

84-026302

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 II,
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 II, 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

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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
94	<u>Loretta A. Orr</u>	Loretta A. Orr	<u>5-12-84</u>
94	<u>Robert R. Orr</u>	Robert R. Orr	<u>5/12/84</u>
95	_____	Valla I. Owen	_____
95	_____	David A. Owen	_____
96	<u>Kathleen Denice</u>	Kathleen Denice	<u>5-12-84</u>
96	<u>Nicholas J. Denice</u>	Nicholas J. Denice	<u>7/23/84</u>
97	_____	Patricia D. Coury	_____
97	_____	Thomas G. Coury	_____

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Lot Number	Signature of Owners	Typed Names of Owners	Date
98		Nita L. Thieme	
98		Thomas Q. Thieme	
99	<i>Toni A. Tyner</i>	Toni A. Tyner	5/12/84 DS
99	<i>John C. Tyner</i>	John C. Tyner	5/12/84 DS
100	<i>Anita L. Lamos</i>	Anita L. Lamos	5-12-84 DS
100	<i>Aldis J. Lamos</i>	Aldis J. Lamos	5-12-84 DS
101	<i>Lucinda J. Farrell</i>	LUCINDA J. Farrell	6/14/84 G
102	<i>Marilyn R. Hudson</i>	Marilyn R. Hudson	6-14-84 G
102	<i>Robert E. Hudson</i>	Robert E. Hudson	14 JUN 84 G
103	<i>Gail A. Milne</i>	Gail A. Milne	5-12-84 DS
103			
104	<i>Linda D. Rozelle</i>	Linda D. Rozelle	5-9-84 DS
104	<i>James K. Rozelle</i>	James K. Rozelle	6-3-84 DS
105	<i>Susan M. Henchey</i>	Susan M. Henchey	5/12/84 DS
105	<i>Richard C. Henchey</i>	Richard C. Henchey	5/12/84 DS
106	<i>Marcia L. Cismowski</i>	Marcia L. Cismowski	5/12/84 DS
106	<i>Kevin L. Cismowski</i>	Kevin L. Cismowski	5/12/84 DS
107	<i>Jean M. Merkler</i>	Jean M. Merkler	5-12-84 DS
107	<i>Donald G. Merkler</i>	Donald G. Merkler	5-12-84 DS
108	<i>Marilyn Napoletano</i>	Marilyn Napoletano	5-12-84 DS
108	<i>Vito Napoletano</i>	Vito Napoletano	5-12-84 DS
109	<i>Candace L. Fox</i>	Candace L. Fox	5-6-84 DS
109	<i>James W. Fox</i>	James W. Fox	5-19-84 DS
110	<i>Carolyn S. Seibert</i>	Carolyn S. Seibert	5-6-84 DS
110	<i>Edward V. Seibert</i>	Edward V. Seibert	5-6-84 DS
111		L. Suzanne Fassett	
111		Bruce A. Fassett	
112	<i>Nancy L. Harrold</i>	Nancy L. Harrold	5-6-84 DS
112	<i>Richard L. Harrold</i>	Richard L. Harrold	5-6-84 DS
113	<i>Patricia T. Ferguson</i>	Patricia T. Ferguson	5-6-84 DS
113	<i>David A. Ferguson</i>	David A. Ferguson	5-6-84 DS
114	<i>Arletta E. Martin</i>	Arletta E. Martin	5-6-84 DS
114	<i>Marvin P. Martin</i>	Marvin P. Martin	5-6-84 DS
115	<i>Anne Martin</i>	Anne Martin	7-23-84 DS
115	<i>Edward B. Martin</i>	Edward B. Martin	7-23-84 DS
116	<i>Cynthia H. Scott</i>	Cynthia H. Scott	5-6-84 DS
116	<i>David A. Scott</i>	David A. Scott	5-6-84 DS

