

AN AMENDMENT  
TO THE DECLARATION, EASEMENTS AND APPOINTMENTS  
AND PART OF THE DEDICATION  
ASPER VILLAGE, SECTION V,  
TO THE DECLARATION, EASEMENTS AND APPOINTMENTS  
AND PART OF THE DEDICATION  
ASPER VILLAGE, SECTION V,  
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 V, Aspen Village, a subdivision in Aboite Township, Allen County, Indiana, pursuant to the provisions contained in the preface, paragraphs 1 and 2 of the Declaration, restrictive covenants, easements and limitations appended to the plat of said Aspen Village, Section V, as they appear in Plat Record Book 48, pages 104 through 111, as recorded therein on the 27th day of October, 1986, hereby specifically amend, substitute and add to the existing covenants, restrictions, and limitations the following paragraphs:

(1) Sub. 13. Any resident whose lot is located on a corner within the Subdivision or 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, 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 Higgins, 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 08 1989

Jane K. Bloom  
AUDITOR OF ALLEN COUNTY

INSTRUMENT X 8173

Michael Walters

ALLEN COUNTY RECORDER  
09 OCT - 2 AM 11:30

AN AMENDMENT  
TO THE DEDICATION, EASEMENTS, AND APPROVALS APPENDED TO  
AND MADE A PART OF THE DEDICATION AND PLAT OF  
ASPEN VILLAGE, SECTION V,  
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

Queta Riepenah  
Stephen F. Richard  
(Owner's Name)

9911 TETON CT.  
FT. WAYNE, IN 46804  
(Address)  
Lot No. 171

[Signature]

(Owner's Name)

FOOTWAYNE, IN  
9923 TETON Court. Footwayne  
(Address)  
Lot No. 173

(Owner's Name)

(Address)  
Lot No. \_\_\_\_\_

(Owner's Name)

(Address)  
Lot No. \_\_\_\_\_

Robert P. Zappa  
4101 Live Oak Blvd  
(Owner's Name)

Ft Wayne 26 46804  
Lee A. Zappa  
(Address)  
Lot No. 174

(Owner's Name)

(Address)  
Lot No. \_\_\_\_\_

(Owner's Name)

(Address)  
Lot No. \_\_\_\_\_

(Owner's Name)

(Address)  
Lot No. \_\_\_\_\_

AMENDMENT  
TO THE DEDICATION, EASEMENTS AND APPROVALS APPENDED TO  
AND MADE A PART OF THE DEDICATION AND PLAT OF  
ASPEN VILLAGE, SECTION V,  
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

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\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Address)  
Lot No. \_\_\_\_\_

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Address)  
Lot No. \_\_\_\_\_

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Address)  
Lot No. \_\_\_\_\_

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Address)  
Lot No. \_\_\_\_\_

\_\_\_\_\_  
(Owner's Name)

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(Address)  
Lot No. \_\_\_\_\_

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(Owner's Name)

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(Address)  
Lot No. \_\_\_\_\_

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Address)  
Lot No. \_\_\_\_\_

\_\_\_\_\_  
(Owner's Name)

\_\_\_\_\_  
(Address)  
Lot No. \_\_\_\_\_

AN AMENDMENT  
TO THE DEDICATION, EASEMENTS AND APPROVALS APPENDED TO  
AND MADE A PART OF THE DEDICATION AND PLAT OF  
ASPEN VILLAGE, SECTION V,  
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

Melody Kummer  
Randy D. Kummer  
(Owner's Name)  
10009 Teton Ct.  
Fr. Wayne, IN.  
(Address)  
Lot No. 174

Richard J. Jern  
Norma Jern  
(Owner's Name)  
9917 Teton Ct.  
Fr. Wayne, IN.  
(Address)  
Lot No. 172

Cynthia S. Hamilton  
John Hamilton II  
(Owner's Name)  
9905 Teton Ct.  
Fr. Wayne Ind.  
(Address)  
Lot No. 170

John E. Eubank  
Debra E. Eubank  
(Owner's Name)  
9906 Teton Ct.  
Fr. Wayne, Ind.  
(Address)  
Lot No. 169

Shirley Wagner  
Shirley Wagner  
(Owner's Name)  
9918 Teton Ct.  
Fr. Wayne Ind 46804  
(Address)  
Lot No. 167

Norma Friedrich  
Norma Friedrich  
(Owner's Name)  
10013 Teton Court  
Fr. Wayne 46804  
(Address)  
Lot No. 170

William Simunek  
Marie Simunek  
(Owner's Name)  
4129 Pine Oak Rd  
Fr. Wayne Ind 46804  
(Address)  
Lot No. 175

Nicholas V. Ramse  
Edmunds V. Ramse  
(Owner's Name)  
9924 Teton Ct.  
Fort Wayne IN. 46804  
(Address)  
Lot No. 166

AN INSTRUMENT  
OF THE DELICIOUS, PART... ASPEN VILLAGE COMMUNITY CORPORATION  
ARE MADE A PART OF THE INSTRUMENT AND PART OF  
SECTION V,  
A CORPORATION IN ACCORDANCE WITH SECTION 31-1-1

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, 1989.

Duane F. Rupp  
DUANE F. RUPP Notary Public  
A Resident of Allen County, IN  
My Commission Expires: 11-15-91

Approved by the Allen County Plan Commission on the 23rd  
day of August, 1989.

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.