**FORMAL NOTICE REGARDING APPLICABLE DATE**
**AND REQUIRED 2026 BOARD ELECTION**

August 20, 2026

**To the Tamarack Homeowners Association Board of Directors; Associa Community Association Services of Indiana; the Tamarack Community Manager; and Associa Branch Leadership:**

We, as members of Tamarack Homeowners Association, Inc., are submitting this correspondence as formal notice of a governing-document and procedural issue concerning the "Applicable Date" expressly defined in Tamarack's recorded Amended and Restated Declaration of Covenants and Restrictions (the "Declaration") and Code of By-Laws (the "By-Laws"), and the Board of Directors election expressly required to occur following that date.

This notice is directed to the Tamarack Board of Directors and to Associa in its capacity as managing agent for the Association because the issue directly concerns administration of the Annual Meeting on October 21, 2026, including the Board election, nominations, ballots, meeting notice, and implementation of the Declaration and By-Laws.

At the Association meeting on August 19, 2026, the only announced open office was the Villas Secretary seat. The Board of Directors (the "Board") stated that no seat on the Tamarack HOA Board would be up for election at the Annual Meeting on October 21, 2026. That statement appears inconsistent with the express requirements of the Declaration and By-Laws for the reasons set forth below.

**1. The "Applicable Date" Could Not Occur Before May 1, 2026**

Section 10(b)(ii) of the recorded Declaration provides:

> "The 'Applicable Date' is the **last to occur** of (i) the date upon which the written resignation of the Class B Members is delivered to the resident agent of the Corporation, (ii) within one hundred twenty (120) days after the date when eighty percent (80%) of all Lots have been conveyed by Declarant to third party purchasers who will reside on such Lots, or (iii) **May 1, 2026**."

Section 2.05(a)(ii) of the By-Laws independently provides:

> "The 'Applicable Date' is the **last to occur** of (i) the date upon which the written resignation of the Class B Members is delivered to the Registered Agent of the Corporation; (ii) within one hundred twenty (120) days after the date when eighty percent (80%) of all Lots have been conveyed by Declarant to third party purchasers who will reside on such Lots; or (iii) **May 1, 2026**."

The operative language is **"the last to occur."**

Accordingly, regardless of when the first two events occurred, the governing documents do not permit an Applicable Date earlier than May 1, 2026.

Based on the February 2023 turnover materials and the Association records presently available to us, the first two conditions appear to have been satisfied prior to May 1, 2026, therefore making the Applicable Date May 1, 2026. If the Association contends otherwise, please identify the condition it contends remained unsatisfied and the Association records supporting that position.

**2. The Governing Documents Expressly Require a "First Election After the Applicable Date"**

Section 11(d) of the recorded Declaration provides:

> "After the Applicable Date, the Board of Directors will consist of three (3) members, elected by the Owners. Each member of the Board of Directors shall be elected for a term of three (3) years, except that at the first election after the Applicable Date (which, if appropriate, may be a special meeting) one (1) member of the Board of Directors shall be elected for a three (3) year term, one (1) member for a two (2) year term, and one (1) member for a one (1) year term so that the terms of at least one (1) of the members of the Board shall expire annually."

The same subsection further provides:

> "There shall be separate nominations for the office of each member of the Board to be elected at such first election after the Applicable Date."

Section 3.04 of the By-Laws contains the same requirement:

> "After the Applicable Date, each member of the Board of Directors shall be elected for a term of three (3) years, except that at the first election after the Applicable Date one (1) member of the Board of Directors shall be elected for a three (3) year

term, one (1) member for a two (2) year term, and one (1) member for a one (1) year term so that the terms of at least one (1) of the Directors shall expire annually."

It further provides:

"There shall be separate nominations for the office of each Director to be elected at such first election after the Applicable Date."

These provisions do not merely describe ordinary three-year director terms. They establish a specific transition event: the first election after the Applicable Date, at which the staggered director terms are established.

An election held before the Applicable Date cannot, by definition, constitute the "first election after the Applicable Date."

Thus, any election conducted in 2023, 2024, or 2025 necessarily occurred prior to the earliest possible Applicable Date of May 1, 2026, and cannot constitute the first election required by Section 11(d) of the Declaration and Section 3.04 of the By-Laws.

**3. Tamarack's Prior "Turnover" Did Not Amend the Applicable-Date Provisions**

We understand that the Association conducted a homeowner "turnover" meeting on February 28, 2023.

The February 2023 turnover materials stated that the newly constituted Board would use staggered terms and that one director would serve for three years, one for two years, and one for one year.

The turnover notice also stated:

"Once the Owner Board is elected the Declarant Board will resign, and the Owner Board will assume responsibility of the community."

