

80- 02605

AMENDMENT TO
DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS,
LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO
AND MADE A PART OF THE DEDICATION AND PLAT OF
HAVERHILL, SECTION IV
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 IV, 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 change the system for calculating annual maintenance assessments upon lots, do hereby amend said Protective Restrictions, Covenants, and Limitations in the following manner:

1. ARTICLE IV, Section 3 shall be amended as follows:

"Section 3. Maximum Annual Assessment. Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment shall be Thirty-five Dollars (\$35.00) per Lot.

(a) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year not more than 3% above the maximum assessment for the previous year without a vote of the membership.

(b) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above 3% by the vote or written assent of 51% of each class of members.

(c) From and after January 1, 1980, the maximum annual assessment shall be Fifty-five Dollars (\$55.00) per Lot.

(d) From and after January 1, 1981, the maximum annual assessment may be increased each year not more than 9% above the maximum assessment for the previous year without a vote of the membership.

(e) From and after January 1, 1981, the maximum annual assessment may be increased above 9% by the vote or written assent of 51% of each class of members.

(f) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum."

2. 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.

Robert Baker
9804 Woodstream Dr
City - 46804

INSTRUMENT M

12/3/80

ONLY ENTERED FOR TAXATION

FEB 1 - 1980

Altona J. Hoeglein
AUDITOR OF ALLEN COUNTY

5.50
ck
dy

1980 FEB - 1 PM 3:33
ALLEN COUNTY RECORDER
Virginia L. Young

8002605

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 below their names.

Owner Lot # 272 Date 12/15/79 Robert P. Gibson Jo Anne Gibson <i>Richard M. Kahl</i>	Owner Lot # 288 Date 12/15/79 Jeffrey L. Kapp Susan K. Kapp <i>Richard L. Hehrer</i>
Owner Lot # 273 Date 12/15/79 Richard M. Kahl Donna M. Kahl <i>Maxine M. Jamieson</i>	Owner Lot # 289 Date 12/15/79 Richard L. Hehrer Maryana Hehrer
Owner Lot # 274 Date 12/15/79 Daniel W. Jamieson Maxine M. Jamieson	Owner Lot # 290 Date
Owner Lot # 275 Date 12/15/79 David M. Long Mary R. Long	Owner Lot # 291 Date William F. Borgmann, Jr. Nancy J. Borgmann
Owner Lot # 276 Date Farida M. El-Mustapha Mohamad S. El-Mustapha	Owner Lot # 292 Date 12-15-79 William F. Borgmann Nancy J. Borgmann
Owner Lot # 277 Date 12/15/79 Mohamad S. El-Mustapha Farida M. El-Mustapha	Owner Lot # 293 Date 12/15/79 Williams Lewis Corry Joan Patricia Corry
Owner Lot # 278 Date 12/15/79 John H. Supplee Carol A. Supplee	Owner Lot # 294 Date 12-15-79 Arnold W. Foote Donna J. Korte
Owner Lot # 279 Date 12/15/79 David M. Leo Janice L. Leo	Owner Lot # 295 Date 12-29-79 William F. Poole Norma J. Poole
Owner Lot # 280 Date	Owner Lot # 296 Date Reed P. Miller Susan J. Miller
Owner Lot # 281 Date Michael J. Todoran Mary Jo Todoran	Owner Lot # 297 Date 1/4/80 Reed P. Miller Susan Miller
Owner Lot # 282 Date 12/15/79 Armand J. Garneau Lois A. Garneau	Owner Lot # 298 Date 12/15/79 Lance E. Miller Pamela S. Miller
Owner Lot # 283 Date 12 Dec 79 Armand J. Garneau Lois A. Garneau	Owner Lot # 299 Date 12/10/79 Berry M. Ochstein Debra D. Ochstein
Owner Lot # 284 Date 12/15/79 Jay P. Hacker Marilyn E. Hacker	Owner Lot # 300 Date 12/29/79 Curtis E. Hill Karen L. Hartman
Owner Lot # 285 Date 12-15-79 Jay P. Hacker Marilyn E. Hacker	Owner Lot # 301 Date 12/29/79 Philip L. Hartman Karen L. Hartman
Owner Lot # 286 Date 12/15/79 William W. Wbbeler III Sharon K. Wbbeler	Owner Lot # 302 Date 12/29/79 Darrel Marvin Appel Anna Lenore Appel
Owner Lot # 287 Date 12-15-79 Stephen A. Moore Martha J. Moore	Owner Lot # 303 Date 12-29-79 Rodney A. Schwartz Judith A. Schartz

