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RECORDED: 05/20/2015 2:54:38 PM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

**AMENDED DEDICATION AND DECLARATION OF PROTECTIVE RESTRICTIONS,  
COVENANTS, LIMITATIONS, EASEMENTS, AND APPROVALS APPENDED TO AS  
PART OF THE DEDICATION AND PLAT OF CHESTNUT HILLS SECTION VIII, A  
SUBDIVISION OF ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA**

The undersigned, being the owners of at least seventy five percent of the lots in the plat of Chestnut Hills, Section VIII, according to the plat thereof recorded on November 20, 1997 in Plat Cabinet C, page 191, and as Document No. 970066348 in the Office of the Recorder of Allen County, Indiana, amend the recorded Restrictions, Covenants, Limitations, Easements and Approvals appended to as part of the dedication and plat of Chestnut Hills, Section VIII, ("Covenants") as follows:

1. The former Section 1 of Article VI of the Covenants is deleted and is replaced with the following new Section 1 of Article VI:

**ARTICLE VI**

Maintenance of Buildings, Landscaping and General Maintenance

Section 1. Villa Association Services. The Villaminium Association will contract to paint the cedar siding on the front, around front windows, front passage door and garage door on each Villa according to a five year rotation plan. Repair and or replacement of the cedar, passage and garage door is the responsibility of the homeowner. The Villaminium Association will provide removal of snow from driveways and sidewalks and maintain the lawn and landscaping on each lot as well as the irrigation system situated on the Lots. The frequency and manner of performance of such maintenance shall be determined solely by the Board of Directors of the Villaminium Association. The Board of Directors of the Villaminium Association may, at its option by appropriate resolution, transfer to each lot owner the maintenance responsibility for that portion of the lawn and/or landscaping on each lot which was not initially installed or planted by the Developer.

2. The former Section 2 of Article VI of the Covenants is deleted and is replaced with the following new Section 2 of Article VI:

Section 2. Maintenance by Owner. Each Lot Owner shall be responsible for the repair and maintenance of roofs, siding, decks and screened-in porches, downspouts and gutters,

ALLEN COUNTY RECORDER  
Duty entered by  
Subject  
accepted by transfer

MAY 20 2015

*Janak K...*  
ALLEN COUNTY RECORDER

5671416

1/ Sunrise Property Mgt  
Po, Box 402  
Huntertown 46746

and concrete on a lot, yard lights and exterior lights, including replacement of bulbs, window washing, and glass replacement, plumbing, fixtures, heating and air conditioning units. Each Lot Owner shall, at his or her sole cost and expense, maintain and repair his Lot and the improvements situated thereon, keeping the same in good condition and repair. In the event any Owner shall fail to maintain and repair his or her Lot and the improvements thereon as required hereunder, the Villaminium Association, in addition to all other remedies available to it hereunder or by law and without waiving any of alternative remedies, shall have the right, through its agents and employees, to enter upon the Owner's Lot and to repair, maintain and restore the Lot and the exterior of the dwelling unit and any other improvements erected thereon; and each Lot Owner (by acceptance of a Deed for his or her Lot) hereby covenants and agrees to repay to the Villaminium Association thereof immediately upon demand. Such costs incurred and demanded by the Villaminium Association, together with interest, costs and reasonable attorney's fees, shall have the same status as both a continuing lien on the Lot and improvements and the personal obligation of the Owner as an assessment and the Association shall have the same remedies as made under Article V, Section 11 hereof, and the failure of any such Lot Owner to pay the same shall carry with it the same consequences as a failure to pay such an assessment when due.

3. These amendments are made by the undersigned pursuant to Section 35 of Article VI of the Covenants.

4. All other provisions of the Covenants not amended by this document shall remain in effect.

Prepared by: Kent C Citchin

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.

Brooks L Diller  
(name printed, stamped or signed w/print)

**Department of Planning Services  
Restrictive Covenant Amendment**

Development or Subdivision Name: Chestnut Hills, Section VIII

I/we, the undersigned

request to amend the approved conditions/restrictions.

Type of development: Residential (residential/commercial/industrial)

Size of development: 22 (lots/ units/ square feet) 8.71

(acres) more or less

Location of development: In the SW Quarter (NE, NW, SE, SW) of Section 3

of Aboite Township. It is further described in the attached legal description.

