

1980 OCT 17 3 56

80-022955

AN AMENDMENT TO THE
DEDICATION, EASEMENTS AND APPROVALS APPENDED TO
AND MADE A PART OF THE DEDICATION AND PLAT OF
ASPEN VILLAGE, SECTION I,
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 I, 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 I, as they appear in Plat Record Book 39, pages 14 through 17 in the Office of the Recorder of Allen County, Indiana, having been recorded therein on the 8th day of December, 1976; hereby specifically amend, substitute and add to the existing covenants, restrictions and limitations the following paragraphs:

PREFACE

In consideration of the necessity of providing for the efficient supervision of maintenance, activities, and use of the Parks and Storm Water Detention Area, the platator has, prior to the closing of any sale of lots in Aspen Village, caused to be incorporated a Not-For-Profit Corporation entitled "Aspen Village Community Corporation". Every owner of a lot, which is subject to assessment, shall be a member of Aspen Village Community Corporation. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment. Membership in Aspen Village Community Corporation, as provided in the Articles of Incorporation and By-Laws of the Corporation and amendments thereto, are transferable only by a sale of the lot to which it is appurtenant, and a lot owner may avoid his membership in Aspen Village Community Corporation only by selling his property. The Articles of Incorporation and the Corporation By-Laws and amendments thereto are deemed to constitute a contract between the individual lot owners and Aspen Village Community Corporation.

MEMBERSHIP AND VOTING RIGHTS

Section 1. Every owner of a lot which is subject to assessment shall be a member of Aspen Village Community Corporation. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment.

COVENANT FOR MAINTENANCE

Section 3. Annual Dues. Annual dues may be in any amount as may, from time to time, be determined by the Board of Directors of Aspen Village Community Corporation to accomplish the purposes for which this Corporation was formed.

Section 8. Effect of Non-Payment of Dues or Assessments, Creation of Lien and Personal Obligation of Assessments. Each owner, with the exception of the developer, H. C. Kleeman Enterprises, Inc., hereby covenants, and each owner of any lot by acceptance of a Deed therefore, whether or not it shall be so expressed in such Deed, is deemed to covenant and agree to pay to Aspen Village Community Corporation (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as herebefore provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person or persons who were the owners of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to successors in title unless expressly assumed by them. Any assessment or dues not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of eight percent (8%) per annum. The Corporation may bring an action at law against the owner or owners personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the common areas or abandonment of his lot.

Section 12. Subordination of the Lien to Mortgages.

The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any lot shall not effect the assessment lien. However, the sale or transfer of any lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall release such lot from liability for any assessments thereafter becoming due or from the lien thereof.

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.

Failure by the Corporation or by any owner to enforce any covenant or restriction herein contained, or any covenant, restriction 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.

The existing protective covenants, restrictions, and limitations appended to and made a part of the dedication and plat of Aspen Village, Section I, a Subdivision in Aboite Township, Allen County, Indiana, are hereby further amended as they appear in Plat Record 39 at pages 14 through 17 in the Office of the Recorder of Allen County, Indiana, being recorded therein on the 8th day of December, 1976 by deleting the following provisions thereto:

1. That part of the Preface contained in the above dedication which refers to and states as follows: "and herewith extends to each lot owner a non-compulsory, optional membership in such Corporation, exercisable by such owner at any time".

2. By deleting thereto that part of Section 1, under Membership and Voting Rights, which states that: "every owner of a lot shall have the privilege to be a member of the Corporation. Membership shall not be a condition of ownership, and is severable from title ownership".

3. By deleting therefrom Section 3 under Covenant for Maintenance, which states that: "annual assessments may be in any amount as may, from time to time, be determined by the members to accomplish the purpose for which this Corporation was formed".

4. By deleting therefrom that part of Section 5, entitled Notice and Quorum for Any Action Authorized Under Sections 3 and 4, by deleting that reference to Section 3, which is hereby deleted by the above amendment contained in Section 3, Annual Dues, under Covenant for Maintenance.

