

89-038835

AN AMENDMENT  
TO THE DEDICATION, EASEMENTS AND APPROVALS APPENDED TO  
AND MADE A PART OF THE DEDICATION AND PLAT OF  
ASPEN VILLAGE, SECTION IV,  
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 IV, 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 IV, as they appear in Plat Record Book 44, pages 49 through 52, in the Office of the Recorder of Allen County, Indiana, having been recorded therein on the 23rd day of December, 1980, 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-

*Joseph Bloom*  
AUDITOR OF ALLEN COUNTY

INSTRUMENT X

8172

89 OCT -2 AM 11:30  
ALLEN COUNTY RECORDER

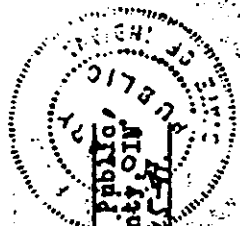
ASPEN VILLAGE COMMUNITY CORPORATION

BY: Michael Walters  
Michael Walters, President

BY: Pat Biggers  
Pat Biggers, 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 Biggers, 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. Kupp Notary Public,  
A Resident of Allen County, IN  
My Commission Expires: 11-15-91

Approved by the Allen County Plan Commission on the 2nd  
day of August, 1989.

[Signature]  
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.

AMENDMENT  
TO THE DEDICATION, EASEMENTS AND APPROVALS APPENDED TO  
AND MADE A PART OF THE DEDICATION AND PLAN OF  
ASPEN VILLAGES SECTION #11  
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

Judy A. Wright  
(Owner's Name)  
9913 SAWTOOTH CT.  
FT WAYNE IN  
(Address)  
Lot No. 159

Robert Chapman  
(Owner's Name)  
9912 Sawtooth Ct  
FT WAYNE IN  
(Address)  
Lot No. 160

Max A Knudsen  
(Owner's Name)  
10004 Sawtooth Court  
Fort Wayne, IN 46804  
(Address)  
Lot No. 149

Shang Lion  
(Owner's Name)  
9918 SAWTOOTH CT.  
FT WAYNE, IN. 46804  
(Address)  
Lot No. 151.

Terry L. Butler  
(Owner's Name)  
9914 Sawtooth Ct.  
FT Wayne, Ind. 46804  
(Address)  
Lot No. 152

Ron Rapp  
(Owner's Name)  
9909 Sawtooth Ct  
FT Wayne, In. 46804  
(Address)  
Lot No. 158

Kathy Walters  
(Owner's Name)  
9905 Sawtooth Ct  
FT WAYNE IN. 46804  
(Address)  
Lot No. 157

Kurt Swick  
(Owner's Name)  
9901 Sawtooth Ct  
FT. Wayne, IN  
(Address)  
Lot No. ~~156~~ 156

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

Mr Robert Schaller  
\_\_\_\_\_  
(Owner's Name)  
Pieces of Ft Wayne - So Bend  
\_\_\_\_\_  
(Owner's Name)  
10008 Sawtooth Ct.  
\_\_\_\_\_  
(Address)  
Ft Wayne, IN 46808  
\_\_\_\_\_  
Lot No. 148

STEPHEN MITCHELL  
\_\_\_\_\_  
(Owner's Name)  
DAVIA MITCHELL  
\_\_\_\_\_  
(Owner's Name)  
10009 Sawtooth Ct  
\_\_\_\_\_  
(Address)  
Ft Wayne, IN 46804  
\_\_\_\_\_  
Lot No. 163

Mary Raul  
\_\_\_\_\_  
(Owner's Name)  
Dot Raul  
\_\_\_\_\_  
(Owner's Name)  
10002 Sawtooth Ct.  
\_\_\_\_\_  
(Address)  
Ft. Wayne, In. 46804  
\_\_\_\_\_  
Lot No. 160

\_\_\_\_\_  
\_\_\_\_\_  
(Owner's Name)  
\_\_\_\_\_  
\_\_\_\_\_  
(Owner's Name)  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
Lot No.