

84-026303

AMENDMENTS TO
DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS,
LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO
AND MADE A PART OF THE DEDICATION OF THE PLAT OF
HAVERHILL, SECTION III,
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

THE UNDERSIGNED, being the owners of not less than seventy-five percent (75%) of the lots located in Haverhill, Section III, a Subdivision in Aboite Township, Allen County, Indiana, according to the recorded Plat thereof, and desiring to amend said Protective Restrictions, Covenants, and Limitations in order to promote harmony of external design and location in relation to surrounding structures, eliminate certain ambiguous language in the existing Protective Restrictions, Covenants, and Limitations, and to make additions thereto, do hereby amend said Protective Restrictions, Covenants and Limitations in the following manner:

1. ARTICLE VI, Architectural Control, shall be amended as follows:

"No building, fence, wall or other structure of any kind whatsoever, nor any exterior addition to or change or alteration therein (all such buildings, fences, walls, structures, additions, changes, and alterations being herein called "improvements"), shall be commenced, erected or maintained upon any Lot, until two (2) sets of plans and specifications showing the nature, kind, shape, height, materials, and location of the improvements shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee, such Committee to be composed of three (3) members to be appointed by the Board of Directors of the Association. One of such members shall be designated as Chairman. Committee members shall serve for a term of one year and may be re-appointed for any number of successive terms. In the event of death or resignation of any member of the Committee, the Board of Directors shall have full authority to designate a successor to serve the balance of the unexpired term. The Board of Directors shall also have full authority to remove any member from the Committee by means of a majority vote of the Board and to appoint a successor to serve for the balance of the unexpired term. Plans and specifications are deemed to have been submitted only when received by the Chairman of the Architectural Control Committee. In the event the Architectural Control Committee fails to approve or disapprove such plans and specifications within thirty (30) days after said plans and specifications have been submitted, then approval of the plans and specifications as submitted shall be deemed to have been given, provided that objective evidence, such as a registered letter, is available to prove that such plans and specifications were submitted. The improvements as shown upon said plans and specifications shall be substantially completed before said improvements shall be used or occupied. All improvements shall be constructed in accordance with the plans and specifications as submitted to and approved in writing by the Architectural Control Committee, and any improvements not so constructed shall be subject to immediate removal and the Lot shall be restored to its condition prior thereto, all at Owner's expense. The provisions hereinafter provided for violation or attempted violation of any of these covenants and restrictions shall be applicable hereto. In the event the Association shall prevail in any litigation brought for the purpose of enforcing compliance with the provisions of this Article or Article VII hereof, it shall be entitled to recover from the defendant(s) reasonable attorney fees and costs incurred by the Association in such enforcement."

AUDITION OF ALLEN COUNTY

DULY ENTERED FOR TAXATION
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ALLEN COUNTY RECORDER

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2. ARTICLE VII, Sections 7 and 9, shall be amended as follows:

"Section 7. No structure of a temporary character, trailer, boat, boat trailer, camper or camping trailer, mobile home, travel trailer, motor home, semi-tractor, basement, tent, shack, tool shed, garage, barn, or other outbuilding of any kind whatsoever shall be either used or located on any Lot at any time or used as a residence, either temporarily or permanently."

"Section 9. No radio or television antenna with more than thirty (30) square feet of grid area or which attains a height in excess of six (6) feet above the highest point of the roof shall be attached to any dwelling house. No free standing or detached radio or television antenna, satellite dish, or similar structure shall be permitted on any Lot."

3. ARTICLE VII, shall be amended to add the following Sections:

"Section 24. No swimming pool (excepting portable wading pools for children) shall be permitted above ground level on any lot. Any swimming pool, hot tub, or similar structure having a capacity of more than 150 gallons of water must be completely enclosed by a "privacy fence" that is not less than six (6) feet in height."

"Section 25. No unlicensed or unregistered automobiles or motorized vehicles may be parked or maintained on any Lot. No motor vehicle may be disassembled or be allowed to remain in a state of disassembly on any lot but, instead, shall be equipped at all times for on-road driving."

