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AMENDMENTS TO PLAT RESTRICTIONS
FOR THE SECONDARY PLAT
OF RIVER GLEN SECTION 2

THESE AMENDMENTS to the Plat Restrictions for the Secondary Plat for River Glen, Section 2 are executed this 20th day of DECEMBER, 1995. Page 0

WITNESSETH:

WHEREAS, the residential community in the Town of Fishers, Hamilton County, Indiana commonly known as River Glen (consisting of the platted subdivisions known as River Ridge, Barrington Ridge, and River Glen), collectively referred to hereafter as "River Glen", was established upon the recording of the "Declaration of Easements, Covenants and Restrictions for River Glen" with the Hamilton County Recorder's Office on August 24, 1989, as Instrument No. 8918275 (hereafter, "Original Declaration"), as well as the recording of plats for the various sections thereof; and

WHEREAS, the Secondary Plat for River Glen, Section 2 was recorded on June 6, 1990, with the Hamilton County Recorder's Office as Instrument No. 9013363, establishing forty-eight (48) Lots consisting of Lots 80 through 127, inclusive (hereafter, "Section 2 Plat"); and

WHEREAS, Secondary Plats for River Glen, Sections 1, 3, and 4, Barrington Ridge, and River Ridge were also recorded, establishing additional Lots and properties governed by the Original Declaration and the River Glen Homeowners Association, Inc.; and

WHEREAS, the Original Declaration was amended by the "Amendments to Declaration of Easements, Covenants and Restrictions for River Glen" being recorded with the Hamilton County Recorder's Office on February 23, 1995, as Instrument No. 9505956; and

WHEREAS, the Section 2 Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Section 2 Plat (hereafter, "Section 2 Plat Restrictions"); and

WHEREAS, the owners of Lots within Section 2 desire to amend certain provisions of the Section 2 Plat Restrictions; and

WHEREAS, Paragraph 33 of the Section 2 Plat Restrictions states that the same may be amended at any time by the approval of the owners of at least two-thirds (2/3) of the lots in River Glen, Section 2; and

WHEREAS, upon notice being duly given, the Board of Directors of the River Glen Homeowners Association, Inc. called for a Special Meeting of the River Glen Section 2 owners to be held December 4, 1995; and

WHEREAS, at said Special Meeting, the owners of thirty-nine (39) of the forty-eight (48) total number of Lots within River Glen, Section 2 were present, either in person or by proxy; and

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WHEREAS, at said Special Meeting, the owners of thirty-five (35) lots in River Glen, Section 2 voted to approve the amendments to the Section 2 Plat Restrictions as set forth below; and

WHEREAS, said owners voting to approve the amendments set forth below constitute more than two-thirds (2/3) of the Lots in River Glen, Section 2; and

WHEREAS, said owners, under the authority of the Section 2 Plat, wish to make certain changes and amendments to the Section 2 Plat Restrictions as described below.

NOW, THEREFORE, the River Glen Section 2 Plat Restrictions are amended in the manner set forth below.

1. Paragraph 3(B) of the River Glen Section 2 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

- (B) "Drainage Easements", or "D.E.'s", are created to provide paths and courses and a system for natural area and local storm drainage, either overland or in appropriate underground installations, to serve the needs of this and adjoining ground and the public drainage system; the owners of all lots are and shall be required to keep any areas of their lots designed for the natural flow of surface water free of obstructions to such natural flow, including both structures and plant materials, so that the flow of water will be unimpeded. Alterations to storm drainage systems which incorporate creeks, ditches, swales, slopes, culverts, drains, pipes or other features (whether in a Drainage Easement or not) in any open area in front of, between or to the rear of any building or lot, whether natural or man-made, shall not be made without the prior express written approval of the Board of Directors of the River Glen Homeowners Association, Inc. (hereafter, "Homeowners Association" or "Association"). Any owner, resident or other party desiring to make alterations to such systems, whether to topography, physical improvements or vegetation contained therein, or to add physical improvements including, but not limited to, paving, walls, pipes, culverts, bridges, berms, embankments, ditches or swales, shall first submit a written application to the Architectural Committee (hereinafter defined), which shall make a recommendation to the Association's Board of Directors for approval or disapproval. Any such approval by the Board of Directors shall not relieve the applicant's responsibility to conform to applicable codes, standards and regulations administered by any governmental authorities having jurisdiction. If an owner of a lot violates the terms of this provision, in addition to any other rights the Association may have, the Association shall have the right to enter upon said lot and the Drainage Easement and remove any obstructions, with the costs and expenses of the same being a Special Assessment against the violating owner.

Drainage Easements may also be used for all purposes for which Utility Easements and Sanitary Sewer Easements may be used hereunder;

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ALSO COVERS RIVER RIDGE

2. Paragraph 8 of the River Glen Section 2 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

8. No trailer, tent, basement, garage or other structure erected on any lot in this subdivision shall at any time be used as a residence, temporarily or permanently, nor shall any building of a temporary character, except those utilized by a builder of a residence, be erected on any lot. No overnight camping shall be permitted within the subdivision.

No outbuildings or accessory buildings of any kind shall be permitted on any lot in this subdivision.

3. Paragraph 17 of the River Glen Section 2 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

17. There shall be, and hereby is, created and established a committee to be known as the "River Glen Architectural Committee" (hereafter, the "Committee") to perform the functions delegated to it by these Plat restrictions. The Board of Directors of the Association shall appoint the members of the Committee, as well as the Committee's Chairperson.

The Committee shall consist of Owners of Lots in River Ridge and/or River Glen, Sections 1, 2, 3 or 4. The Board of Directors of the Association shall determine the exact number of Committee members. The Board of Directors of the Association shall endeavor, if possible, to have each of the five (5) areas represented by at least one (1) member of the Committee who owns a Lot within the applicable area. Thus, if possible, there shall be at least one (1) member of the Committee who owns a Lot in River Ridge, River Glen-Section 1, River Glen-Section 2, River Glen-Section 3 and River Glen-Section 4. However, if there is no such representation, the Committee shall continue to function and its decisions shall be binding. The Committee shall serve River Ridge, and all four (4) Sections of River Glen. The Chairperson of the Committee shall be a current member of the Board of Directors of the Association. Members of the Committee may be removed at any time, with or without cause, by a vote of the Board of Directors of the Association. Representation of Committee members from at least three (3) of the five (5) areas shall constitute a quorum for any Committee meetings, and the taking of any action (including approvals and disapprovals). However, the Committee Chairperson shall not be considered for purposes of establishing such a quorum. The decision of a majority of Committee members in attendance at a meeting at which a quorum is present shall control without exception and be final, conclusive and binding.

The Committee shall have the power to issue Architectural Standards to guide the Committee and owners in determining whether certain types of improvements shall be permitted. The Architectural Standards may establish certain types of improvements being permitted in some but not all Lots in this subdivision, depending upon factors such as topography, the location and positioning of the particular Lots, and their proximity to other Lots or streets. Prior to being effective, the Architectural Standards shall be approved in writing by the Board of Directors of the Association after the same

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have been recommended for approval by the Committee. Such Architectural Standards shall not be inconsistent with any provisions set forth in these Plat Restrictions or any other recorded documents pertaining to this property. Upon the adoption, amendment or repeal of any Architectural Standards, a copy of the same shall be mailed or delivered to the owners. Additionally, at least annually, the Association shall mail or deliver a complete set of the Architectural Standards to all owners. Despite the Architectural Standards, the Committee shall have the power to make exceptions to or waive or vary any of the Architectural Standards in the same manner as the Committee's ability to do the same for any of the Plat Restrictions, as described in Paragraph 18 of these Restrictions.

The Architectural Standards shall include a fence policy, which may include pre-approved styles of fences which generally would be allowed, as well as styles of fences which generally will not be approved. Similarly, the fence policy shall limit the height, composition of materials, color, and the Lots upon which fences may not be built. All Architectural Standards, including the fence policy, shall be consistently applied. The Architectural Standards, including the fence policy, and all amendments thereto, shall be recorded with the Hamilton County Recorder's Office.

4. Paragraph 18 of the River Glen Section 2 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

18. No construction shall be commenced, nor shall any building, structure or other improvements (including, without limitation, fences, landscaping, walls, gazebos, play equipment or structures, driveways and walkways) be erected, removed, placed or altered (including changes in exterior materials, color or appearance), on any lot in this subdivision until the building plans, specifications and plot plans showing the location thereof and of all improvements proposed, including dimensions, size, location and drainage, have been submitted in writing to and approved in writing by the Committee as to the compatibility of the exterior design, appearance and location of the same with existing structures in this subdivision and as to the conformity of the same with the intent of the covenants and restrictions set forth in this plat and the Architectural Standards.

The Committee shall meet at least once per month, with meetings no farther apart than six (6) weeks. The dates, time, and location of the Committee's meeting shall be announced to the owners at least two (2) months in advance through a newsletter or other correspondence from the Association. Any owner submitting plans for proposed construction under this Paragraph shall submit all such requests and all necessary materials to a member of the Committee at least one (1) week prior to the next regularly scheduled Committee meeting. If no requests have been timely submitted to the Committee, the Committee need not meet. The owner may personally appear at the Committee meeting to answer any questions. If a quorum is present, and if the applicant has submitted all necessary material to the Committee's reasonable satisfaction, the Committee may approve or disapprove the owner's request at that meeting. Within fourteen (14) days of the date of such meeting, the Committee shall confirm its approval or disapproval in writing to the owner. If the Committee

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disapproves the owner's request, the Committee shall set forth in writing the reasons for the Committee's disapproval. However, if the Committee fails to approve or disapprove an owner's request within the fourteen (14) day period, such a failure shall be construed as the Committee's approval of the owner's proposed plans.

Neither the Committee nor any of its members shall be entitled to any compensation for the consideration hereunder. Neither the Committee, the Association's Board of Directors or Officers, nor any member thereof, nor any agent thereof shall be responsible in any way for any defects in any plans, specifications or other materials submitted to it, nor for any defects in any work done according thereto. Further, the Committee does not make, and shall not be deemed by virtue of any action of approval or disapproval taken by it to have made, any representation or warranty as to the suitability or advisability of the design, the engineering, the method of construction, involved, or the materials to be used as reflected on any plans, specifications or other material submitted to the Committee.