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Lot Number	Signature of Owners	Typed Names of Owners	Date
117		Sheila Tomkinson	
117		John R. Tomkinson	
118	<i>Marianne Sipos</i>	Marianne Sipos	6-27-84
118	<i>Endre Sipos</i>	Endre Sipos	6-27-84
119	<i>Claudia N. Hess</i>	Claudia N. Hess	5/19/84
119	<i>John L. Hess</i>	John L. Hess	5/19/84
120	<i>Caroline N. Perrey</i>	Caroline N. Perrey	5-19-84
120	<i>Donald H. Perrey</i>	Donald H. Perrey	5-19-84
121	<i>Elizabeth K. Franklin</i>	Elizabeth K. Franklin	5-6-84
121	<i>Marvin A. Franklin III</i>	Marvin A. Franklin III	5-6-84
122	<i>Mary Ellen England</i>	Mary Ellen England	5-19-84
122	<i>John R. England</i>	John R. England	5-19-84
123	<i>Donna S. H. Jones</i>	Donna S. H. Jones	5-19-84
123	<i>Mark A. Jones</i>	Mark A. Jones	5-19-84
124	<i>Janet A. Davis</i>	Janet A. Davis	5-19-84
124	<i>David A. Davis</i>	David A. Davis	5-19-84
125	<i>Dolores A. Saunders</i>	Dolores A. Saunders	5-23-84
125	<i>Gerald Saunders</i>	Gerald Saunders	5-23-84
126	<i>Lois A. Mallory</i>	Lois A. Mallory	5-2-84
127	<i>Caryl A. Barton</i>	Caryl A. Barton	5-19-84
127	<i>Bruce D. Barton</i>	Bruce D. Barton	5-19-84
128	<i>Jeri J. Yost</i>	Jeri J. Yost	5-20-84
128	<i>Dean R. Yost</i>	Dean R. Yost	5-20-84
129		Marcia U. Roland	
129		Daniel B. Roland	
130	<i>Paul R. Roth</i>	Paul R. Roth	5-19-84
131		Sylvia Belcher	
131		Gilbert G. Belcher	
132	<i>Susan L. Jordan</i>	Susan L. Jordan	5-19-84
132	<i>Robert C. Jordan</i>	Robert C. Jordan	5-19-84
133	<i>Mercedes J. Cox</i>	Mercedes J. Cox	5/19/84
133	<i>Michael R. Cox</i>	Michael R. Cox	5/19/84
134	<i>CYNTHIA D. ELLIS</i>	CYNTHIA D. ELLIS	6/14/84
134	<i>BRIAN L. ELLIS, JR.</i>	BRIAN L. ELLIS, JR.	6/14/84
135	<i>Laurie J. Roth</i>	Laurie J. Roth	5/20/84
135	<i>Charles Roth</i>	Charles Roth	5/20/84

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Lot Number	Signature of Owners	Typed Names of Owners	Date
136		Betty K. Ingram	
136		Kenneth L. Ingram	
137	<i>Carol L. Clem</i>	Carol L. Clem	
137			
138	<i>Judith C. Gautsch</i>	Judith C. Gautsch	6-27-84
138	<i>Terence J. Gautsch</i>	Terence J. Gautsch	7/21/84
139	<i>Janis R. St. Clair</i>	Janis R. St. Clair	4/28/84 G
139	<i>Lawrence D. St. Clair</i>	Lawrence D. St. Clair	6/14/84 G
140	<i>Laura B. Johnson</i>	Laura B. Johnson	4-28-84 G
140	<i>Eugene C. Johnson</i>	Eugene C. Johnson	5-17-84 G
141	<i>Mary L. Welch</i>	Mary L. Welch	4/24/84 G
141	<i>Charles E. Welch</i>	Charles E. Welch	6/14/84 G
142	<i>Barbara Pitcher</i>	Barbara Pitcher	7/24/84
142	<i>Royce Pitcher</i>	Royce Pitcher	4/24/84
143		Patricia N. Armstrong	
143		Edward P. Armstrong	
144		Corky Nichols	
144		Chuck Nichols	
145		Elvira S. Walters	
145		William J. Walters	
146	<i>Lorraine M. Penkul</i>	Lorraine M. Penkul	4-28-84 G
146	<i>Bernard J. Penkul</i>	Bernard J. Penkul	4-28-84 G
147	<i>Carole J. Hester</i>	Carole J. Hester	4/24/84
147	<i>Thomas E. Hester</i>	Thomas E. Hester	4-28-84 G
148	<i>Nancy P. Stewart</i>	Nancy P. Stewart	4/24/84 G
148	<i>David A. Stewart</i>	David A. Stewart	7-19-84 D
149	<i>Betty Sue Heaston</i>	Betty Sue Heaston	4/24/84
149	<i>Harvey H. Heaston</i>	Harvey H. Heaston	4/28/84 G
150	<i>Sharon E. Schroeder</i>	Sharon E. Schroeder	4/24/84
150	<i>Perry M. Schroeder</i>	Perry M. Schroeder	7/19/84
151	<i>Carole J. Hester</i>	Carole J. Hester	4-28-84 G
151	<i>Thomas E. Hester</i>	Thomas E. Hester	4-28-84 G
152	<i>W. Glenn Stephenson</i>	W. Glenn Stephenson	4-28-84 G
153	<i>Francine C. Stern</i>	Francine C. Stern	4-28-84 G
153		Martin A. Stern	
154		Rosanne Minich	