"Section 26. No free standing or detached solar panels, chasers, or similar structures shall be permitted on any Lot."

"Section 27. No pole lighting erected by a Lot Owner shall exceed six (6) feet in height nor shall lighting attached to a dwelling be above the roof line."

"Section 28. Nothing contained in or omitted from this Article VII shall be construed to permit any improvement (as that term is defined in Article VI) to be constructed or maintained without first obtaining the approval of the Architectural Control Committee, as required by Article VI."

4. All other terms and provisions of said Protective Restrictions, Covenants and Limitations shall remain in full force and effect and shall not be altered or modified except as specifically set forth in this Amendment.

IN WITNESS WHEREOF, the undersigned Lot Owners do hereby execute this Amendment to said Protective Restrictions, Covenants, and Limitations as their voluntary act and deed on the dates written to the right of their names below:

Lot Number	Signature of Owners	Typed Names of Owners	Date
184	Gwen H. Mitchell	Gwen H. Mitchell	
184	R. J. Mitchell	Ronald J. Mitchell	5-19-84
185	Kathy L. Kite	Kathy L. Kite	3/27/84
185	Michael L. Kite	Michael L. Kite	29 MAR 84
186	Denise S. Fuelling	Denise S. Fuelling	3/29/84
186	Terry W. Fuelling	Terry W. Fuelling	3/29/84
187	Bobbie H. Strutz	Bobbie H. Strutz	
188	Deborah S. Jones	Deborah S. Jones	3/29/84
188	Patrick G. Jones	Patrick G. Jones	3/29/84

8426303

Lot Number	Signature of Owners	Typed Names of Owners	Date
189	<i>Ronnie D. Hill</i>	Ronnie D. Hill	8/21/84
190	<i>Mary Kay Ellis</i>	Mary Kay Ellis	5/20/84
190	<i>Max W. Ellis</i>	Max W. Ellis	5/20/84
191	<i>Gail K. Fisher</i>	Gail K. Fisher	3/29/84
191	<i>Roy D. Fisher</i>	Roy D. Fisher	3/29/84
192	<i>Marsha L. Loney</i>	Marsha L. Loney	3-29-84
192	<i>Dennis J. Loney</i>	Dennis J. Loney	3-29-84
193	<i>Virginia L. Watkins</i>	Virginia L. Watkins	3-29-84
193	<i>Raymond R. Watkins</i>	Raymond R. Watkins	3-29-84
194	<i>Brenda C. Huber</i>	Brenda C. Huber	4-1-84
194	<i>John C. Huber</i>	John C. Huber	4-1-84
195		Diane D. Sharp	
195		Jerry M. Sharp	
196	<i>Barbara B. Kibby O'Connell</i>	Barbara B. Kibby O'Connell	3-29-84
197	<i>Melinda D. Fast</i>	Melinda D. Fast	4-15-84
197	<i>Robert G. Fast</i>	Robert G. Fast	4/15/84
198	<i>Linda L. Castaldi</i>	Linda L. Castaldi	4-16-84
198	<i>Thomas E. Castaldi</i>	Thomas E. Castaldi	4-16-84
199	<i>Lynn B. Smith</i>	Lynn B. Smith	8-28-84
199	<i>Robert L. Smith</i>	Robert L. Smith	8-28-84
200	<i>Deanna L. Miller</i>	Deanna L. Miller	4/16/84
200	<i>David J. Miller</i>	David J. Miller	4-16-84
201	<i>Kapila S. Patel</i>	Kapila S. Patel	8-28-84
201	<i>Savinay Patel</i>	Savinay Patel	8/29/84
202	<i>Diane Barnes</i>	Diane Barnes	5-20-84
202	<i>Daniel J. Barnes</i>	Daniel J. Barnes	5-20-84
203	<i>Phyllis J. Penrose</i>	Phyllis J. Penrose	4-18-84
204	<i>Joyce M. Subleski</i>	Joyce M. Subleski	5-20-84
204	<i>David G. Subleski</i>	David G. Subleski	5/20/84
205	<i>Diane L. Shenfeld</i>	Diane L. Shenfeld	4-9-84
205	<i>Richard W. Shenfeld, Jr.</i>	Richard W. Shenfeld, Jr.	3-29-84
206	<i>Carolyn Williams</i>	Carolyn Williams	3-29-84
206	<i>Randolph F. Williams</i>	Randolph F. Williams	3-29-84
207		Esther S. Breiding	
207		Raymond G. Breiding	
208	<i>Elayne M. Church</i>	Elayne M. Church	4-15-84
208	<i>David H. Church</i>	David H. Church	4-15-84

