



130300117

RECEIVED FOR RECORD
CANDY HYERS
NOBLE COUNTY RECORDER
RECORDED ON

03/06/2013 10:42:49AM

REC FEE: \$13.00

PAGES: 2

**AMENDMENT
TO
THE DEDICATION AND DECLARATION OF PROTECTIVE RESTRICTIONS,
COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO
AS PART OF THE DEDICATION AND PLAT OF
ORCHARD PLACE, SECTION I THROUGH V,
A SUBDIVISION OF WAYNE TOWNSHIP, NOBLE COUNTY, INDIANA**

The undersigned, being the President of the Orchard Place Homeowner's Association, Inc, and having verified that seventy-five percent (75%) of the Owners, as such term is defined in the Dedication, Protective Restrictions, Covenants, Limitations, Easements, and Approvals Appended to and Made a Part of the Plat of Orchard Place ("Protective Restrictions"), have voted in favor of this Amendment. Pursuant to the provisions of Article V, Section 35 of the Protective Restrictions, Sections I through V, as recorded as Document Numbers 981000395, 041000359, 050700403, 061000450 and 080300175, in the Office of the Recorder of Noble County, Indiana, the Owners hereby make and effect the following change, alteration and modification in and to said Protective Restrictions, Covenants, Limitations, Easements and Approvals for Orchard Place, Sections I through V:

Article V, Section 25, shall be deleted and replaced with the following:

Section 25. Pools and Hot Tubs/Spas. No above ground pool, regardless of size, shall be placed or maintained on any Lot. No in ground pool or hot tub/spa may be placed or maintained on any Lot without the prior approval of the Architectural Control Committee in accordance with Article III. All hot tubs/spas must have a security cover for safety purposes and cannot be a portable or inflatable type of unit.

The undersigned having verified the requisite number of votes to amend the Protective Restrictions and a copy of the record of the requisite votes of the Owners is attached hereto as Exhibit"A and is made apart hereof by reference.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Protective Restrictions for and on behalf of the Owners in the Orchard Place Subdivision on the date written below.

Orchard Place Homeowner's Association, Inc.
an Indiana corporation,

By: Bradley C. Targgart
Bradley C. Targgart, President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 26th day of February, 2013, personally appeared Bradley C. Targgart, President of Orchard Place Homeowner's Association, Inc. and acknowledged the execution of the foregoing Amendment to the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to as Part of the Dedication and Plat of Orchard Place, Sections I through V, for and on behalf of the Owners in Orchard Place. WITNESS my hand and notarial seal.

My Commission expires:

8-16-17

Marilyn Hamilton
Notary Public
Printed: Marilyn Hamilton
County of Residence: Noble

Prepared by:

Timothy L. Claxton, Attorney I.D. No. 14523-02
Burt, Blee, Dixon, Sutton & Bloom, LLP



MARILYN HAMILTON, Notary Public
Noble County, State of Indiana
My Commission Expires August 16, 2017

N:\TLC\Colonial Dev\Orchard Place\Amendment - All Sections of Orchard Pl.wpd

Pursuant to IC 36-2-11-15(d): I/we affirm, under the penalties for perjury, that I/we have taken reasonable care to redact each Social Security number in this document, unless required by law. Laura L. Walters