The Committee shall have the right, in its consideration of plans submitted to it and in giving any approval hereunder, to make exceptions to or waive or vary any of the restrictions contained herein or in the Architectural Standards if, in the Committee's discretion, it determines that such exceptions, waivers and variances will not substantially detract from the compatibility of the construction as so approved with existing structures in this subdivision; provided, however, that no such exception, waiver or variance shall be made as to restrictions set forth herein which are also required pursuant to any zoning ordinance, building code or other governmental law, ordinance, rule or regulation. The approvals of the Committee required hereunder shall be in addition to, and not in lieu of, any approvals as to such matters or permits for such matters required to be obtained from any other persons or government entities pursuant to the terms of this plat, any zoning ordinance or building code, or otherwise.

5. Paragraph 23 of the River G: a Section 2 Plat Restrictions is deleted in its entirety and replaced with the following:

23. Windows and doors for new construction of a primary residence must be consistent with and compatible with other originally installed windows and doors in the subdivision. Windows and doors on additions shall be consistent in color and appearance with the windows and doors in the original portion of the home and are subject to approval by the Committee. Any storm doors or storm windows installed on or used in connection with any building on any lot and not initially installed by the Declarant or a builder concurrently with the original construction, must be approved by the Committee and shall be painted, and unfinished aluminum storm doors or storm windows shall be permitted or allowed. All garage doors within the subdivision shall be of a paneled design. All windows and doors (including garage doors) are subject to approval by the Committee.

ALSO COVERS RIVER RIDGE

6. Paragraph 29 of the River Glen Section 2 Plat Restrictions is deleted in its entirety and replaced with the following:

29. No exposed television, radio or other antennas (including, without limitation, satellite receiving dishes) shall be allowed or permitted on the exterior of any building or on any lot except with the written approval of the Architectural Committee. Approvals for the same shall be by the same process as stated in Paragraph 18 of these Plat Restrictions.

No basketball goals or other sports equipment shall be permanently attached to any buildings or on any lot within this subdivision. Movable basketball goals and any other sports equipment may be allowed, subject to Committee approval and to any additional conditions and restrictions which may be contained in the Architectural Standards.

7. Paragraph 34 of the River Glen Section 2 Plat Restrictions is deleted in its entirety and replaced with the following:

34. The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties and persons claiming under them so long as they remain in effect in accordance with the terms hereof. The right to enforce the within provisions, restrictions and covenants by injunction together with the right to cause the removal by due process of law of any structure erected or maintained in violation thereof is hereby dedicated and reserved to each of the owners of the lots in this subdivision, their heirs and assignees, the Homeowners Association, the Architectural Committee, and the Fishers Advisory Plan Commission, its successors and assigns, all of whom shall be entitled to such relief without being required to show any damage of any kind to any such owner, owners or party by or through any such violation or attempted violation. In any such enforcement action, the violating owner shall be responsible for all reasonable attorneys fees, costs and expenses incurred by the party seeking to enforce these provisions. Such provisions shall be in full force and effect for a term commencing on the date this instrument is recorded and expiring on December 31, 2015, at which time said covenants, limitations and restrictions shall be automatically extended for successive periods of ten (10) years each unless, by a vote of the majority of the then owners of the lots in this subdivision, it is agreed to change (or terminate) these covenants, limitations and restrictions in whole or in part; provided, however, that no change or termination of said covenants, limitations and restrictions shall affect any easement hereby created or granted unless all persons entitled to the beneficial use and enjoyment of such easement shall consent thereto. Invalidation of any of the covenants, limitations and restrictions contained herein by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

8. Acceptance and Ratification. The acceptance of a deed of conveyance or the act of occupancy of any Lot shall constitute a ratification of these amendments, together with the Declaration, the Association's By-Laws, the Articles of Incorporation, any rules or regulations adopted pursuant thereto, the Section 2 Plat Restrictions, and the Architectural Standards, together with all amendments to the foregoing, and all such provisions shall be covenants running with the

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land and shall bind any person having at any time any interest or estate in a Lot or the Real Estate as if such provisions were recited and stipulated at length in each an every deed, conveyance, mortgage or lease.

9. **Certification.** The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the amendments of the River Glen Section 2 Plat Restrictions as contained herein have been fulfilled and satisfied.

EXECUTED on the 20 day of December, 1995.

River Glen Homeowners Association, Inc.,
an Indiana nonprofit corporation

By: Harry Sommer
(Signature)
Harry A. Sommer
(Printed)
President
(Title)

ATTEST
Ralph E. Davis
(Signature)

RALPH E. DAVIS
(Printed)

TREASURER
(Title)

CHICAGO TITLE

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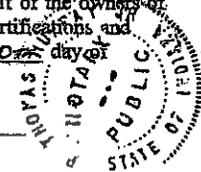
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STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a notary public, in and for said County and State, personally appeared HARRY A. SOMMER and RALPH E. DAVIS, the President and TREASURER, respectively, of River Glen Homeowners Association, Inc., an Indiana nonprofit corporation, who acknowledged execution of the within and foregoing Amendments to the Plat Restrictions for the Secondary Plat of River Glen Section 2 for and on behalf of the owners of Lots within River Glen, Section 2 and who, being duly sworn, stated that the Certifications and representations made therein are true. Witness my hand and notarial seal this 20th day of December, 1995.

P. Thomas Murray, Jr.
Notary Public

P. THOMAS MURRAY, JR.
Printed



My Commission Expires: 12-20-97

Residence County: MARION

This instrument prepared by, and should be returned to, P. Thomas Murray, Jr., Attorney at Law, P.O. Box 501040, Indianapolis, IN 46250. (317) 842-8550.
asection2.plt
12-15-95



CHICAGO TITLE

950366034
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 12-22-1995 At 01:24 PM.
DECL 26.00
Vol. 0 Page 0

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ALSO COVERS RIVER RIDGE

AMENDMENTS TO PLAT RESTRICTIONS FOR THE SECONDARY PLAT OF RIVER GLEN, SECTION 1

9505566035
Filed for Record
HAMILTON COUNTY, INDIANA
MARY L. CLARK
On 12-22-1995 At 01:24 pm.
DECL 26.00
Vol. 0 Page 0

THESE AMENDMENTS to the Plat Restrictions for the Secondary Plat of River Glen, Section 1 are executed this 20th day of DECEMBER, 1995.

WITNESSETH:

WHEREAS, the residential community in the Town of Fishers, Hamilton County, Indiana, commonly known as River Glen (consisting of the platted subdivisions known as River Ridge, Barrington Ridge, and River Glen), collectively referred to hereafter as "River Glen", was established upon the recording of the "Declaration of Easements, Covenants and Restrictions for River Glen" with the Hamilton County Recorder's Office on August 24, 1989, as Instrument No. 8918275 (hereafter, "Original Declaration"), as well as the recording of plats for the various sections thereof; and

WHEREAS, the Secondary Plat for River Glen, Section 1 was recorded on September 26, 1989, with the Hamilton County Recorder's Office as Instrument No. 8921350, establishing seventy-nine (79) Lots consisting of Lots 1 through 79, inclusive (hereafter, "Section 1 Plat"); and

WHEREAS, Secondary Plats for River Glen, Sections 2, 3, and 4, Barrington Ridge, and River Ridge were also recorded, establishing additional Lots and properties governed by the Original Declaration and the River Glen Homeowners Association, Inc.; and

WHEREAS, the Original Declaration was amended by the "Amendments to Declaration of Easements, Covenants and Restrictions for River Glen" being recorded with the Hamilton County Recorder's Office on February 23, 1995, as Instrument No. 9505956; and

WHEREAS, the Section 1 Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Section 1 Plat (hereafter, "Section 1 Plat Restrictions"); and

WHEREAS, the owners of Lots within Section 1 desire to amend certain provisions of the Section 1 Plat Restrictions; and

WHEREAS, Paragraph 33 of the Section 1 Plat Restrictions states that the same may be amended at any time by the approval of the owners of at least two-thirds (2/3) of the lots in River Glen, Section 1; and

WHEREAS, upon notice being duly given, the Board of Directors of the River Glen Homeowners Association, Inc. called for a Special Meeting of the River Glen Section 1 owners to be held December 4, 1995; and

WHEREAS, at said Special Meeting, the owners of fifty-five (55) of the seventy-nine (79) total number of Lots within River Glen, Section 1 were present, either in person or by proxy; and

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WHEREAS, at said Special Meeting, the owners of fifty-three (53) lots in River Glen, Section 1 voted to approve the amendments to the Section 1 Plat Restrictions as set forth below; and

WHEREAS, said owners voting to approve the amendments set forth below constitute more than two-thirds (2/3) of the Lots in River Glen, Section 1; and

WHEREAS, said owners, under the authority of the Section 1 Plat, wish to make certain changes and amendments to the Section 1 Plat Restrictions as described below.

NOW, THEREFORE, the River Glen Section 1 Plat Restrictions are amended in the manner set forth below.

1. Paragraph 3(B) of the River Glen Section 1 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

- (B) "Drainage Easements", or "D.E.'s", are created to provide paths and courses and a system for natural area and local storm drainage, either overland or in appropriate underground installations, to serve the needs of this and adjoining ground and the public drainage system; the owners of all lots are and shall be required to keep any areas of their lots designed for the natural flow of surface water free of obstructions to such natural flow, including both structures and plant materials, so that the flow of water will be unimpeded. Alterations to storm drainage systems which incorporate creeks, ditches, swales, slopes, culverts, drains, pipes or other features (whether in a Drainage Easement or not) in any open area in front of, between or to the rear of any building or lot, whether natural or man-made, shall not be made without the prior express written approval of the Board of Directors of the River Glen Homeowners Association, Inc. (hereafter, "Homeowners Association" or "Association"). Any owner, resident or other party desiring to make alterations to such systems, whether to topography, physical improvements or vegetation contained therein, or to add physical improvements including, but not limited to, paving, walls, pipes, culverts, bridges, berms, embankments, ditches or swales, shall first submit a written application to the Architectural Committee (hereinafter defined), which shall make a recommendation to the Association's Board of Directors for approval or disapproval. Any such approval by the Board of Directors shall not relieve the applicant's responsibility to conform to applicable codes, standards and regulations administered by any governmental authorities having jurisdiction. If an owner of a lot violates the terms of this provision, in addition to any other rights the Association may have, the Association shall have the right to enter upon said lot and the Drainage Easement and remove any obstructions, with the costs and expenses of the same being a Special Assessment against the violating owner.

