

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 II 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:

(3) Sub "J" 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 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-

James K. Bloom
RECORDER OF ALLEN COUNTY

INSTRUMENT X

8171 (5)

ALLEN COUNTY RECORDER

89 OCT -2 AM 11:30

Michael Walters

ASPEN VILLAGE COMMUNITY CORPORATION

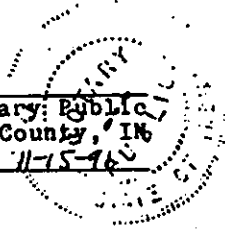
BY: Michael Walters
Michael Walters, President

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, 1989.

Dyan F. Bupp
DYAN F. BUPP Notary Public
A Resident of Allen County, IN
My Commission Expires: 11-15-96



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.

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Erin T. Hartnett
Erin T. Hartnett
 (Owner's Name)
3723 Live Oak Blvd.
Ft. Wayne, IN 46804
 (Address)
 Lot No. 120

Alan M. Lorenz
Alan M. Lorenz
 (Owner's Name)
9919 Quachita Ct.
Ft. Wayne, IN 46804
 (Address)
 Lot No. 131

Judith L. Wilbur
Judith L. Wilbur
 (Owner's Name)
11706 Quachita Ct.
Ft. Wayne, IN 46804
 (Address)
 Lot No. 123

Mark K. Hirsinger
Mark K. Hirsinger
 (Owner's Name)
9907 Quachita Ct.
Fort Wayne IN 46804
 (Address)
 Lot No. 123

V Rawal
V Rawal
 (Owner's Name)
10013 Quachita Ct.
Ft. Wayne 46804
 (Address)
 Lot No. 133

J. Ball
John Ball
 (Owner's Name)
9910 Quachita Ct.
Ft. Wayne In 46804
 (Address)
 Lot No. 128

Darin W. Cant
Darin W. Cant
 (Owner's Name)
9925 Quachita Ct.
Ft. Wayne In 46804
 (Address)
 Lot No. 132

Jeff Berman
Jeff Berman
 (Owner's Name)
9915 Quachita Ct.
Ft. Wayne IN
 (Address)
 Lot No. 127

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Randall J. Beer
Jacqueline M. Beer
 (Owner's Name)
9916 Guadalupe Ct
Fort Wayne, IN
 (Address)
 Lot No. 126

Brad Wilbur
 (Owner's Name)
377 Live Oak Blvd
 Ft. Wayne
 (Address)
 Lot No. 119

James T. Toomey
 (Owner's Name)
3708 LIVE OAK
FT. WAYNE IN
 (Address)
 Lot No. 110

Cynthia L. Rowan
Timothy P. Rowan
 (Owner's Name)
3616 Live Oak Blvd
FT. WAYNE IN 46804
 (Address)
 Lot No. 114

Todd Rash
Todd Rash
 (Owner's Name)
3632 Live Oak
FT. WAYNE, IN
 (Address)
 Lot No. 112

Patricia Cornell
Patricia Cornell
 (Owner's Name)
3714 Live Oak Blvd
Fort Wayne, IN 46804
 (Address)
 Lot No. 119

Larry F. Barnes
Cheri Barnes
 (Owner's Name)
3702 Live Oak
Fort Wayne, IN
 (Address)
 Lot No. 111

Josephine J. Illig
Bill Davis
 (Owner's Name)
10015 Guadalupe Ct
Fort Wayne, IN
 (Address)
 Lot No. 135

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ASPEN VILLAGE, SECTION III,
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Louis A. Rehner
Douglas A. Rehner
(Owner's Name)
10012 Quachita Ct.
Ft. Wayne, Ind
(Address)
Lot No. 122

Gary M. Hill
Judy M. Hill
(Owner's Name)
10007 Quachita Ct
Ft. Wayne Ind
(Address)
Lot No. 124

David A. Hill
Jicki L. Hill
(Owner's Name)
3810 Live Oak Blvd
Ft Wayne IN 46804
(Address)
Lot No. 105

Karen Leath
Steven K. Leath
(Owner's Name)
3804 Live Oak Blvd.
Ft. Wayne IND. 46804
(Address)
Lot No. 106

Patricia Gonzales
Miguel Gonzales
(Owner's Name)
3711 Live Oak
Ft. Wayne, In 46804
(Address)
Lot No. 118

Mary Jane Powers
Wesley Powers
(Owner's Name)
3822 Live Oak Blvd
Ft. Wayne, In 46804
(Address)
Lot No. 103

