

FIRST AMENDMENT TO THE DEDICATION, PROTECTIVE RESTRICTIONS,  
COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS OF  
WESTCHESTER GLENS, SECTION I, A SUBDIVISION IN  
ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA

Pursuant to the provisions of Section 22 of Article VII of the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals for Westchester Glens, Section I, as recorded in Plat Cabinet A, page 171, and as Document No. 89-020356 in the Office of the Recorder of Allen County, Indiana, the undersigned, being not less than seventy-five percent (75%) of the lot owners of said Section I do hereby make and affect the following changes, alterations and modifications to said Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals for Westchester Glens, Section I:

1. Section 4 of Article V is hereby replaced with the following:

Section 4. Assessments Payable to Westchester Glens Villaminium Association, Inc. Each Owner of any Lot, excepting Colonial Development Corp., or its immediate successor in interest, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed is deemed to covenant and agree to pay to the Villaminium Association: (1) annual maintenance assessment; (2) special assessments for capital improvements; and (3) maintenance assessments for exterior painting and staining. Such assessments shall be in addition to the annual assessments or special assessments payable to the Association. The assessments, together with interest costs, and reasonable attorney's fees shall be a charge upon and a continuing lien upon the Lot 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 who was the Owner of such Lot at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to an Owner's successors in title unless expressly assumed by them.

2. A new Section 8.1 of Article V is added as follows:

Section 8.1. Maintenance Assessments for Exterior Painting and Staining. In addition to the annual maintenance assessment, and the special assessments for capital improvements and extraordinary items authorized above, the Board of Directors of the Villaminium Association may levy, in any assessment year, a maintenance assessment applicable to that year for the purpose of defraying, in whole or in part, the cost of exterior painting or staining of a dwelling located on a Lot. The maintenance assessment levied shall be levied only against the Lot and the Owner thereof upon which the exterior painting or staining is performed. The Board of Directors, in determining the annual maintenance assessment provided for in Section 7 of this Article V may provide for an amount to defray a portion of the cost of exterior painting and staining to be included in said annual maintenance assessment and not to be assessed under this Section 8.1. The amount of the special assessment for exterior painting and staining shall equal the actual cost to paint or stain the exterior of the dwelling on the Lot minus any amounts provided for in the annual maintenance assessment. The Board of Directors shall notify the Lot Owner prior to commencement of the painting and staining both of the fact that a special maintenance assessment will be charged, and the amount thereof. Such amount shall be payable within thirty (30) days after the date of such notice.

*Melley Carson Bx*

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3. Section 9 of Article V is hereby replaced with the following:

Section 9. Uniform Rate of Assessment. Both annual maintenance assessments and special assessments for capital improvements must be fixed at a uniform rate for all Lots and may be collected on a monthly, quarterly, or yearly basis. Maintenance assessments for exterior painting and staining of dwellings, as provided for in Section 8.1 hereof, shall be assessed as provided in said Section.

4. The reference in Section 2 of Article VI to Article VI, Section 6, is hereby amended to be a reference to Article V, Section 4.

IN WITNESS WHEREOF, the undersigned Owners have here unto set their hands this 8 day of DECEMBER, 1944.

Lot No. 1 R M Jones  
Yvonne C. Jones

Lot No. 11  
Charles L. Lord  
Jacquelyn Lord

Lot No. 2

Lot No. 12

Lot No. 3 Anna Borne  
Chalmer R. Borne

Lot No. 13

Lot No. 4  
Lynette

Lot No. 14

Lot No. 5  
Edgardo C. Anderson  
Robert C. Anderson (50a)

Lot No. 15  
Murray Mendenhall  
Miriam Mendenhall

Lot No. 6  
Lynette

Lot No. 16  
James M. Mayo

Lot No. 7

Lot No. 17  
Lynette

Lot No. 8  
Harriet E. Branning  
Beatrice A. Branning

Lot No. 18  
John E. Lord

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Lot No. 9

Ronald D. Widmer  
Marston E. Widmer

Lot No. 10

David E. Walter  
Reggie J. Walter

Lot No. 19

Michael K. Culp  
D. Chetta Culp

Lot No. 20

Reggie J. Walter

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

Before me, a Notary Public, in and for said County and State,  
personally appeared the foregoing Lot Owners and acknowledged the  
voluntary execution of the above and foregoing instrument, this  
8<sup>th</sup> day of DECEMBER, 1994.

My Commission Expires:

4-23-96

Resident of ALLEN COUNTY Notary Public

PAUL F. NIETER

COLONIAL DEVELOPMENT CORP.

By

Roger L. Delagrange  
Its President



STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

Before me, a Notary Public, in and for said County and State,  
personally appeared Roger L. Delagrange, known by me to  
be the duly authorized and acting President of Colonial  
Development Corp., and acknowledged the voluntary execution of the  
above and foregoing instrument on behalf of said Corporation for  
the purposes and uses therein set forth, this 3rd day of May  
1995.

My Commission Expires:  
February 5, 1999

Deborah A. Webb  
Resident of Allen



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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 conform 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.

Dated this 6 day of September, 1995.

ALLEN COUNTY PLAN COMMISSION

By: [Signature]

This Instrument Prepared By: John J. Wernet, Attorney at Law, 1400 One Summit Square, Fort Wayne, Indiana, 46802.

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