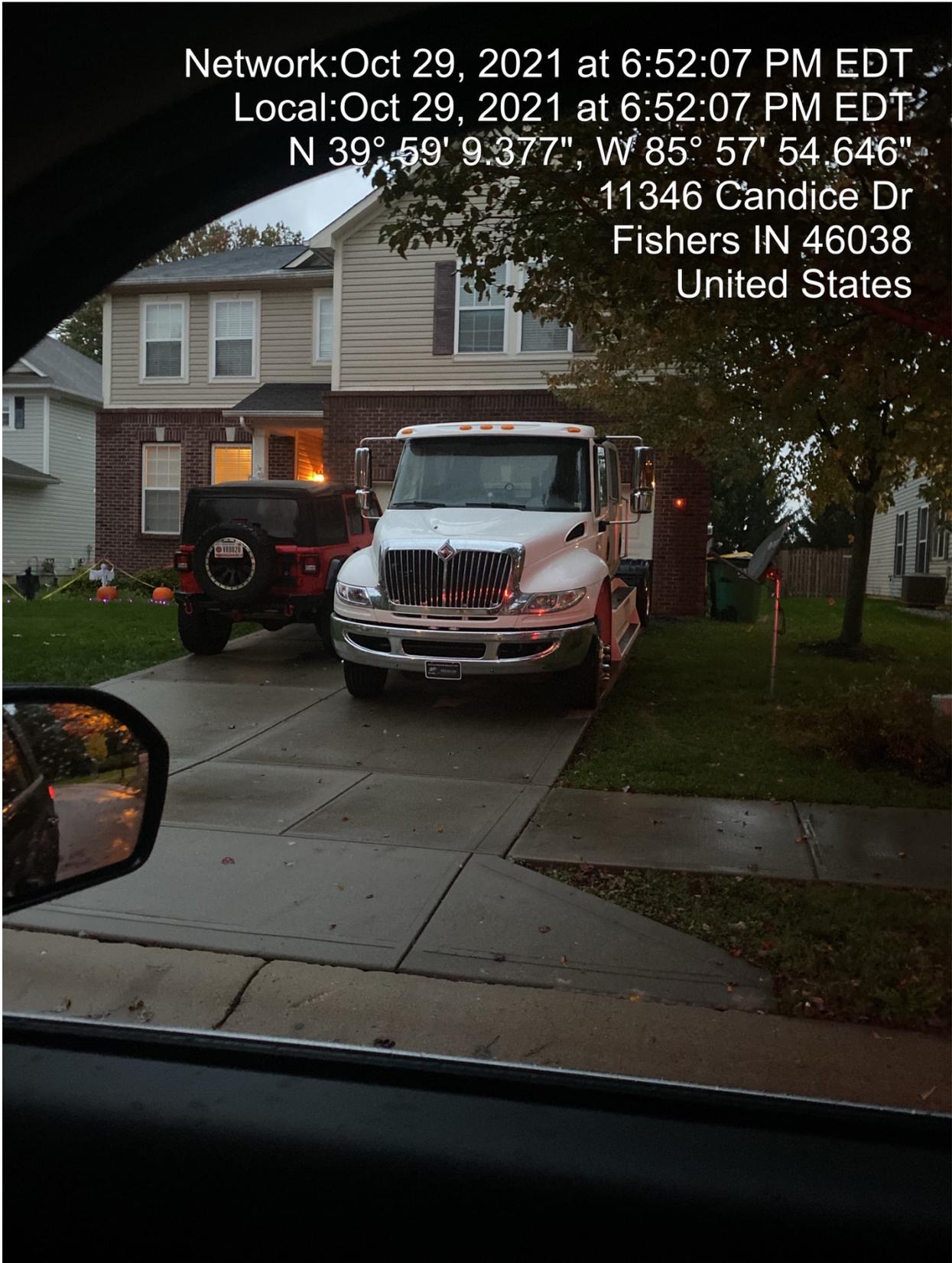
Despite the implications of the tenants' statements, they are not members of the Association, they do not pay any assessments, and the commercial semi-truck at issue was undoubtedly a direct violation of the Declaration. With this being said, our Association welcomes and encourages participation by all individuals living in our community – homeowners, tenants, family and friends. Each of us share a common interest in the quality and safety of our community. ***Any threats, falsehoods, and harassment of Board Members or Members of our Community should be forcefully rejected.***

The Association continues to conduct its business in an efficient and cost-saving manner, including enforcing the terms of the Declaration as they are required to do. If anyone has any questions or would like to participate in the Association, please reach out, since we need additional volunteers willing to provide input and assist in keeping our community beautiful and safe.

Respectfully,

Sand Creek Farms Homeowners
Association, Inc.

Network: Oct 29, 2021 at 6:52:07 PM EDT
Local: Oct 29, 2021 at 6:52:07 PM EDT
N 39° 59' 9.377", W 85° 57' 54.646"
11346 Candice Dr
Fishers IN 46038
United States





Network: Jan 3, 2022 at 2:47:22 PM EST
Local: Jan 3, 2022 at 2:47:22 PM EST
N 39° 59' 9.542", W 85° 57' 54.416"
11345 Candice Dr
Fishers IN 46038
United States



Network: Jan 8, 2022 at 1:13:17 PM EST
Local: Jan 8, 2022 at 1:13:17 PM EST
N 39° 59' 9.740", W 85° 57' 54.542"
11346 Candice Dr
Fishers IN 46038
United States

Network: Jan 19, 2022 at 12:31:10 PM EST
Local: Jan 19, 2022 at 12:31:10 PM EST
N: 39° 59' 9.908", W: 85° 57' 54.358"
11346 Candice Dr
Fishers IN 46038
United States



Network:Feb 15, 2022 at 7:54:09 PM EST
Local:Feb 15, 2022 at 7:54:09 PM EST
N 39° 59' 9.670", W 85° 57' 54.411"
11346 Candice Dr
Fishers IN 46038
United States





Network: Feb 21, 2022 at 2:44:33 PM EST
Local: Feb 21, 2022 at 2:44:33 PM EST
N 39° 43' 2.948" W 85° 57' 54.809"
1529 Candice Dr
Fishers IN 46038
United States

Network: Feb 21, 2022 at 4:40:16 PM EST
Local: Feb 21, 2022 at 4:40:16 PM EST
N 39° 58' 10.617", W 85° 57' 54.195"
11346 Candice Dr
Fishers IN 46038
United States