8426303

Lot Number	Signature of Owners	Typed Names of Owners	Date
209	<u>Vito N. Cucinelli</u>	Vito N. Cucinelli	<u>4-15-84</u>
210		Russell Dinovo	
211	<u>Richard Knittle</u>	RICHARD Ronald L. Knittle	<u>4-28-84</u>
212	<u>Diane L. Schindeldecker</u>	Diane L. Schindeldecker SHINDELDECKER	<u>4-1-84</u>
212	<u>Larry N. Schindeldecker</u>	Larry N. Schindeldecker SWANDECKER	<u>3-26-84</u>
213	<u>Margaret A. Brineman</u>	Margaret A. Brineman	<u>3-31-84</u>
214	<u>David Wayne Pelz</u>	David Wayne Pelz	<u>3-24-84</u>
215		Patricia E. Caudill	
215		Charles E. Caudill	
216	<u>Diane L. Witzerman</u>	Diane L. Witzerman	<u>3-31-84</u>
216	<u>James E. Witzerman</u>	James E. Witzerman	<u>3-26-84</u>
217	<u>Sheila S. Goldthwaite</u>	Sheila S. Goldthwaite	<u>3-31-84</u>
217	<u>Steven H. Goldthwaite</u>	Steven H. Goldthwaite	<u>3-31-84</u>
218	<u>Cynthia L. Billings</u>	Cynthia L. Billings	<u>3-26-84</u>
218		Gary Howard Billings	
219		Judy A. Esterline	
219		Larry W. Esterline	
220		Norma C. Yarde	
220	<u>Willard F. Yarde</u>	Willard F. Yarde	<u>4-1-84</u>
221	<u>Christine T. Prengaman</u>	CHRISTINE T. PRENGAMAN	<u>4-28-84</u>
221	<u>John C. Prengaman</u>	Carole L. Lowe JOHN C. PRENGAMAN	<u>4-28-84</u>
221	<u>J. Randolph Lowe</u>	J. Randolph Lowe	<u>8-29-84</u>
222	<u>Betty L. Heckley</u>	Betty L. Heckley	<u>8-29-84</u>
222	<u>Billy J. Heckley</u>	Billy J. Heckley	<u>4-28-84</u>
223	<u>Carole B. Joros</u>	Carole B. Joros	<u>4-28-84</u>
223	<u>James A. Joros</u>	James A. Joros	<u>5-20-84</u>
224	<u>Laura Gandolfo</u>	Laura Gandolfo	<u>5-20-84</u>
224	<u>Thomas R. Gandolfo</u>	Thomas R. Gandolfo	
225		Karen E. Lehman	
225		Douglas M. Lehman	
226	<u>Judith A. Meincke</u>	Judith A. Meincke	<u>4-28-84</u>
226	<u>Henry J. F. Meincke</u>	Henry J. F. Meincke	<u>4-28-84</u>
227	<u>Norma J. Johnston</u>	Norma J. Johnston	<u>4-28-84</u>
227	<u>Doyle A. Johnston</u>	Doyle A. Johnston	<u>4-28-84</u>
228	<u>Ann K. Smith</u>	Ann K. Smith SUSAN E. BACHMAN	<u>7-22-84</u>
228	<u>Jerry L. Smith</u>	Jerry L. Smith STANLEY D. BACHMAN	<u>4-21-84</u>
229	<u>Michael P. Detzler</u>	Michael P. Detzler	<u>4-21-84</u>