Carol M. Falk
Wayne K. Falk
(Owner's Name)
3909 Live Oak Blvd
Ft Wayne Ind 46804
(Address)
Lot No. 141

Barbara Tamblington
Rick Tamblington
(Owner's Name)
3915 Live Oak Blvd.
Fort Wayne, IN 46804
(Address)
Lot No. 142

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 ASPEN VILLAGE, SECTION III,
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Ronald A. Fitzer
Ronald A. Fitzer
Kesteven K. Fitzer
 (Owner's Name)
10028 SW 17th Ct
Fort Wayne, IN 46804
 (Address)
 Lot No. 116

Justin T. Hips
Justin E. Hips
 (Owner's Name)
3624 Live Oak Blvd.
Fort Wayne, IN 46804
 (Address)
 Lot No. 113

Orl A. Dodson
Orl A. Dodson
 (Owner's Name)
3813 Live Oak Blvd
Ft. Wayne, IN 46804
 (Address)
 Lot No. 137

Linda J. Ochotnicka
Paul A. Ochotnicka
 (Owner's Name)
4016 Live Oak Blvd
Ft. Wayne, IN 46804
 (Address)
 Lot No. 97

Deane M. Gordon
William A. Gordon
 (Owner's Name)
4022 LIVE OAK BLVD.
FT. WAYNE, IN 46804
 (Address)
 Lot No. 96

Lorale Krueger
Joseph A. Krueger
 (Owner's Name)
4110 Live Oak Blvd.
Ft. Wayne, IN 46804
 (Address)
 Lot No. 94

 (Owner's Name)

 (Address)
 Lot No. _____

 (Owner's Name)

 (Address)
 Lot No. _____

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Richard S. Baker
 Vicki Brooks
 (Owner's Name)
 4025 Live Oak Blvd
 Ft Wayne, IN 46804
 (Address)
 Lot No. 147

Celia Lemos
 ALDIS Lemos
 (Owner's Name)
 4007 LIVE OAK BLVD
 Ft Wayne, Ind 46804
 (Address)
 Lot No. 144

HELEN K. NOFF
 Helen K. Noff
 (Owner's Name)
 Fort Wayne, In. 46804
 3921 Live Oak Blvd
 (Address)
 Lot No. 143

Diana J. Vanderhelt
 Diana J. Vanderhelt
 (Owner's Name)
 3705 Live Oak Blvd.
 Fort Wayne, IN. 46804
 (Address)
 Lot No. 117

Jane A. Howe
 Jeffrey L. Howe
 (Owner's Name)
 3619 Live Oak
 Ft. Wayne, IN 46804
 (Address)
 Lot No. 115

Louise O'Neill
 Louise O'Neill
 (Owner's Name)
 3726 Live Oak Blvd
 Ft. Wayne, Ind.
 (Address)
 Lot No. 107

Shirley R. Frye
 Robert Frye
 (Owner's Name)
 3720 Live Oak Blvd
 Ft Wayne, Ind 46806
 (Address)
 Lot No. 108

Linda L. White
 Linda L. White
 (Owner's Name)
 10018 Quackita Ct.
 Ft Wayne, Ind 46804
 (Address)
 Lot No. 121

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Yvonne A. Otis
Donald R. Otis
(Owner's Name)
3906 Live Oak Blvd
Ft. Wayne IN 46804
(Address)
Lot No. 102

Terry Clancy
Mary P. Clancy
(Owner's Name)
3912 Live Oak Blvd
Ft Wayne, IN 46804
(Address)
Lot No. 101

Jeff DeArmond
Mary Stalburg
(Owner's Name)
3718 Live Oak Blvd
Ft. Wayne, In 46804
(Address)
Lot No. 100

Jesse W. Lundy
Marion K. Lundy
(Owner's Name)
4010 LIVE OAK BLVD
FT. WAYNE IN 46804
(Address)
Lot No. 98

Jaime Keller
Jaime Keller
(Owner's Name)
4028 Live Oak Blvd.
Ft. Wayne, In. 46804
(Address)
Lot No. 95

Jamarcus Lundy
(Owner's Name)
3307 Live Oak Blvd.
Ft Wayne In 46804
(Address)
Lot No. 136

Amy Munson
Doreen Nelson
(Owner's Name)
3816 Live Oak Blvd
FT WAYNE, IN 46804
(Address)
Lot No. 104

Carrie L. Starks
Karen D. Starks
(Owner's Name)
3825 LIVE OAK BLVD
FT. WAYNE, IN 46804
(Address)
Lot No. 139