

84-026301

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 I,
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 I, 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."

AUDITOR OF ALLEN COUNTY
Edmund M. Heston

OCT 26 1984

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ALLEN COUNTY RECORDER

Virginia L. Young

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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."

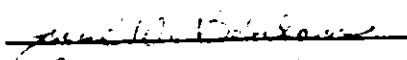
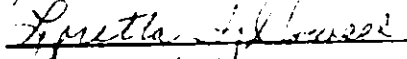
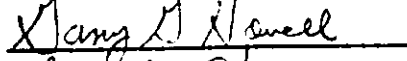
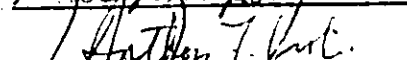
"Section 26. No free standing or detached solar panels, chasers, or similar structures shall be permitted on any Lot."

"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
1		June W. Belden	4-15-84
2		Loretta F. Howell	4-17-84
2		Garry G. Howell	4-17-84
3		Virginia E. Seabold	4-18-84
3		Glenn D. Seabold	
4		Virginia E. Seabold	5/6/84
4		Glenn D. Seabold	5/6/84
5		Susan A. Potter	4-18-84
5		Robert C. Potter, Jr.	4-18-84

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Lot Number	Signature of Owners	Typed Names of Owners	Date
6	<i>Katherine E. Nunn</i>	Katherine E. Nunn	4/17/84
6	<i>Charles R. Nunn</i>	Charles R. Nunn	4/17/84
7	<i>Linda L. Renner</i>	Linda L. Renner	4-25-84
7	<i>Thomas J. Renner</i>	Thomas J. Renner	4-25-84
8	<i>Sara L. Doonan</i>	Sara L. Doonan	4-25-84
8	Robert Doonan	Robert Doonan	
9	BY: <i>John T. Kruger</i> BY: <i>Patricia H. Kruger</i>	Indiana-Kentucky Conference of The United Church of Christ	4/18/84
10		Garnette L. Butler	
10		Jay L. Butler	
11	<i>Susan L. Clark</i>	Susan L. Clark	4-18-84
11	<i>Kenton L. Clark</i>	Kenton L. Clark	4-18-84
12	<i>Rosalie M. Farrell</i>	Rosalie M. Farrell	4/18/84
12	<i>David A. Farrell</i>	David A. Farrell	4/18/84
13	<i>Janelle D. Ford</i>	Janelle D. Ford	4/18/84
13	<i>Gary L. Ford</i>	Gary L. Ford	4/18/84
14	<i>Sandra A. Rhoades</i>	Sandra A. Rhoades	4/18/84
14	<i>Guy F. Rhoades</i>	Guy F. Rhoades	4/18/84
15	<i>Carlene A. Phillips</i>	Carlene A. Phillips	4/18/84
15	<i>Dennis C. Phillips</i>	Dennis C. Phillips	4-18-84
16		Marilyn K. Hammerschmidt	
16		Harold F. Hammerschmidt	
17		Shirley F. Gerig	
17		Donald W. Gerig	
18		Gale G. Hetrick	
19	<i>Frances M. Pasalich</i>	Frances M. Pasalich	4-18-84
19	<i>John N. Pasalich</i>	John N. Pasalich	4/18/84
20		Marilyn L. Stookey	
20		Don E. Stookey	
21	<i>M'Yong Cha Zaroba</i>	M'Yong Cha Zaroba	4/18/84
21	<i>Paul B. Zaroba</i>	Paul B. Zaroba	4/18/84
22	<i>Kathleen J. Spisak</i>	Kathleen J. Spisak	4/25/84
22	<i>Alan M. Spisak</i>	Alan M. Spisak	4/25/84
23	<i>Ann M. O'Neill</i>	Ann M. O'Neill	4/25/84
23	<i>Dennis M. O'Neill</i>	Dennis M. O'Neill	4/25/84
24		Margaret E. McKeeman	
24		Neal R. McKeeman	