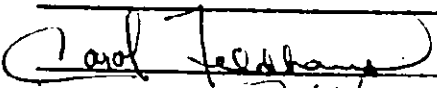
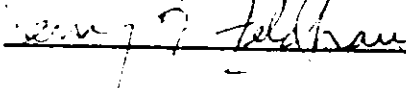
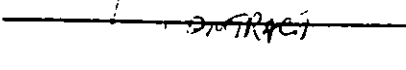
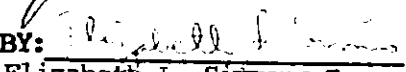
8426303

Lot Number	Signature of Owners	Typed Names of Owners	Date
230		Margaret J. Miller	
230		Homer P. Miller, Jr.	
231	<i>Carol J. Pelto</i>	Carol J. Pelto	2-10-84
231	<i>Kenneth C. Pelto</i>	Kenneth C. Pelto	7/22/84
232	<i>Helen P. Presser</i>	Helen P. Presser	2-12-84
232		Richard J. Presser	
233	<i>Lucy V. Cress</i>	Lucy V. Cress	4/10/84
233		John F. Cress	
234	<i>Mary J. Chenowith</i>	Mary J. Chenowith	4-10-84
234	<i>Gary E. Chenowith</i>	Gary E. Chenowith	4-10-84
235		Terry L. Wollums	
236	<i>Georgeanna F. Fields</i>	Georgeanna F. Fields	4-10-84
236	<i>Paul J. Fields II</i>	Paul J. Fields II	84-07-10
237	<i>[Signature]</i>	[Name]	4-10-84
237	<i>[Signature]</i>	[Name]	10/28/84
238	<i>Vivian B. Peterson</i>	Vivian B. Peterson	7-22-84
238	<i>Robert L. Peterson</i>	Robert L. Peterson	Apr 21, 84
239	<i>Margie Toussaint</i>	Margie Toussaint	Apr 21, 84
239	<i>Jules E. Toussaint</i>	Jules E. Toussaint	Apr 21, 84
240	<i>MAUREE EHLER</i>	MAUREE EHLER	8/28/84
240	<i>JOHN E. EHLER</i>	JOHN E. EHLER	7/22/84
240	<i>MICHAEL C. BOBINGER</i>	MICHAEL C. BOBINGER	
241	<i>Andrew H. Moses</i>	Andrew H. Moses	
242	<i>Patricia S. Phenicie</i>	Patricia S. Phenicie	4-28-84
242	<i>John D. Phenicie</i>	John D. Phenicie	7-22-84
243	<i>Steven R. Keefer</i>	Steven R. Keefer	4-28-84
244	<i>Mary M. McIntosh</i>	Mary M. McIntosh	7/23/84
244	<i>Richard K. McIntosh</i>	Richard K. McIntosh	4/28/84
245	<i>Donna S. Daily</i>	Donna S. Daily	4/28/84
245	<i>James T. Daily</i>	James T. Daily	4/28/84
246	<i>Barbara J. Fairfield</i>	Barbara J. Fairfield	7/22/84
246	<i>Terry A. Fairfield</i>	Terry A. Fairfield	84-07-22
247	<i>Ruth Merica</i>	Ruth Merica	4/28/84
247	<i>Dennis D. Merica</i>	Dennis D. Merica	4/28/84
248	<i>Joretta K. Johnson</i>	Joretta K. Johnson	9/7/84
248	<i>Robert M. Johnson</i>	Robert M. Johnson	9/7/84
249	<i>Sherry J. Derheimer</i>	Sherry J. Derheimer	4-28-84
249	<i>Frederick A. Derheimer, Jr.</i>	Frederick A. Derheimer, Jr.	7-22-84