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Lot Number	Signature of Owners	Typed Names of Owners	Date
155	<i>Kaylene M. Galluci</i>	Kaylene M. Galluci	4-28-84 G
155	<i>Frank L. Galluci, Jr.</i>	Frank L. Galluci, Jr.	4-28-84 G
156	<i>Susan C. Fouts</i>	Susan C. Fouts	4-29-84
156	<i>John B. Fouts</i>	John B. Fouts	5/3/84 DS
157			
157			
158		Carole Sue Markle	
158		Norman R. Markle	
159	<i>Carol A. Gates</i>	Carol A. Gates	4/24/84 G
159	<i>Jason G. Gates</i>	Jason G. Gates	4/24/84 G
160	<i>Suzanne C. Adams</i>	Suzanne C. Adams	4-28-84 G
160	<i>Robert Y. Adams</i>	Robert Y. Adams	6-3-84 DS
161	<i>Barbara B. Dickmeyer</i>	Barbara B. Dickmeyer	4-28-84 G
161	<i>Frank E. Dickmeyer</i>	Frank E. Dickmeyer	7-22-84 DS
162	<i>Rita Joan Carstens</i>	Rita Joan Carstens	4-28-84 G
162	<i>Thomas J. Carstens</i>	Thomas J. Carstens	4-28-84 G
163	<i>Richard F. Holop</i>	Richard F. Holop	6/14/84 G
163	<i>Charlene Breslin</i>	Charlene Breslin	6/19/84 G
163	<i>Linda M. Holop</i>	Linda M. Holop	
163	<i>Michael J. Breslin</i>	Michael J. Breslin	
164	<i>Judith A. Nussbaum</i>	Judith A. Nussbaum	4-28-84 G
164	<i>Wayne R. Nussbaum</i>	Wayne R. Nussbaum	4-28-84 G
165	<i>Mildred O. Bartels</i>	Mildred O. Bartels	4-28-84 G
165	<i>Wallace E. Bartels</i>	Wallace E. Bartels	4-28-84 G
166	<i>Gerald L. Guernsey</i>	Gerald L. Guernsey	6-28-84
167	<i>Virginia G. Houlton</i>	Virginia G. Houlton	4/28/84 G
167	<i>Randolph L. Houlton</i>	Randolph L. Houlton	4/28/84 G
168	<i>Marcia L. Pilgrim</i>	Marcia L. Pilgrim	4-28-84 G
168	<i>Peter S. Pilgrim</i>	Peter S. Pilgrim	7-19-84
169	<i>Mary F. Riedel</i>	Mary F. Riedel	4-28-84 G
169	<i>Gerald L. Riedel</i>	Gerald L. Riedel	4-28-84 G
170	<i>Linda L. Parker</i>	Linda L. Parker	4-28-84 G
170	<i>Norman E. Parker</i>	Norman E. Parker	4-28-84 G
171	<i>Joann Pauwels</i>	Joann Pauwels	4-28-84 DS
171	<i>Dennis L. Pauwels</i>	Dennis L. Pauwels	6/3/84 DS
172	<i>Susan H. Walley</i>	Susan H. Walley	6/14/84 G
172	<i>Michael James Walley</i>	Michael James Walley	4/28/84 G
173	<i>Linda S. Griffiths</i>	Linda S. Griffiths	4/24/84
173	<i>Thomas W. Griffiths</i>	Thomas W. Griffiths	4/24/84