Drainage Easements may also be used for all purposes for which Utility Easements and Sanitary Sewer Easements may be used hereunder;

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ALSO COVERS RIVER RIDGE

2. Paragraph 8 of the River Glen Section 1 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

8. No trailer, tent, basement, garage or other structures erected on any lot in this subdivision shall at any time be used as a residence, temporarily or permanently, nor shall any building of a temporary character, except those utilized by a builder of a residence, be erected on any lot. No overnight camping shall be permitted within the subdivision.

No outbuildings or accessory buildings of any kind shall be permitted on any lot in this subdivision.

3. Paragraph 17 of the River Glen Section 1 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

17. There shall be, and hereby is, created and established a committee to be known as the "River Glen Architectural Committee" (hereafter, the "Committee") to perform the functions delegated to it by these Plat restrictions. The Board of Directors of the Association shall appoint the members of the Committee, as well as the Committee's Chairperson.

The Committee shall consist of Owners of Lots in River Ridge and/or River Glen, Sections 1, 2, 3 or 4. The Board of Directors of the Association shall determine the exact number of Committee members. The Board of Directors of the Association shall endeavor, if possible, to have each of the five (5) areas represented by at least one (1) member of the Committee who owns a Lot within the applicable area. Thus, if possible, there shall be at least one (1) member of the Committee who owns a Lot in River Ridge, River Glen-Section 1, River Glen-Section 2, River Glen-Section 3 and River Glen-Section 4. However, if there is no such representation, the Committee shall continue to function and its decisions shall be binding. The Committee shall serve River Ridge and all four (4) Sections of River Glen. The Chairperson of the Committee shall be a current member of the Board of Directors of the Association. Members of the Committee may be removed at any time, with or without cause, by a vote of the Board of Directors of the Association. Representation of Committee members from at least three (3) of the five (5) areas shall constitute a quorum for any Committee meetings, and the taking of any action (including approvals and disapprovals). However, the Committee Chairperson shall not be considered for purposes of establishing such a quorum. The decision of a majority of Committee members in attendance at a meeting at which a quorum is present shall control without exception and be final, conclusive and binding.

The Committee shall have the power to issue Architectural Standards to guide the Committee and owners in determining whether certain types of improvements shall be permitted. The Architectural Standards may establish certain types of improvements being permitted in some but not all Lots in this subdivision, depending upon factors such as topography, the location and positioning of the particular Lots, and their proximity to other Lots or streets. Prior to being effective, the Architectural Standards shall be approved in writing by the Board of Directors of the Association after the same

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have been recommended for approval by the Committee. Such Architectural Standards shall not be inconsistent with any provisions set forth in these Plat Restrictions or any other recorded documents pertaining to this property. Upon the adoption, amendment or repeal of any Architectural Standards, a copy of the same shall be mailed or delivered to the owners. Additionally, at least annually, the Association shall mail or deliver a complete set of the Architectural Standards to all owners. Despite the Architectural Standards, the Committee shall have the power to make exceptions to or waive or vary any of the Architectural Standards in the same manner as the Committee's ability to do the same for any of the Plat Restrictions, as described in Paragraph 18 of these Restrictions.

The Architectural Standards shall include a fence policy, which may include pre-approved styles of fences which generally would be allowed, as well as styles of fences which generally will not be approved. Similarly, the fence policy shall limit the height, composition of materials, color, and the Lots upon which fences may not be built. All Architectural Standards, including the fence policy, shall be consistently applied. The Architectural Standards, including the fence policy, and all amendments thereto, shall be recorded with the Hamilton County Recorder's Office.

4. Paragraph 18 of the River Glen Section 1 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

18. No construction shall be commenced, nor shall any building, structure or other improvements (including, without limitation, fences, landscaping, walls, gazebos, play equipment or structures, driveways and walkways) be erected, removed, placed or altered (including changes in exterior materials, color or appearance), on any lot in this subdivision until the building plans, specifications and plot plans showing the location thereof and of all improvements proposed, including dimensions, size, location and drainage, have been submitted in writing to and approved in writing by the Committee as to the compatibility of the exterior design, appearance and location of the same with existing structures in this subdivision and as to the conformity of the same with the intent of the covenants and restrictions set forth in this plat and the Architectural Standards.

The Committee shall meet at least once per month, with meetings no farther apart than six (6) weeks. The dates, time, and location of the Committee's meeting shall be announced to the owners at least two (2) months in advance through a newsletter or other correspondence from the Association. Any owner submitting plans for proposed construction under this Paragraph shall submit all such requests and all necessary materials to a member of the Committee at least one (1) week prior to the next regularly scheduled Committee meeting. If no requests have been timely submitted to the Committee, the Committee need not meet. The owner may personally appear at the Committee meeting to answer any questions. If a quorum is present, and if the applicant has submitted all necessary material to the Committee's reasonable satisfaction, the Committee may approve or disapprove the owner's request at that meeting. Within fourteen (14) days of the date of such meeting, the Committee shall confirm its approval or disapproval in writing to the owner. If the Committee

PLAT # 9566035

ALSO COVERS RIVER RIDGE

disapproves the owner's request, the Committee shall set forth in writing the reasons for the Committee's disapproval. However, if the Committee fails to approve or disapprove an owner's request within the fourteen (14) day period, such a failure shall be construed as the Committee's approval of the owner's proposed plans.

Neither the Committee nor any of its members shall be entitled to any compensation for the consideration hereunder. Neither the Committee, the Association's Board of Directors or Officers, nor any member thereof, nor any agent thereof shall be responsible in any way for any defects in any plans, specifications or other materials submitted to it, nor for any defects in any work done according thereto. Further, the Committee does not make, and shall not be deemed by virtue of any action of approval or disapproval taken by it to have made, any representation or warranty as to the suitability or advisability of the design, the engineering, the method of construction involved, or the materials to be used as reflected on any plans, specifications or other material submitted to the Committee.

The Committee shall have the right, in its consideration of plans submitted to it and in giving any approval hereunder, to make exceptions to or waive or vary any of the restrictions contained herein or in the Architectural Standards if, in the Committee's discretion, it determines that such exceptions, waivers and variances will not substantially detract from the compatibility of the construction as so approved with existing structures in this subdivision; provided, however, that no such exception, waiver or variance shall be made as to restrictions set forth herein which are also required pursuant to any zoning ordinance, building code or other governmental law, ordinance, rule or regulation. The approvals of the Committee required hereunder shall be in addition to, and not in lieu of, any approvals as to such matters or permits for such matters required to be obtained from any other persons or government entities pursuant to the terms of this plat, any zoning ordinance or building code, or otherwise.

5. Paragraph 23 of the River Glen Section 1 Plat Restrictions is deleted in its entirety and replaced with the following:

23. Windows and doors for new construction of a primary residence must be consistent with and compatible with other originally installed windows and doors in the subdivision. Windows and doors on additions shall be consistent in color and appearance with the windows and doors in the original portion of the home and are subject to approval by the Committee. Any storm doors or storm windows installed on or used in connection with any building on any lot and not initially installed by the Declarant or a builder concurrently with the original construction, must be approved by the Committee and shall be painted, and no unfinished aluminum storm doors or storm windows shall be permitted or allowed. All garage doors within the subdivision shall be of a paneled design. All windows and doors (including garage doors) are subject to approval by the Committee.

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6. Paragraph 29 of the River Glen Section 1 Plat Restrictions is deleted in its entirety and replaced with the following:

29. No exposed television, radio or other antennas (including, without limitation, satellite receiving dishes) shall be allowed or permitted on the exterior of any building or on any lot except with the written approval of the Architectural Committee. Approvals for the same shall be by the same process as stated in Paragraph 18 of these Plat Restrictions.

No basketball goals or other sports equipment shall be permanently attached to any buildings or on any lot within this subdivision. Movable basketball goals and any other sports equipment may be allowed, subject to Committee approval and to any additional conditions and restrictions which may be contained in the Architectural Standards.

7. Paragraph 34 of the River Glen Section 1 Plat Restrictions is deleted in its entirety and replaced with the following:

34. The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties and persons claiming under them so long as they remain in effect in accordance with the terms hereof. The right to enforce the within provisions, restrictions and covenants by injunction together with the right to cause the removal by due process of law of any structure erected or maintained in violation thereof is hereby dedicated and reserved to each of the owners of the lots in this subdivision, their heirs and assignees, the Homeowners Association, the Architectural Committee, and the Fishers Advisory Plan Commission, its successors and assigns, all of whom shall be entitled to such relief without being required to show any damage of any kind to any such owner, owners or party by or through any such violation or attempted violation. In any such enforcement action, the violating owner shall be responsible for all reasonable attorneys fees, costs and expenses incurred by the party seeking to enforce these provisions. Such provisions shall be in full force and effect for a term commencing on the date this instrument is recorded and expiring on December 31, 2014, at which time said covenants, limitations and restrictions shall be automatically extended for successive periods of ten (10) years each unless, by a vote of the majority of the then owners of the lots in this subdivision, it is agreed to change (or terminate) these covenants, limitations and restrictions in whole or in part; provided, however, that no change or termination of said covenants, limitations and restrictions shall affect any easement hereby created or granted unless all persons entitled to the beneficial use and enjoyment of such easement shall consent thereto. Invalidation of any of the covenants, limitations and restrictions contained herein by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

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8. Acceptance and Ratification. The acceptance of a deed of conveyance or the act of occupancy of any Lot shall constitute a ratification of these amendments, together with the Declaration, the Association's By-Laws, the Articles of Incorporation, any rules or regulations adopted pursuant thereto, the Section 1 Plat Restrictions, and the Architectural Standards, together with all amendments to the foregoing, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in a Lot or the Real Estate as if such provisions were recited and stipulated at length in each an every deed, conveyance, mortgage or lease.