8426303

Lot Number	Signature of Owners	Typed Names of Owners	Date
250	<u>Mary E. Winters</u>	Mary E. Winters	4-28-84
250	<u>Gerald E. Winters</u>	Gerald E. Winters	4/28/84
251	<u>Barbara J. Parrish</u>	Barbara J. Parrish	8-28-84
251	<u>Donald R. Parrish, Jr.</u>	Donald R. Parrish, Jr.	8-28-84
252	<u>Judith L. Pahs</u>	Judith L. Pahs	8-28-84
252	<u>John A. Pahs</u>	John A. Pahs	8-28-84
253	<u>Suzanne M. Bahl</u>	Suzanne M. Bahl	4-28-84
253	<u>Andrew M. Bahl</u>	Andrew M. Bahl	4-28-84
254	<u>Karen S. Recker</u>	Karen S. Recker	4-28-84
254	<u>Edward L. Recker</u>	Edward L. Recker	4-28-84
255	<u>Marilyn Ferber</u>	Marilyn Ferber	8-28-84
255	<u>Richard Lee Ferber</u>	Richard Lee Ferber	8-28-84
256	<u>Darcie G. Cole</u>	Darcie G. Cole	8-28-84
256	<u>Michael D. Cole</u>	Michael D. Cole	8-28-84
257	<u>Del Rae Bedwell</u>	Del Rae Bedwell	4/28/84
257	<u>Phillip R. Bedwell</u>	Phillip R. Bedwell	4/28/84
258		Nancy J. Truesdell	
258		William M. Truesdell	
259	<u>Carla L. Ewing</u>	Carla L. Ewing	9-7-84
259	<u>Robert D. Ewing</u>	Robert D. Ewing	4/21/84
260	<u>Mary Z. Wilhelm</u>	Mary Z. Wilhelm	4-21-84
260	<u>Raymond F. Wilhelm</u>	Raymond F. Wilhelm	4-21-84
261	<u>Judith L. Stewart</u>	Judith L. Stewart	4-22-84
261	<u>James F. Stewart</u>	James F. Stewart	4-25-84
262	<u>Nancy R. Ess</u>	Nancy R. Ess	4/21/84
262	<u>Nicholas J. Ess, Jr.</u>	Nicholas J. Ess, Jr.	4/21/84
263	<u>Cathy L. Wiszowaty</u>	Cathy L. Wiszowaty	4/21/84
263	<u>David N. Wiszowaty</u>	David N. Wiszowaty	4/21/84
264	<u>Mabel E. Vinson</u>	Mabel E. Vinson	4/28/84
265	<u>Janet K. Tudor</u>	Janet K. Tudor	4/21/84
265	<u>Jerry L. Tudor</u>	Jerry L. Tudor	4/21/84
266		Patricia H. Reiner	
266		Jack T. Reiner	
267	<u>Jean E. Carter</u>	Jean E. Carter	4/21/84
267	<u>Ardith E. Carter</u>	Ardith E. Carter	4/21/84
268		Nancy J. Flaughter	
268	NO	Charles L. Flaughter	

8426303

<u>Lot Number</u>	<u>Signature of Owners</u>	<u>Typed Names of Owners</u>	<u>Date</u>
269		William E. Williams	
270		Carol Feldhaus	8-30-84 502
270		Gerald F. Feldhaus	8-30-84 502
271		F. Janette Bimer	
271		Raymond M. Young	
340 and Blocks E, F, G, H, I, J, and K			
BY: 		Haverhill Community Association, Inc.	
		James T. Vardaman, Pres.	
BY: 		Elizabeth L. Simmons, Secy	9-8-84

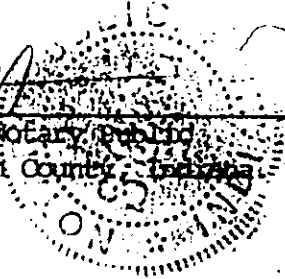
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on the respective dates written opposite each signature, personally appeared each of the Lot Owners whose names are typed or printed and signed opposite the following lot numbers: 184 through 186; 188; 190 through 194; 196 through 198; 200; 202 through 206; 208; 209; 211 through 214; 216; 217; 220; 221; 223; 224; 226; and 227; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section III.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 11th day of SEPTEMBER, 1984.