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Lot Number	Signature of Owners	Typed Names of Owners	Date
25	<i>Eric G. Johnson</i>	Eric G. Johnson	5-21-84
26	<i>Cheryl M. McClure</i>	Cheryl M. McClure	4-25-84
26	<i>David G. McClure</i>	David G. McClure	4-25-84
• 27		Kathleen A. Harrison	
• 27		Dean M. Harrison	
28		Carole I. Caspar	
28		Edson G. Caspar	
29	<i>Doris V. Capone</i>	Doris V. Capone	5/20/84
29	<i>Raymond J. Capone</i>	Raymond J. Capone	5/20/84
30	<i>Kathleen Helms</i>	Kathleen Helms	6-4-84
30	<i>Lawrence Helms</i>	Lawrence Helms	6-4-84
31	<i>Roberta H. Archer</i>	Roberta H. Archer	5-20-84
31	<i>John William Archer</i>	John William Archer	5-20-84
32	<i>Patricia D. Froehlich</i>	Patricia D. Froehlich	4-26-84
32	<i>Robert W. Froehlich</i>	Robert W. Froehlich	4-26-84
33	<i>Jerilyn A. Scott</i>	Ar Scott Jerilyn A. Scott	5-21-84
33	<i>David B. Scott</i>	David B. Scott ^{SCOTT} DAS	5-21-84
34	<i>Margaret A. Keehfus</i>	Margaret A. Keehfus	5-20-84
34	<i>Lincoln S. Keehfus</i>	Lincoln S. Keehfus	5-20-84
35	<i>Phyllis A. Culp</i>	Phyllis A. Culp	10-20-84
35	<i>King K. Culp</i>	King K. Culp	10-20-84
36	<i>Glenna I. Raber</i>	Glenna I. Raber	5-21-84
36	<i>Donald K. Raber</i>	Donald K. Raber	5-21-84
37	<i>Nancy J. Carter</i>	Nancy J. Carter	10-20-84
37		Phillip K. Carter	
38	<i>Melody M. Wolff</i>	Melody M. Wolff	6-4-84
38	<i>Raphael G. Wolff</i>	Raphael G. Wolff	6/4/84
39	<i>Karen L. Kennedy</i>	Karen L. Kennedy	4/26/84
39	<i>David L. Kennedy</i>	David L. Kennedy	4/26/84
40	<i>Pamela J. Mailand</i>	Pamela J. Mailand	4/4/84
40	<i>Frederick A. Mailand III</i>	Frederick A. Mailand III	4/4/84
41		Patricia J. Spitzhaugle	
41		Lloyd L. Spitzhaugle	
42		Barbara J. Hosey	
42		Thomas G. Hosey	

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Lot Number	Signature of Owners	Typed Names of Owners	Date
43		Ann E. Hess	
43		Gary M. Hess	
44		Evelyn M. Taube	
44		Frederick C. Taube	
45		Barbara Prady	
45		Sigmund Stephen Cohen	
46		Leona B. McCreary	
46		Robert L. McCreary	
47	<i>Sharron L. Sharp</i>	Sharron L. Sharp	6/4/84
47	<i>John E. Flora</i>	John E. Flora	4-14-84
48	<i>Mary E. Fischer</i>	Mary E. Fischer	4-14-84
48	<i>Henry E. Fischer</i>	Henry E. Fischer	4-26-84
49	<i>Cheryl M. Muhler</i>	Cheryl M. Muhler	4-14-84
49	<i>Joseph C. Muhler II</i>	Joseph C. Muhler II	4-14-84
50	<i>Cheryl L. Scott</i>	Cheryl L. Scott	4-14-84
51	<i>Linda L. Habegger</i>	Linda L. Habegger	4-14-84
52	<i>Peggy J. Whitman</i>	Peggy J. Whitman	4-14-84
53	<i>Valinda J. Bilbrey</i>	Valinda J. Bilbrey	6-4-84
53	<i>Kenneth D. Bilbrey</i>	Kenneth D. Bilbrey	6-4-84
54	<i>Judith J. Miller</i>	Judith J. Miller	6-4-84
54	<i>Craig E. Miller</i>	Craig E. Miller	6-4-84
55	<i>Janice L. Brissey</i>	Janice L. Brissey	5-21-84
55	<i>James L. Brissey</i>	James L. Brissey	4-14-84
56	<i>Janet R. Rose</i>	Janet R. Rose	4/14/84
56	<i>Eugene C. Rose</i>	Eugene C. Rose	4-14-84
57	<i>Janet R. Rose</i>	Janet R. Rose	4/14/84
57	<i>Eugene C. Rose</i>	Eugene C. Rose	4/14/84
58	<i>Alice Sowder</i>	Alice Sowder	4-14-84
58	<i>Joseph M. Sowder</i>	Joseph M. Sowder	5/20/84
59		Karen S. Mulligan	
59	<i>Thomas J. Mulligan</i>	Thomas J. Mulligan	4/14/84
60	<i>Karen Jordan</i>	Karen Jordan	4/14/84
60	<i>Daniel G. Jordan</i>	Daniel G. Jordan	4/14/84
61		Bonita L. Callaghan	
61		Thomas W. Callaghan	
62	<i>W. Thomas Padly</i>	W. Thomas Padly	4-14-84
62	<i>Timmie C. Padly</i>	Timmie C. Padly	4-14-84

