

STATE OF INDIANA )  
COUNTY OF ALLEN )

IN THE ALLEN CIRCUIT COURT  
CAUSE NO. 02C01-9207-CP-571

IN RE: )  
INDIAN VILLAGE )  
SECTION A )

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND JUDGMENT

COMES NOW the Board of Governors of Indian Village (hereafter referred to as "Petitioner"), by its President, Jan Tidwell, and by counsel, Michael R. McEntee, for hearing upon its Petition for Approval of Amended Protective Covenants for Indian Village, Section A, a subdivision in Allen County, Indiana; and this cause having been submitted and evidence heard, this Court makes the following findings:

1. That Petitioner is the duly authorized governing body of that certain subdivision in Allen County, Indiana known as Indian Village, Section A, comprising Lots Numbered 1 through 203 as provided by the terms of the presently effective By-Laws and Restrictive Covenants therefore recorded at Miscellaneous Records 72, pages 384-388, in the Office of the Recorder of Allen County, Indiana.

2. That pursuant to the terms thereof, modification of said Restrictive Covenants for said Section A may be made by the approval of sixty-five percent (65%) or more of the owners of the legal title of the lots thereto.

3. That pursuant to a duly authorized and unanimously approved Resolution of Petitioner at its regular meeting of July 9, 1991, certain amended Protective Covenants, including the Preamble thereto, were authorized to be enacted. A copy of said amended Protective Covenants and Preamble is attached hereto, incorporated herein, and marked for reference Exhibit "A". A copy of the certification of said Resolution is attached hereto, incorporated herein, and marked for reference Exhibit "B".

4. That said amended Protective Covenants and Preamble as set out in Exhibit "A" were approved by the Fort Wayne City Plan Commission on September 23, 1991 and duly recorded as Document No. 91-040767 on September 25, 1991 in the Office of the Recorder of Allen County, Indiana.

5. That by further provision of the said By-Laws and Covenants, said amendments, as they pertain to said Section A of Indiana Village, must be approved by this Court and that the Petition herein seeks such approval.

6. That Petitioner has shown proof of timely and proper service upon all interested parties as required by law.

7. That this Petition, with said due notice given, was heard on the 23rd day of January, 1993 at which hearing or prior thereto no objection was made or filed with this Court.

8. That in accordance with the duly presented and admitted evidence adduced at said hearing, Petitioner has shown and carried

its burden of proof by a preponderance of the evidence that greater than sixty-five percent (65%) of the owners of said lots comprising said Indiana Village, Section A, have approved Exhibit "A" as the embodiment of said amendment, including the Preamble thereto, and that same should be approved as the lawful amendment of said By-Laws and Restrictive Covenants.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT: said amended Protective Covenants, including the Preamble thereto, are hereby approved and adopted as the effective Restrictive Covenants of said Indiana Village, Section A, a subdivision of Allen County, Indiana, and that they do and hereby supersede such Restrictive Covenants as are presently in effect.

This 11<sup>th</sup> day of May, 1993.

Thomas W. Lyman  
Judge, Allen Circuit Court