

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

**TWENTY-SECOND AMENDMENT TO DECLARATION OF
HORIZONTAL PROPERTY OWNERSHIP FOR
STILLWOOD CONDOMINIUMS HORIZONTAL PROPERTY REGIME**

[Cross reference to Doc. No. 88-039530]

The undersigned, being the Co-Owners of Homes in Stillwood Condominiums a horizontal property regime, or condominium development in St. Joseph Township, Allen County, Fort Wayne, Indiana being not less than the requisite number required to make an amendment to the Declaration of Horizontal Property Ownership Stillwood Condominiums Horizontal Property Regime (recorded as Document No. 88-039530) (the "Declaration") pursuant to Section 23 of the Declaration do hereby consent to this Twenty-Second Amendment to the Declaration ("Twenty-Second Amendment").

I. Section 1 of the Declaration shall be amended by adding the following definition as subsection (t):

(t) "Nonowner Occupied Home":

"Nonowner Occupied Home" means a Home that is rented or leased by the Co-Owner where during the rental period (A) the Co-Owner of the Home, or (B) the Co-Owner's spouse, or (C) one or more of the Co-Owner's parents or a parent of the spouse of the Co-Owner, or (D) one or more of the Co-Owner's children or a spouse of one of the Co-Owner's children is not a full-time occupant of the Home, or in the case of a Home owned by a trust, where a settlor or material beneficiary of such trust is not a full-time occupant of the Home during the rental period; or in the case of a Home 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 Home during the rental period; 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 Home.

II. The Declaration shall be amended by adding Section 33 to the Declaration concerning the Co-Owner occupancy, leasing and rental of Homes as follows:

33. Co-Owner Occupancy, Leasing and Rental of Homes.

A. Purpose. The purpose of this Section 33 is to: (1) be in the best interests of all Co-Owners all of whom have similar proprietary (property) interests in their Homes; (2) protect the Co-Owner's long-term investment in the Co-Owner's Home; (3) preserve high standards of accountability and responsibility for the maintenance and care of the Stillwood Condominiums between and among the Co-Owners; (4) avoid the temporary and transient nature

of leasing property and to encourage a low turnover of occupancy; and (5) to encourage and realize the other benefits that accrue from restricting the Stillwood Condominiums to owner occupied single family residential use and to avoid any commercial transition of the Stillwood Condominiums caused by using or occupying the Homes solely for rental or leasing purposes.

B. Nonowner Occupied Homes in Stillwood Condominiums. In accordance with the purposes set forth in Section 33(A) above, no Home shall be used or occupied as a Nonowner Occupied Home as defined in the Declaration, except as provided in Section 33(D) below.

C. Registration and Continuance of Leased and Occupied Nonowner Occupied Homes. In order for the Board of Directors to keep accurate records regarding Homes that are leased or otherwise used as Nonowner Occupied Homes, and to ensure compliance with the Declaration, each Co-Owner shall notify the Board of Directors prior to the commencement of any such lease of the Co-Owner's Home of the Co-Owner's intent to enter into such a lease. Beginning with the date of recordation of this Twenty Second Amendment, all leases of Homes within Stillwood Condominiums are subject to these provisions. Within thirty (30) days after the recording of this Declaration, the Board of Directors shall send written notice to every Co-Owner in the Stillwood Condominiums stating that if the Co-Owner's Home is being occupied and leased as a Nonowner Occupied Home, then the Co-Owner shall have sixty (60) days after the Co-Owner's receipt of such written notice to register with the Board of Directors such Nonowner Occupied Home, which was existing at the time of the recording of this Declaration, and provide the Board of Directors with the name(s) of the then current occupants, and the unexpired term of any lease.

