

83-22352

**AN AMENDMENT TO THE
DEDICATION, EASEMENTS AND APPROVALS APPENDED TO
AND MADE A PART OF THE DEDICATION AND PLAT OF
ASPEN VILLAGE, SECTION III,
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 III, 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 III, as they appear in Plat Record Book 41, pages 84 through 88 in the Office of the Recorder of Allen County, Indiana, having been recorded therein on the 16th day of August, 1978; 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:

1983 SEP 28 AM 11:43
ALLEN COUNTY RECORDER
[Signature]

78

DULY ENTERED FOR TAXATION

SEP 28 1983

[Signature]
AUDITOR OF ALLEN COUNTY

INSTRUMENT R 6736

"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."

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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 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

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 Mullendore, 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 23
day of March, 1983

Phillip A. Renz

ASPEN VILLAGE, SECTION III
 A SUBDIVISION IN ADOITE TOWNSHIP
 ALLEN COUNTY, INDIANA

Owner's Name(s) <u>Donald W. Poff</u>	Owner's Name(s) <u>Donald W. Poff</u>
Address <u>1813 Duquette Ct</u>	Address <u>1813 Duquette Ct</u>
Lot No. <u>132</u>	Lot No. <u>132</u>
Owner's Name(s) <u>Larry Cloney</u>	Owner's Name(s) <u>Mary Cloney</u>
Address <u>3512 Live Oak Blvd</u>	Address <u>3912 Live Oak Blvd</u>
Lot No. <u></u>	Lot No. <u></u>
Owner's Name(s) <u>Steve Carlson</u>	Owner's Name(s) <u>Kari Anders</u>
Address <u>3525 Live Oak Blvd</u>	Address <u>3845 Live Oak Blvd</u>
Lot No. <u>139</u>	Lot No. <u>139</u>
Owner's Name(s) <u>James D. Norton</u>	Owner's Name(s) <u>James Norton</u>
Address <u>3810 Live Oak Blvd</u>	Address <u>3810 Live Oak Blvd</u>
Lot No. <u></u>	Lot No. <u></u>
Owner's Name(s) <u>Robert S. Young</u>	Owner's Name(s) <u>Patricia S. Young</u>
Address <u>3603 Live Oak Blvd</u>	Address <u>3602 Live Oak Blvd</u>
Lot No. <u></u>	Lot No. <u></u>
Owner's Name(s) <u>MICHAEL OLSEN</u>	Owner's Name(s) <u>James S. Olson</u>
Address <u>3604 Live Oak Blvd</u>	Address <u>3604 Live Oak Blvd</u>
Lot No. <u></u>	Lot No. <u></u>
Owner's Name(s) <u>Robert R. MacRee</u>	Owner's Name(s) <u>James R. MacRee</u>
Address <u>3307 Live Oak Blvd</u>	Address <u>3307 Live Oak Blvd</u>
Lot No. <u>136</u>	Lot No. <u>136</u>
Owner's Name(s) <u>Stephen R. Pitt</u>	Owner's Name(s) <u>Linda Pitt</u>
Address <u>10015 Quachita Pt.</u>	Address <u>10015 Quachita Pt.</u>
Lot No. <u>121</u>	Lot No. <u>121</u>
Owner's Name(s) <u>Jay Williams</u>	Owner's Name(s) <u>Judith Williams</u>
Address <u>10015 Quachita Pt.</u>	Address <u>10015 Quachita Pt.</u>
Lot No. <u>127</u>	Lot No. <u>127</u>
Owner's Name(s) <u>Richard S. Gifford</u>	Owner's Name(s) <u>Marsha Gifford</u>
Address <u>9935 Quachita Ct</u>	Address <u>9935 Quachita Ct</u>
Lot No. <u></u>	Lot No. <u></u>
Owner's Name(s) <u>Donald W. Poff</u>	Owner's Name(s) <u></u>
Address <u>Scholar 123-1991</u>	Address <u></u>
Lot No. <u>104-112/114-119</u>	Lot No. <u></u>
Owner's Name(s) <u>157-131/140-147</u>	Owner's Name(s) <u>Elizabeth M. Adams</u>
Address <u></u>	Address <u>9919 Quachita Ct</u>
Lot No. <u></u>	Lot No. <u>131</u>