

**FIRST AMENDMENT TO THE
DEDICATION AND DECLARATION OF PROTECTIVE
RESTRICTIONS, COVENANTS, LIMITATIONS,
EASEMENTS AND APPROVALS APPENDED TO THE PLAT OF
COVINGTON RESERVE, PHASE III, SECTIONS I AND II, A SUBDIVISION IN
ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA**

[Cross Reference To: Doc. No. 201023973 (Plat Cabinet D, Page 101) and
Doc. No. 201023974 (Plat Cabinet D, Page 110)]

The undersigned, representing at least an aggregate seventy-five percent (75%) of the Owners of all Lots that comprise the combined Covington Reserve, Phase III, Section I and Covington Reserve, Phase III, Section II, hereby approve this First Amendment to the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to the Plats of Covington Reserve, Phase III, Sections I and II (collectively, the "Covenants"), a subdivision in Aboite Township, Allen County, Indiana. The Lots in the Subdivision are numbered 94 through 134 throughout the two sections originally recorded as follows: Covington Reserve, Phase III, Section I, recorded as Document No. 201023973 (Plat Cabinet D, Page 101) and Covington Reserve, Phase III, Section II recorded as Doc. No. 201023974 (Plat Cabinet D, Page 110) all in the Office of the Recorder of Allen County, Indiana.

1. Article I of the Covenants shall be amended by adding the following definition at Section 13 thereof, as follows:

Section 13. The term "Nonowner Occupied Dwelling Unit" shall mean:

A Dwelling Unit that is rented or leased by the Owner during the rental period where (i) the Owner of the Dwelling Unit, or the Owner's spouse, or one or more of the Owner's parents or a parent of the spouse of the Owner, or one or more of the Owner's children or a spouse of one of the Owner's children is not a full-time occupant of the Dwelling Unit; or (ii) in the case of a Dwelling Unit owned by a trust, where a settlor or material beneficiary of such trust is not a full-time occupant of the Dwelling Unit during the rental period; or (iii) in the case of a Dwelling Unit owned by a for-profit corporation or a limited liability company or other entity (but specifically excluding a not-for-profit corporation), where a person that holds directly or indirectly at least fifty and one one-hundredth percent (50.01%) of the ownership and voting power of such entity is not a full-time occupant of the Dwelling Unit during the rental period; (iv) or in the case of a not-for-profit corporation, where a person who is an officer, manager, or director of the not-for-profit corporation's local, regional or national unit or chapter is not a full-time occupant of the Dwelling Unit during the rental period.



2. Article VII General Provisions, of the Covenants shall be amended by adding Section 42 concerning the Owner occupancy, leasing and rental of Dwelling Units, as follows:

Section 42. Owner Occupancy and Leasing Provisions.

A. Purpose. The purpose of this Section 42 is to: (1) be for the mutual benefit and protection of the current and future Owners of any and all Lots in the Subdivision; (2) be in the best interest of all Owners all of whom have similar proprietary (property) interests in their Dwelling Units; (3) protect the Owners' long-term investment in their Dwelling Units; (4) preserve high standards of accountability and responsibility for the maintenance and care of the Dwelling Units; (5) avoid the temporary and transient nature of leasing Dwelling Units and to encourage a low turnover of occupancy; and (6) to encourage and realize the other benefits that accrue from restricting the Dwelling Units to single family residential use and to avoid the commercialization of the Subdivision caused by using or occupying the Dwelling Units solely for rental or leasing purposes.

B. Prohibition of Nonowner Occupied Dwelling Units. In accordance with the purposes set forth in Section 42(A) above, no Dwelling Unit shall be used or occupied as a Nonowner Occupied Dwelling Unit as defined in the Covenants, except as provided in Section 42(C) below.

C. Pre-Existing Nonowner Occupied Dwelling Units. Any Dwelling Unit that is used as a Nonowner Occupied Dwelling Unit on the effective date of this First Amendment, shall be registered as such with the Association by the Owner by providing the Association a copy of the lease prior to March 31, 2021. Any Dwelling Unit that is properly registered may continue to be used as a Nonowner Occupied Dwelling Unit under the Covenants subject to the provisions of this Section 42 (C). It is recognized that the Dwelling Unit located in Phase III, Section I, on Lot 122, is considered a registered, Nonowner Occupied Dwelling Unit and is permitted as of the recording date of this First Amendment, subject to the provisions of this Section 43(C). No other Nonowner Occupied Dwelling Units shall be permitted unless registered hereunder. Should an Owner of a registered Nonowner Occupied Dwelling Unit cease to be the Owner for any reason, the pre-existing permitted status of the Dwelling Unit shall cease, and it shall thereafter be used as an owner occupied Dwelling Unit exclusively.

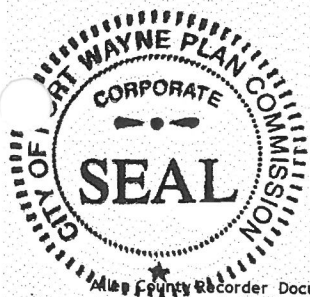
3. The capitalized terms in this First Amendment shall have the meanings as those terms defined in the Covenants, unless a contrary or alternative meaning is clearly indicated by the context of this First Amendment.

If there is a conflict between the terms of this First Amendment and the Covenants, this First Amendment shall control.



5. This First Amendment shall be effective upon recordation of same in the Office of the Recorder of Allen County, Indiana.

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RESOLUTION
First Amendment to Covenants

The following action was taken by the Board of Directors of the Covington Reserve Phase III Community Association, Inc. ("Association") by vote taken on June 2, 2020.

RESOLVED, that the Board of Directors of the Association wish to offer the First Amendment to the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to the Plat of Covington Reserve, Phase III, Sections I and II, a Subdivision in Aboite Township, Allen County, Indiana, to the Lot Owners for approval according to Section 30 of the Covenants.

RESOLVED, that the Amendment is to add requirements for owner occupancy, leasing and rental of homes.

Following a vote of the Board of Directors this Resolution was approved by a vote of 6 for and 1 against.

COVINGTON RESERVE PHASE III
COMMUNITY ASSOCIATION, INC.

By: Carol Kettler
Carol Kettler, President

By: David Steele
David Steele, Secretary