D. Continuance of Prior Use. Properly registered Nonowner Occupied Homes shall continue to be used as such for as long as the occupants, as originally registered with the Board of Directors pursuant to Section 33(C) above, continue to reside in the Home. Should the occupants of a Nonowner Occupied Home cease to be occupants for any reason, the Home shall thereafter be used exclusively as a Home occupied by a Co-Owner, and shall not be used thereafter as a Nonowner Occupied Home.. Should a Co-Owner of a registered Nonowner Occupied Home cease to be the Co-Owner for any reason, the Home shall thereafter be used exclusively as a Home occupied by a Co-Owner, and shall not be used thereafter as a Nonowner Occupied Home.

III. Section 26 of the Declaration shall be deleted and replaced with the following:

26. Enforcement, Costs and Attorneys' Fees. Any Co-Owner, the Association, or the Board of Directors may bring an action arising because of failure of a Co-Owner to comply with any provision of this Declaration, the Act, the By-Laws, or the rules and regulations adopted pursuant thereto as may be

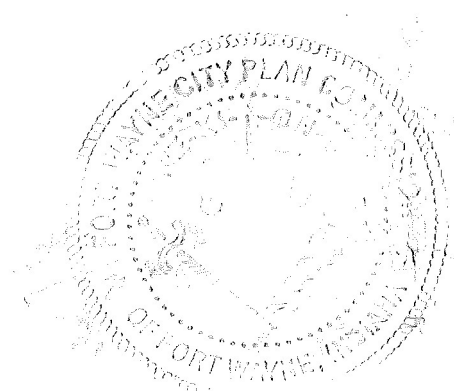
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amended from time to time. Additionally, the Association, by and through its Board of Directors, may bring a legal proceeding for the collection of delinquent payments owed by a Co-Owner and required under this Declaration. The Association shall be entitled to recover its costs and reasonable attorneys' fees incurred in the collection of payments owed from, or the enforcement against, any person who violates or threatens to violate this Declaration, the Act, the By-Laws, or rules and regulations adopted thereunder.

IV. The capitalized terms in this Twenty-Second Amendment shall have the same meanings as those terms defined in the Declaration, unless a contrary or alternate meaning is clearly ascribed by the context of this Twenty-Second Amendment. In the case of a conflict between the terms of this Twenty-Second Amendment and the Declaration, this amendment shall control.

V. The Twenty-Second Amendment shall be effective upon recordation of same in the Office of the Recorder for Allen County, Indiana.

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**Certificate of Adoption
22nd Amendment to Declaration**

The undersigned President and Secretary of the Board of Directors of Stillwood Condominiums, hereby certify that the TWENTY-SECOND AMENDMENT TO DECLARATION OF HORIZONTAL PROPERTY OWNERSHIP STILLWOOD CONDOMINIUMS HORIZONTAL PROPERTY REGIME, ST. JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA was acted on according to a vote of the Owners of Homes in attendance at a meeting on July 9, 2020, conducted for the purpose of voting on this Amendment, or by duly authorized proxy ballot. The Board has tallied the vote and finds 25 votes for and 1 votes against, comprising 78 percent of the entire membership (32 members) in favor of this Amendment. Additionally, the Board has received 0 supplemental written approvals from Home Owners, bringing the total to 78 percent for passage of this Amendment. Pursuant to Section 23(d) of the Declaration, 75% is required for passage.

STILLWOOD CONDOMINIUMS
An unincorporated association

By: Penelope Ruth Koehl
President, Board of Directors

Printed Name: Penny Koehl

By: Beth Silkworth
Secretary, Board of Directors

Printed Name: Beth Silkworth

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

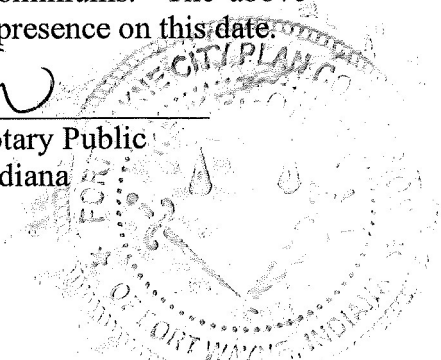


CAROLE HODGIN
Resident of Allen County, IN
Commission Expires: Oct. 2, 2023

Before me, the undersigned, a Notary Public, in and for said County and State, on this 14th day of July, 2020, personally appeared Penelope Ruth Koehl, the President of Stillwood Condominiums, and Beth Silkworth, the Secretary Stillwood Condominiums. The above signatures were executed by said individuals as a free act and deed in my presence on this date.

