

AN AMENDMENT TO THE  
DEDICATION, EASEMENTS AND APPROVALS APPENDED TO  
AND MADE A PART OF THE DEDICATION AND PLAT OF  
ASPEN VILLAGE, SECTION I,  
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA.

We, the undersigned, being the owners of more than Fifty-One Percent (51%) of the lots in Section I, Aspen Village, a Sub-division in Aboite Township, Allen County, Indiana, pursuant to the provisions contained in the prefatory paragraphs of Part 2 of the dedication, protective restrictions, covenants and limitations appended to the plat of said Aspen Village, Section I, as they appear in Plat Record Book 39, pages 14 through 17 in the Office of the Recorder of Allen County, Indiana, having been recorded therein on the 8th day of December, 1976; hereby specifically amend, substitute and add to the existing covenants, restrictions and limitations the following paragraphs:

PREFACE

In consideration of the necessity of providing for the efficient supervision of maintenance, activities, and use of the Parks and Storm Water Detention Area, the platlor has, prior to the closing of any sale of lots in Aspen Village, caused to be incorporated a Not-For-Profit Corporation entitled "Aspen Village Community Corporation". Every owner of a lot, which is subject to assessment, shall be a member of Aspen Village Community Corporation. Membership shall be apportionant to and may not be separated from ownership of any lot which is subject to assessment. Membership in Aspen Village Community Corporation, as provided in the Articles of Incorporation and By-Laws of the Corporation and amendments thereto, are transferable only by a sale of the lot to which it is apportionant, and a lot owner may avoid his membership in Aspen Village Community Corporation only by selling his property. The Articles of Incorporation and the Corporation By-Laws and amendments thereto are deemed to constitute a contract between the individual lot owners and Aspen Village Community Corporation.

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every owner of a lot which is subject to assessment shall be a member of Aspen Village Community Corporation. Membership shall be apportionant to and may not be separated from ownership of any lot which is subject to assessment.

COVENANT FOR MAINTENANCE

Section 3. Annual Dues. Annual dues may be in any amount as may, from time to time, be determined by the Board of Directors of Aspen Village Community Corporation to accomplish the purposes for which this Corporation was formed.

Section 8. Effect of Non-Payment of Dues or Assessments, Creation of Lien and Personal Obligation of Assessments. Each owner, with the exception of the developer, H. G. Kleeman Enterprises, Inc., hereby covenants, and each owner of any lot by acceptance of a Deed therefore, whether or not it shall be so expressed in such Deed, is deemed to covenant and agree to pay to Aspen Village Community Corporation (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as herebefore provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person or persons who were the owners of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to successors in title unless expressly assumed by them. Any assessment or dues not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of eight percent (8%) per annum. The Corporation may bring an action at law against the owner or owners personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the common areas or abandonment of his lot.

Section 12. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any lot shall not effect the assessment lien. However, the sale or transfer of any lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall release such lot from liability for any assessments thereafter becoming due or from the lien thereof.

Section 13. Enforcement. Aspen Village Community Corporation, or any owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of these covenants and restrictions and amendments thereto. Failure by the Corporation or by any owner to enforce any covenant or restriction herein contained, or any covenant, restriction or limitation which has, prior to this time, been recorded in the Office of the Recorder of Allen County, Indiana, shall in no event be deemed a waiver of a right to do so thereafter.

Section 14. Invalidation. Invalidation of any one of these covenants or restrictions, or any prior covenant or restriction, which have been recorded in the Office of the Recorder of Allen County, Indiana, by judgment or Court order, shall in no way effect any other provision which shall remain in full force and effect.

Section 15. Term. The covenants and restrictions herein contained shall run with the land and be in effect for a term of twenty (20) years from the date these covenants and restrictions are recorded, after which time they shall automatically be extended for successive periods of ten (10) years, and they shall inure to the benefit of and be enforceable by said owners unless amended by the owners of Fifty-One Percent (51%) of the land platted.

The existing protective covenants, restrictions, and limitations appended to and made a part of the dedication and plat of Aspen Village, Section 1, a Subdivision in Aboite Township, Allen County, Indiana, are hereby further amended as they appear in Plat Record 39 at pages 14 through 17 in the Office of the Recorder of Allen County, Indiana, being recorded therein on the 8th day of December, 1976 by deleting the following provisions thereto:

1. That part of the Preface contained in the above dedication which refers to and states as follows: "and herewith extends to each lot owner a non-compulsory, optional membership in such Corporation, exercisable by such owner at any time".
2. By deleting thereto that part of Section 1, under Membership and Voting Rights, which states that: "every owner of a lot shall have the privilege to be a member of the Corporation. Membership shall not be a condition of ownership, and is severable from title ownership".
3. By deleting therefrom Section 3 under Covenant for Maintenance, which states that: "annual assessments may be in any amount as may, from time to time, be determined by the members to accomplish the purpose for which this Corporation was formed".
4. By deleting therefrom that part of Section 5, entitled Notice and Quorum for Any Action Authorized Under Sections 3 and 4, by deleting that reference to Section 3, which is hereby deleted by the above amendment contained in Section 3, Annual Dues, under Covenant for Maintenance.
5. By deleting therefrom Section 8, entitled Effect of Non-Payment of Dues or Assessments, Remedies of the Corporation, by substituting therefor the above amendment under Covenant for Maintenance, Section 8, which is now entitled Effect of Non-Payment of Dues or Assessments, Creation of Lien and Personal Obligation of Assessments.