David E. Sirlin
Owner Lot # 304 Date 1-9-80
David E. Sirlin & Lydia M. Sirlin

Charles E. Houser
Owner Lot # 305 Date 12/29/79
Charles E. Houser & Miriam I. Houser

Carol A. Boner
Owner Lot # 306 Date 1-7-79
Leonard J. Boner, Jr. Carol A. Boner

Gary L. Northouse
Owner Lot # 307 Date 12-9-79
Gary L. Northouse & Rita M. Northouse

Risto Sekulovski
Owner Lot # 308 Date 12-9-79
Risto Sekulovski & Gordana Sekulovski

Owen Roderick Wilson
Owner Lot # 309 Date 12-9-79
Owen Roderick Wilson & Christine Wilson

Lawrence A. Smith
Owner Lot # 310 Date 12-9-79
Lawrence A. Smith & Maribeth Smith

Beverly A. Talbott
Owner Lot # 311 Date 12-9-79
Beverly A. Talbott

Harold W. Miller
Owner Lot # 312 Date 12/9/79
Harold W. Miller & Sandra K. Miller

Robert E. Romy
Owner Lot # 313 Date 12/9/79
Robert E. Romy

Shirley A. Burr
Owner Lot # 314 Date 12/9/79
Shirley A. Burr & Sylvia Hall

Timothy John Hall
Owner Lot # 315 Date 12/10/79
Timothy John Hall & Julianne Sylvia

Ernie W. Grulkowski
Owner Lot # 316 Date 12/10/79
Ernie W. Grulkowski & Laura J. Grulkowski

James H. Rick
Owner Lot # 317 Date 12/11/79
James H. Rick & Reba Rick

Robert S. Serkinak
Owner Lot # 318 Date 12/11/79
Robert S. Serkinak

Jennie R. Coleman
Owner Lot # 319 Date 12-8-79
Jennie R. Coleman & R. Coleman

Gary W. Hammond
Owner Lot # 320 Date 12/10/79
Gary W. Hammond & Michele Y. Hammond

Thomas B. Jordan
Owner Lot # 321 Date 12/18/79
Thomas B. Jordan & Ingeborg Jordan

Larry J. Schneider
Owner Lot # 322 Date 12/9/79
Larry J. Schneider & Kay A. Schneider

Betty C. Reinking
Owner Lot # 323 Date 12/29/79
Betty C. Reinking & Chester W. Reinking

Diane B. Hockensmith
Owner Lot # 324 Date 12-9-79
Diane B. Hockensmith & Dale K. Hockensmith

Stanley O. Needham, III
Owner Lot # 325 Date 12-10-79
Stanley O. Needham, III & Carol J. Needham

Carole A. Tanehaus
Owner Lot # 326 Date 12-9-79
Carole A. Tanehaus & Martin E. Tanehaus

Kenneth L. Collins
Owner Lot # 328 Date 12-9-79
Kenneth L. Collins & Joan Collins

Joan Collins
Owner Lot # 329 Date 12/29/79
Kenneth L. Collins & Joan Collins

John B. Fanning, Jr.
Owner Lot # 330 Date 12-9-79
John B. Fanning, Jr. & Janice L. Fanning

John B. Fanning, Jr.
Owner Lot # 331 Date 12-9-79
John B. Fanning, Jr. & Janice L. Fanning

Janice L. Fanning
Owner Lot # 332 Date 12-9-79
John B. Fanning, Jr. & Janice L. Fanning

Dated: January 28, 1980

ABOITE CORPORATION

By: Paul Seitz
Paul Seitz, Its President

By: Joseph L. Zehr
Joseph L. Zehr, Its Secretary

ABOITE CORPORATION OWNS NO
LOTS IN HAVERHILL, SECTION IV

STATE OF INDIANA)) SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public, in and for said County and State, on the date written opposite each lot number, personally approached each Lot Owner and acknowledged the execution of the foregoing Agreement to said Protective Restrictions, Covenants, and Limitations.

My Commission Expires:

Janet M. Beneman
Notary Public
Resident of Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, this 28th day of January, 1980, personally appeared Paul Self and Joseph L. Zehr, respectively the President and Secretary/Treasurer of the Aboite Corporation, an Indiana Corporation, and acknowledged the execution of the foregoing Amendment to said Protective Restrictions, Covenants, and Limitations on behalf of said Corporation.

My Commission Expires:

Notary Public, Cathy A. Fitzgerald
Resident of Allen County, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN) ss:

Approved in accordance with Indiana Code 17-3-43-2 this 24th day of January, 1980.

ALLEN COUNTY PLAN COMMISSION

Lester C. Gerig, Vice President

Edward L. Neuffer, Its Secretary/
Treasurer

This instrument prepared by David A. Stewart, Attorney at Law.