

89-038831

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 II 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:

(3) Sub "J" Any resident whose lot is located on a corner within the Subdivision of whose lot in any manner adjoins or abuts Aboite Center Road, may apply to the Board of Directors of the Aspen Village Community Corporation for permission to construct and erect a fence upon said lot. Two (2) sets of plans and specifications showing the nature, kind, shape, height, and materials, and location of the fence shall be submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Community Association. The Board of Directors shall, by majority vote, approve or disapprove of such plans and specifications within thirty (30) days after said plans have been submitted. The plans are deemed to have been submitted only when received by the President of the Community Association. In the event the Board of Directors fails to approve or disapprove such plans within thirty (30) days after they have been submitted, then approval shall be deemed to have been given, provided that objective evidence, such as a registered letter, is available to prove that such plans were submitted. The construction of said fence shall be in accordance with the plans and specifications as submitted to and approved in writing by the Board of Directors.

The provisions hereinbefore provided for a violation or attempted violation 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, it shall be entitled to recover from the defendant(s) reasonable attorney fees and costs incurred by the Association in such enforcement.

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 Michael Walters, its President, and Pat Biggins, 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.

DULY ENTERED FOR TAXATION

OCT 02 1989

-1-

Frank K. Bloom
AUDITOR OF ALLEN COUNTY

Michael Walters

INSTRUMENT X 8169

89 OCT -2 AM 11:29
ALLEN COUNTY RECORDER

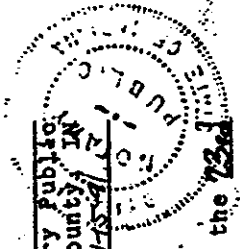
ASPEN VILLAGE COMMUNITY CORPORATION

BY: Michael Walters
Michael Walters, President

BY: Pat Biggins
Pat Biggins, Secretary

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

Before me, a Notary Public, in and for said County and State, appeared Michael Walters, and Pat Biggins, known to 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 19 day of June, 1987.



Dyan F. Rupp Notary Public,
A Resident of Allen County, IN
My Commission Expires: 11/15/92

Approved by the Allen County Plan Commission on the 13th
day of August, 1987.

Dennis A. Gordon
Dennis A. Gordon, AICP

This is to certify that the foregoing document has been reviewed by the Allen County Plan Commission. As presented, the content of the restrictions contained in said document conforms to the requirements of the Allen County Zoning and Subdivision Control Ordinances and the document is now eligible for recording. This certification does not extend to the form or validity of the document.

This instrument was prepared by Phillip A. Renz, Attorney at Law.

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Math C Kelly
(Owner's Name)
3906 Abote Lake Dr.
(Address)
Lot No. 43

Avery C. Ketch
(Owner's Name)
Theresa P. Ketch
(Owner's Name)
3920 Abote Lake Dr.
(Address)
Lot No. 45

Theresa M. Lee
(Owner's Name)
Theresa M. Lee
(Owner's Name)
3936 Abote Lake Dr.
(Address)
Lot No. 47

John D. Lee
(Owner's Name)
9804 Taffey Dr.
(Address)
FT Wayne IN
Lot No. 29

Frank Langels
(Owner's Name)
3005 Abote Lake Dr.
(Address)
Lot No. 27

Dorcas E. Fudge
(Owner's Name)
3017 Abote Lake Dr.
(Address)
Lot No. 26

John M. Simey
(Owner's Name)
John M. Simey
(Owner's Name)
3017 Abote Lake Dr.
(Address)
Lot No. 25

S. M. Simey
(Owner's Name)
3014 Abote Lake Dr.
(Address)
FT Wayne IN
Lot No. 30

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D. J. Bickelhausen
(Owner's Name)

3688 ABOITE LAKE DR.

(Address)
Lot No. 31

Steve Kuschel
(Owner's Name)

3601 ABOITE LAKE DR.

(Address)
Lot No. 28

Alexandra Moore

(Owner's Name)
3626 ABOITE LK DR.

(Address)
Lot No. 32

Alexandra Moore

(Owner's Name)
3629 ABOITE LK DR.

(Address)
Lot No. 24

~~Robert J. Phelps~~

~~Grayden Phelps~~

(Owner's Name)

(Address)
Lot No. 33

Robert J. Phelps
Grayden Phelps

(Owner's Name)

3709 LINDA ST SW.
APT # 33

(Address)
Lot No.

Robert J. Shooter
(Owner's Name)

3710 ABOITE LAKE DR.

(Address)
Lot No. 34

Robert J. Shooter
Donna Shooter Lot 35

(Owner's Name)

3720 ABOITE LAKE DR.
FT. WAYNE, IN 46804

(Address)
Lot No.

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Jackie S. Jones
 (Owner's Name)
Gene A. Towles
 (Address)
3733 Aboite Lk. Dr.
 Lot No. 20

Edgar W. McClure
 (Owner's Name)
3818 Aboite Lk. Dr.
 (Address)
 Lot No. 39

Robert F. French
 (Owner's Name)
3804 Aboite Lk. Dr.
 (Address)
 Lot No. 37

Abby Cavdill
 (Owner's Name)
H. Wayne, Inc.
3821 Aboite Lk. Dr.
 (Address)
 Lot No. 17

Ronald K. Kogonick
 (Owner's Name)
3715 Aboite Lk. Dr.
 (Address)
 Lot No. 18

Doris M. Callagh
 (Owner's Name)
3529 Aboite Lake Dr.
 (Address)
 Lot No. 16

Anna L. Watters
 (Owner's Name)
3812 Aboite Lk. Dr.
 (Address)
 Lot No. 38

Shirley R. Rains
 (Owner's Name)
3832 Aboite Lk. Dr.
 (Address)
 Lot No. 41

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ALONG THE WHOLE LINE
W.S. East

James D. Shively
 (Owner's Name)
3826 Abote Lake Dr.
 (Address)
40
 Lot No.

W.S. East
 (Owner's Name)
3902 Abote Lake Drive
 (Address)
42
 Lot No.

Michael S. Rife
 (Owner's Name)
3909 Abote Lake Dr
 (Address)
13
 Lot No.

William J. Pitzer
 (Owner's Name)
3911 Abote Lake Dr.
 (Address)
13
 Lot No.

Alvin B. Bingham
 (Owner's Name)
3923 Abote Lake Dr
 (Address)
10
 Lot No.

Kenneth E. Wilson
 (Owner's Name)
3931 Abote Lake Dr
 (Address)
7
 Lot No.

Barbara J. Peltz
 (Owner's Name)
4126 Abote Lake Dr.
 (Address)
53
 Lot No.

Robert E. Bled
 (Owner's Name)
4123 ABOITE LAKE DR.
 (Address)
1
 Lot No.

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David & Cindy Evans

(Owner's Name)

(Owner's Name)

4113 Aboite Lake Dr.

(Address)

Lot No. 3

(Address)

Lot No. _____

(Owner's Name)

(Owner's Name)

(Address)

Lot No. _____

(Address)

Lot No. _____

(Owner's Name)

(Owner's Name)

(Address)

Lot No. _____

(Address)

Lot No. _____

(Owner's Name)

(Owner's Name)

(Address)

Lot No. _____

(Address)

Lot No. _____