Present zoning: R-1 Date of original approval: November 19, 1997

The requested amendment and reasoning is: Amend provisions relating to responsibility for maintenance of Villa structures in Article VI, Sections 1 and 2

Property Owner: Village of Chestnut Ridge Community Association, Inc

Officers (if owner is incorporated): Agent: Sunrise Property Management

Address: PO Box 402

City: Huntstown State: IN Zip: 46748

Telephone: (260) 625-6605 Fax: (866) 921-8603

Allen County Planning Jurisdiction (\$60 Filing Fee)

City of Fort Wayne Planning Jurisdiction (\$50 Filing Fee)

I/we certify I am/we are the owner(s) of the property shown on this application; that I/we agree to abide by all provisions of the Allen County Zoning and Subdivision Control Ordinance as well as all procedures and policies of the Allen County and City of Fort Wayne Plan Commission's as those provisions, procedures, and policies relate to the handling and disposition of this application; that the above information is true and accurate to the best of my/our knowledge; and the applicable filing fee due with this application (checks to be made payable to the Allen County Treasurer).

Brooks Diller  
Name

[Signature]  
Signature

5-20-2015  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Staff Use Only**

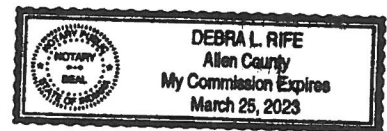
This is to certify the required filing fee was received on \_\_\_\_\_ and documented with

Receipt No. \_\_\_\_\_ by \_\_\_\_\_

STATE OF INDIANA )  
 )SS:  
COUNTY OF ALLEN )

Before me, a Notary Public in and for said County and State, personally appeared Brooks Diller and Marilyn Carr which witnessed the signatures of Lot Owners of Villas at Chestnut Ridge:

Section VII	Section XI
Lot No. 189	Lot No. 252
Lot No. 190	Lot No. 255
Lot No. 192	Lot No. 258
Lot No. 193	Lot No. 259
Lot No. 194	Lot No. 262
Lot No. 196	Lot No. 264
Lot No. 197	Lot No. 265
Lot No. 198	Lot No. 266
Lot No. 199	Lot No. 267
Lot No. 202	Lot No. 268
Lot No. 203	Lot No. 269
Lot No. 204	Lot No. 272
Lot No. 205	
Lot No. 207	
Lot No. 208	
Lot No. 209	



Over 18 years of age, who acknowledge the execution of the foregoing Restrictive Covenant Amendment, and who having been duly sworn, state that the facts and matters set forth in it are true and correct.

Witness my hand and Notarial Seal this 28<sup>th</sup> day of MARCH, 2015.

My Commission Expires: 3-25-23

Signature of Notary Public: Debra L. Rife

Resident of Allen County

Printed name of Notary Public: Debra L. Rife



## Affidavit of Signature Gatherer

An affidavit must be attached to each sheet or section submitted to the administrator. Separate sheets of signatures may be fastened to this affidavit in sections of not more than 25 sheets.

### AFFIDAVIT FILED WITH SIGNATURE ADMINISTRATOR

I, Brooks Diller, Marilyn Carr  
(printed name of person who is the signature gatherer)

swear that I gathered the signatures on the Amended Dedication and Declaration of Protective Restrictions Covenants document attached on the stated date, that I believe the signatures on the document are genuine, are the signatures of the persons whose names they purport to be, and are the signatures of individuals that resides at the listed lot number in Villas at Chestnut Ridge, and that the signers knew the contents of the Amended Dedication and Declaration of Protective Restrictions Covenants document before signing.

11/24/2014  
Date on which the first signature attached was gathered

[Signature]  
Signature of signature gatherer #1

8970-10-1304  
Identification of signature gatherer #1

13115 Toscana Passage  
Address of signature gatherer

Fort Wayne IN 46845  
City, State and zip code

11/24/2014  
Date on which the first signature attached was gathered

[Signature]  
Signature of signature gatherer #2

3500-20-7720  
Identification of signature gatherer #1

10526 Summerhill Place  
Address of signature gatherer

Fort Wayne IN 46814  
City, State and zip code

Lot No: 255

Date: 3-28-2015

Norman O. Schlemmer  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Norman Schlemmer  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

---

Lot No: 202

Date: 3-28-2015

John Sauer  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

John Sauer  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

---

Lot No: 205

Date: 3-28-2015

Mildred G. Hall  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Mildred G Hall  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 267

Date: 3-28-2015

J. M. Street  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Jane Street  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 266

Date: 3-28-2015

Budd S. Walls  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Budd Walls  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 264

Date: 3-28-2015

Margare J. Scott  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Margare Scott  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No:

194

X Date:

3/28/15

Signature (Owner 1)