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Lot Number	Signature of Owners	Typed Names of Owners	Date
174	<u>Kay L. Rousell</u>	Kay L. Rousell	<u>4/24/84 G</u>
174	<u>Mark D. Rousell</u>	Mark D. Rousell	<u>Apr. 24, 1984 G</u>
175	<u>Phyllis B. Lorenz</u>	Phyllis B. Lorenz	<u>Apr. 24, 1984 G</u>
175	<u>Walter H. Lorenz</u>	Walter H. Lorenz	<u>Apr. 24/84 G</u>
176	<u>Carla Beth E. Mathias</u>	Carla Beth E. Mathias	<u>4/24/84 G</u>
176	<u>Paul D. Mathias</u>	Paul D. Mathias	<u>4/24/84 G</u>
177	<u>Candace A. Schierling</u>	Candace A. Schierling	<u>5/17/84 G</u>
177	<u>Darrel L. Schierling</u>	Darrel L. Schierling	<u>5/17/84 G</u>
178	<u>Jo Ellen Belans</u>	Jo Ellen Belans	<u>5/17/84 G</u>
178	<u>Larry M. Belans</u>	Larry M. Belans	<u>5/17/84 G</u>
179	<u>Karen Sue Putman</u>	Karen Sue Putman	<u>5-17-84 G</u>
179	<u>Stephen G. Putman</u>	Stephen G. Putman	<u>5-17-84 G</u>
180	<u>Brenda Sue Henline</u>	Brenda Sue Henline	<u>5-17-84 G</u>
180	<u>Keith E. Henline</u>	Keith E. Henline	<u>5-17-84 G</u>
181		Hilda L. Sloan	
181		Gilbert A. Sloan	
182	<u>Karen J. Morrow</u>	Karen J. Morrow	<u>5/17/84 G</u>
182		George R. Morrow	
183		Beverly A. Badgett	
183		Charles R. Badgett	

Block C & D

BY: James T. Vardaman
James T. Vardaman, Pres.

Haverhill Community
Association, Inc.

BY: Elizabeth L. Simmons
Elizabeth L. Simmons, Treasurer

9-11-84

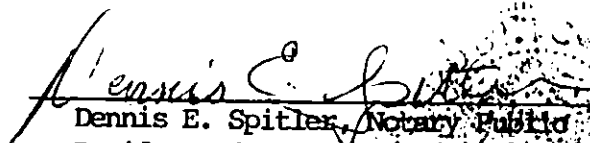
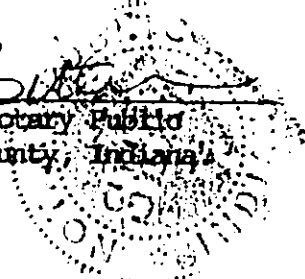


STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

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: 94; 96; 99; 100; 103 through 110; 112 through 116; 118 through 128; 130; 132; 133; 135; 137; 138; 148 (David A. Stewart); 150 (Perry M. Schroeder); 156; 160 (Robert Y. Adams); 161 (Frank E. Dickmeyer); 163 (Linda M. Holpp); 166; 168 (Peter S. Pilgrim); and 171; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section II.

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

My commission expires:
MARCH 31, 1988

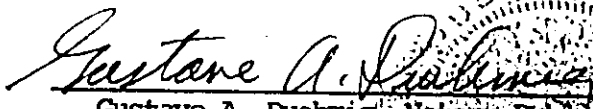
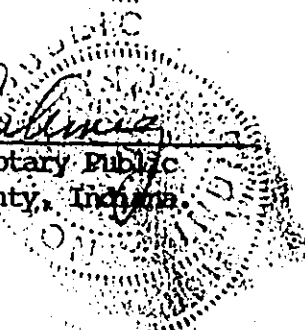

Dennis E. Spitler, Notary Public
Resident of Allen County, Indiana


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: 101; 102; 134; 139 through 142; 146; 147; 148 (Nancy P. Stewart); 149; 150 (Sharon E. Schroeder); 151; 152; 155; 159; 160 (Suzanne C. Adams); 161 (Barbara B. Dickmeyer); 162; 163 (Richard F. Holpp); 164; 165; 167; 168 (Marcia L. Pilgrim); 169; 170; 172 through 180; and 182; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section II.

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

My commission expires:
MARCH 31, 1988


Gustave A. Duehmig, Notary Public
Resident of Allen County, Indiana


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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 II, 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.

My commission expires:
January 12, 1988



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

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

APPROVED this 24th day of October, 1984.

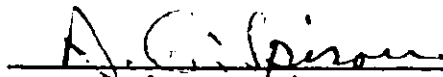
ALLEN COUNTY PLAN COMMISSION



Lester C. Gerig, President



Edward L. Neuffer, Vice President



Arthur G. Spirou, Secretary

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

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