9. Certification. The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the amendments of the River Glen Section 1 Plat Restrictions as contained herein have been fulfilled and satisfied.

EXECUTED on the 20 day of December, 1995.

River Glen Homeowners Association, Inc.,
an Indiana nonprofit corporation

By: Harry Adammer
(Signature)

Harry Adammer
(Printed)

President
(Title)

ATTEST:

Ralph E. Davis
(Signature)

RALPH E. DAVIS
(Printed)

TREASURER
(Title)

9566035

ALSO COVERS RIVER RIDGE

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a notary public, in and for said County and State, personally appeared HARRY A. SOMMER and RALPH E. DAVIS, the President and TREASURER, respectively, of River Glen Homeowners Association, Inc., an Indiana nonprofit corporation, who acknowledged execution of the within and foregoing Amendments to the Plat Restrictions for the Secondary Plat of River Glen Section 1 for and on behalf of the owners of Lots within River Glen, Section 1 and who, being duly sworn, stated that the Certifications and representations made therein are true. Witness my hand and notarial seal this 20th day of December, 1995.

P. Thomas Murray, Jr.
Notary Public

P. Thomas Murray, Jr.
Printed



My Commission Expires:
12-20-97

Residence County: MARION

This instrument prepared by, and should be returned to, P. Thomas Murray, Jr., Attorney at Law, P.O. Box 501040, Indianapolis, IN 46250. (317) 842-8550.
a:section1.plt
12-15-95



CHICAGO TITLE

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ALSO COVERS RIVER RIDGE

AMENDMENTS TO PLAT RESTRICTIONS FOR THE SECONDARY PLAT OF RIVER RIDGE

9509566036
Filed for Record in
HAMILTON COUNTY, INDIANA
JERRY L. CLARK
ON 12-22-1995 At 01:24 pm.
DECL 26.00
Vol. 0 Page 0

26.00
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THESE AMENDMENTS to the Plat Restrictions for the Secondary Plat of River Ridge are executed this 20th day of DECEMBER, 1995.

WITNESSETH:

WHEREAS, the residential community in the Town of Fishers, Hamilton County, Indiana commonly known as River Glen (consisting of the platted subdivisions known as River Ridge, Barrington Ridge, and River Glen), collectively referred to hereafter as "River Glen", was established upon the recording of the "Declaration of Easements, Covenants and Restrictions for River Glen" with the Hamilton County Recorder's Office on August 24, 1989, as Instrument No. 8918275 (hereafter, "Original Declaration"), as well as the recording of plats for the various sections thereof; and

WHEREAS, the Secondary Plat for River Ridge was recorded on January 6, 1989, with the Hamilton County Recorder's Office as Instrument No. 8900379 establishing eighty-two (82) Lots consisting of Lots 1 through 82, inclusive (hereafter, "River Ridge Plat"); and

WHEREAS, Secondary Plats for River Glen, Sections 1, 2, 3, and 4, and Barrington Ridge were also recorded, establishing additional Lots and properties governed by the Original Declaration and the River Glen Homeowners Association, Inc.; and

WHEREAS, the Original Declaration was amended by the "Amendments to Declaration of Easements, Covenants and Restrictions for River Glen" being recorded with the Hamilton County Recorder's Office on February 23, 1995, as Instrument No. 9505956; and

WHEREAS, the River Ridge Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the River Ridge Plat (hereafter, "River Ridge Plat Restrictions"); and

WHEREAS, the owners of Lots within River Ridge desire to amend certain provisions of the River Ridge Plat Restrictions; and

WHEREAS, Paragraph 33 of the River Ridge Plat Restrictions states that the same may be amended at any time by the approval of the owners of a majority of the lots in River Ridge; and

WHEREAS, upon notice being duly given, the Board of Directors of the River Glen Homeowners Association, Inc. called for a Special Meeting of the River Ridge owners to be held December 4, 1995; and

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ALSO COVERS RIVER RIDGE

WHEREAS, at said Special Meeting, the owners of sixty-four (64) of the eighty-two (82) total number of Lots within River Ridge were present, either in person or by proxy; and

WHEREAS, at said Special Meeting, the owners of fifty-five (55) lots in River Ridge voted to approve the amendments to the River Ridge Plat Restrictions as set forth below; and

WHEREAS, said owners voting to approve the amendments set forth below constitute a majority of the Lots in River Ridge; and

WHEREAS, said owners, under the authority of the River Ridge Plat, wish to make certain changes and amendments to the River Ridge Plat Restrictions as described below.

NOW, THEREFORE, the River Ridge Plat Restrictions are amended in the manner set forth below.

1. Paragraph 3(B) of the River Ridge Plat Restrictions is hereby deleted in its entirety and replaced with the following:

- (B) "Drainage Easements", or "D.E.'s", are created to provide paths and courses and a system for natural area and local storm drainage, either overland or in appropriate underground installations, to serve the needs of this and adjoining ground and the public drainage system; the owners of all lots are and shall be required to keep any areas of their lots designed for the natural flow of surface water free of obstructions to such natural flow, including both structures and plant materials, so that the flow of water will be unimpeded. Alterations to storm drainage systems which incorporate creeks, ditches, swales, slopes, culverts, drains, pipes or other features (whether in a Drainage Easement or not) in any open area in front of, between or to the rear of any building or lot, whether natural or man-made, shall not be made without the prior express written approval of the Board of Directors of the River Glen Homeowners Association, Inc. (hereafter, "Homeowners Association" or "Association"). Any owner, resident or other party desiring to make alterations to such systems, whether to topography, physical improvements or vegetation contained therein, or to add physical improvements including, but not limited to, paving, walls, pipes, culverts, bridges, berms, embankments, ditches or swales, shall first submit a written application to the Architectural Committee (hereinafter defined), which shall make a recommendation to the Association's Board of Directors for approval or disapproval. Any such approval by the Board of Directors shall not relieve the applicant's responsibility to conform to applicable codes, standards and regulations administered by any governmental authorities having jurisdiction. If an owner of a lot violates the terms of this provision, in addition to any other rights the Association may have, the Association shall have the right to

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ALSO COVERS RIVER RIDGE

enter upon said lot and the Drainage Easement and remove any obstructions, with the costs and expenses of the same being a Special Assessment against the violating owner.

Drainage Easements may also be used for all purposes for which Utility Easements and Sanitary Sewer Easements may be used hereunder;

2. Paragraph 16 of the River Ridge Plat Restrictions is hereby deleted in its entirety and replaced with the following:

16. There shall be, and hereby is, created and established a committee to be known as the "River Glen Architectural Committee" (hereafter, the "Committee") to perform the functions delegated to it by these Plat restrictions. The Board of Directors of the Association shall appoint the members of the Committee, as well as the Committee's Chairperson.

The Committee shall consist of Owners of Lots in River Ridge and/or River Glen, Sections 1, 2, 3 or 4. The Board of Directors of the Association shall determine the exact number of Committee members. The Board of Directors of the Association shall endeavor, if possible, to have each of the five (5) areas represented by at least one (1) member of the Committee who owns a Lot within the applicable area. Thus, if possible, there shall be at least one (1) member of the Committee who owns a Lot in River Ridge, River Glen-Section 1, River Glen-Section 2, River Glen-Section 3 and River Glen-Section 4. However, if there is no such representation, the Committee shall continue to function and its decisions shall be binding. The Committee shall serve River Ridge and all four (4) Sections of River Glen. The Chairperson of the Committee shall be a current member of the Board of Directors of the Association. Members of the Committee may be removed at any time, with or without cause, by a vote of the Board of Directors of the Association. Representation of Committee members from at least three (3) of the five (5) areas shall constitute a quorum for any Committee meetings, and the taking of any action (including approvals and disapprovals). However, the Committee Chairperson shall not be considered for purposes of establishing such a quorum. The decision of a majority of Committee members in attendance at a meeting at which a quorum is present shall control without exception and be final, conclusive and binding.

The Committee shall have the power to issue Architectural Standards to guide the Committee and owners in determining whether certain types of improvements shall be permitted. The Architectural Standards may establish certain types of improvements being permitted in some but not all Lots in this subdivision, depending upon factors such as topography, the location and positioning of the particular Lots, and their proximity to other Lots or streets. Prior to being effective, the Architectural Standards shall be approved in writing

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by the Board of Directors of the Association after the same have been recommended for approval by the Committee. Such Architectural Standards shall not be inconsistent with any provisions set forth in these Plat Restrictions or any other recorded documents pertaining to this property. Upon the adoption, amendment or repeal of any Architectural Standards, a copy of the same shall be mailed or delivered to the owners. Additionally, at least annually, the Association shall mail or deliver a complete set of the Architectural Standards to all owners. Despite the Architectural Standards, the Committee shall have the power to make exceptions to or waive or vary any of the Architectural Standards in the same manner as the Committee's ability to do the same for any of the Plat Restrictions, as described in Paragraph 17 of these Restrictions.

The Architectural Standards shall include a fence policy, which may include pre-approved styles of fences which generally would be allowed, as well as styles of fences which generally will not be approved. Similarly, the fence policy shall limit the height, composition of materials, color, and the Lots upon which fences may not be built. All Architectural Standards, including the fence policy, shall be consistently applied. The Architectural Standards, including the fence policy, and all amendments thereto, shall be recorded with the Hamilton County Recorder's Office.

3. Paragraph 17 of the River Ridge Plat Restrictions is hereby deleted in its entirety and replaced with the following:

17. No construction shall be commenced, nor shall any building, structure or other improvements (including, without limitation, fences, landscaping, walls, gazebos, play equipment or structures, driveways and walkways) be erected, removed, placed or altered (including changes in exterior materials, color or appearance), on any lot in this subdivision until the building plans, specifications and plot plans showing the location thereof and of all improvements proposed, including dimensions, size, location and drainage, have been submitted in writing to and approved in writing by the Committee as to the compatibility of the exterior design, appearance and location of the same with existing structures in this subdivision and as to the conformity of the same with the intent of the covenants and restrictions set forth in this plat and the Architectural Standards.