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Lot Number	Signature of Owners	Typed Names of Owners	Date
63	<i>Mary K. Kilgore</i>	Mary Katherine Kilgore	4-14-84
63	<i>Johnnie Kilgore, Jr.</i>	Johnnie Kilgore, Jr.	4-14-84
64	<i>Ruth M. Kirk</i>	Ruth M. Kirk	4-14-84
64	<i>Richard D. Kirk</i>	Richard D. Kirk	4-26-84
65	<i>Alice L. Galmeyer</i>	Alice L. Galmeyer (willmeyer)	5/28/84
66	<i>Judith A. Richardson</i>	Judith A. Richardson	5/28/84
66	<i>Richard E. Richardson</i>	Richard E. Richardson	5/28/84
67	<i>Cynthia K. Loeffert</i>	Cynthia K. Loeffert	4-14-84
67	<i>J. Daniel Loeffert</i>	J. Daniel Loeffert	4-14-84
68	<i>Gloria J. Kinzer</i>	Gloria J. Kinzer	4/25/84
68	<i>Steven M. Kinzer</i>	Steven M. Kinzer	4/25/84
69	<i>Barbara L. Goltz</i>	Barbara L. Goltz	4-26-84
69	<i>Jeffrey A. Goltz</i>	Jeffrey A. Goltz	4-14-84
70	<i>Virginia L. Inman</i>	Virginia L. Inman	4-14-84
70	<i>Ronald D. Inman</i>	Ronald D. Inman	4/14/84
71	<i>Carolee F. Seith</i>	Carolee F. Seith	4-24-84
71	<i>Gary L. Seith</i>	Gary L. Seith	4-25-84
72		Jo Anne Bowers	
72		Charles E. Bowers	
73	<i>Constance J. Christophersen</i>	Constance J. Christophersen	4-14-84
73	<i>John A. Christophersen</i>	John A. Christophersen	4/26/84
74	<i>Joann J. Smalley</i>	Joann J. Smalley	4/26/84
74	<i>Ted E. Smalley</i>	Ted E. Smalley	4-26-84
75	<i>Mary Sheila Seifert</i>	Mary Sheila Seifert	4-26-84
75	<i>Kenneth M. Seifert</i>	Kenneth M. Seifert	4-26-84
76	<i>Sakkar R. Adat</i>	Sakkar R. Adat	4-26-84
76	<i>Ramzanoli M. Adat</i>	Ramzanoli M. Adat	4-26-84
77	<i>Susan L. Pequignot</i>	Susan L. Pequignot	4/14/84
77	<i>Dale P. Pequignot</i>	Dale P. Pequignot	4/14/84
78	<i>Susan L. Pequignot</i>	Susan L. Pequignot	4/14/84
78	<i>Dale P. Pequignot</i>	Dale P. Pequignot	4/14/84
79	<i>Patricia K. Shaffer</i>	Patricia K. Shaffer	4/14/84
79	<i>Benjamin B. Shaffer</i>	Benjamin B. Shaffer	4/26/84
80	<i>Julie A. Keller</i>	Julie A. Keller	
80	<i>Donald E. Keller</i>	Donald E. Keller	4-14-84
81	<i>Kathryn E. Hap</i>	Kathryn E. Hap	4-14-84
81	<i>Daniel Hap</i>	Daniel Hap	4-14-84

