

83-22350

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
Subdivision in Aboite Township, Allen County, Indiana, pursuant to
the provisions contained in the prefatory paragraph 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:

We hereby apply to the Allen County Plan Commission to
amend Sub-Paragraph "e" of the General Restrictions which reads
as follows:

"No fences shall be constructed to the
rear of the building line on any lot in
this Addition to exceed 42 inches in height.
No fences shall be built in front of the
building line on any lot."

and ask that the Allen County Plan Commission approve an amended
restriction to read as follows:

3 (Sub "e") "No fences shall be constructed
to the rear of the building line in any lot
in this Addition to exceed 48 inches in height
with the exception that patio fences of a
wood construction only, not exceeding 72
inches in height, will be permitted provided
they do not exceed 16 feet in length on either
side from the exterior wall of the residence
and do not exceed the width of 20 feet across
and encompass no more than 320 square feet.
No patio fence may be directed in such a manner
as to exceed any building lines, side lines,
or easement areas. No fences shall be built in
the front of the building line on any lot.
All fences erected in the Subdivision shall be
kept structurally sound and properly maintained
at all times."

We are hereby applying to amend the following described
restriction:

3 (Sub "a") "Each lot shall be used and
occupied solely for and by a single-family
residence, together with necessary ap-
purtenances, including a garden or garden
house."

and ask that the Allen County Plan Commission approve and
amend the restriction as follows:

DULY ENTERED FOR TAXATION

SEP 28 1983

Albion L. Baughin
AUDITOR OF ALLEN COUNTY

INSTRUMENT

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1983 SEP 28 11:11 AM '83
ALLEN COUNTY RECORDER
Virginia A. Young

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"Each lot shall be used and occupied solely for and by a single-family residence, together with necessary appurtenances, including a garden, garden house or storage shed. All garden houses or storage sheds erected subsequent to the recording date of this Plat Amendment shall be of wood construction, not to exceed 9'0" x 12'0" in size and not to exceed 6'6" in height at the eave and not to exceed 8'0" in height at the gable. All such sheds must be harmonious in external design with existing structures and shall be kept structurally sound and the exterior properly maintained at all times."

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. If any proceeding is brought by the Corporation to enforce these or any other restrictions, and same is successful, the Corporation shall be entitled to recover all court costs and attorneys fees associated with same. Failure by the Corporation or by any owner to enforce any covenant or restriction herein contained, or any covenant, restrictions or limitation herein 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.

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 Jayne Mullendore, 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: Robert F. Tesch
Robert F. Tesch, President

BY: Jayne Mullendore
Jayne Mullendore, Secretary