

84-026304

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 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 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."

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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."

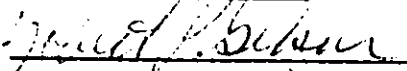
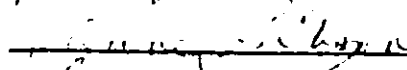
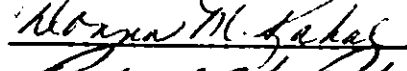
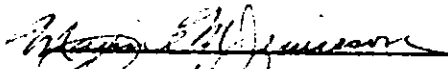
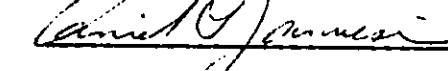
"Section 26. No free standing or detached solar panels, chasers, or similar structures shall be permitted on any Lot."

"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
272		Jo Anne Gibson	4/5/84 ELS
272		Robert P. Gibson	4/5/84 ELS
273		Donna M. Rahal	4/8/84 ELS
273		Richard M. Rahal	4/8/84 ELS
274	_____	Mary R. Long	_____
274	_____	David M. Long	_____
275		Maxine M. Jamieson	4/10/84 ELS
275		Daniel W. Jamieson	4/20/84 ELS

Lot Number	Signature of Owners	Typed Names of Owners	Date
276	<u>Barbara R. Treleaven</u>	Barbara R. Treleaven	4/8/84 ELS
276	<u>John W. Treleaven</u>	John W. Treleaven	4/8/84 ELS
277	<u>Sandra S. Johnson</u>	Sandra S. Johnson	4/8/84 ELS
277	<u>Daniel L. Johnson</u>	Daniel L. Johnson	4/8/84 ELS
278	<u>Carol A. Supplee</u>	Carol A. Supplee	4/9/84 ELS
278	<u>[Signature]</u>	John H. Supplee	4/9/84 ELS
279		Lois E. Pearle	
279		Daniel G. Pearle	
280	<u>Patricia Riley</u>	Patricia Riley	4/8/84 ELS
280	<u>Donald E. Riley</u>	Donald Riley	4/8/84 ELS
281	<u>Carole L. Green</u>	Carole L. Green	4/9/84 ELS
281	<u>Terrence C. Green</u>	Terrence C. Green	4/9/84 ELS
282		Mary Jo Todoran	
282		Michael J. Todoran	
283	<u>Leroy Pelsner</u>	Leroy Pelsner	4/11/84 ELS
284	<u>Maryanne Alter</u>	Maryanne Alter	4/10/84 ELS
284	<u>Thomas E. Alter</u>	Thomas E. Alter	4-10-84 ELS
285	<u>Marilyn E. Hacker</u>	Marilyn E. Hacker	4-11-84 ELS
285	<u>Jay P. Hacker</u>	Jay P. Hacker	4-11-84 ELS
286	<u>Holly A. Passage</u>	Holly A. Passage	4-11-84 ELS
286	<u>Glen H. Passage</u>	Glen H. Passage	4-11-84 ELS
287	<u>Kathy Dietiker</u>	Kathy Dietiker	5-8-84 ELS
287	<u>Richard F. Dietiker</u>	Richard F. Dietiker	4-11-84 ELS
288		Susan K. Kapp	
288		Jeffrey L. Kapp	
289		Kathleen C. Corson	
289		Thomas L. Corson	
290	<u>Jeanne R. Fritz</u>	Jeanne R. Fritz	4-7-84 ELS
290	<u>Gaylord D. Fritz</u>	Gaylord D. Fritz	4-7-84 ELS
291	<u>Mary A. Holstein</u>	Mary A. Holstein	4-7-84 ELS
291	<u>James H. Holstein</u>	James H. Holstein	4-7-84 ELS
292	<u>Nancy J. Borgmann</u>	Nancy J. Borgmann	4-7-84 ELS
292	<u>William F. Borgmann, Jr.</u>	William F. Borgmann, Jr.	4-7-84 ELS
293	<u>Joan Patricia Corry</u>	Joan Patricia Corry	4-9-84 ELS
293	<u>William Lewis Corry</u>	William Lewis Corry	4-10-84 ELS
294	<u>Louise A. Richardson</u>	Louise A. Richardson	4-7-84 ELS
294	<u>Edwin H. Richardson</u>	Edwin H. Richardson	4-7-84 ELS