However, neither that turnover notice, the turnover agenda, the proxy form, nor the nomination form purports to amend the recorded definition of the Applicable Date.

The turnover agenda simply identifies an election of directors and an organizational meeting.

Moreover, M/I Homes executed a recorded First Amendment to the Declaration on December 27, 2022, shortly before the February 2023 turnover meeting. That amendment was recorded January 12, 2023, as Hamilton County Instrument No. 2023001122.

That recorded amendment modified certain leasing provisions, added provisions concerning Blocks, replaced Exhibits A and B, and annexed additional real estate. It did not amend Section 10's definition of Applicable Date or Section 11's post-Applicable-Date Board election provisions.

The recorded amendment expressly states:

> "Except to the extent modified or amended herein, all terms and conditions of the Declaration remain in full force and effect."

We are unaware of any subsequent recorded amendment changing the Applicable Date, deleting May 1, 2026, eliminating the first-post-Applicable-Date election requirement, or modifying the required staggered terms.

If the Association possesses or relies upon any such governing instrument, please identify the instrument and provide a copy.

**4. The Annual Meeting Is Expressly Intended for the Election of Directors**

Section 2.01 of the By-Laws states:

> "At least annually, and at such other times as may be necessary, a meeting of the Owners shall be held for the purpose of electing the Board of Directors…"

Section 2.02 further provides:

> "The annual meeting of the members of the Corporation shall be held in the fourth quarter of each calendar year."

and:

> "At the annual meeting the Owners shall (subject to the provisions of Section 3.02 hereof) elect the Board of Directors of the Corporation in accordance with the provisions of these By-Laws…"

Section 3.04 additionally provides:

> "Subject to the provisions of Section 3.02 hereof, at least one (1) member of the Board of Directors shall be elected at each annual meeting of the Corporation."

The Board has identified October 21, 2026, as the Association's upcoming Annual Meeting.

Based on the governing documents and records presently available to us, no director election has occurred after May 1, 2026.

Because (1) the February 2023 turnover materials and the Association records presently available to us indicate that the first two Applicable-Date conditions were satisfied no later than May 1, 2026; (2) May 1, 2026, has passed; and (3) no director election has occurred since then, the Annual Meeting on October 21, 2026, is the first scheduled annual meeting after the Applicable Date and is the appropriate and required occasion to conduct the first post-Applicable-Date election described in Section 11(d) of the Declaration and Section 3.04 of the By-Laws. If the Association contends that the required first election has already occurred at a special meeting or otherwise after May 1, 2026, please identify that election as requested in Section 7 of this letter below.

**5. The Required Election Should Be Administered Consistently with the Villas-President Provision**

Section 11(e) of the Declaration separately provides:

> "The President of the Villas Corporation will serve as one of the three (3) members of the Board of Directors for so long as he/she remains president of the Villas Corporation."

Accordingly, this notice is not intended to disregard the special status of the Villas President under Section 11(e).

The Tamarack Homeowners Association should administer the Tamarack Board election. The Villas Corporation may need to complete a separate election or officer-selection process under its own governing documents. Please confirm how the Villas-President seat and required staggered terms will be handled consistently with Sections 11(d) and 11(e) of the Declaration and Section 3.04 of the By-Laws.

**6. This Is an Election Issue, Not a Removal Demand**

For clarity, we are not presently petitioning for a special meeting or requesting removal of any Director under Section 3.05 of the By-Laws or Section 11(f) of the Declaration.

Removal is a separate procedure.

The issue presented by this notice is more basic: the governing documents themselves expressly require a first election after the Applicable Date and require the post-Applicable-Date staggered terms to be established through that election.

Nothing in this notice prevents any currently serving director who is otherwise eligible from seeking nomination or election in accordance with the governing documents.

The purpose of this notice is simply to ensure that the Association conducts the election which the governing documents require.

**7. Request for Written Confirmation and Nomination Procedure**

We respectfully request that Associa and the Board provide written confirmation that:

1. the Annual Meeting on October 21, 2026, will include the Board election required by Section 11(d) of the Declaration and Section 3.04 of the By-Laws;
2. the required three-year, two-year, and one-year staggered terms will be established through that election;
3. separate nominations will be permitted for each director position to be elected, as required by the governing documents;
4. the Association will provide Owners with the information necessary to submit timely nominations; and
5. the Association will explain how the Villas-President seat will be handled when the required staggered terms are established.

We also request the current nomination form and written instructions for submitting Board nominations for the Annual Meeting on October 21, 2026.