*Brad Stevens*

Signature (Owner 2)

POA 2015021519

Brad Stevens

Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: \_\_\_\_\_

Date: \_\_\_\_\_

Signature (Owner 1)

Signature (Owner 2)

Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: \_\_\_\_\_

Date: \_\_\_\_\_

Signature (Owner 1)

Signature (Owner 2)

Printed Name (Owner 1)

Printed Name (Owner 2)



Lot No: 204

Date: 3/17/2015

*Michael Blum*  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Michael Blum  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 196

Date: 3/26/15

*John E. Zumbach*  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

John E. Zumbach  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

\_\_\_\_\_  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 265

Date: 11/24/14

Jill S. Sparks  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Jill Sparks  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 262

Date: 11/24/2014

Anna Hines  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Anna Hines  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 208

Date: 11/24/2014

George W. Alter  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

GEORGE W ALTER  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 258

Date: 11-24-2014

C. Roy Miller  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

C Roy Miller  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

---

Lot No: 268

Date: 11-24-2014

B. B. Aulick  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Bruce Aulick  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

---

Lot No: 259

Date: 11-24-2014

Rudy Guerrero  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Rudy Guerrero  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 252

Date: 11-24-2014

Mary F. Stody  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Mary F Stody  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 272

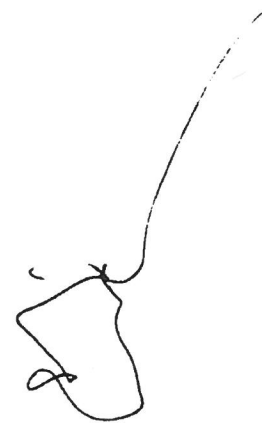
Date: 11-24-2014

Norma J. Plouffe  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Thomas J Tobin  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)



Lot No: 269

Date: 11-24-2014

Thomas Tobin  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Thomas Tobin  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 197

Date: 11-24-2014

John W. Bush  
Signature (Owner 1)

Mary C. Bush  
Signature (Owner 2)

John Bush  
Printed Name (Owner 1)

Mary Bush  
Printed Name (Owner 2)

---

Lot No: 198

Date: 11-24-2014

Rose Nartker  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Rose Nartker  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

---

Lot No: 199

Date: 11-24-2014

Ben Branning  
Signature (Owner 1)

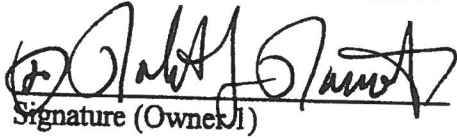
\_\_\_\_\_  
Signature (Owner 2)

Ben Branning  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 192

Date: 11-24-2014

  
Signature (Owner 1)

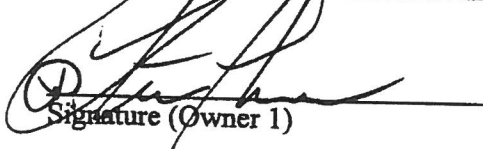
\_\_\_\_\_  
Signature (Owner 2)

Robert Parrot  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 193

Date: 11-24-2014

  
Signature (Owner 1)

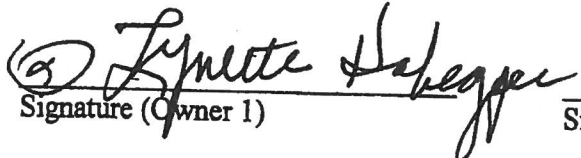
\_\_\_\_\_  
Signature (Owner 2)

Phyllis Schoadt  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 203

Date: 11-24-2014

  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Lynette Habegger  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 207

Date: 11-24-2014

Marilyn Carr  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Marilyn Carr  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 209

Date: 11-24-2014

Loy Fisel  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Loy Fisel  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 189

Date: 11-24-2014

Cynthia Krouse  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Cynthia Krouse  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

Lot No: 190

Date: 3-14-2015

Betty J Grogan  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

Betty J Grogan  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

---

Lot No: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

\_\_\_\_\_  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)

---

Lot No: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature (Owner 1)

\_\_\_\_\_  
Signature (Owner 2)

\_\_\_\_\_  
Printed Name (Owner 1)

\_\_\_\_\_  
Printed Name (Owner 2)



Lot No: 256

Date: 11-24-14

Thomas F. Frappier

Signature

Marilyn J. Frappier

Signature

THOMAS F. FRAPPIER

Printed Name

MARILYN J. FRAPPIER

Printed Name

Witness my hand and Notarial Seal this 24<sup>th</sup> day of November, 2014.

