



8 7 9 8 9 6 4  
Tx: 4495954

**2021032307**

**RECORDED: 05/14/2021 03:18:06 PM**

**ANITA MATHER**

**ALLEN COUNTY RECORDER**

**FORT WAYNE, IN**

This Fifth Amendment to Declaration of Covenants, Conditions, and Restrictions for Real Estate Known as Huguenard Industrial Park, Being in the Southwest Quarter of the Northwest Quarter of Section 16, Township 31 North, Range 12 East, Allen County, Indiana is being re-recorded to include the signature page of Owner of Lot 6, Snell Property Investment, LLC, which page was inadvertently missing from the initial recording of the Fifth Amendment.

# Recording Cover Page

**2021032751**

**RECORDED: 05/18/2021 09:43:21 AM**

**ANITA MATHER**

**ALLEN COUNTY RECORDER**

**FORT WAYNE, IN**

0

Email [hrenta@rothberg.com](mailto:hrenta@rothberg.com)

Allen County Recorder Document #: 2021032751

Allen County Recorder Document #: 2021032751

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS FOR REAL ESTATE KNOWN AS HUGUENARD INDUSTRIAL  
PARK, BEING IN THE SOUTHWEST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION 16, TOWNSHIP 31 NORTH, RANGE 12 EAST,  
ALLEN COUNTY, INDIANA**

WHEREAS, the undersigned are owners of lots in the real estate subject to the Declaration of Covenants, Conditions and Restrictions (the "Declaration") recorded May 10, 2001 as Document Number 201030123 and recorded June 15, 2001 as Document Number 201040967, in the Office of the Recorder of Allen County, Indiana, as amended by subsequent amendments; and

WHEREAS, the Declaration in the last paragraph on the first page provides for the amendment of the Declaration by written agreement of the owners of sixty percent (60%) of the land, exclusive of common area; and

WHEREAS, the undersigned own more than sixty percent (60%) of the land, exclusive of common area.

NOW, THEREFORE, the undersigned do hereby make and effect the following amendment, change, alteration and modification to the Declaration. The following rhetorical paragraph is hereby added to the Declaration:

**Prohibited Uses**

The following uses shall be prohibited in Huguenard Industrial Park:

1. Dumping, disposal, incineration or reduction of garbage, trash, sewage, offal, dead animals or refuse, or the construction or operation of water or sewage treatment plants;

2. Junk yards and recycling facilities;

3. High-traffic distribution center or truck terminal; and

4. Retail operation in which the majority of the operation's revenue is generated by the provision of goods and services to the general public, on the premises, including, but not limited to warehouse store, self-storage units, and automobile service station (a "Retail Operation"). For avoidance of doubt, a Retail Operation shall not include the following operations:

a) an operation in which the majority of the operation's revenue is generated from the provision of goods and services to commercial operators;

b) an operation in which the majority of the operation's revenue is generated from goods delivered or services provided off of the operation's premises; or

c) an operation in which the individual users of self-storage facilities own their storage space.

IN WITNESS WHEREOF, the undersigned owners of over sixty percent (60%) of the land, exclusive of common area, has caused this instrument to be executed effective this 14<sup>th</sup> day of ~~April~~, 2021.

May

***[INDIVIDUAL SIGNATURE PAGES TO FOLLOW]***

Owner of Lot 1

**Signature**

Printed Name \_\_\_\_\_

**Authorized Member**

STATE OF INDIANA

appeared Gary Nuhais

Witness my hand and notarial seal as of the 23<sup>rd</sup> day of April, 2021.

**My Commission Expires:**

7-7-2022

**Commission Number:**

N/A

Resident of

Notary Public

County

**NOTARY PUBLIC - STATE OF MICHIGAN**

COUNTY OF KENT

**My Commission Expires 07/07/2022**

Acting in the county of Kent

RSW, LLC,  
Owner of Lot 3

By:

Jason C. Daenens  
Signature

Jason C. Daenens  
Printed Name

Its:

Authorized Member

STATE OF INDIANA     )  
                                      ) SS:  
COUNTY OF ALLEN     )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jason C. Daenens the Authorized Member of RSW, LLC, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 14<sup>th</sup> day of May, 2021.

My Commission Expires:

March 31, 2025

Commission Number:

697658

Annette K. Deaton  
Annette K. Deaton, Notary Public  
Resident of Allen County



ANNETTE K. DEATON, Notary Public  
Allen County, State of Indiana  
Commission Number 697658  
My Commission Expires March 31, 2025

KCARDUM LP.,  
Owner of Lot 4

By: *Daniel J. Mudrack*  
Signature

Daniel J. Mudrack  
Printed Name

Its: General Partner

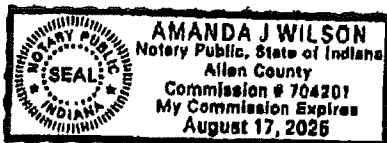
STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF ALLEN     )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Daniel J. Mudrack, the General Partner of KCardum LP., and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 6 day of May, 2021.

