

83-22353

AN AMENDMENT TO THE
DEDICATION, EASEMENTS AND APPROVALS APPENDED TO
AND MADE A PART OF THE DEDICATION AND PLAT OF
ASPEN VILLAGE, SECTION IV,
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 IV, 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 IV, as they appear in Plat Record Book 44, pages 49 through 52 in the Office of the Recorder of Allen County, Indiana, having been recorded therein on the 23rd day of December, 1980; 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 48 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 appurtenances, including a garden or garden house."

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

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ALLEN COUNTY, INDIANA

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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 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.

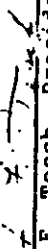
Section 14. Invalidation. Invalidation of any one of these covenants or restrictions, or any prior covenant or restriction, which have been recorded in the Office of the Recorder of Allen County, Indiana, by judgment or Court order, shall in no way effect any other provision which shall remain in full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

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 O. Baker, its President, and Jayne Mullenore, 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, President

BY: 
Jayne Mullenore, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, appeared Robert F. Tesch and Jayne Mullenore, 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 24 day of February, 1983.

Melanie C. Hickman
Melanie C. Hickman, Notary Public
A Resident of Allen County, Indiana

My Commission Expires:

August 30, 1983

Prepared by Phillip A. Renz

Approved by the Allen County Plan Commission on the 25
day of March, 1983.

Phillip A. Renz

ADDED PARCELS RECEIVED BY
 POST OFFICE TO WHICH RETURNED
 PARCELS ARE NOT DELIVERED

OWNER'S NAME(S) By Clarence G. G. G. G.
Harold Klaus, Prop.
 ADDRESS _____
 LOT NO. 10

OWNER'S NAME(S) Laurie J. J. J. J.
James H. H. H. H.
 ADDRESS _____
 LOT NO. _____

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