5. By deleting therefrom Section 8, entitled Effect of Non-Payment of Dues or Assessments, Remedies of the Corporation, by substituting therefore the above amendment under Covenant for Maintenance, Section 8, which is now entitled Effect of Non-Payment of Dues or Assessments, Creation of Lien and Personal Obligation of Assessments.

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 Q. Baker, its President, and Linda White, 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: Carl Q. Baker
Carl Q. Baker, President

BY: Linda White
Linda White, Secretary

Owner's Name (s) <u>John S. Hill, Jr. & Co.</u> Address <u>4004 ABONTE LAKE DR.</u> Lot No. <u>48</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>Jack L. Lyle</u> Address <u>3931 Abonte Lake Dr.</u> Lot No. <u>49</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>Bruce F. Roth</u> Address <u>4007 Abonte Lake Dr.</u> Lot No. <u>47</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>James D. Candill</u> Address <u>3821 ABONTE LAKE DR.</u> Lot No. <u>17</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>Patrick W. McCullough</u> Address <u>3829 ABONTE LAKE DR.</u> Lot No. <u>16</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>M. C. Keenan</u> Address <u>3809 Abonte Lake Dr.</u> Lot No. <u>19</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>James D. Buchanan</u> Address <u>3909 Abonte Lake Dr.</u> Lot No. <u>18</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>William G. Peters</u> Address <u>3811 Abonte Lake Dr.</u> Lot No. <u>12</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>Robert F. Tink</u> Address <u>3807 Abonte Lake Dr.</u> Lot No. <u>37</u>	Owner's Name (s) <u>Donald F. Garte</u> Address <u>3725 ABONTE LAKE DR.</u> Lot No. <u>21</u>
Owner's Name (s) <u>John R. Anderson</u> Address <u>3812 Abonte Lake Dr.</u> Lot No. <u>38</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>Jack C. Williams</u> Address <u>3733 Abonte Lake Dr.</u> Lot No. <u>20</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>Richard D. Semmler</u> Address <u>3815 ABONTE LAKE DR.</u> Lot No. <u>18</u>	Owner's Name (s) _____ Address _____ Lot No. _____
Owner's Name (s) <u>Robert F. Tink</u> Address <u>3728 Abonte Lake Dr.</u> Lot No. <u>36</u>	Owner's Name (s) _____ Address _____ Lot No. _____

STATE OF INDIANA)
) SS:
 COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, appeared Carl O. Baker and Linda White, 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 24th day of September, 1980.

Becky J. Harvey
 Becky J. Harvey, Notary Public, a resident of Allen County, Indiana.

My Commission Expires:
 May 20, 1983

PREPARED BY: William H. Suter

Approved by the Allen County Plan Commission on the 24th day of September, 1980.