My Commission Expires:  
August 17, 2025  
Commission Number:  
704201

*Amanda J. Wilson*  
Amanda J. Wilson, Notary Public  
Resident of Allen County



SNELL PROPERTY INVESTMENT, LLC,

Owner of Lot 6

By:

Karen Snell  
Signature

KAREN SNELL  
Printed Name

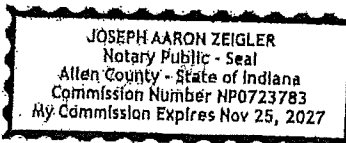
Its:

Authorized Member

STATE OF INDIANA )

) SS:

COUNTY OF ALLEN )



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Karen Snell, the Authorized Member of Snell Property Investment, LLC, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 22<sup>nd</sup> day of April, 2021.

My Commission Expires:

Nov. 25, 2027

Commission Number:

NP0723783

Joseph Zeigler  
Joseph Zeigler, Notary Public  
Resident of Allen County

**DA PROPERTY INVESTMENTS, LLC**

Owner of Lot 7

By:

Signature

Printed Name

Its:

Authorized Member

STATE OF INDIANA )

) SS:

COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jay D Morley, the PRESIDENT of **DA Property Investments, LLC**, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the \_\_\_\_ day of May, 2021.

My Commission Expires:

Commission Number:

Michelle L Birk

\_\_\_\_\_, Notary Public

Resident of \_\_\_\_\_ County



MICHELLE L. BIRK, Notary Public  
Whitley County, State of Indiana  
Commission Number 685166  
My Commission Expires: May 26, 2024



3508 FOCUS LLC,  
Owner of Lot 8

By:

Signature

Printed Name

Its:

Authorized Member

STATE OF INDIANA )

) SS:

COUNTY OF ALLEN )



TINA L. SCHWIND, Notary Public  
Johnson County, State of Indiana  
My Commission Expires 01/06/2023

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared HERBERT C. HALLAK, the OWNER of 3508 Focus LLC, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 21 day of April, 2021.

My Commission Expires:

01-06-2023

Commission Number:

NP0661907

TINA L. SCHWIND, Notary Public  
Resident of JOHNSON County

KOORSEN PROPERTIES, LLC,  
f/k/a Koorsen Properties LP,  
Owner of Lot 9

By: *Keith*  
Signature

Keith Koorsen  
Printed Name

Its: Manager

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF ALLEN     )



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Keith Koorsen, the Manager of Koorsen Properties, LLC, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 28<sup>th</sup> day of April, 2021.

My Commission Expires:  
September 15, 2028  
Commission Number:  
NP0728753

Catherine Marie Trent  
State of Indiana, Notary Public  
Resident of Marion County

THE MINE, LLC,  
Owner of Lot 10

By:

Susan P. Wojewodka  
Signature  
Susan P. Wojewodka  
Printed Name

Its:

Authorized Member

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF ALLEN       )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Susan P. Wojewodka the Authorized Member of The Mine, LLC, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the \_\_\_\_\_ day of April, 2021.

My Commission Expires:

\_\_\_\_\_  
Commission Number:  
\_\_\_\_\_

Michelle L. Birk  
\_\_\_\_\_, Notary Public  
Resident of \_\_\_\_\_ County



MICHELLE L. BIRK, Notary Public  
Whitley County, State of Indiana  
Commission Number 685166  
My Commission Expires: May 26, 2024

c) an operation in which the individual users of self-storage facilities own their storage space.

IN WITNESS WHEREOF, the undersigned owners of over sixty percent (60%) of the land, exclusive of common area, has caused this instrument to be executed effective this 14<sup>th</sup> day of ~~April~~, 2021.

May

AUTOLODGE OWNERS ASSOCIATION, INC

Owner of a portion of common ground

Signature

Printed Name

Jeffry A. Gilmore, President

STATE OF INDIANA )

) SS:

COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared ~~Autolodge Owners Association, Inc.~~ and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment. by Jeffry A. Gilmore

Witness my hand and notarial seal as of the 14<sup>th</sup> day of May, 2021.

My Commission Expires:

March 31, 2025

Commission Number:

697658

Annette K. Deaton  
Annette K. Deaton Notary Public  
Resident of Allen County

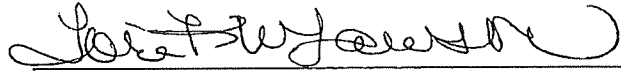


ANNETTE K. DEATON, Notary Public  
Allen County, State of Indiana  
Commission Number 697658  
My Commission Expires March 31, 2025

**JACKIE R. LAWSON and LORI K. W. LAWSON**, who took title as Lori K. Lawson, husband and wife,  
Owner of a portion of Lot 11

  
Signature

Jackie R. Lawson  
Printed Name

  
Signature

Lori K. W. Lawson  
Printed Name

STATE OF INDIANA       )  
                                      ) SS:  
COUNTY OF ALLEN       )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Jackie R. Lawson and Lori K. W. Lawson**, husband and wife, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 14<sup>th</sup> day of May, 2021.

My Commission Expires:

March 31, 2025  
Commission Number:  
697658



Annette K. Deaton  
**ANNETTE K. DEATON, Notary Public**  
Allen County, State of Indiana  
Commission Number 697658  
My Commission Expires March 31, 2025

c) an operation in which the individual users of self-storage facilities own their storage space.