Section 2.05(f)(4) of the By-Laws provides:

> "Nominations for the Board of Directors may be made by any Owner from those persons eligible to serve. Such nominations must be in writing and presented to the Secretary of the Corporation at least seven (7) days prior to the date of the annual meeting."

If the Association does not intend to issue a formal nomination form, please confirm in writing the appropriate mailing address, email address, recipient, and procedure by which an Owner may submit a written nomination in compliance with Section 2.05(f)(4). Because Section 2.05(f)(4) requires written nominations to be presented at least seven (7) days prior to the Annual Meeting, any delay in confirming the required election risks depriving Owners of the opportunity to nominate eligible candidates in accordance with the governing documents.

If the Association takes the position that the required first election after the Applicable Date has already occurred, please identify in writing:

1. The date the Association contends was the Applicable Date;
2. The date of the election the Association contends was the first election after that Applicable Date;
3. The governing-document provision or recorded instrument supporting that position; and
4. The manner in which the required three-year, two-year, and one-year staggered terms were established at that election.

If the Association instead takes the position that the Applicable Date has not yet occurred, please identify the unsatisfied condition under Section 10(b)(ii) of the Declaration and Section 2.05(a)(ii) of the By-Laws and provide the Association records supporting that position.

**8. Response Requested**

Because the Annual Meeting on October 21, 2026, is approaching and the By-Laws impose advance nomination requirements, we request that Associa provide a substantive written response within ten (10) business days after receipt of this notice.

Please confirm receipt and send all substantive responses and nomination instructions to Todd Banvich at toddbanvich@gmail.com.

This notice is submitted in good faith to obtain compliance with Tamarack's recorded governing documents and to resolve the election procedure sufficiently in advance of the Annual Meeting.

Nothing in this correspondence should be construed as a waiver of any right, remedy, objection, claim, defense, voting right, nomination right, proxy right, inspection right, or other right available to us or any other member under the Declaration, By-Laws, Indiana law, or other applicable authority. All such rights are expressly reserved.

**9. Confidentiality, Restricted Use, and Prohibition on Distribution**

Confidential Exhibit A is submitted solely to verify the homeowners joining this notice (the "Joining Members") and to allow the Association and Associa to process and

respond to this notice. Its contents, including each Joining Member's identity, address, and participation in this notice, must be treated as confidential. Access is limited to Board members, the Association Secretary, the Community Manager, necessary Associa personnel, and legal counsel, and only when their access is strictly necessary to process and respond to this notice.

The contents of Confidential Exhibit A must not be disclosed, discussed, copied, forwarded, published, or distributed to anyone other than those recipients. The names and other information identifying the Joining Members must not be shared through any community-wide or unofficial email list or social-media group. They also must not be used in any campaign, advocacy communication, solicitation, or for any purpose unrelated to processing and responding to this notice.

If disclosure is expressly required by law, court order, or other valid legal process, Todd Banvich must be notified in writing before disclosure unless advance notice is legally prohibited. Any disclosure must be limited to the minimum information legally required.

Please confirm in writing that these confidentiality requirements will be followed. Thank you for protecting the privacy of the Joining Members and the integrity of the Association's election process.

**Submitted by:**

Todd Banvich
261 Tamarack Larch Blvd
toddbanvich@gmail.com
On behalf of the Joining Members identified in Confidential Exhibit A.

**[CONFIDENTIAL EXHIBIT A FOLLOWS]**

## JOINING MEMBER INFORMATION — DO NOT DISTRIBUTE

This exhibit identifies the Tamarack homeowners joining the attached Formal Notice Regarding Applicable Date and Required 2026 Board Election. Their names and property addresses are included solely to verify their membership and document their participation in the notice.

This exhibit is part of a private submission to the Association and Associa. It is NOT authorized for publication, distribution, campaign or advocacy use, or circulation through any official or unofficial email list, social media, or other communication unrelated to this notice.

All confidentiality, restricted-use, and nondistribution requirements stated in Section 9 apply to this exhibit. This information may be used only to verify the Joining Members and to review, process, and respond to this notice. It may not be used or shared for any other purpose.

**Joining Members:**

1. REDACTED FOR PRIVACY
2. REDACTED FOR PRIVACY
3. REDACTED FOR PRIVACY
4. REDACTED FOR PRIVACY
5. REDACTED FOR PRIVACY
6. REDACTED FOR PRIVACY
7. REDACTED FOR PRIVACY
8. REDACTED FOR PRIVACY
9. Stephen Warner, 527 Tamarack Larch Blvd
10. Todd Banvich, 261 Tamarack Larch Blvd
11. REDACTED FOR PRIVACY
12. REDACTED FOR PRIVACY
13. REDACTED FOR PRIVACY