My Commission Expires:
10/2/2023

Carole Hodgin
Notary Public
Resident of Allen County, Indiana



RESOLUTION
22nd Amendment to Declaration

Pursuant to Section 23(b) and (c) of the Declaration of Horizontal Property Ownership for Stillwood Condominiums Horizontal Property Regime ("Declaration"), the following action was taken by the Board of Directors of the unincorporated association of co-owners of the Stillwood Condominiums ("Association") by vote taken on July 9, 2020.

RESOLVED, that the Board of Directors of the Association wish to amend the Declaration.

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

RESOLVED, that this amendment shall be designated as the 22nd amendment thereof, a copy of which is attached as Exhibit "A."

5 Following a vote of the Board of Directors this Resolution was approved by a vote of for and 0 against.

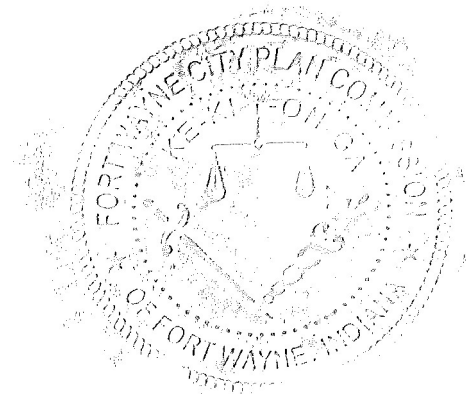
STILLWOOD CONDOMINIUMS
ASSOCIATION

By: *Penny Ruth Koehl*
President, Board of Directors

Printed Name: Penny Koehl

By: *Beth Silkworth*
Secretary, Board of Directors

Printed Name: Beth Silkworth



PLAN COMMISSION/ZONING ADMINISTRATOR APPROVAL

The Declaration of Horizontal Property Ownership Stillwood Condominiums Horizontal Property Regime in Section 23(f) requires the approval of either the Allen County Plan Commission or Zoning Administrator of Allen County for amendments to the Declaration. The Stillwood Condominiums are now under the jurisdiction of the City of Fort Wayne Plan Commission and Zoning Administration.



FORT WAYNE PLAN COMMISSION • FINDINGS OF FACT

Restrictive Covenant Amendment, Stillwood Condominiums

APPLICANT: Stillwood Condominiums Board of Directors
REQUEST: To amend the covenants to restrict rental of dwelling units.
LOCATION: The site is located on the south side of the 7800 block of Stellhorn Road in Section 26 of St. Joseph Township.

The Plan Commission finds that the proposed amendment to the restrictive covenants for Stillwood Condominiums is not in conflict with the Fort Wayne Zoning Ordinance or Subdivision Control Ordinance.

The requisite number of property owners (75%) within the development have signed the petition.

These findings approved by the Fort Wayne Plan Commission on May 17, 2021.

Kimberly R Bowman
Kimberly R. Bowman, AICP
Secretary to the Commission



CATHY J STONE, Notary Public
Allen County, State of Indiana
Commission Number 0682750
My Commission Expires May 27, 2024

Subscribed and sworn to before me, a Notary Public, said Kimberly R. Bowman this

17TH day of May, 2021.

CJ Stone
Cathy Stone, Notary Public
Resident of Allen County, Indiana

My Commission Expires: MAY 27, 2024

Prepared by: Michelle Wood, Department of Planning Services
Pursuant to IC 36-2-11-15(d): I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Michelle Wood

[Signature]