William H. Suter
 Jack G. Suter, Zoning Administrator

ASPEN VILLAGE, SECTION I
 A SUBDIVISION IN ABOITE TOWNSHIP
 ALLEN COUNTY, INDIANA

Owner's Name(s) <u>Edmund A. Koel</u>	Owner's Name(s) <u>Robert R. Bice</u>
Address <u>4101 1/2 Ave. S.E.</u>	Address <u>4633 Abadie Lake Dr.</u>
Lot No. <u>3914 Abadie Lake Dr.</u>	Lot No. <u>#5</u>
Owner's Name(s) <u>Paul H. Brown</u>	Owner's Name(s) <u>Shelley C. Brown</u>
Address <u>3906 Abadie Lake Dr.</u>	Address <u>4633 Abadie Lake Dr.</u>
Lot No. _____	Lot No. <u>#8</u>
Owner's Name(s) <u>Gregory J. McChee</u>	Owner's Name(s) _____
Address <u>3919 Abadie Lake Dr.</u>	Address _____
Lot No. <u>#39</u>	Lot No. _____
Owner's Name(s) <u>James G. Bullock</u>	Owner's Name(s) _____
Address <u>3928 Abadie Lake Dr.</u>	Address _____
Lot No. <u>#46</u>	Lot No. _____
Owner's Name(s) <u>Ellen M. Bullock</u>	Owner's Name(s) _____
Address <u>3928 Abadie Lake Dr.</u>	Address _____
Lot No. <u>#41</u>	Lot No. _____
Owner's Name(s) <u>AD [unclear]</u>	Owner's Name(s) _____
Address <u>3132 Abadie Lake Dr.</u>	Address _____
Lot No. <u>#47</u>	Lot No. _____
Owner's Name(s) <u>W.S. [unclear]</u>	Owner's Name(s) _____
Address <u>3132 Abadie Lake Dr.</u>	Address _____
Lot No. _____	Lot No. _____

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) Frank (Frank) [unclear]
Address 4108 Abate Lake Dr.
Lot No. 51

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) Diana Cassel
Address 4108 Abate Lake Dr.
Lot No. 31

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) J. [unclear]
Address [unclear]
Lot No. 53

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) [unclear]
Address 4117 Abate Lake Dr.
Lot No. 2

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) Jack [unclear]
Address 3720 Abate Lake Dr.
Lot No. 35

Owner's Name(s) [unclear]
Address 4113 Abate Lake Dr.
Lot No. 3

Owner's Name(s) [unclear]
Address [unclear]
Lot No. 34

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) [unclear]
Address 3702 Abate Lake
Lot No. 33

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) James P. Spradell
Address 3713 Abate Lake Dr.
Lot No. 22

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) [unclear]
Address 5636 Abate Lake Dr.
Lot No. 432-7804

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) [unclear]
Address 3605 Abate Lake Dr.
Lot No. 27

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) [unclear]
Address 3601 Abate Lake Dr.
Lot No. 28

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) David L. Furse
Address 3609 Abate Lake Dr.
Lot No. 26

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) [unclear]
Address 3617 Abate Lake Dr.
Lot No. [unclear]