The Committee shall meet at least once per month, with meetings no farther apart than six (6) weeks. The dates, time, and location of the Committee's meeting shall be announced to the owners at least two (2) months in advance through a newsletter or other correspondence from the Association. Any owner submitting plans for proposed construction under this Paragraph shall submit all such requests and all necessary materials to a member of the Committee at least one (1) week prior to the next regularly scheduled Committee

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meeting. If no requests have been timely submitted to the Committee, the Committee need not meet. The owner may personally appear at the Committee meeting to answer any questions. If a quorum is present, and if the applicant has submitted all necessary material to the Committee's reasonable satisfaction, the Committee may approve or disapprove the owner's request at that meeting. Within fourteen (14) days of the date of such meeting, the Committee shall confirm its approval or disapproval in writing to the owner. If the Committee disapproves the owner's request, the Committee shall set forth in writing the reasons for the Committee's disapproval. However, if the Committee fails to approve or disapprove an owner's request within the fourteen (14) day period, such a failure shall be construed as the Committee's approval of the owner's proposed plans.

Neither the Committee nor any of its members shall be entitled to any compensation for the consideration hereunder. Neither the Committee, the Association's Board of Directors or Officers, nor any member thereof, nor any agent thereof shall be responsible in any way for any defects in any plans, specifications or other materials submitted to it, nor for any defects in any work done according thereto. Further, the Committee does not make, and shall not be deemed by virtue of any action of approval or disapproval taken by it to have made, any representation or warranty as to the suitability or advisability of the design, the engineering, the method of construction involved, or the materials to be used as reflected on any plans, specifications or other material submitted to the Committee.

The Committee shall have the right, in its consideration of plans submitted to it and in giving any approval hereunder, to make exceptions to or waive or vary any of the restrictions contained herein or in the Architectural Standards if, in the Committee's discretion, it determines that such exceptions, waivers and variances will not substantially detract from the compatibility of the construction as so approved with existing structures in this subdivision; provided, however, that no such exception, waiver or variance shall be made as to restrictions set forth herein which are also required pursuant to any zoning ordinance, building code or other governmental law, ordinance, rule or regulation. The approvals of the Committee required hereunder shall be in addition to, and not in lieu of, any approvals as to such matters or permits for such matters required to be obtained from any other persons or government entities pursuant to the terms of this plat, any zoning ordinance or building code, or otherwise.

4. Paragraph 23 of the River Ridge Plat Restrictions is deleted in its entirety and replaced with the following:

23. Windows and doors for new construction of a primary residence must be consistent with and compatible with other originally installed windows

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and doors in the subdivision. Windows and doors on additions shall be consistent in color and appearance with the windows and doors in the original portion of the home and are subject to approval by the Committee. Any storm doors or storm windows installed on or used in connection with any building on any lot and not initially installed by the Declarant or a builder concurrently with the original construction, must be approved by the Committee and shall be painted, and no unfinished aluminum storm doors or storm windows shall be permitted or allowed. All garage doors within the subdivision shall be of a paneled design. All windows and doors (including garage doors) are subject to approval by the Committee.

5. Paragraph 29 of the River Ridge Plat Restrictions is deleted in its entirety and replaced with the following:

29. No exposed television, radio or other antennas (including, without limitation, satellite receiving dishes) shall be allowed or permitted on the exterior of any building or on any lot except with the written approval of the Architectural Committee. Approvals for the same shall be by the same process as stated in Paragraph 17 of these Plat Restrictions.

No basketball goals or other sports equipment shall be permanently attached to any buildings within this subdivision. Basketball goals and any other sports equipment may be allowed, subject to Committee approval and to any additional conditions and restrictions which may be contained in the Architectural Standards.

6. Paragraph 33 of the River Ridge Plat Restrictions is deleted in its entirety and replaced with the following:

33. The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties and persons claiming under them so long as they remain in effect in accordance with the terms hereof. The right to enforce the within provisions, restrictions and covenants by injunction together with the right to cause the removal by due process of law of any structure erected or maintained in violation thereof is hereby dedicated and reserved to each of the owners of the lots in this subdivision, their heirs and assignees, the Homeowners Association, the Architectural Committee, and the Fishers Advisory Plan Commission, its successors and assigns, all of whom shall be entitled to such relief without being required to show any damage of any kind to any such owner, owners or party by or through any such violation or attempted violation. In any such enforcement action, the violating owner shall be responsible for all reasonable attorneys fees, costs and expenses incurred by the party seeking to enforce these provisions. Such provisions shall be in full force and effect for a term commencing on the date this instrument is recorded and expiring on

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December 31, 2013, at which time said covenants, limitations and restrictions shall be automatically extended for successive periods of ten (10) years each unless, by a vote of the majority of the then owners of the lots in this subdivision, it is agreed to change (or terminate) these covenants, limitations and restrictions in whole or in part; provided, however, that no change or termination of said covenants, limitations and restrictions shall affect any easement hereby created or granted unless all persons entitled to the beneficial use and enjoyment of such easement shall consent thereto. Invalidation of any of the covenants, limitations and restrictions contained herein by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

7. Acceptance and Ratification. The acceptance of a deed of conveyance or the act of occupancy of any Lot shall constitute a ratification of these amendments, together with the Declaration, the Association's By-Laws, the Articles of Incorporation, any rules or regulations adopted pursuant thereto, the River Ridge Plat Restrictions, and the Architectural Standards, together with all amendments to the foregoing, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in a Lot or the Real Estate as if such provisions were recited and stipulated at length in each an every deed, conveyance, mortgage or lease.

8. Certification. The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the amendments of the River Ridge Plat Restrictions as contained herein have been fulfilled and satisfied.

EXECUTED on the 20 day of December 1995.

River Glen Homeowners Association, Inc., an Indiana nonprofit corporation

By: Harry Sommer
(Signature)

Harry A. Sommer
(Printed)

President
(Title)

INSTR. # 9566037

AMENDMENTS TO PLAT RESTRICTIONS FOR THE SECONDARY PLAT OF RIVER GLEN, SECTION 4

9509566037 Filed for Record in HAMILTON COUNTY, INDIANA MARY L. CLARK On 12-22-1995 At 01:24 p.m. DECL 25.00 Vol. 0 Page 0

THESE AMENDMENTS to the Plat Restrictions for the Secondary Plat of River Glen, Section 4 are executed this 20th day of DECEMBER, 1995.

WITNESSETH:

WHEREAS, the residential community in the Town of Fishers, Hamilton County, Indiana commonly known as River Glen (consisting of the platted subdivisions known as River Ridge, Barrington Ridge, and River Glen), collectively referred to hereafter as "River Glen", was established upon the recording of the "Declaration of Easements, Covenants and Restrictions for River Glen" with the Hamilton County Recorder's Office on August 24, 1989, as Instrument No. 8918275 (hereafter, "Original Declaration"), as well as the recording of plats for the various sections thereof; and

WHEREAS, the Secondary Plat for River Glen, Section 4 was recorded on December 10, 1990, with the Hamilton County Recorder's Office as Instrument No. 9030352, establishing fifty-four (54) Lots consisting of Lots 153 through 206, inclusive (hereafter, "Section 4 Plat"); and

WHEREAS, Secondary Plats for River Glen, Sections 1, 2, and 3, Barrington Ridge, and River Ridge were also recorded, establishing additional Lots and properties governed by the Original Declaration and the River Glen Homeowners Association, Inc.; and

WHEREAS, the Original Declaration was amended by the "Amendments to Declaration of Easements, Covenants and Restrictions for River Glen" being recorded with the Hamilton County Recorder's Office on February 23, 1995, as Instrument No. 9505956; and

WHEREAS, the Section 4 Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Section 4 Plat (hereafter, "Section 4 Plat Restrictions"); and

WHEREAS, the owners of Lots within Section 4 desire to amend certain provisions of the Section 4 Plat Restrictions; and

WHEREAS, Paragraph 35 of the Section 4 Plat Restrictions states that the same may be amended at any time by the approval of the owners of at least two-thirds (2/3) of the lots in River Glen, Section 4; and

WHEREAS, upon notice being duly given, the Board of Directors of the River Glen Homeowners Association, Inc. called for a Special Meeting of the River Glen Section 4 owners to be held December 4, 1995; and

WHEREAS, at said Special Meeting, the owners of forty-six (46) of the fifty-four (54) total number of Lots within River Glen, Section 4 were present, either in person or by proxy; and

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WHEREAS, at said Special Meeting, the owners of forty-six (46) lots in River Glen, Section 4 voted to approve the amendments to the Section 4 Plat Restrictions as set forth below; and

WHEREAS, said owners voting to approve the amendments set forth below constitute more than two-thirds (2/3) of the Lots in River Glen, Section 4; and

WHEREAS, said owners, under the authority of the Section 4 Plat, wish to make certain changes and amendments to the Section 4 Plat Restrictions as described below.

NOW, THEREFORE, the River Glen Section 4 Plat Restrictions are amended in the manner set forth below.

1. Paragraph 3(B) of the River Glen Section 4 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

- (B) "Drainage Easements", or "D.E.'s", are created to provide paths and courses and a system for natural area and local storm drainage, either overland or in appropriate underground installations, to serve the needs of this and adjoining ground and the public drainage system; the owners of all lots are and shall be required to keep any areas of their lots designed for the natural flow of surface water free of obstructions to such natural flow, including both structures and plant materials, so that the flow of water will be unimpeded. Alterations to storm drainage systems which incorporate creeks, ditches, swales, slopes, culverts, drains, pipes or other features (whether in a Drainage Easement or not) in any open area in front of, between or to the rear of any building or lot, whether natural or man-made, shall not be made without the prior express written approval of the Board of Directors of the River Glen Homeowners Association, Inc. (hereafter, "Homeowners Association" or "Association"). Any owner, resident or other party desiring to make alterations to such systems, whether to topography, physical improvements or vegetation contained therein, or to add physical improvements including, but not limited to, paving, walls, pipes, culverts, bridges, berms, embankments, ditches or swales, shall first submit a written application to the Architectural Committee (hereinafter defined), which shall make a recommendation to the Association's Board of Directors for approval or disapproval. Any such approval by the Board of Directors shall not relieve the applicant's responsibility to conform to applicable codes, standards and regulations administered by any governmental authorities having jurisdiction. If an owner of a lot violates the terms of this provision, in addition to any other rights the Association may have, the Association shall have the right to enter upon said lot and the Drainage Easement and remove any obstructions, with the costs and expenses of the same being a Special Assessment against the violating owner.

