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RECORDED: 10/27/2021 02:13:55 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

THIRD AMENDMENT

TO

THE DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS,
EASEMENTS AND APPROVALS APPENDED TO AND MADE A PART OF THE
DEDICATION AND PLAT OF CHERRY HILL, SECTION X, d/b/a BROOKS POINTE
VILLA ASSOCIATION, INC., A SUBDIVISION IN ABOITE ST. JOSEPH TOWNSHIP,
ALLEN COUNTY, INDIANA

The undersigned, Cindy Snouffer, the presiding President of Brooks Pointe Villa Association, Inc., an Indiana Domestic Non-profit Corporation, and Its Board of Directors, with the consent of owners of more than seventy-five percent (75%) of the Lot Owners of Cherry Hill, Section X, located in Brooks Point Villas, a subdivision in St. Joseph Township, Allen County, Indiana, hereby amends the Declaration of Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals, and amendments thereto, appended to and make a part of the Dedication and Plat of Cherry Hill, Section X, a subdivision in St. Joseph Township, Allen County, Indiana, as recorded in Plat Cabinet D, page 9, and as previously amended by a Second Amendment thereto dated November 17, 2005, and recorded as Document Number 205075880 (the "Restrictions"), by amending the Restrictions and added the new following provision:

Article VII, Section 47 is hereby added and shall read:

Section 47. Rental or Leasing of any residential lot/property within Brooks Pointe is strictly prohibited. No Owner is permitted to lease or rent the property owned within Brooks Pointe Villa Association. Residential structures are meant to be solely for the use of the Owner and Owner's family. No short term or long term contractual agreement for others to use or occupy the residential dwelling is permitted.

Attached hereto and incorporated herein by reference as Exhibit "A" are copies of Consents to this Amendment executed by more than seventy-five percent (75%) of the Owners of all lots in Brooks Pointe Villa Association.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and ade a Part of the Plat of Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to the Lots of Cherry Hill, Section X:

Brooks Pointe Villa Association, Inc.,
An Indiana Domestic Nonprofit Corporation,

By: Cindy Snouffer
Cindy Snouffer, Its President

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 22 day of October, 2021, personally appeared Cindy Snouffer, President of Brooks Pointe Villa Association, Inc., an Indiana Domestic Nonprofit Corporation, who acknowledged, as such officer, being authorized to do so, executed the foregoing instrument for and on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official



LESLIE CAVACINI, Notary Public
Allen County, State of Indiana
Commission Number NP0718222
My Commission Expires January 29, 2027

Leslie Cavacini
Leslie Cavacini, Notary Public
A resident of Allen County, Indiana
My Commission Expires: 1/29/2027

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, 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: /s/Ryan M. Gardner

Ryan M. Gardner (30635-41)

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X , d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8-30-21

Thomas B. Walsh

Signature

THOMAS B. WALSH

Printed Name

Laurel Walsh

Signature

LAUREL WALSH

Printed Name

Owner Lot No. 284

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X., d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8-28-21

Don DeLoe
Signature

Don DeLoe
Printed Name

Gloria R. DeLoe
Signature

Gloria R. DeLoe
Printed Name

Owner Lot No. 285

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mellers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8/31/21

Roy E. McCarter
Signature

Roy E. McCarter
Printed Name

Debra L. McCarter
Signature

Debra L. McCarter
Printed Name

Owner Lot No. 286

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8/29/21

Anne V. Larson
Signature

Anne V. Larson
Printed Name

~~Signature~~

~~Printed Name~~

Owner Lot No. 287

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mellers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said
Dedication, Protective Restrictions, Covenants, Limitations, Easements, and Approvals Appended
to and are a Part of the Plat Cherry Hill, Section X, d/b/a Brooks Pointe Villa Association,
Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 2-30-21

Merion Delagrangue
Signature

MARIAN DELAGRANGUE
Printed Name

Signature

Printed Name

Owner Lot No. 289

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Saltin, LLP, 110
West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: Aug 28, 2019

Michael Berry
Signature

Michael C. Berry
Printed Name

Susan R. Berry
Signature

Susan R. Berry
Printed Name

Owner Lot No. 290

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8/30/2021

Donald Walters
Signature

DONALD WALTERS
Printed Name

Bonnie M. Walters
Signature

BONNIE M. WALTERS
Printed Name

Owner Lot No. 291

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallery Backs & Salln, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8-28-2021

Cynthia Spisak
Signature

Cynthia Spisak
Printed Name

Signature

Printed Name

Owner Lot No. 293

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallery Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 9-7-21

Mary R. Bell
Signature

MARY R. BELL
Printed Name

Signature

Printed Name

Owner Lot No. 294

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mellers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X: d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8-29-2021

Ryan R. Federspiel
Signature

Roger R. Federspiel
Printed Name

Rok N. Federspiel
Signature

Rok N. Federspiel
Printed Name

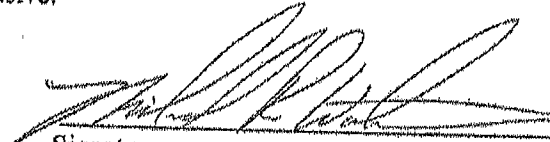
Owner Lot No. 296

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salln, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

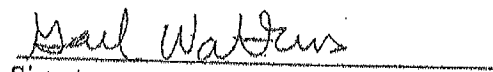
IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XI, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 7.7.2021


Signature

Michael R. Watkins
Printed Name


Signature

Gail Watkins
Printed Name

Owner Lot No. 297

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: Sept. 2 - 2021

Terry M Roseberry
Signature

TERRY M ROSEBERRY
Printed Name

Cynthia D. Roseberry
Signature

Cynthia D. Roseberry
Printed Name

Owner Lot No. 298

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: August 28, 2021 Mary Lou Morris
Signature

Mary Lou Morris
Printed Name

Signature

Printed Name

Owner Lot No. 299

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hills, Section X, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 8/31/2021

Jeanette Hatfield
Signature

JEANETTE HATFIELD
Printed Name

Signature

Printed Name

Owner Lot No. 300

~~This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Sallu, LLP, 110
West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.~~

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section X · d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 283-301, inclusive:

Dated: 9-2-2021

Brian L. Leich
Signature

Brian L. Leich
Printed Name

Cyndee L. Leich
Signature

Cyndee Leich
Printed Name

Owner Lot No. 301

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salln, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.