



8 3 0 8 8 0 5
Tx:4170593

2015024871

RECORDED: 05/20/2015 2:54:39 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 XI, 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 XI, according to the plat thereof recorded on October 30, 1998 in Plat Cabinet E, page 6, and as Document No. 980076067 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 XI, ("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,

ICE
Duty engineer in location
Subject to
acceptance of transfer

MAY 20 2015

Jack Kutz
ALLEN COUNTY RECORDER

5/20/15

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 Litchin

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.


(name printed, stamped or signed w/print)

**Department of Planning Services
Restrictive Covenant Amendment**

Development or Subdivision Name: Chestnut Hills, Section XI
I/we, the undersigned
request to amend the approved conditions/restrictions.
Type of development: Residential (residential/commercial/industrial)
Size of development: 23 (lots/ units/ square feet) 8.70
(acres)
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-2 Date of original approval: October 28 1998
The requested amendment and reasoning is: Amend provisions relating to
responsibility for maintenance of Villa Structures in
Article V.I, Section 1 and Section 2

Property Owner: Villas of Chestnut Ridge Community Association Inc
Officers (if owner is incorporated): Agent: Sunrise Property Management
Address: PO BOX 402
City: Huntertown 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 [Signature] 5-20-2015
Name Signature Date

Name Signature Date

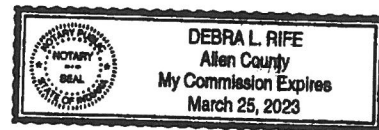
Staff Use Only

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 28th 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: 267

Date: 3-28-2015

J. M. Streit
Signature (Owner 1)

Signature (Owner 2)

Jung Streit
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

Margaret F. Scott
Signature (Owner 1)

Signature (Owner 2)

Margie Scott
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 255

Date: 3-28-2015

Norman 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:

194

X Date

3/28/15

X *Brad Stevens*

POA 2015021519

Signature (Owner 1)

Signature (Owner 2)

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

[Signature]
Signature (Owner 1)

Signature (Owner 2)

[Printed Name]
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 196

Date: 3/26/15

[Signature]
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: 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: 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)

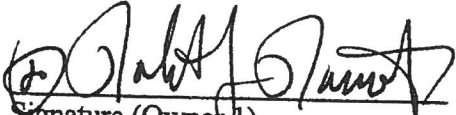
Signature (Owner 2)

Cynthia Krouse
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 192

Date: 11-24-2014


Signature (Owner 1)

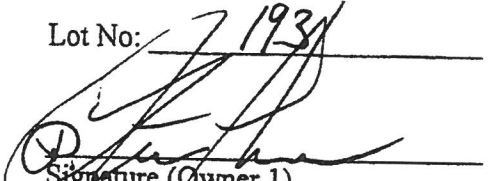
Signature (Owner 2)

Robert Parrot
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 193

Date: 11-24-2014


Signature (Owner 1)

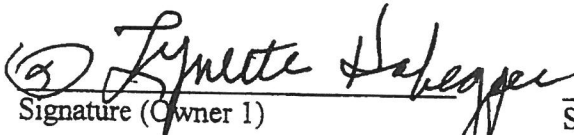
Signature (Owner 2)

Phyllis Schoedt
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 203

Date: 11-27-2014


Signature (Owner 1)

Signature (Owner 2)

Lynette Habegger
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 197

Date: 11-24-2014

John W. Bush
Signature (Owner 1)

Mary B. Bush
Signature (Owner 2)

John Bush
Printed Name (Owner 1)

Mary Bush
Printed Name (Owner 2)

Lot No: 198

Date: 11-24-2014

Rose Nerker
Signature (Owner 1)

Signature (Owner 2)

Rose Nerker
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 199

Date: 11-24-2014

Bea Branning
Signature (Owner 1)

Signature (Owner 2)

Bea Branning
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 252

Date: 11-24-2014

Mary F. Stoddy
Signature (Owner 1)

Signature (Owner 2)

Mary F Stoddy
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 272

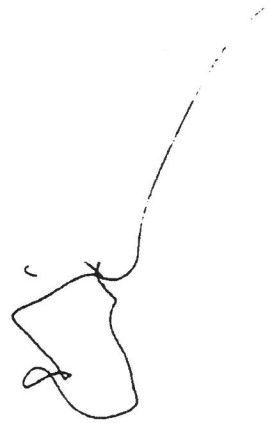
Date: 11-24-2014

Norma J. Plouffe
Signature (Owner 1)

Signature (Owner 2)

Thomas Tobin
Printed Name (Owner 1)

Printed Name (Owner 2)



Lot No: 269

Date: 11-24-2014

Thomas Tobin
Signature (Owner 1)

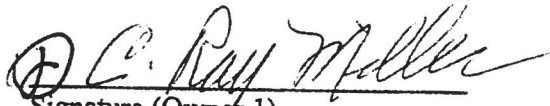
Signature (Owner 2)

Thomas Tobin
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 258

Date: 11-24-2014


Signature (Owner 1)


Signature (Owner 2)

C Roy Miller
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 268

Date: 11-24-2014


Signature (Owner 1)

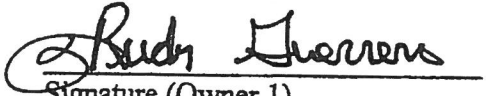
Signature (Owner 2)

Bruce Alick
Printed Name (Owner 1)

Printed Name (Owner 2)

Lot No: 259

Date: 11-24-2014


Signature (Owner 1)

Signature (Owner 2)

Rudy Guerrero
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: 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 21st 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

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 2ND 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: 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 24th day of November, 2014.

My Commission Expires:

12/16/19

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: 275

Date: 11-24-14

Richard E. Ryan
Signature

Signature

RICHARD E. RYAN
Printed Name

Printed Name

Witness my hand and Notarial Seal this 24th day of November, 2014

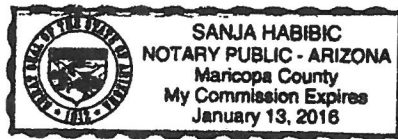
My Commission Expires:

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 21st 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

Kristi J. Harbenader
Signature

Signature

KRISTI J. HARBENADER
Printed Name

Printed Name

Witness my hand and Notarial Seal this 21st 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 24th 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