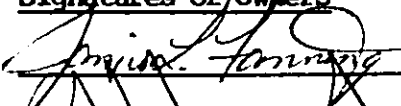
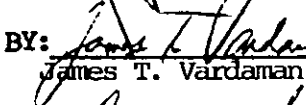
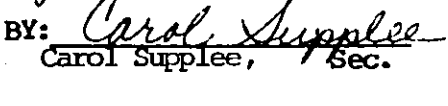
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Lot Number	Signature of Owners	Typed Names of Owners	Date
295	<u>Norma J. Poole</u>	Norma J. Poole	
295	<u>William F. Poole</u>	William F. Poole	4-7-84 ELS
296	<u>Karen A. Brunink</u>	Karen A. Brunink	4-7-84 ELS
296	<u>Melvin J. Brunink</u>	Melvin J. Brunink	
297	<u>Susan Miller</u>	Susan Miller	4-7-84 ELS
297	<u>Reed P. Miller</u>	Reed P. Miller	4-7-84 ELS
298	<u>Pamela S. Miller</u>	Pamela S. Miller	4-18-84
298	<u>Jay E. Miller</u>	Jay E. Miller	4-18-84
299	<u>Debra D. Ochstein</u>	Debra D. Ochstein	4-9-84 ELS
299	<u>Barry M. Ochstein</u>	Barry M. Ochstein	4-9-84 ELS
300	<u>Ann L. Hill</u>	Ann L. Hill	
300	<u>Curtis C. Hill</u>	Curtis C. Hill	
301	<u>Kathleen Fisher</u>	Kathleen Fisher	4-16-84
301	<u>John H. Fisher</u>	John H. Fisher	4-14-84 ELS
302	<u>Anna Lenore Appel</u>	Anna Lenore Appel	4-14-84 ELS
302	<u>Daniel Marvin Appel</u>	Daniel Marvin Appel	4-14-84 ELS
303	<u>Judith A. Schwartz</u>	Judith A. Schwartz	4-14-84 ELS
303	<u>Rodney A. Schwartz</u>	Rodney A. Schwartz	4-14-84 ELS
304	<u>Lydia M. Sirlin</u>	Lydia M. Sirlin	4-11-84 ELS
304	<u>David E. Sirlin</u>	David E. Sirlin	4-14-84
305	<u>Marilyn S. Gilliam</u>	Marilyn S. Gilliam	4-11-84 ELS
305	<u>James R. Gilliam</u>	James R. Gilliam	4-11-84 ELS
306	BY: _____ Pres. BY: <u>Martha M. Grierson</u> Sec.	B A Business Credit Corporation	
307	<u>Martha M. Grierson</u>	Martha M. Grierson	4-16-84
307	<u>Raymond E. Grierson</u>	Raymond E. Grierson	4-16-84
308	<u>Gordana Sekulovski</u>	Gordana Sekulovski	4-16-84
308	<u>Risto Sekulovski</u>	Risto Sekulovski	4-18-84
309	<u>Christine Wilson</u>	Christine Wilson	4-9-84 ELS
309	<u>Owen Roderick Wilson</u>	Owen Roderick Wilson	4-9-84 ELS
310	<u>Maribeth Smith</u>	Maribeth Smith	4-9-84 ELS
310	<u>Lawrence A. Smith</u>	Lawrence A. Smith	4-11-84
311	<u>Beverly A. Talbott</u>	Beverly A. Talbott	4-9-84 ELS
312	<u>Joyce L. Allen</u>	Joyce L. Allen	4-16-84
312	<u>Donald W. Allen</u>	Donald W. Allen	4-18-84

