

President

89-013463

AMENDMENT TO
DEDICATION, PROTECTIVE RESTRICTIONS,
COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS
APPENDED TO AND MADE A PART OF THE DEDICATION
AND PLAT OF WINTERFIELD, SECTIONS I AND II
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

Comes now the undersigned, constituting not less than seventy-five percent (75%) of the owners of lots in Winterfield, Sections I and II, a subdivision in Allen County, Indiana, and pursuant to the provisions of the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and made a Part of the Dedication and Plat of Winterfield, Sections I and II, recorded in the office of the Recorder of Allen County, Indiana, in Plat Record 38, pages 89-92 and Plat Record 41, pages 38-42, respectively, hereby amend said Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals as follows:

1. Article VI ("ARCHITECTURAL CONTROL") shall be amended to read as follows:

"No building, fence, wall or other structure of any kind whatsoever, nor any exterior addition to or change or alteration therein (all such buildings, fences, walls, structures, additions, changes, and alterations being herein called "improvements"), shall be commenced, erected or maintained upon any Lot, until two (2) sets of plans and specifications showing the nature, kind, shape, height, materials, and location of the improvements shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee, such committee to be composed of three (3) members to be appointed by the Board of Directors of the Association. One of such members shall be designated as Chairman. Committee members shall serve for a term of one year and may be reappointed for any number of successive terms. In the event of the death or resignation of any member of the Committee, the Board of Directors shall have full authority to designate a successor to serve the balance of the unexpired term. The Board of Directors shall also have full authority to remove any member from the Committee by means of a majority vote of the Board and to appoint a successor to serve for the balance of the unexpired term. Plans and specifications are deemed to have been submitted only when received by the Chairman of the Architectural Control Committee. In the event

DULY ENTERED FOR TAXATION

APR 17 1989

INSTRUMENT X 1549

Jude K. Bloom
AUDITOR OF ALLEN COUNTY

Bunt, Blue Box

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ALLEN COUNTY RECORDER

Allen E. Lindhart

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the Committee fails to approve or disapprove such plans and specifications within thirty (30) days after said plans and specifications have been submitted, then approval of the plans and specifications are deemed to have been given, provided that objective evidence, such as a registered letter, is available to prove that such plans and specifications were submitted. The improvements as shown upon said plans and specifications shall be substantially completed before said improvements shall be used or occupied. All improvements shall be constructed in accordance with the plans and specifications as submitted to and approved in writing by the Committee, and any improvements not so constructed shall be subject to immediate removal and the Lot shall be restored to its condition prior thereto, all at Owner's expense. In the event the Association shall prevail in any litigation brought for the purpose of enforcing compliance with the provisions of this Article or Article VII hereof, it shall be entitled to recover from the defendant(s) reasonable attorney's fees and costs incurred by the Association in such enforcement."

#4 2. Article VII ("GENERAL PROVISIONS"), Section 9 shall be amended to read as follows:

add "No radio or television antenna with more than thirty (30) square feet of grid area or which attains a height in excess of six (6) feet above the highest point of the roof shall be attached to any dwelling house. No free standing or detached radio or television antenna, nor any satellite dish or similar structure shall be permitted on any Lot."

#5 3. Article VII ("GENERAL PROVISIONS") shall be further amended by adding the following new sections:

"Section 25. No unlicensed or unregistered automobiles or motorized vehicles may be parked or maintained on any Lot. No motor vehicle may be disassembled or be allowed to remain in a state of disassembly on any Lot but, instead, shall be equipped at all times for on-road driving."

"Section 26. No free standing or detached solar panels, chasers, or similar structures shall be permitted on any Lot."

"Section 27. Nothing contained in or omitted from this Article VII shall be construed to permit any improvement (as that term is defined in Article VI) to be constructed or maintained without first obtaining the approval of the Architectural Control Committee, as required by Article VI."

All other terms and provisions of said Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals shall remain in full force and effect and shall not be altered or modified except as specifically set forth in this Amendment.

IN WITNESS WHEREOF, the undersigned owners of Lots in Winterfield, Sections I and II, do hereby execute this Amendment as their free and voluntary act and deed on the dates written below their respective signatures.

<u>OWNER</u>	<u>LOT NO.</u>	<u>ADDRESS</u>
<u>Richard L. Thayer</u> <u>Christine Thayer</u>	<u>6</u>	<u>4025 Wintergull</u>
Date: <u>5-30-88</u>		

<u>OWNER</u>	<u>LOT NO.</u>	<u>ADDRESS</u>
<u>John V. Yellic</u> <u>Don P. Yellic</u>	<u>7</u>	<u>9104 DAWNSFORD DR.</u>
Date: <u>5-30-88</u>		

<u>OWNER</u>	<u>LOT NO.</u>	<u>ADDRESS</u>
<u>Charles Williams</u> <u>Marilyn Williams</u>	<u>8</u>	<u>9110 DAWNSFORD DR.</u>
Date: <u>5-30-88</u>		

<u>OWNER</u>	<u>LOT NO.</u>	<u>ADDRESS</u>
<u>Steven E. Soddard</u> <u>Sheryl A. Soddard</u>	<u>10</u>	<u>4011 Thornbury Pl.</u>
Date: <u>5-30-88</u>		

<u>OWNER</u>	<u>LOT NO.</u>	<u>ADDRESS</u>
<u>Sherrill P. Lynne</u> <u>Don P. Lynne</u>	<u>11</u>	<u>4003 Thornbury Pl.</u>
Date: <u>5-22-88</u>		