IN WITNESS WHEREOF, the undersigned owners of over sixty percent (60%) of the land, exclusive of common area, has caused this instrument to be executed effective this 14<sup>th</sup> day of ~~April~~, 2021.  
May

GILPROP, LLC

Owner of a portion of Lot 11 Units 13, 14 & 15

  
Signature Authorized Member

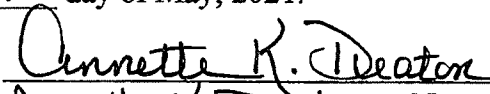
Printed Name      Jeffrey A. Gilmore

STATE OF INDIANA      )  
   ) SS:  
COUNTY OF ALLEN      )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gilprop, LLC by Jeffrey A. Gilmore, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 14<sup>th</sup> day of May, 2021.

My Commission Expires:  
March 31, 2025  
Commission Number:  
697658

  
Annette K. Deaton, Notary Public  
Resident of Allen County



ANNETTE K. DEATON, Notary Public  
Allen County, State of Indiana  
Commission Number 697658  
My Commission Expires March 31, 2025

Owner of a portion of Lot 11 units 20 & 21

Todd Grantham

Signature

Printed Name

Todd Grantham

STATE OF INDIANA )

) SS:

COUNTY OF ALLEN )



MELISSA BUNTING, Notary Public

Allen County, State of Indiana

My Commission Expires December 18, 2023

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Todd Grantham, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 13<sup>th</sup> day of May, 2021.

My Commission Expires:

December 18, 2023

Commission Number:

676491

Melissa Bunting

, Notary Public

Resident of Allen County

Owners of a portion of Lot 11 units 20 & 21

Signature

Alyssa Grantham

Printed Name

Alyssa Grantham

STATE OF INDIANA )

) SS:

COUNTY OF ALLEN )



MELISSA BUNTING, Notary Public

Allen County, State of Indiana

My Commission Expires December 18, 2023

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Todd Grantham and Alyssa Grantham, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 13<sup>th</sup> day of May, 2021.

My Commission Expires:

December 18, 2023

Commission Number:

676491

Melissa Bunting

, Notary Public

Resident of Allen County

c) an operation in which the individual users of self-storage facilities own their storage space.

IN WITNESS WHEREOF, the undersigned owners of over sixty percent (60%) of the land, exclusive of common area, has caused this instrument to be executed effective this 14<sup>th</sup> day of May, 2021.

Owner of a portion of Lot 11 UNITS 28+29

Loren A. Mornout

Signature

Loren A. Mornout

Printed Name

STATE OF INDIANA )

) SS:

COUNTY OF ALLEN )



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Loren A. Mornout, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 13 day of May, 2021.

My Commission Expires:

2/11/2028

Commission Number:

NP0725110

G. Michael Gibbs

G. Michael Gibbs, Notary Public

Resident of Allen County



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert Christman and \_\_\_\_\_, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 13<sup>th</sup> day of May, 2021.

My  
Expires: March 12, 2025

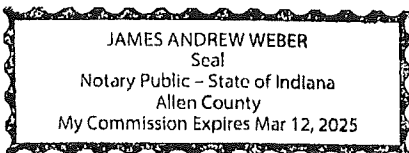
Commission

Public

Commission Number: 697830  
County

[Signature], Notary  
Resident of Allen

[Signature]  
Owner of a portion of Lot 11 UNIT 12



By: [Signature]  
Signature

ROBERT F. CHRISTMAN  
Printed Name  
AKA Robert Christman

Its:

STATE OF INDIANA     )  
                                      ) SS:  
COUNTY OF ALLEN     )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert Christman the Owner of Unit 12, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 13<sup>th</sup> day of May, 2021.

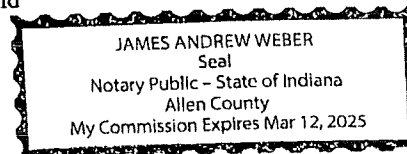
My  
Expires: March 12, 2025

Commission

Public

Commission Number: 697830  
County

[Signature], Notary  
Resident of Allen



LTHS, LLC,  
Owner of the East Half of Lot 2

By:

Signature

Nedal Anabtaw, aka  
Printed Name

Anabtaw, TawGg

Its:

Authorized Member

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Anabtaw, TawGg, the Owner of LTHS, LLC, and acknowledged the free and voluntary execution of the above and foregoing Fifth Amendment.

Witness my hand and notarial seal as of the 3<sup>rd</sup> day of May, 2021.

My Commission Expires:

10/08/2028

Commission Number:

0729259

Consuelo Rojas  
Indiana, Notary Public  
Resident of Allen County



CONSUELO ROJAS, Notary Public  
Allen County, State of Indiana  
Commission Number 0729259  
My Commission Expires October 08, 2028

This instrument prepared by Michael T. Deam, Attorney at Law

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. *Michael T. Deam*

Mail to: Rothberg Logan & Warsco LLP  
P.O. Box 11647  
Fort Wayne, IN 46859-1647