

**SECOND AMENDMENT TO
DECLARATION OF HORIZONTAL PROPERTY REGIME AND EASEMENTS,
RESTRICTIONS, AND COVENANTS FOR TOYSHED CONDOMINIUMS**

This Second Amendment to Declaration is made this 23 day of October, 2017, by the undersigned Owners of Units within the Toyshed Condominium Regime.

Toyshed Condominiums, LLC, the Declarant, made and executed the Declaration of Horizontal Property Regime and Easements, Restrictions, and Covenants for Toyshed Condominiums dated May 31, 2002, which was recorded as Document No. 202044263 in the Office of the Recorder of Allen County, Indiana, on June 5, 2002 (the "Original Declaration"). The Declarant also made and executed the First Amendment to Declaration of Horizontal Property Regime and Easements, Restrictions and Covenants for Toyshed Condominiums dated October 16, 2006, which was recorded as Document No. 206062760 in the Office of the Recorder of Allen County, Indiana, on October 16, 2016 (the "First Amendment"). The Code of By-laws of the Toyshed Condominium Unit Owners Association ("By-Laws") was appended to and recorded with the Original Declaration. The Toyshed Condominium Association, Inc., an Indiana non-profit corporation ("Association") organized pursuant to Section 19.1 of the Original Declaration held a meeting on October 19, 2017, at which this Second Amendment was adopted by the Owners and Members of the Board of Directors of the Association. As a result, this Second Amendment is made and executed by a vote of not less than seventy-five percent (75%) of the aggregate of the Percentage Vote. In addition, all Mortgagees were notified of said meeting and at least fifty-one percent (51%) of eligible mortgage holders have also approved this Second Amendment.

1. **TERMS.** Terms used in this Second Amendment not otherwise defined herein shall have the meaning subscribed to them in the Original Declaration as amended by the First Amendment.

2. Section 19, Association of Owners, Subsection 19.1, shall be amended such that the Association shall have the power to grant easements and licenses on, over and below the Property, including common areas and limited common areas, as more fully described on the attached Exhibit A (collectively, the "Granted Easements").

3. Article III, Board of Directors, Subsection 3.07 Powers of the Board of Directors, of the By-Laws shall be amended such that the Board of Directors shall have the power and authority to grant the Granted Easements.

4. Notwithstanding any provision to the contrary in the Original Declaration, First Amendment, and By-Laws, the Association shall have attendant rights to allocate insurance rights and obligations and indemnity rights and obligations by and between the Association and third parties in connection with the Granted Easements.

5. In all other respects, the terms of the Original Declaration, the First Amendment, and the By-laws are hereby affirmed.

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. Robert C. Kruger

This Instrument Prepared by: **Robert C. Kruger, Attorney at Law, Burt, Blee, Dixon, Sutton & Bloom, LLP, 200 E. Main Street, Suite 1000, Fort Wayne, IN 46802.**
Attorney Identification No. 22738-02

[Signature Page follows]

OWNER SIGNATURE PAGE TO SECOND AMENDMENT TO DECLARATION OF
HORIZONTAL PROPERTY REGIME AND EASEMENTS, RESTRICTIONS, AND
COVENANTS FOR TOYSHED CONDOMINIUMS

Date: _____

Date: _____

Owner(s) of Unit(s): _____

STATE OF INDIANA)
) §§:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said county and state, personally appeared _____ and _____ and acknowledged the execution of the foregoing Second Amendment to Declaration of Horizontal Property Regime and Easements, Restrictions, and Covenants for Toyshed Condominiums, this ____ day of _____, 2017.

_____, Notary Public

My Commission Expires:

My County of Residence: _____

OWNER SIGNATURE PAGE TO SECOND AMENDMENT TO DECLARATION OF
HORIZONTAL PROPERTY REGIME AND EASEMENTS, RESTRICTIONS, AND
COVENANTS FOR TOYSHED CONDOMINIUMS

OWNER:

By: _____

Printed Name: _____

Title: _____

Date: _____

Owner of Unit(s): _____

STATE OF INDIANA)
) §§:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said county and state, personally appeared _____, the _____ of _____, and acknowledged the execution of the foregoing Second Amendment to Declaration of Horizontal Property Regime and Easements, Restrictions, and Covenants for Toyshed Condominiums, this ____ day of _____, 2017.

_____, Notary Public

My Commission Expires:

My County of Residence: _____

SIGNATURE PAGE FOR MORTGAGEES TO SECOND AMENDMENT TO
DECLARATION OF HORIZONTAL PROPERTY REGIME AND EASEMENTS,
RESTRICTIONS, AND COVENANTS FOR TOYSHED CONDOMINIUMS

Name of Bank

By: _____

Printed Name: _____

Title: _____

Date: _____

Mortgagee With Respect to Unit(s) : _____

STATE OF INDIANA)
) §§:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said county and state, personally appeared _____
_____, the _____ of _____,
and acknowledged the execution of the foregoing Second Amendment to Declaration of
Horizontal Property Regime and Easements, Restrictions, and Covenants for Toyshed
Condominiums, this ____ day of _____, 2017.

_____, Notary Public

My Commission Expires:

My County of Residence: _____