Owner's Name(s) _____
Address _____
Lot No. _____

Owner's Name(s) [unclear]
Address 3607 Abate Lake Dr.
Lot No. _____

Owner's Name(s) _____
Address _____
Lot No. _____

A SUBDIVISION IN ABBOTE TOWNSHIP
ALLEN COUNTY, INDIANA

Owner's Name(s) <u>Robert F. Tresh</u> <u>Eric J. Tresh</u>	Owner's Name(s) <u>Arthur Saltman</u> <u>Diane M. Pullman</u>
Address <u>3204 Abote Lake Dr</u>	Address <u>3717 Abote Lake Dr.</u>
Lot No. <u>37</u>	Lot No. <u>11</u>
Owner's Name(s) <u>Richard T. Simmler</u> <u>Lucy E. Simmler</u>	Owner's Name(s) <u>Patrick McCullagh</u> <u>Chris McCullagh</u>
Address <u>3815 Abote Lake Drive</u>	Address <u>3829 Abote Lake Dr.</u>
Lot No. <u>18</u>	Lot No. <u>16</u>
Owner's Name(s) <u>Karen J. Dickey</u> <u>Nita M. Dickey</u>	Owner's Name(s) <u>Karen Dammert</u>
Address <u>4004 Abote Lake Drive</u>	Address <u>3720 Abote Lake Dr</u>
Lot No. <u>48</u>	Lot No. <u>35</u>
Owner's Name(s) <u>David L. Reibis</u>	Owner's Name(s) <u>Michael D. Candell</u> <u>Barbara J. Candell</u>
Address <u>4016 Abote Lake Dr</u>	Address <u>3728 Abote Lake Drive</u>
Lot No. <u>49</u>	Lot No. <u>36</u>
Owner's Name(s) <u>Michael Meccia</u> <u>Stephan Meccia</u>	Owner's Name(s) <u>Alan R. Anderson</u>
Address <u>4019 Abote Lake Dr</u>	Address <u>3812 Abote Lake Dr</u>
Lot No. <u>6</u>	Lot No. <u>38</u>
Owner's Name(s) <u>Lucy V. Brockmeyer</u> <u>Frank A. Brockmeyer</u>	Owner's Name(s) <u>Rugby McElroy</u> <u>Lucy K. McElroy</u>
Address <u>3723 Abote Lake Dr</u>	Address <u>3915 Abote Lake Drive</u>
Lot No. <u>10</u>	Lot No. <u># 39</u>
Owner's Name(s) <u>Delley C. Candell</u> <u>Ronald Candell</u>	Owner's Name(s) <u>Dudley T. Colton III</u>
Address <u>3821 Abote Lake Dr.</u>	Address <u>4001 Abote Lake Dr</u>
Lot No. <u>17</u>	Lot No. <u># 38</u>
Owner's Name(s) <u>M.L. Kinsinger</u> <u>Charlotte Kinsinger</u>	Owner's Name(s) <u>Ken Peterson</u> <u>Wanda F. Peterson</u>
Address <u>3809 Abote Lake Dr.</u>	Address <u>3932 Abote Lake Dr.</u>
Lot No. <u>19</u>	Lot No. <u># 41</u>
Owner's Name(s) <u>Robert H. Berger</u> <u>Jill Berger</u>	Owner's Name(s) <u>Dorothy E. Ellis</u> <u>John E. Ellis</u>
Address <u>3700 Abote Lake Dr.</u>	Address <u>3711 Abote Lake Dr.</u>
Lot No. <u>43</u>	Lot No. <u># 34</u>
Owner's Name(s) _____	Owner's Name(s) _____
Address _____	Address _____
Lot No. _____	Lot No. _____

Notarian Box

ALLEN COUNTY, INDIANA
 A SUBDIVISION IN ABOTE TOWNSHIP

Owner's Name(s) Madelyn
2155 Abote Lake Dr
 Address
 Lot No. 27

Betty Galt
 Owner's Name(s) Dora Galt
8601 Abote Lake Dr
 Address
 Lot No. 28

Owner's Name(s) Jim Cummins
267 Abote Lake Dr
 Address
 Lot No. 25

Owner's Name(s) Pam Lasley by
Claudia J. Burns
4133 Abote Lake Dr
 Address
 Lot No. 1

Owner's Name(s) James J. Galt
3302 Abote Lake Dr
 Address
 Lot No. 33

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) James J. Galt
3702 Abote Lake Dr
 Address
 Lot No. 22

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) James J. Galt
3650 Abote Lake Dr
 Address
 Lot No. 24

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) James J. Galt
3505 Abote Lake Dr
 Address
 Lot No. 14

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) James Carbon
3935 Abote Lake Dr
 Address
 Lot No. 12

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) James J. Galt
3901 Abote Lake Dr
 Address
 Lot No. 42

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) Tommy Bullock
3928 Abote Lk. Dr
 Address
 Lot No. 46

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) James A. Sprandel
370 Abote Lk Dr
 Address
 Lot No. 22

Owner's Name(s) _____
 Address _____
 Lot No. _____

Owner's Name(s) H. G. Klossner, Etymenda
Harold Klossner
Address _____
Lot No. Lot 29 & 30

Owner's Name(s) _____
Address _____
Lot No. _____

ASPEN VILLAGE, SECTION I
A SUBDIVISION IN ABOITE TOWNSHIP
ALLEN COUNTY, INDIANA

Owner's Name(s) Dwight S. Thompson
Dwight S. Thompson
Address 52 4120 ABOITE LAKE DR
Lot No. 52

Owner's Name(s) _____
Address _____
Lot No. _____

Recorded October 17, 1980 at 3:56 P.M. Document Number 80-22955