My commission expires:
January 12, 1988


David A. Scott, Notary Public
Resident of Allen County, Indiana

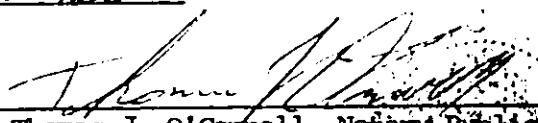


STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on the respective dates written opposite each signature, personally appeared each of the Lot Owners whose names are typed or printed and signed opposite the following Lot Numbers: 228 (Steven D. Bachem); 229; 231 (Carol J. Pelto); 234; 236; 238 (Robert L. Peterson); 239; 242 (Patricia S. Phenicie); 243; 244 (Richard K. McIntosh); 245; 247; 249 (Sherry J. Derheimer); 250; 253; 254; 257; 259 (Robert D. Ewing); 260 through 265; and 267; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations, for Haverhill, Section III.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 11th day of SEPTEMBER, 1984.

My commission expires:
March 21, 1988


Thomas J. O'Connell, Notary Public
Resident of Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on the respective dates written opposite each signature, personally appeared each of the Lot Owners whose names are typed or printed and signed opposite the following Lot Numbers: 189; 199; 201; 222; 240 (Maureen Ehler); 251; 252; and 255; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations, for Haverhill, Section III.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 11th day of September, 1984.

My commission expires:
March 21, 1988

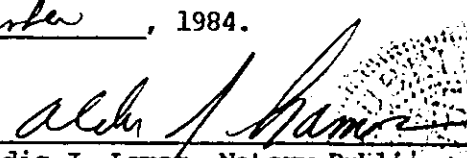

Michael R. Cox, Notary Public
Resident of Allen County, Indiana.

8426303

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on the respective dates written opposite each signature, personally appeared each of the Lot Owners whose names are typed or printed and signed opposite the following Lot Numbers: 228 (Susan E. Bachem); 231 (Kenneth C. Pelto); 238 (Vivian S. Peterson); 240 (John E. Ehler); 242 (John D. Phenicie); 244 (Mary M. McIntosh); 246; and 249 (Frederick A. Derheimer, Jr.); and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations, for Haverhill, Section III.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 11th day of September, 1984.

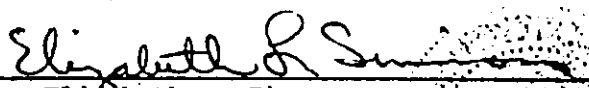

Aldis J. Lamos, Notary Public
Resident of Allen County, Indiana

My commission expires:
March 6, 1986

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on the respective dates written opposite each signature, personally appeared each of the Lot Owners whose names are typed or printed and signed opposite the following Lot Numbers: 248; 256; 259 (Carla L. Ewing); and 270; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations, for Haverhill, Section III.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 11 day of September, 1984.


Elizabeth L. Simmons, Notary Public
Resident of Allen County, Indiana

My commission expires:
3-21-88

8426303

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on the 8th day of SEPTEMBER, 1984, personally appeared James T. Vardaman and Elizabeth L. Simmons, the President and Treasurer, respectively, of Haverhill Community Association, Inc., and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section III, for and on behalf of said Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 11th day of SEPTEMBER, 1984.



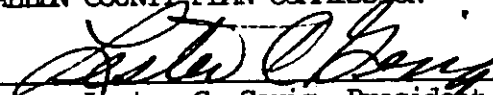
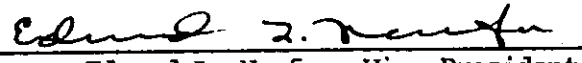
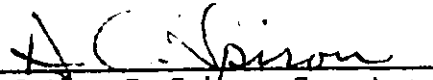
David A. Scott, Notary Public
Resident of Allen County, Indiana.

My commission expires:
January 12, 1988

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

APPROVED this 24th day of October, 1984.

ALLEN COUNTY PLAN COMMISSION


Lester C. Gerig, President
Edward L. Neuffer, Vice President
Arthur G. Spikou, Secretary

THIS INSTRUMENT WAS PREPARED BY: David A. Scott, Attorney at Law.

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