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Lot Number	Signature of Owners	Typed Names of Owners	Date
82	Deceased	Bertha G. Thiele	
82	Carl G. Thiele	Earl G. Thiele	5/7/84
83		James A. Schindler	
84	Gladys M. McCoy	Gladys M. McCoy	4-14-84
84	Deceased	Roy R. McCoy	
85	Agnes M. Starost	Agnes M. Starost	4-14-84
85	Richard F. Starost	Richard F. Starost	4-14-84
86	Roberta K. Watson	Roberta K. Watson	5/7/84
86	Thomas H. Watson	Thomas H. Watson	5/7/84
87	Jane M. Hicks	Jane M. Hicks	4/14/84
87	Marvin E. Hicks	Marvin E. Hicks	4/14/84
88	Karen S. Willcotts	Karen S. Willcotts	5/7/84
88	Mark S. Willcotts	Mark S. Willcotts	5/7/84
89		Janet B. Brooks	
89		Larry M. Brooks	
90	Gwendolyn R. Sordelet	Gwendolyn R. Sordelet	4/14/84
90	Randal M. Sordelet	Randal M. Sordelet	4/14/84
91	Lisa A. Goodman	Lisa A. Goodman	5/7/84
91	Gary L. Goodman	Gary L. Goodman	5/7/84
92		Keith N. Hood	
93	Stephen M. Zwick	Stephen M. Zwick	4/14/84

Block A & B BY: James T. Vardaman Haverhill Community Association, Inc.
 James T. Vardaman, Pres.
 BY: Elizabeth L. Simmons
 Elizabeth L. Simmons, Treasurer

9-11-84

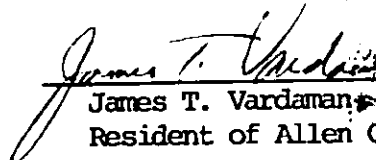
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

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: 1; 2; 4 through 9; 11 through 15; 19; 21 through 23; 25; 26; 29 through 34; 36; 38 through 40; 47 (Sharron L. Flora); 48 (Henry E. Fischer); 53; 54; 55 (Janice L. Brissey); 58 (Joseph M. Sowder); 64 (Richard D. Kirk); 65; 66; 68; 69 (Barbara L. Goltz); 71; 73 (John A. Christopherson); 74 through 76; 79 (Benjamin B. Shaffer); 82; 86; 88; and 91; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section I.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 22 day of October, 1984.

My commission expires:

March 21, 1988


James T. Vardaman, 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: 35; 37; 47 (John E. Flora); 48 (Mary E. Fisher); 49 through 52; 55 (James L. Brissey); 56; 57; 58 (Alice Sowder); 60; 62; 63; 64 (Ruth M. Kirk); 67; 69 (Jeffrey A. Goltz); 70; 73 (Constance J. Christopherson); 77; 78; 79 (Patricia K. Shaffer); 80; 81; 84; 85; 87; 90; and 93; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section I.

8426301

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed
my official seal this 23rd day of OCTOBER, 1984.

My commission expires:
March 6, 1986

Aldis J. Lamos
Aldis J. Lamos, 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 11th 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 I, for and on behalf of said Corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed
my official seal this 23rd day of OCTOBER, 1984.

My commission expires:
January 12, 1988

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

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

APPROVED this 24th day of October, 1984.

ALLEN COUNTY PLAN COMMISSION

Lester C. Gerig
Lester C. Gerig, President

Edward L. Neuffer
Edward L. Neuffer, Vice President

Arthur G. Spirou
Arthur G. Spirou, Secretary

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

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