

83-22350

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:

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 42 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 ap-  
purtenances, including a garden or garden  
house."

and ask that the Allen County Plan Commission approve and  
amend the restriction as follows:

DULY ENTERED FOR TAXATION

SEP 28 1983

*Albion L. Baughin*  
AUDITOR OF ALLEN COUNTY

INSTRUMENT

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1983 SEP 28 11:11 AM '83  
ALLEN COUNTY RECORDER  
*Virginia A. Young*

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"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."

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 contained, or any covenant, restrictions or limitation herein 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 Q. 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