Drainage Easements may also be used for all purposes for which Utility Easements and Sanitary Sewer Easements may be used hereunder;

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2. Paragraph 8 of the River Glen Section 4 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

2. No trailer, tent, basement, garage or other structure erected on any lot in this subdivision shall at any time be used as a residence, (temporarily or permanently, nor shall any building of a temporary character, except those utilized by a builder of a residence, be erected on any lot. No overnight camping shall be permitted within the subdivision.

No outbuildings or accessory buildings of any kind shall be permitted on any lot in this subdivision.

3. Paragraph 16 of the River Glen Section 4 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

16. There shall be, and hereby is, created and established a committee to be known as the "River Glen Architectural Committee" (hereafter, the "Committee") to perform the functions delegated to it by these Plat restrictions. The Board of Directors of the Association shall appoint the members of the Committee, as well as the Committee's Chairperson.

The Committee shall consist of Owners of Lots in River Ridge and/or River Glen, Sections 1, 2, 3 or 4. The Board of Directors of the Association shall determine the exact number of Committee members. The Board of Directors of the Association shall endeavor, if possible, to have each of the five (5) areas represented by at least one (1) member of the Committee who owns a Lot within the applicable area. Thus, if possible, there shall be at least one (1) member of the Committee who owns a Lot in River Ridge, River Glen-Section 1, River Glen-Section 2, River Glen-Section 3 and River Glen-Section 4. However, if there is no such representation, the Committee shall continue to function and its decisions shall be binding. The Committee shall serve River Ridge and all four (4) Sections of River Glen. The Chairperson of the Committee shall be a current member of the Board of Directors of the Association. Members of the Committee may be removed at any time, with or without cause, by a vote of the Board of Directors of the Association. Representation of Committee members from at least three (3) of the five (5) areas shall constitute a quorum for any Committee meetings, and the taking of any action (including approvals and disapprovals). However, the Committee Chairperson shall not be considered for purposes of establishing such a quorum. The decision of a majority of Committee members in attendance at a meeting at which a quorum is present shall control without exception and be final, conclusive and binding.

The Committee shall have the power to issue Architectural Standards to guide the Committee and owners in determining whether certain types of improvements shall be permitted. The Architectural Standards may establish certain types of improvements being permitted in some but not all Lots in this subdivision, depending upon factors such as topography, the location and positioning of the particular Lots, and their proximity to other Lots or streets. Prior to being effective, the Architectural Standards shall be approved in writing by the Board of Directors of the Association after the same

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have been recommended for approval by the Committee. Such Architectural Standards shall not be inconsistent with any provisions set forth in these Plat Restrictions or any other recorded documents pertaining to this property. Upon the adoption, amendment or repeal of any Architectural Standards, a copy of the same shall be mailed or delivered to the owners. Additionally, at least annually, the Association shall mail or deliver a complete set of the Architectural Standards to all owners. Despite the Architectural Standards, the Committee shall have the power to make exceptions to or waive or vary any of the Architectural Standards in the same manner as the Committee's ability to do the same for any of the Plat Restrictions, as described in Paragraph 17 of these Restrictions.

The Architectural Standards shall include a fence policy, which may include pre-approved styles of fences which generally would be allowed, as well as styles of fences which generally will not be approved. Similarly, the fence policy shall limit the height, composition of materials, color, and the Lots upon which fences may not be built. All Architectural Standards, including the fence policy, shall be consistently applied. The Architectural Standards, including the fence policy, and all amendments thereto, shall be recorded with the Hamilton County Recorder's Office.

4. Paragraph 17 of the River Glen Section 4 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

17. No construction shall be commenced, nor shall any building, structure or other improvements (including, without limitation, fences, landscaping, walls, gazebos, play equipment or structures, driveways and walkways) be erected, removed, placed or altered (including changes in exterior materials, color or appearance), on any lot in this subdivision until the building plans, specifications and plot plans showing the location thereof and of all improvements proposed, including dimensions, size, location and drainage, have been submitted in writing to and approved in writing by the Committee as to the compatibility of the exterior design, appearance and location of the same with existing structures in this subdivision and as to the conformity of the same with the intent of the covenants and restrictions set forth in this plat and the Architectural Standards.

The Committee shall meet at least once per month, with meetings no farther apart than six (6) weeks. The dates, time, and location of the Committee's meeting shall be announced to the owners at least two (2) months in advance through a newsletter or other correspondence from the Association. Any owner submitting plans for proposed construction under this Paragraph shall submit all such requests and all necessary materials to a member of the Committee at least one (1) week prior to the next regularly scheduled Committee meeting. If no requests have been timely submitted to the Committee, the Committee need not meet. The owner may personally appear at the Committee meeting to answer any questions. If a quorum is present, and if the applicant has submitted all necessary material to the Committee's reasonable satisfaction, the Committee may approve or disapprove the owner's request at that meeting. Within fourteen (14) days of the date of such meeting, the Committee shall confirm its approval or disapproval in writing to the owner. If the Committee

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disapproves the owner's request, the Committee shall set forth in writing the reasons for the Committee's disapproval. However, if the Committee fails to approve or disapprove an owner's request within the fourteen (14) day period, such a failure shall be construed as the Committee's approval of the owner's proposed plans.

Neither the Committee nor any of its members shall be entitled to any compensation for the consideration hereunder. Neither the Committee, the Association's Board of Directors or Officers, nor any member thereof, nor any agent thereof shall be responsible in any way for any defects in any plans, specifications or other materials submitted to it, nor for any defects in any work done according thereto. Further, the Committee does not make, and shall not be deemed by virtue of any action of approval or disapproval taken by it to have made, any representation or warranty as to the suitability or advisability of the design, the engineering, the method of construction involved, or the materials to be used as reflected on any plans, specifications or other material submitted to the Committee.

The Committee shall have the right, in its consideration of plans submitted to it and in giving any approval hereunder, to make exceptions to or waive or vary any of the restrictions contained herein or in the Architectural Standards if, in the Committee's discretion, it determines that such exceptions, waivers and variances will not substantially detract from the compatibility of the construction as so approved with existing structures in this subdivision; provided, however, that no such exception, waiver or variance shall be made as to restrictions set forth herein which are also required pursuant to any zoning ordinance, building code or other governmental law, ordinance, rule or regulation. The approvals of the Committee required hereunder shall be in addition to, and not in lieu of, any approvals as to such matters or permits for such matters required to be obtained from any other persons or government entities pursuant to the terms of this plat, any zoning ordinance or building code, or otherwise.

5. Paragraph 23 of the River Glen Section 4 Plat Restrictions is deleted in its entirety and replaced with the following:

23. Windows and doors for new construction of a primary residence must be consistent with and compatible with other originally installed windows and doors in the subdivision. Windows and doors on additions shall be consistent in color and appearance with the windows and doors in the original portion of the home and are subject to approval by the Committee. Any storm doors or storm windows installed on or used in connection with any building on any lot and not initially installed by the Declarant or a builder concurrently with the original construction, must be approved by the Committee and shall be painted, and no unfinished aluminum storm doors or storm windows shall be permitted or allowed. All garage doors within the subdivision shall be of a paneled design. All windows and doors (including garage doors) are subject to approval by the Committee.

INSTR. # 9566037

6. Paragraph 29 of the River Glen Section 4 Plat Restrictions is deleted in its entirety and replaced with the following:

29. No exposed television, radio or other antennas (including, without limitation, satellite receiving dishes) shall be allowed or permitted on the exterior of any building or on any lot except with the written approval of the Architectural Committee. Approvals for the same shall be by the same process as stated in Paragraph 17 of these Plat Restrictions.

No basketball goals or other sports equipment shall be permanently attached to any buildings or on any lot within this subdivision. Movable basketball goals and any other sports equipment may be allowed, subject to Committee approval and to any additional conditions and restrictions which may be contained in the Architectural Standards.

7. Paragraph 36 of the River Glen Section 4 Plat Restrictions is deleted in its entirety and replaced with the following:

36. The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties and persons claiming under them so long as they remain in effect in accordance with the terms hereof. The right to enforce the within provisions, restrictions and covenants by injunction together with the right to cause the removal by due process of law of any structure erected or maintained in violation thereof is hereby dedicated and reserved to each of the owners of the lots in this subdivision, their heirs and assignees, the Homeowners Association, the Architectural Committee, and the Fishers Advisory Plan Commission, its successors and assigns, all of whom shall be entitled to such relief without being required to show any damage of any kind to any such owner, owners or party by or through any such violation or attempted violation. In any such enforcement action, the violating owner shall be responsible for all reasonable attorneys fees, costs and expenses incurred by the party seeking to enforce these provisions. Such provisions shall be in full force and effect for a term commencing on the date this instrument is recorded and expiring on December 31, 2015, at which time said covenants, limitations and restrictions shall be automatically extended for successive periods of ten (10) years each unless, by a vote of the majority of the then owners of the lots in this subdivision, it is agreed to change (or terminate) these covenants, limitations and restrictions in whole or in part; provided, however, that no change or termination of said covenants, limitations and restrictions shall affect any easement hereby created or granted unless all persons entitled to the beneficial use and enjoyment of such easement shall consent thereto. Invalidation of any of the covenants, limitations and restrictions contained herein by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

8. Acceptance and Ratification. The acceptance of a deed of conveyance or the act of occupancy of any Lot shall constitute a ratification of these amendments, together with the Declaration, the Association's By-Laws, the Articles of Incorporation, any rules or regulations adopted pursuant thereto, the Section 4 Plat Restrictions, and the Architectural Standards, together with all amendments to the foregoing, and all such provisions shall be covenants running with the

INSTR. # 9566037

land and shall bind any person having at any time any interest or estate in a Lot or the Real Estate as if such provisions were recited and stipulated at length in each an every deed, conveyance, mortgage or lease.