My Commission Expires:

02/16/19

Erin E Tuttle

Signature of Notary Public

Resident of: Allen County

Erin E Tuttle

Printed Name of Notary Public

ERIN E. TUTTLE

NOTARY PUBLIC

SEAL

ALLEN COUNTY, STATE OF INDIANA

MY COMMISSION EXPIRES FEBRUARY 16, 2019

Lot No: 257

Date: 12/2/14

Gregory D. Stephens  
Signature

\_\_\_\_\_  
Signature

Gregory D. Stephens  
Printed Name

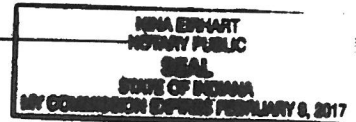
\_\_\_\_\_  
Printed Name

Witness my hand and Notarial Seal this 2<sup>ND</sup> day of DECEMBER, 2014.

My Commission Expires:

FEBRUARY 9, 2017

Nina Eirhart  
Signature of Notary Public



Resident of: ALLEN County

NINA EIRHART  
Printed Name of Notary Public

Lot No: 275

Date: 11-24-14

Richard E. Ryan  
Signature

\_\_\_\_\_  
Signature

RICHARD E. RYAN  
Printed Name

\_\_\_\_\_  
Printed Name

Witness my hand and Notarial Seal this 24<sup>th</sup> day of November, 2014

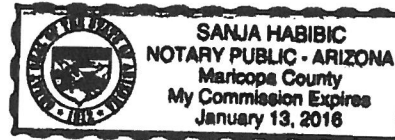
My Commission Expires:

01-13-2016

Sanja Habibic  
Signature of Notary Public

Resident of: Maricopa County

Sanja Habibic  
Printed Name of Notary Public



Lot No: 261

Date: November 21, 2014

James F Sebele  
Signature

Jacquelin E. Sebele  
Signature

James F. Sebele  
Printed Name

Jacquelin E. Sebele  
Printed Name

Witness my hand and Notarial Seal this 21<sup>st</sup> day of November, 2014.

My Commission Expires:

Sept 17, 2017

Jana L. Sebele  
Signature of Notary Public

Resident of: Allen County

Jana L. Sebele  
Printed Name of Notary Public



**JANA L. SEBELE, Notary Public**  
Allen County, State of Indiana  
My Commission Expires: September 17, 2017

Lot No: 273

Date: 11-21-14

Keisti J. Harkemacher  
Signature

\_\_\_\_\_  
Signature

KEISTI J. HARKEMACHER  
Printed Name

\_\_\_\_\_  
Printed Name

Witness my hand and Notarial Seal this 21<sup>st</sup> day of November, 2014

My Commission Expires:

12/20/2020

Annie P. Russell  
Signature of Notary Public

Resident of: Allen County

Annie P. Russell  
Printed Name of Notary Public



Lot No: 271

Date: 11-24-14

Robert R. Harkenrider  
Signature

Kristi J. Harkenrider  
Signature

ROBERT R. HARKENRIDER  
Printed Name

KRISTI J. HARKENRIDER  
Printed Name

Witness my hand and Notarial Seal this 24<sup>th</sup> day of November, 2014.

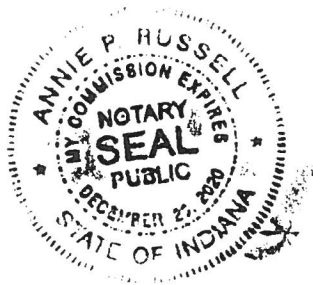
My Commission Expires:

12/20/2020

Annie P. Russell  
Signature of Notary Public

Resident of: Allen County

Annie P. Russell  
Printed Name of Notary Public



Lot No: 206

Date: 11.21.14

G. Stanley Hood  
Signature

Ruth A. Hood  
Signature

G. Stanley Hood  
Printed Name

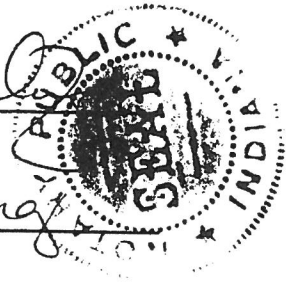
Ruth A. Hood  
Printed Name

Witness my hand and Notarial Seal this 21<sup>st</sup> day of November, 2014

My Commission Expires:

Nov 12, 2016

Paula S. Werling  
Signature of Notary Public



Resident of: Adams County

Paula S. Werling  
Printed Name of Notary Public