

FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIONS FOR LOTS 1 TO 203,

SECTION A, INDIAN VILLAGE

The homeowners in Indian Village, Section A, pursuant to the authority vested by its Protective Covenants as duly amended by the Petition for Amendment and Modification of the Covenants and Restrictions of Indian Village, Section A, recorded in the Office of the Allen County Recorder, and approved by judicial order do hereby unanimously resolve and act as follows:

WHEREAS, the homeowners in Indian Village, Section A, obtained approval by over 65% of the homeowners in Indian Village, Section A, and through judicial order for an amendment to the Protective Covenants as amended, which amendment allows the owners in section A to either create or join a preexisting homeowners association or community association, as defined by Indiana Code § 32-25.5-2-4.

The homeowners of Indian Village, Section A, do hereby amend said Protective Covenants as follows:

1. A new stand alone Section 15. Homeowners Association. Which will read:

“This Declaration hereby establishes the authority of the owners in Section A to either assemble or join a homeowners association, community association. In order to assemble or join a Homeowners Association 65% of the Owners must vote and affirm the decision to join or assemble any such association. If and when Section A assembles or joins a Homeowners Association, one membership shall be granted for each lot or single family residence. Once membership is established, membership shall pass with the ownership of the lot or single family residence.”

2. The removal of Section 11. Racial Restrictions.
3. A modification to Section 12. Duration of Restrictions and Right to Enforce, which will eliminate the requirement to petition the Allen Circuit Court to modify and shall thereafter require only a 65% vote. Which will read:

**Amendment to the Declaration of Restrictions Affecting Lots 1 to 203, Section A, Indian Village as Amended by the Petition for Amendment and Modification of the Covenants and Restrictions of Indian Village, Section A, and its Subsequent Judicial Approval**

Pursuant to Section 12 of the Declaration of Restrictions for Indian Village, Section A, the owners of Section A of Indian Village, as shown in the attached notarized forms, wish to amend and alter the Declaration of Restrictions and are hereby amended and added to by the provisions attached hereto.

The required number of Lot Owners of Indiana Village, Section A have affixed their signatures hereto. Pursuant to Section 12 of the original Declaration of Restrictions that number is 65% of the Lot Owners of Section A, Indian Village.

This instrument prepared by Ryan M. Gardner, Attorney, 110 West Berry Street, Suite 1100, Fort Wayne, Indiana 46802.

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Allen County Auditor's Number

"The herein enumerated restrictions, rights, reservations, limitations, agreements, covenants, and conditions shall be deemed as covenants and not as conditions hereof, and shall run with the land, and shall bind the grantee, until the first day of May 1952, in any event, and continuously thereafter, and can be modified only by a vote of 65% of the then owners of legal title to all of the lots of Indian Village, Section A, the use of which is sought to be altered by said proposed change, the failure to enforce any of the restrictions herein set forth at the time of its violation, shall in no be deemed to be a waiver of the right to do so thereafter. A violation of these restrictions shall not give the right of reentry, but shall give to any property owner in said addition, injuriously affected thereby, a cause of action for damages and injunctive relief."

All other provisions of said Declaration of Restrictions as amended by the Petition for Amendment and Modification of the Covenants and Restrictions of Indian Village, Section A, as recorded in the Allen County Recorder's Office, not affected by this amendment, shall be and remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have set their hand this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.