ALL PLATTED RESTRICTIONS NOT HEREIN MODIFIED, AMENDED, OR SUBSTITUTED, SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, Aspen Village Community Corporation, an Indiana Corporation, by Carl Q. Baker, its President, and Linda White, its Secretary, hereby certifies that the below signatures constitute the owners of the real estate as indicated by lot and address, and were obtained by officers and members of the Corporation specifically authorized for said purpose.

ASPEN VILLAGE COMMUNITY CORPORATION

BY: Carl Q. Baker  
Carl Q. Baker, President

BY: Linda White  
Linda White, Secretary

Owner's Name (s) Theresa M. & J. J. Kelly  
Address 11004 WHITE LAKE DR.  
Lot No. 48

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) Dick & Lela  
Address 3831 White Lake Dr.  
Lot No. 49

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) Bruce F. Roth  
Address 4007 White Lake Dr.  
Lot No. 47

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) James D. Gendall  
Address 3811 White Lake Dr.  
Lot No. 17

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) Petrick W. McCullough  
Address 3825 White Lake Dr.  
Lot No. 16

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) M C Leonard  
Address 3807 White Lake Dr.  
Lot No. 19

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) James D. Gendall  
Address 3922 White Lake Dr.  
Lot No. 18

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) William G. Peters  
Address 3807 White Lake Dr.  
Lot No. 18

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) Robert F. Stork  
Address 3807 White Lake Dr.  
Lot No. 37

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) John R. Anderson  
Address 3807 White Lake Dr.  
Lot No. 38

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) Jack C. Williams  
Address 3835 White Lake Dr.  
Lot No. 20

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) Richard D. Sember  
Address 3815 White Lake Dr.  
Lot No. 18

Owner's Name (s)  
Address  
Lot No.

Owner's Name (s) Robert J. Stork  
Address 3807 White Lake Dr.  
Lot No. 36

Owner's Name (s)  
Address  
Lot No.

Robert F. Stork  
3807 White Lake  
37

STATE OF INDIANA ) ) SS:  
COUNTY OF ALLEN ) )

Before me, a Notary Public, in and for said County and State, appeared Carl O. Baker and Linda White, known by me to be the duly authorized and acting President and Secretary, respectively, of Aspen Village Community Corporation, and acknowledge the voluntary execution of the above and foregoing instrument on behalf of said Corporation for the purposes and uses therein set forth, on this 24th day of September, 1980.

Becky J. Harvey  
Becky J. Harvey, Notary Public, a  
resident of Allen County, Indiana.

My Commission Expires:  
May 20, 1983

WITNESSED BY: William H. King

Approved by the Allen County Plan Commission on the 24th day of September, 1980.

Jack G. Suter  
Jack G. Suter, Zoning Administrator

ASPEN VILLAGE, SECTION I  
A SUBDIVISION IN ABOITE TOWNSHIP  
ALLEN COUNTY, INDIANA

Owner's Name (s) Address Lot No.	<u>Edmund A. Paul</u> <u>41821/4 1/2 E. Ave.</u> <u>3914 Abasco Subdiv.</u>	Owner's Name (s) Address Lot No.	<u>Robert J. Jones</u> <u>4433 Abasco Subdiv.</u> <u># 5</u>
Owner's Name (s) Address Lot No.	<u>Paul H. Brown</u> <u>3906 Abasco Subdiv.</u>	Owner's Name (s) Address Lot No.	<u>Shelley C. Brown</u> <u>4433 Abasco Subdiv.</u> <u># 8</u>
Owner's Name (s) Address Lot No.	<u>Gregory J. McClure</u> <u>3913 Abasco Subdiv.</u> <u># 39</u>	Owner's Name (s) Address Lot No.	
Owner's Name (s) Address Lot No.	<u>James G. Bell</u> <u>3928 Abasco Subdiv.</u> <u># 46</u>	Owner's Name (s) Address Lot No.	
Owner's Name (s) Address Lot No.	<u>Ellen A. M. M. M. M.</u> <u>3913 Abasco Subdiv.</u> <u># 41</u>	Owner's Name (s) Address Lot No.	
Owner's Name (s) Address Lot No.	<u>Bill &amp; Thelma</u> <u>3913 Abasco Subdiv.</u> <u># 47</u>	Owner's Name (s) Address Lot No.	
Owner's Name (s) Address Lot No.	<u>William H. King</u> <u>3913 Abasco Subdiv.</u> <u># 47</u>	Owner's Name (s) Address Lot No.	