9. **Certification.** The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the amendments of the River Glen Section 4 Plat Restrictions as contained herein have been fulfilled and satisfied.

EXECUTED on the 20 day of December, 1995.

River Glen Homeowners Association, Inc.,
an Indiana nonprofit corporation

By: Harry Adomien
(Signature)

Harry A. Adomien
(Printed)

President
(Title)

ATTEST:
Ralph E. Davis
(Signature)

RALPH E. DAVIS
(Printed)

TREASURER
(Title)

CHICAGO TITLE

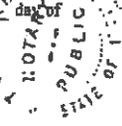
INSTR. # 9566037

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a notary public, in and for said County and State, personally appeared HARRY A. SOMMER and KARLY E. DAVIS, the President and Treasurer, respectively, of River Glen Homeowners Association, Inc., an Indiana nonprofit corporation, who acknowledged execution of the within and foregoing Amendments to the Plat Restrictions for the Secondary Plat of River Glen Section 4 for and on behalf of the owners of Lots within River Glen, Section 4 and who, being duly sworn, stated that the Certifications and representations made therein are true. Witness my hand and notarial seal this 20th day of December, 1995.

P. Thomas Murray, Jr.
Notary Public

P. Thomas Murray, Jr.
Printed



My Commission Expires: 12-20-97 Residence County: MARION

This instrument prepared by, and should be returned to, P. Thomas Murray, Jr., Attorney at Law, P.O. Box 501040, Indianapolis, IN 46250. (317) 842-8550.
a:section4.plt
12-15-95

CHICAGO TITLE

INSTR. # 9566038

Instrument 9509566038
Filed for Record in HAMILTON COUNTY, INDIANA
MAY 12 1995
On 12-22-1995 At 01:24 PM
DELL 26.00
Vol. 0 Page 0

AMENDMENTS TO PLAT RESTRICTIONS AND FOR CLERK
FOR THE SECONDARY PLAT
OF RIVER GLEN, SECTION 3

THESE AMENDMENTS to the Plat Restrictions for the Secondary Plat of River Glen, Section 3 are executed this 20th day of December, 1995.

WITNESSETH:

WHEREAS, the residential community in the Town of Fishers, Hamilton County, Indiana commonly known as River Glen (consisting of the platted subdivisions known as River Ridge, Barrington Ridge, and River Glen), collectively referred to hereafter as "River Glen", is established upon the recording of the "Declaration of Easements, Covenants and Restrictions for River Glen" with the Hamilton County Recorder's Office on August 24, 1989, as Instrument No. 891-275 (hereafter, "Original Declaration"), as well as the recording of plats for the various sections thereof, and

WHEREAS, the Secondary Plat for River Glen, Section 3 was recorded on March 7, 1991, with the Hamilton County Recorder's Office as Instrument No. 9105036, establishing (twenty-five (25) Lots consisting of Lots 128 through 152, inclusive (hereafter, "Section 3 Plat"); and

WHEREAS, Secondary Plats for River Glen, Sections 1, 2, and 4, Barrington Ridge, and River Ridge were also recorded, establishing additional Lots and properties governed by the Original Declaration and the River Glen Homeowners Association, Inc.; and

WHEREAS, the Original Declaration was amended by the "Amendments to Declaration of Easements, Covenants and Restrictions for River Glen" being recorded with the Hamilton County Recorder's Office on February 23, 1993, as Instrument No. 9305386; and

WHEREAS, Section 3 Plat contains certain Plat Restrictions which constitute restrictions, limitations and conditions which run with the real estate described in the Section 3 Plat (hereafter, "Section 3 Plat Restrictions"); and

WHEREAS, the owners of Lots within Section 3 desire to amend certain provisions of the Section 3 Plat Restrictions; and

WHEREAS, Paragraph 22 of the Section 3 Plat Restrictions states that the same may be amended at any time by the approval of the owners of at least two-thirds (2/3) of the lots in River Glen, Section 3; and

WHEREAS, upon notice being duly given, the Board of Directors of the River Glen Homeowners Association, Inc. called for a Special Meeting of the River Glen Section 3 owners to be held December 4, 1995; and

WHEREAS, at said Special Meeting, the owners of twenty-one (21) of the twenty-five (25) total number of Lots within River Glen, Section 3 were present, either in person or by proxy; and

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MAY 12 1995
On 12-22-1995 At 01:24 PM
DELL 26.00
Vol. 0 Page 0

ALSO COVERS RIVER RIDGE

INSTR. # 9566038

WHEREAS, at said Special Meeting, the owners of eighteen (18) lots in River Glen, Section 3 voted to approve the amendments to the Section 3 Plat Restrictions as set forth below; and

WHEREAS, said owners voting to approve the amendments set forth below constitute more than two-thirds (2/3) of the Lots in River Glen, Section 3; and

WHEREAS, said owners, under the authority of the Section 3 Plat, wish to make certain changes and amendments to the Section 3 Plat Restrictions as described below.

NOW, THEREFORE, the River Glen Section 3 Plat Restrictions are amended in the manner set forth below.

1. Paragraph 3(B) of the River Glen Section 3 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

- (B) "Drainage Easements", or "D.E.'s", are created to provide paths and courses and a system for natural area and local storm drainage, either overland or in appropriate underground installations, to serve the needs of this and adjoining ground and the public drainage system; the owners of all lots are and shall be required to keep any areas of their lots designed for the natural flow of surface water free of obstructions to such natural flow, including both structures and plant materials, so that the flow of water will be unimpeded. Alterations to storm drainage systems which incorporate creeks, ditches, swales, slopes, culverts, drains, pipes or other features (whether in a Drainage Easement or not) in any open area in front of, between or to the rear of any building or lot, whether natural or man-made, shall not be made without the prior express written approval of the Board of Directors of the River Glen Homeowners Association, Inc. (hereafter, "Homeowners Association" or "Association"). Any owner, resident or other party desiring to make alterations to such systems, whether to topography, physical improvements or vegetation contained therein, or to add physical improvements including, but not limited to, paving, walls, pipes, culverts, bridges, berms, embankments, ditches or swales, shall first submit a written application to the Architectural Committee (hereinafter defined), which shall make a recommendation to the Association's Board of Directors for approval or disapproval. Any such approval by the Board of Directors shall not relieve the applicant's responsibility to conform to applicable codes, standards and regulations administered by any governmental authorities having jurisdiction. If an owner of a lot violates the terms of this provision, in addition to any other rights the Association may have, the Association shall have the right to enter upon said lot and the Drainage Easement and remove any obstructions, with the costs and expenses of the same being a Special Assessment against the violating owner.

Drainage Easements may also be used for all purposes for which Utility Easements and Sanitary Sewer Easements may be used hereunder;

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2. Paragraph 7 of the River Glen Section 3 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

7. No trailer, tent, basement, garage or other structure erected on any lot in this subdivision shall at any time be used as a residence, temporarily or permanently, nor shall any building of a temporary character, except those utilized by a builder of a residence, be erected on any lot. No overnight camping shall be permitted within the subdivision.

No outbuildings or accessory buildings of any kind shall be permitted on any lot in this subdivision.

3. Paragraph 16 of the River Glen Section 3 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

16. There shall be, and hereby is, created and established a committee to be known as the "River Glen Architectural Committee" (hereafter, the "Committee") to perform the functions delegated to it by these Plat restrictions. The Board of Directors of the Association shall appoint the members of the Committee, as well as the Committee's Chairperson.

The Committee shall consist of Owners of Lots in River Ridge and/or River Glen, Sections 1, 2, 3 or 4. The Board of Directors of the Association shall determine the exact number of Committee members. The Board of Directors of the Association shall endeavor, if possible, to have each of the five (5) areas represented by at least one (1) member of the Committee who owns a Lot within the applicable area. Thus, if possible, there shall be at least one (1) member of the Committee who owns a Lot in River Ridge, River Glen-Section 1, River Glen-Section 2, River Glen-Section 3 and River Glen-Section 4. However, if there is no such representation, the Committee shall continue to function and its decisions shall be binding. The Committee shall serve River Ridge, and all four (4) Sections of River Glen. The Chairperson of the Committee shall be a current member of the Board of Directors of the Association. Members of the Committee may be removed at any time, with or without cause, by a vote of the Board of Directors of the Association. Representation of Committee members from at least three (3) of the five (5) areas shall constitute a quorum for any Committee meetings, and the taking of any action (including approvals and disapprovals). However, the Committee Chairperson shall not be considered for purposes of establishing such a quorum. The decision of a majority of Committee members in attendance at a meeting at which a quorum is present shall control without exception and be final, conclusive and binding.

The Committee shall have the power to issue Architectural Standards to guide the Committee and owners in determining whether certain types of improvements shall be permitted. The Architectural Standards may establish certain types of improvements being permitted in some but not all Lots in this subdivision, depending upon factors such as topography, the location and positioning of the particular Lots, and their proximity to other Lots or streets. Prior to being effective, the Architectural Standards shall be approved in writing by the Board of Directors of the Association after the same

ALSO COVERS RIVER RIDGE

INSTR. #

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have been recommended for approval by the Committee. Such Architectural Standards shall not be inconsistent with any provisions set forth in these Plat Restrictions or any other recorded documents pertaining to this property. Upon the adoption, amendment or repeal of any Architectural Standards, a copy of the same shall be mailed or delivered to the owners. Additionally, at least annually, the Association shall mail or deliver a complete set of the Architectural Standards to all owners. Despite the Architectural Standards, the Committee shall have the power to make exceptions to or waive or vary any of the Architectural Standards in the same manner as the Committee's ability to do the same for any of the Plat Restrictions, as described in Paragraph 17 of these Restrictions.

The Architectural Standards shall include a fence policy, which may include pre-approved styles of fences which generally would be allowed, as well as styles of fences which generally will not be approved. Similarly, the fence policy shall limit the height, composition of materials, color, and the Lots upon which fences may not be built. All Architectural Standards, including the fence policy, shall be consistently applied. The Architectural Standards, including the fence policy, and all amendments thereto, shall be recorded with the Hamilton County Recorder's Office.

