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RECORDED ON -

03/19/2009 08:11:56AM

JOHN MCGAULEY

ALLEN COUNTY RECORDER

FORT WAYNE, IN

REC FEE: 18.00

TRANS # 54161

**AMENDMENT TO THE PROTECTIVE COVENANTS,  
RESTRICTIONS, LIMITATIONS AND EASEMENTS FOR  
AMBER HIGHLANDS, SECTION II**

Amber Highlands Community Association, Incorporated and the undersigned, being the owners of at least 66% of the lots in the plat of Amber Highlands, Section II, according to the plat thereof recorded on July 10, 2003 as Document No. 203069285 in Plat Cabinet E, Page 163 in the Office of the Recorder of Allen County, Indiana, amend the recorded Protective Covenants, Restrictions, Limitations and Easements of the plat of Amber Highlands, Section II ("Covenants") as follows:

1. The former Section 27 to be replaced with the following new Section 27:

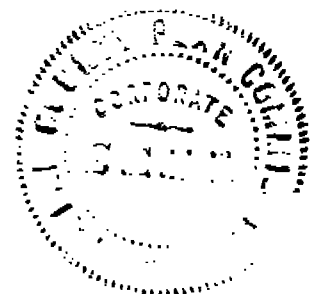
**Section 27. Enforcement**

Enforcement may be by proceedings at law or in equity against any person violating or attempting to violate any covenant either to restrain violations or to recover damages, but in no event shall there be a right of reversion. If an Owner is in violation of a covenant, the Association may also, after written notice to the Owner and a reasonable opportunity to correct the violation: 1) assess a reasonable fine against the Owner and/or 2) correct the violation, or cause it to be corrected, and bill the Owner for the cost of correcting the violation. The Owner's opportunity to correct the violation if the Association has given the Owner two notices and at least 30 days have passed since the first notice was given to the Owner. The fine or cost of correction shall constitute a lien on the Owner's lot and may be enforced the same as maintenance liens in paragraph 24 of these restrictive covenants. If the Association retains an attorney for collection of the fine, cost of correction or enforcement of the lien, the Owner shall be liable for the Association's costs, expenses and reasonable attorney's fees. The Association, Developer, or the Owner of any land within the Subdivision shall have the right to enforce, by any proceedings, at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of these covenants and restrictions. Failure by the Association, Developer, or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

AMBER HIGHLANDS COMMUNITY ASSOCIATION, INCORPORATED  
Duly authorized for recording, subject  
to final approval of the Association.

MAR 18 2009

64042  
Signature of John McGauley  
Recorder of Allen County



DPS

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2. This amendment is made by the undersigned pursuant to Section 26 of the Protective Covenants, Restrictions, Limitations and Easements of the plat of Amber Highlands, Section I.

3. All other provisions of the Covenants not amended by this document shall remain in effect.

IN WITNESS WHEREOF, Amber Highlands Homeowners Association, Inc., has set its hand and seal this 3<sup>rd</sup> day of December, 2008.

**Amber Highlands Community Association, Inc.**



**Charles Geller, Its Vice President**

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Charles Geller appeared before me, a Notary Public in and for Allen County, Indiana, and having properly identified himself to me, executed the foregoing "Amendment to the Protective Covenants, Restrictions, Limitations, and Easements for Amber Highlands, Section II" in my presence.

3<sup>rd</sup> Subscribed and sworn to before me, a Notary Public in and for Allen County, Indiana, this day of December, 2008.

  
Notary Public (Signature)

Cheryl Gopal  
(Printed Name)

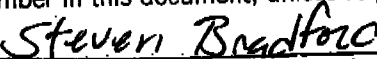
I am a resident of Allen County, Indiana.

My commission expires: 6-16-16

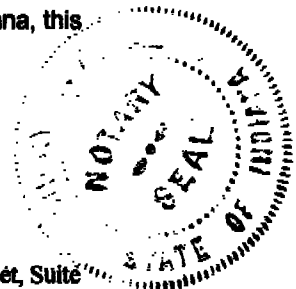
THIS INSTRUMENT prepared by: Steven J. Bradford, Bradford Law Office, 110 West Berry Street, Suite 1012, Fort Wayne, Indiana 46802

**When Recorded, Return To:** Steven J. Bradford, Bradford Law Office, 110 West Berry Street, Suite 1012, Fort Wayne, Indiana 46802

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



(name printed, stamped or signed w/print)



I vote to approve the foregoing revision to Amber Highland's restrictive covenants recorded in the Office of the Allen County Recorder on July 30, 2001, as Instrument Number 201052439 for Section I, the restrictive covenants recorded on July 10, 2003, as Instrument Number 203069285 for Section II and the restrictive covenants recorded on December 30, 2003, as Instrument Number 203129374 for Section III.

Signature

Printed Name

Signature

Printed Name

Address

Section and Lot Number

7321 Abernathy Dr

67

Signature

Printed Name

Signature

Printed Name

12621 Braveheart Dr.

68

Signature

Printed Name

Signature

Printed Name

12701 Braveheart Dr.

70

Signature

Printed Name

Signature

Printed Name

Address

Section and Lot Number

7322 Abernathy Dr.

Sec 2 Lot 66

Signature

Printed Name

Signature

Printed Name

12707 Braveheart Dr

71

Address

Section and Lot Number

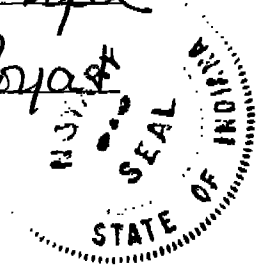
STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF ALLEN     )

On September 20, 2008, Carlos E. Royal, Nalitra Thaiprasert, Thanawat Jaengkrajang, Sara J. Smith, Ryan W. Smith, Rochelle Jamieson and Bryon Jamieson appeared before me, a Notary Public in and for Allen County, Indiana, and having properly identified themselves to me, they executed the foregoing proposed revision to Amber Highland's restrictive covenants in my presence.

I am a resident of Allen County, Indiana.  
My commission expires June 16, 2016.

*Cheryl A Royal*  
\_\_\_\_\_  
Notary Public

*Cheryl A Royal*  
\_\_\_\_\_  
(Printed Name)



STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF ALLEN     )

On September 24, 2008, David Loveless appeared before me, a Notary Public in and for Allen County, Indiana, and having properly identified themselves to me, they executed the foregoing proposed revision to Amber Highland's restrictive covenants in my presence.

I am a resident of Allen County, Indiana.  
My commission expires June 16, 2016.

*Cheryl A Royal*  
\_\_\_\_\_  
Notary Public

*Cheryl A. Royal*  
\_\_\_\_\_  
(Printed Name)