Owner's Name(s) Robert F. French Owner's Name(s) Catherine McAllman  
Address 3704 Abate Lake Dr Address 5117 Abote Lake Dr.  
Lot No. 37 Lot No. 11

Owner's Name(s) Richard T Simmler Owner's Name(s) Patrick McCullough  
Address 3815 Abote Lake Drive Address 3829 Abote Lake Dr.  
Lot No. 18 Lot No. 10

Owner's Name(s) Thomas J. Dickey Owner's Name(s) Allen Simmler  
Address 4004 Abote Lake Drive Address 3730 Abote Lake Dr  
Lot No. 48 Lot No. 35

Owner's Name(s) David A. Robinson Owner's Name(s) Michael D. Caudill  
Address 4019 Abote Lake Dr Address 3228 Abote Lake Drive  
Lot No. 49 Lot No. 36

Owner's Name(s) Michael Piazza Owner's Name(s) Alan R. Lindgren  
Address 4019 Abote Lake Dr Address 3812 Abote Lake Dr  
Lot No. 6 Lot No. 38

Owner's Name(s) Carol B. Buchanan Owner's Name(s) Larry McElwee  
Address 4023 Abote Lake Dr Address 3815 Abote Lake Drive  
Lot No. 10 Lot No. 39

Owner's Name(s) Shelly C. Caudill Owner's Name(s) Dorothy T. Calkins  
Address 3821 Abote Lake Dr. Address 4001 Abote Lake Dr  
Lot No. 17 Lot No. 48

Owner's Name(s) M.L. Kuntz Owner's Name(s) Ken Calkins  
Address 3809 Abote Lake Dr. Address 3827 Abote Lake Dr.  
Lot No. 19 Lot No. 41

Owner's Name(s) Karl H. Long Owner's Name(s) James Simmler  
Address 3805 Abote Lake Dr. Address 3805 Abote Lake Dr.  
Lot No. 43 Lot No. 42

Owner's Name(s) \_\_\_\_\_ Owner's Name(s) \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
Lot No. \_\_\_\_\_ Lot No. \_\_\_\_\_

Owner's Name(s) \_\_\_\_\_ Owner's Name(s) \_\_\_\_\_  
Address \_\_\_\_\_ Address \_\_\_\_\_  
Lot No. \_\_\_\_\_ Lot No. \_\_\_\_\_

Abote Lake Box

ASSISTANT ATTORNEY GENERAL  
A SUBCOMMISSION ON REAL ESTATE COMMISSION  
REAL ESTATE BOARD, ALABAMA

Owner's Name(s) John Kellars  
Address Chickadee Lane  
Lot No. 1103 ARDIE LK R

Owner's Name(s)  
Address  
Lot No.

Owner's Name(s) Ellen W. Taylor  
Address Bayli to Dr  
Lot No. 5113 Clark Spk R

Owner's Name(s)  
Address  
Lot No.

Owner's Name(s)  
Address  
Lot No.

Owner's Name(s)  
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Owner's Name(s)  
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Lot No.

Owner's Name(s)  
Address  
Lot No.

Betty Ladd  
Dm Goett  
3001 Abrite Lake Dr  
28

Owner's Name(s)  
Address  
Lot No.

Owner's Name(s)  
Address  
Lot No.

Owner's Name(s)  
Address  
Lot No.

Owner's Name(s)  
Address  
Lot No.

Pam Lasley by  
Cynthia J. Szymus  
4/33 Abrite Lake Dr

Owner's Name(s)  
Address  
Lot No.

Owner's Name(s)  
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Address  
Lot No.

Owner's Name(s) Glenn K. Kessner, Stephen de Owner's Name(s) \_\_\_\_\_  
David & Rosemary \_\_\_\_\_  
Address Paro. Address \_\_\_\_\_  
Lot No. Lot 29 & 30 Lot No. \_\_\_\_\_

ASPEN VILLAGE, SECTION I  
A SUBDIVISION IN ABOITE TOWNSHIP  
ALLEN COUNTY, INDIANA

Owner's Name(s) David S. Thompson Owner's Name(s) \_\_\_\_\_  
Glenn Kessner \_\_\_\_\_  
Address 4120 ABOITE AVE Address \_\_\_\_\_  
Lot No. 52 Lot No. \_\_\_\_\_

Recorded October 17, 1980 at 3:56 P.M. Document Number 80-22955

