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ALLEN COUNTY RECORDER

**AN AMENDMENT TO
THE DEDICATION AND DECLARATION OF PROTECTIVE
RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND
APPROVALS APPENDED TO AS PART OF THE DEDICATION
AND PLAT OF CHERRY HILL, SECTION XIV
A SUBDIVISION OF ST. JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA**

Pursuant to the provisions of Article VII, Section 35, of the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to as Part of the Dedication and Plat of Cherry Hill, Section XIV, as recorded in Plat Cabinet E, page 66, Document Number 990087983 in the Office of the Allen County Recorder, the undersigned current Lot Owners, comprising 75% or more of the Lot Owners in said subdivision do hereby make and effect the following changes, alterations and modifications to said Protective Restrictions, Covenants, Limitations, Easements and Approvals for Cherry hill, Section XIV:

1. Preface

The owner of each lot in Cherry Hill, Section XIV shall become and remain a member of Brooks Pointe Villa Association, Inc. and shall be bound by its Articles of Incorporation and By-Laws.

Brooks Pointe Villa Association, Inc. shall maintain the common areas designated on the face of the Plat.

2. Article 1 Definitions, Section 2

"Association" shall mean and refer to Brooks Pointe Villa Association, Inc.

Section 4, "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the lots in Sections X and XIV of Cherry Hill.

Section 10 and 11 are herewith deleted.

3. Article IV is herewith deleted in its entirety.

4. Article V, Section 3. Brooks Pointe Villa Association, Inc. shall have only one (1) class of voting membership.

5. Article VI, Section 1. Maintenance of Building Exteriors is herewith amended by removing any obligation of Brooks Pointe Villa Association, Inc. to maintain the roofs and exteriors of any Dwelling Units and such maintenance shall be the sole obligation of the owner of each such unit.

DEC 18 2008
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AUDITOR OF ALLEN COUNTY


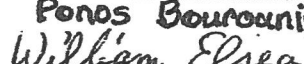
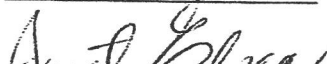
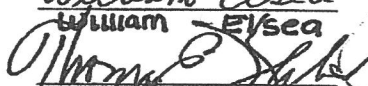
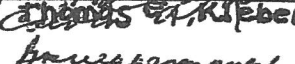
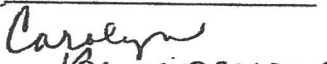
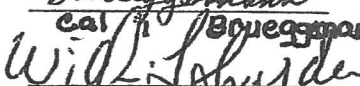
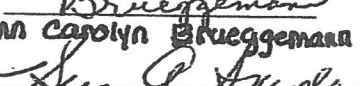
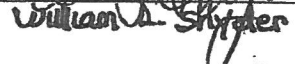
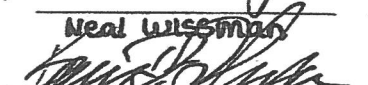

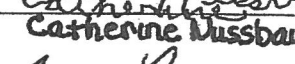
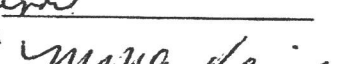
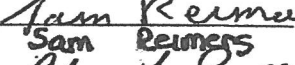
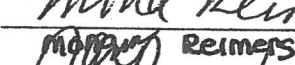
6. Article VII General Provisions

Section 32. Enforceability. Brooks Pointe Villa Association, Inc. and any lot owner shall each have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereinafter imposed by the provisions of these Restrictions. Failure by said Association to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter, and shall not operate to deprive an owner from enforcing said covenant or restriction.

Section 33. Right Of Entry. The Architectural Control Committee and Brooks Pointe Villa Association, Inc. acting through their respective representatives shall have the right, during reasonable hours, to enter upon and inspect the Lot and Dwelling Unit for the purpose of determining whether or not the provisions of these restrictions are being complied with and exercising all rights and powers conferred upon them with respect to the enforcement, correction, or remedy of any failure of the Owner to comply with these restrictions. Such entry shall not be deemed to constitute a trespass. Notwithstanding the foregoing, an occupied Dwelling Unit may not be entered hereunder unless written notice of such proposed entry shall have been given to the Owner at least five (5) days prior to such entry.

Section 45. Annexation is deleted in its entirety.

In witness whereof the undersigned Owners have set their hands and seals as of the date noted opposite their signatures.

Lot 375	 Ponos Bourounis	12/13/08
Lot 376	 William Elsea  Janet Elsea	12/2/08
Lot 377	 Thomas E. Kueber	12/2/08
Lot 378	 Carolyn Brueggemann  Carolyn Brueggemann	12/2/08
Lot 379	 William A. Snyder  Sue A. Snyder	12/6/08
Lot 380	 Neal Wissman	1/08
Lot 381	 Kerry Dickmeyer	12/2/08
Lot 382	 Catherine Nussbaum	1/08
Lot 383	 Sam Reimers  Mina Keiner	12/7/08
Lot 384	 Alan L. Rupp  Alan L. Rupp	12/6/08

Lot 385

Robert Bisarek Rhonita Bisarek 12/17/08
Robert Bisarek Rhonita Bisarek

Lot 386

Brent Roth Pam Roth 12/17/08
Brent Roth Pam Roth

Lot 387

James Henry Utian Henry 12/12/08
James Henry Utian Henry

Lot 388

Margery Geer 1/1/08
Margery Geer

Lot 389

Jack L. Surer Janet E. Surer 12/13/08
Jack L. Surer Janet E. Surer

Lot 390

Deb Tubergen Deb Tubergen 12/18/08
Deb Tubergen Deb Tubergen

Lot 391

Richard DeHaven Mitie DeHaven 1/1/08
Richard DeHaven Mitie DeHaven

Lot 392

Robert M. Gruck Phyllis Gruck 12/13/08
Robert M. Gruck Phyllis Gruck

Lot 393

Neil Clay Yvonne Clay 12/17/08
Neil Clay Yvonne Clay

Lot 394

Richard Snouffer Cynthia Snouffer 12/12/08
Richard Snouffer Cynthia Snouffer

Lot 395

Lois Niday 1/1/08
Lois Niday

STATE OF INDIANA)

) SS

COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said county and state personally appeared each of the above signatories and acknowledge the execution of the above document on the respective date noted opposite their respective signatures.

My Commission Expires:

7-20-16

Resident of:

INDIANA

P. Herbert Fuller
 Signature of Notary Public

P. HERBERT FULLER

Printed Name of Notary Public

This Instrument Prepared By:
 Richard I. Snouffer, Esq., 110 West Berry Street, Suite 1809
 Fort Wayne, Indiana 46802
 Telephone: 260/422-7700