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ALLEN COUNTY RECORDER



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**THIRD AMENDMENT TO THE DECLARATION OF PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED AS TO PART OF THE DEDICATION AND PLAT OF COVINGTON RESERVE COMMUNITY ASSOCIATION, INC. A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA**

WHEREAS, a certain document entitled "First Amended Dedication and Declaration of Protective Restriction, Covenants, Limitations, Easements and Approvals Appended as to Part of the Dedication and Plat of Covington Reserve a Subdivision in Aboite Township, Allen County, IN" (hereafter referred to as the "Covenants"), recorded as Document #96002701 in Plat Cabinet C, page 98 in the office of the Recorder of Allen County, Indiana; and

WHEREAS, said Covenants were amended and recorded as Document #205004884 in the office of the Recorder of Allen County, Indiana; and

WHEREAS, a certain document entitled "Dedication and Declaration of Protective Restriction, Covenants, Limitations, Easements and Approvals Appended as to Part of the Dedication and Plat of Covington Reserve, Section II a Subdivision in Aboite Township, Allen County, IN" (hereafter referred to as the "Covenants"), recorded as Document #960064031 in Plat Cabinet C, page 98 in the office of the Recorder of Allen County, Indiana; and

WHEREAS, said Covenants were amended and recorded as Document #205004885 in the office of the Recorder of Allen County, Indiana; and

WHEREAS, said Covenants were further amended and restated and recorded as Document #207001364; and

NOW, THEREFORE, upon the approval of the Owners as aforesaid, the Declaration is amended as follows:

**Article VI, Architectural Control, Section 2.** of the Declarations is hereby deleted in its entirety and replaced with the following:

Section 2. No (1) temporary or permanent building, addition, fence, wall, pond; (2) increase or change in the nature, kind or size of existing landscaping, including, but not limited to, the creation or planting of new landscaping areas, flower beds, water gardens or features, shrubs, bushes, trees or other plants (collectively, "Plants") or decorative features in a location where they did not previously exist, and excluding only the replacement of Plants as need be with the same variety of Plants; (3) exterior redecorating, including, but not limited to, changes of the color of paint, siding or roofing; (4) other structure or improvement of any kind (individually and collectively, "Improvement[s]"); or, (5) material changes to, or replacement of, any Improvement shall be commenced, erected or maintained upon any Lot, until two sets of plans and

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Specifications showing the nature, kind, shape, height, materials and location of the proposed Improvement[s] shall have been submitted in advance to the Architectural Control Committee ("ACC") and approved in writing by the ACC.

The ACC shall have full and complete discretion in approving or denying submissions of proposed Improvements so long as such approval or denial is reasonably based upon and references: (1) the harmony or consistency of the proposed Improvements with the external design and appearance of the Improvements on all Lots, or the lack thereof; (2) the location of the proposed Improvements in relation to surrounding structures, topography and boundaries of adjacent Lots; and, (3) any increase in the Association's maintenance costs.

**Acceptance and Ratification.** The acceptance of a deed of conveyance or the act of occupancy of any one Home shall constitute a ratification of these Amendments, together with the Declaration (including all amendments and supplements thereto), the By-Laws and all amendments thereto, and any rules or regulations adopted pursuant thereto, and all such provisions shall be covenants running with land and shall bind any person having at any time having any interest or estate in a Home or the Property as though such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease.

**Certification.** The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the Amendments of the Declaration have been fulfilled and satisfied.

Executed this 29<sup>th</sup> day of September, 2008.

Covington Reserve Community Association, Inc. by:

Its President:

Its Secretary:

Roger Pflughaupt

Jackie Claussen

STATE OF INDIANA     )  
  ) SS:  
COUNTY OF ALLEN     )

Before me a Notary Public in and for said County and State, personally appeared Roger Pflughaupt and Jackie Claussen, the President and Secretary, respectively, of Covington Reserve Community Association, Inc., who acknowledged



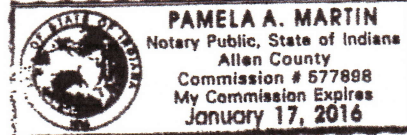
execution of the foregoing Third Amendment of said Corporation for an on behalf of said Corporation and who, having been duly sworn, stated that the representations contained herein are true.

Witnessed my hand and Notary Seal this 29<sup>th</sup> day of September 2008.

Pamela A. Martin  
Notary Public - Signature

My Commission Expires: 01-17-2016  
Residence County: Allen

PAMELA A. MARTIN  
Printed Name



TINA VIK  
This instrument prepared by NAI Harding Dahm.

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.

TINA VIK, Property Manager  
Jane Uhl