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Lot Number	Signature of Owners	Typed Names of Owners	Date
313	<i>Robert E. Romy</i>	Robert E. Romy	4/17/84
314	<i>Shirley A. Burt</i>	Shirley A. Burt	4/9/84
315	<i>Julianne Sylvia Hall</i>	Julianne Sylvia Hall	4-16-84
315	<i>Timothy John Hall</i>	Timothy John Hall	4-16-84
316	<i>Barbara J. Ward</i>	Barbara J. Ward	4-16-84
316	<i>Robert B. Ward</i>	Robert B. Ward	4/16/84
317	<i>Reba Rick</i>	Reba Rick	4/16/84
317	<i>James H. Rick</i>	James H. Rick	4/16/84
318	<i>Robert W. Serdinak</i>	Robert W. Serdinak	4/17/84
319	<i>Janis Lee Heyman</i>	Janis Lee Heyman	4/16/84
319	<i>E. Allan Heyman</i>	E. Allan Heyman	4/16/84
320	<i>Swarn Jain</i>	Swarn Jain	4/16/84
320	<i>Lily L. Jain</i>	Lily L. Jain	4/16/84
321	<i>Ingeborg Jordan</i>	Ingeborg Jordan	4/19/84
321	<i>Thomas R. Jordan</i>	Thomas R. Jordan	4/19/84
322	<i>Kay A. Schneider</i>	Kay A. Schneider	4-17-84
322	<i>Larry J. Schneider</i>	Larry J. Schneider	4-17-84
323		Betty C. Reinking	
323		Chester L. Reinking	
324	<i>Diane B. Hockensmith</i>	Diane B. Hockensmith	4/16/84
324	<i>Dale K. Hockensmith</i>	Dale K. Hockensmith	4-16-84
325	<i>Carol J. Needham</i>	Carol J. Needham	4-9-84
325	<i>Stanley O. Needham III</i>	Stanley O. Needham III	4-9-84
326	<i>Nancy K. Duehmig</i>	Nancy K. Duehmig	4/14/84
326	<i>Gustave A. Duehmig</i>	Gustave A. Duehmig	4-10-84
327	<i>Carole A. Tanehaus</i>	Carole A. Tanehaus	4-13-84
327	<i>Martin E. Tanehaus</i>	Martin E. Tanehaus	4-13-84
328	BY: _____ Pres.	Lord of Life Lutheran Church	
	BY: _____ Sec.		
329	<i>Joan Collins</i>	Joan Collins	4/7/84
329	<i>Kenneth L. Collins</i>	Kenneth L. Collins	4/7/84
330	<i>Susan Y. Windmiller</i>	Susan Y. Windmiller	4/10/84
330	<i>Gregory A. Windmiller</i>	Gregory A. Windmiller	4/14/84
331		Marianne Connett	
331		Jerry J. Connett	

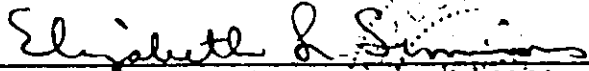
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Lot Number	Signatures of Owners	Typed Names of Owners	Date
332		Janice L. Fanning	7-11-84 <i>ELS</i>
332		John L. Fanning, Jr.	7-11-84 <i>ELS</i>
345 and Blocks L, M, N, and O	BY:  James T. Vardaman, Pres.	Haverhill Community Association, Inc.	4/10/84
	BY:  Carol Supplee, Sec.		

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: 272; 273; 275 through 278; 280; 281; 283 through 287; 290 through 294; 297; 299; 301 (John H. Fisher); 302 through 305; 309; 310 (Maribeth Smith); 311; 314 (Shirley A. Burt); 325; 326; 329; 330; and 332; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section IV.

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


Elizabeth L. Simmons, Notary Public
Resident of Allen County, Indiana.

My commission expires:
3-21-88

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: 298; 301 (Kathleen Fisher); 307; 308

310 (Lawrence A. Smith; 312; 313; 315 through 322; 324; and 327; and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section IV.

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

Michael R. Cox
Michael R. Cox, Notary Public
Resident of Allen County, Indiana.

My commission expires:
March 21, 1988

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on the 10th day of APRIL, 1984, personally appeared James T. Vardaman and Carol Supplee, the President and Secretary, respectively, of Haverhill Community Association, Inc., and acknowledged the execution of the foregoing Amendments to Protective Restrictions, Covenants and Limitations for Haverhill, Section IV, 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.

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

My commission expires:
January 12, 1988

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

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. Spifou
Arthur G. Spifou, Secretary

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



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