

2021072585

RECORDED: 10/27/2021 02:17:23 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

SECOND AMENDMENT
TO

THE DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS,
EASEMENTS AND APPROVALS APPENDED TO AND MADE A PART OF THE
DEDICATION AND PLAT OF CHERRY HILL, SECTION XIV, d/b/a BROOKS
POINTE VILLA ASSOCIATION, INC., A SUBDIVISION IN ABOITE ST. JOSEPH
TOWNSHIP, ALLEN COUNTY, INDIANA

The undersigned, Cindy Snouffer, the presiding President of Brooks Pointe Villa Association, Inc., an Indiana Domestic Non-profit Corporation, with the consent of owners of more than seventy-five percent (75%) of the Lot Owners of Cherry Hill, Section XIV, located in Brooks Point Villas, a subdivision in St. Joseph Township, Allen County, Indiana, hereby amends the Declaration of Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals, and amendments thereto, appended to and make a part of the Dedication and Plat of Cherry Hill, Section XIV, a subdivision in St. Joseph Township, Allen County, Indiana, as recorded in Plat Cabinet E, page 66, and as previously amended by an Amendment thereto dated February 16, 2009, and recorded as Document Number 2009006681 (the "Restrictions"), by amending the Restrictions and added the new following provision:

Article VII, Section 48 is hereby added and shall read:

Section 48. Rental or Leasing of any residential lot/property within Brooks Pointe is strictly prohibited. No Owner is permitted to lease or rent the property owned within Brooks Pointe Villa Association. Residential structures are meant to be solely for the use of the Owner and Owner's family. No short term or long term contractual agreement for others to use or occupy the residential dwelling is permitted.

Attached hereto and incorporated herein by reference as Exhibit "A" are copies of Consents to this Amendment executed by more than seventy-five percent (75%) of the Owners of all lots in Brooks Pointe Villa Association.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to the Lots of Cherry Hill, Section XIV:

Brooks Pointe Villa Association, Inc.,
An Indiana Domestic Nonprofit Corporation,

By: Cindy Snouffer
Cindy Snouffer, Its President

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

Before me, the undersigned, a Notary Public in and for said County and State, this 22 day of October, 2021, personally appeared Cindy Snouffer, President of Brooks Pointe Villa Association, Inc., an Indiana Domestic Nonprofit Corporation, who acknowledged, as such officer, being authorized to do so, executed the foregoing instrument for and on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official



LESLIE CAVACINI, Notary Public
Allen County, State of Indiana
Commission Number NP0718222
My Commission Expires January 29, 2027

Leslie Cavacini
Leslie Cavacini, Notary Public
A resident of Allen County, Indiana
My Commission Expires: 1/29/2027

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law: /s/Ryan M. Gardner

Ryan M. Gardner (30635-41)

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8/26/21

Tara M. Parsley
Signature

TARA M. PARSHLEY
Printed Name

[Signature]
Signature

ERIC PARSHLEY
Printed Name

Owner Lot No. 375

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 9/1/21

Calvin Brenneeman
Signature

CALVIN BRENNEMAN
Printed Name

Signature

Printed Name

Owner Lot No. 377

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8-27-2021

Carolyn Brueggemann
Signature

CAROLYN BRUEGEMANN
Printed Name

Signature

Printed Name

Owner Lot No. 378

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 9-5-2021

Steven Blotkamp
Signature

STEVEN BLOTKAMP
Printed Name

Sharon Blotkamp
Signature

Sharon Blotkamp
Printed Name

Owner Lot No. 379

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mailers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8-30-2021

Neal E. Wissman
Signature

NEAL E. WISSMAN
Printed Name

Signature

Printed Name

Owner Lot No. 380

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 9-18-21

Ruth Ann Watkins
Signature

RUTH ANN WATKINS
Printed Name

Signature

Printed Name

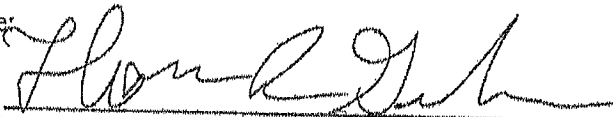
Owner Lot No. 382

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

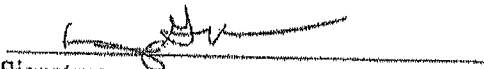
IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 9/1/2021


Signature

Thomas R. Graham
Printed Name


Signature

Donna J. Graham
Printed Name

Owner Lot No. 383
7234 Brackenwood Ct

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salln, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8/30/21

Robert J. Hollo
Signature

ROBERT J. Hollo
Printed Name

Rebecca A. Hollo
Signature

Rebecca A. Hollo
Printed Name

Owner Lot No. 384

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salln, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 9/2/21

Brad Nussbaum
Signature

BRAD NUSSBAUM
Printed Name

Deborah Nussbaum
Signature

Deborah Nussbaum
Printed Name

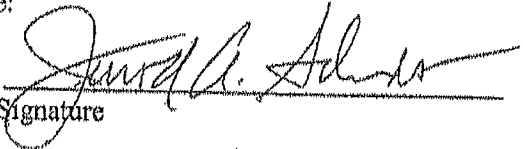
Owner Lot No. 385

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8/31/21


Signature

TERROD A. SCHMIDT
Printed Name


Signature

PAULA D. SCHMIDT
Printed Name

Owner Lot No. 386

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8/28/2001

James Henry
Signature

JAMES HENRY
Printed Name

Cynthia Carter
Signature

CYNTHIA CARTER
Printed Name

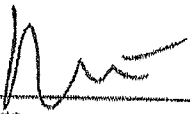
Owner Lot No. 387

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salln, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8-26-2021


Signature

MELISSA J SMITH
Printed Name

Signature

Printed Name

Owner Lot No. 7325 BRACKENWOOD CT
Lot: 388

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: Sept 1, 2021

Deed G Antae
Signature

JACK G. SUTER
Printed Name

Signature

Printed Name

Owner Lot No. 389

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8/29/2021

Marilyn Ribandt
Signature

MARILYN RIBANDT
Printed Name

Signature

Printed Name

Owner Lot No. 390

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 9-16-21

[Signature]
Signature

Gert Verheeren
Printed Name

Signature

Printed Name

Owner Lot No. 392

This Instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 8/30/21

Neil Clay
Signature

NEIL CLAY
Printed Name

Anne Clay
Signature

Anne Clay
Printed Name

Owner Lot No. 393

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Salin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 9-1-2021

Cynthia Snouffer
Signature

CYNTHIA SNOUFFER
Printed Name

Richard Snouffer
Signature

RICHARD SNOUFFER
Printed Name

Owner Lot No. 394

This instrument prepared by Ryan M. Gardner, Attorney at Law, Beers Mallers Backs & Sallin, LLP, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Dedication, Protective Restrictions, Covenants, limitations, Easements, and Approvals Appended to and are a Part of the Plat of Cherry Hill, Section XIV, d/b/a Brooks Pointe Villa Association, Inc., as their voluntary act and deed on the date written below.

As to Lots Numbered 375 - 395, inclusive:

Dated: 19-17-21

Elizabeth S. Rufner
Signature

ELIZABETH RUFNER
Printed Name

Signature

Printed Name

Owner Lot No. ~~394~~

395