4. Paragraph 17 of the River Glen Section 3 Plat Restrictions is hereby deleted in its entirety and replaced with the following:

17. No construction shall be commenced, nor shall any building, structure or other improvements (including, without limitation, fences, landscaping, walls, gazebos, play equipment or structures, driveways and walkways) be erected, removed, placed or altered (including changes in exterior materials, color or appearance), on any lot in this subdivision until the building plans, specifications and plot plans showing the location thereof and of all improvements proposed, including dimensions, size, location and drainage, have been submitted in writing to and approved in writing by the Committee as to the compatibility of the exterior design, appearance and location of the same with existing structures in this subdivision and as to the conformity of the same with the intent of the covenants and restrictions set forth in this plat and the Architectural Standards.

The Committee shall meet at least once per month, with meetings no farther apart than six (6) weeks. The date, time, and location of the Committee's meeting shall be announced to the owners at least two (2) months in advance through a newsletter or other correspondence from the Association. Any owner submitting plans for proposed construction under this Paragraph shall submit all such requests and all necessary materials to a member of the Committee at least one (1) week prior to the next regularly scheduled Committee meeting. If no requests have been timely submitted to the Committee, the Committee need not meet. The owner may personally appear at the Committee meeting to answer any questions. If a quorum is present, and if the applicant has submitted all necessary material to the Committee's reasonable satisfaction, the Committee may approve or disapprove the owner's request at that meeting. Within fourteen (14) days of the date of such meeting, the Committee shall confirm its approval or disapproval in writing to the owner. If the Committee

ALSO COVERS RIVER RIDGE

INSTR. # 95 66038

disapproves the owner's request, the Committee shall set forth in writing the reasons for the Committee's disapproval. However, if the Committee fails to approve or disapprove an owner's request within the fourteen (14) day period, such a failure shall be construed as the Committee's approval of the owner's proposed plans.

Neither the Committee nor any of its members shall be entitled to any compensation for the consideration hereunder. Neither the Committee, the Association's Board of Directors or Officers, nor any member thereof, nor any agent thereof shall be responsible in any way for any defects in any plans, specifications or other materials submitted to it, nor for any defects in any work done according thereto. Further, the Committee does not make, and shall not be deemed by virtue of any action of approval or disapproval taken by it to have made, any representation or warranty as to the suitability or advisability of the design, the engineering, the method of construction involved, or the materials to be used as reflected on any plans, specifications or other material submitted to the Committee.

The Committee shall have the right, in its consideration of plans submitted to it and in giving any approval hereunder, to make exceptions to or waive or vary any of the restrictions contained herein or in the Architectural Standards if, in the Committee's discretion, it determines that such exceptions, waivers and variances will not substantially detract from the compatibility of the construction as so approved with existing structures in this subdivision; provided, however, that no such exception, waiver or variance shall be made as to restrictions set forth herein which are also required pursuant to any zoning ordinance, building code or other governmental law, ordinance, rule or regulation. The approvals of the Committee required hereunder shall be in addition to, and not in lieu of, any approvals as to such matters or permits for such matters required to be obtained from any other persons or government entities pursuant to the terms of this plat, any zoning ordinance or building code, or otherwise.

5. Paragraph 22 of the River Glen Section 3 Plat Restrictions is deleted in its entirety and replaced with the following:

22. Windows and doors for new construction of a primary residence must be consistent with and compatible with other originally installed windows and doors in the subdivision. Windows and doors on additions shall be consistent in color and appearance with the windows and doors in the original portion of the home and are subject to approval by the Committee. Any storm doors or storm windows installed on or used in connection with any building on any lot and not initially installed by the Declarant or a builder concurrently with the original construction, must be approved by the Committee and shall be painted, and no unfinished aluminum storm doors or storm windows shall be permitted or allowed. All garage doors within the subdivision shall be of a paneled design. All windows and doors (including garage doors) are subject to approval by the Committee.

ALSO COVERS RIVER RIDGE

INSTR. # 9566038

6. Paragraph 28 of the River Glen Section 3 Plat Restrictions is deleted in its entirety and replaced with the following:

28. No exposed television, radio or other antennas (including, without limitation, satellite receiving dishes) shall be allowed or permitted on the exterior of any building or on any lot except with the written approval of the Architectural Committee. Approvals for the same shall be by the same process as stated in Paragraph 17 of these Plat Restrictions.

No basketball goals or other sports equipment shall be permanently attached to any buildings or on any lot within this subdivision. Movable basketball goals and any other sports equipment may be allowed, subject to Committee approval and to any additional conditions and restrictions which may be contained in the Architectural Standards.

7. Paragraph 33 of the River Glen Section 3 Plat Restrictions is deleted in its entirety and replaced with the following:

33. The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties and persons claiming under them so long as they remain in effect in accordance with the terms hereof. The right to enforce the within provisions, restrictions and covenants by injunction together with the right to cause the removal by due process of law of any structure erected or maintained in violation thereof is hereby dedicated and reserved to each of the owners of the lots in this subdivision, their heirs and assignees, the Homeowners Association, the Architectural Committee, and the Fishers Advisory Plan Commission, its successors and assigns, all of whom shall be entitled to such relief without being required to show any damage of any kind to any such owner, owners or party by or through any such violation or attempted violation. In any such enforcement action, the violating owner shall be responsible for all reasonable attorneys fees, costs and expenses incurred by the party seeking to enforce these provisions. Such provisions shall be in full force and effect for a term commencing on the date this instrument is recorded and expiring on December 31, 2015, at which time said covenants, limitations and restrictions shall be automatically extended for successive periods of ten (10) years each unless, by a vote of the majority of the then owners of the lots in this subdivision, it is agreed to change (or terminate) these covenants, limitations and restrictions in whole or in part; provided, however, that any change or termination of said covenants, limitations and restrictions shall affect any easement hereby created or granted unless all persons entitled to the beneficial use and enjoyment of such easement shall consent thereto. Invalidation of any of the covenants, limitations and restrictions contained herein by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

8. Acceptance and Ratification. The acceptance of a deed of conveyance or the act of occupancy of any Lot shall constitute a ratification of these amendments, together with the Declaration, the Association's By-Laws, the Articles of Incorporation, any rules or regulations adopted pursuant thereto, the Section 3 Plat Restrictions, and the Architectural Standards, together with all amendments to the foregoing, and all such provisions shall be covenants running with the

REGISTER # 9566038

and shall bind any person having at any time any interest or estate in a Lot or the Real Estate as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease.

9. Certification. The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the amendments of the River Glen Section 3 Plat Restrictions as contained herein have been fulfilled and satisfied.

EXECUTED on the 20 day of December 1995.

River Glen Homeowners Association, Inc.,
an Indiana nonprofit corporation

By: Harry A. Sammen
(Signature)

Harry A. Sammen
(Printed)

President
(Title)

ATTEST:
Ralph E. Davis
(Signature)

RALPH E. DAVIS
(Printed)

TREASURER
(Title)

CHICAGO TITLE

ALSO COVERS RIVER RIDGE

INSURANCE # 9566038

STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

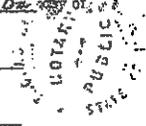
Before me, a notary public, in and for said County and State, personally appeared HARRY A. SCOTT and PAUL E. DAVIS, the President and Treasurer, respectively, of River Glen Homeowners Association, Inc., an Indiana nonprofit corporation, who acknowledged execution of the within and foregoing Amendments to the Plat Restrictions for the Secondary Plat of River Glen Section 3 for and on behalf of the owners of Lots within River Glen, Section 3 and who, being duly sworn, stated that the Certifications and representations made therein are true. Witness my hand and notarial seal this 20th day of December, 1995.

P. Thomas Murray, Jr.
Notary Public

P. Thomas Murray, Jr.
Printed

My Commission Expires: 12-20-97 Residence County: Madison

This instrument prepared by, and should be returned to, P. Thomas Murray, Jr., Attorney at Law, P.O. Box 501040, Indianapolis, IN 46250. (317) 542-4550.
tmcocim3.plr
12-15-95



CHICAGO TITLE

5808583028
Filed for Record in
Hamilton County, Indiana
Notary Public
Date of Recording
of Page 0

9505956

13.00
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AMENDMENTS TO DECLARATION OF
EASEMENTS, COVENANTS AND RESTRICTIONS FOR RIVER GLEN

These Amendments to the Declaration of Easements, Covenants
and Restrictions for River Glen were executed the 9th day of
January, 1995.

WITNESSETH:

WHEREAS, the residential community in the Town of Fishers,
Hamilton County, Indiana commonly known as River Glen (consisting
of the platted subdivisions known as River Ridge, Barrington
Ridge, and River Glen), collectively referred to hereafter as
"River Glen", was established upon the recording of the
"Declaration of Easements, Covenants and Restrictions for River
Glen" with the Hamilton County Recorder's Office on August 24,
1989, as Instrument No. 8918275 (hereafter, "Declaration"), as
well as the recording of plats for the various sections thereof;
and

WHEREAS, said Declaration, as well as the Articles of
Incorporation and the Code of By-Laws of the River Glen
Homeowners Association, Inc. (hereafter, "Corporation"), referred
to the "Applicable Date" in several provisions; and

WHEREAS, the "Applicable Date" occurred on February 8, 1993;
and

WHEREAS, the Owners of the Lots within River Glen desire to
amend certain provisions of the Declaration; and

WHEREAS, Article XII, Section 1 of the Declaration states
that any amendments to the Declaration must be approved by a vote
of at least seventy-five percent (75%) in the aggregate of the
votes of all Owners; and

WHEREAS, upon notice being duly given, the Board of
Directors called for a Special Meeting of the Owners to be held
November 14, 1994; and

WHEREAS, at said Special Meeting, the Owners of two hundred
twenty-eight (228) of the two hundred ninety-seven (297) total
number of Lots within River Glen were present, either in person
or by proxy; and

WHEREAS, at said Special Meeting, the Owners of two hundred
twenty-four (224) Lots voted to approve the amendments to the
Declaration as set forth below; and

WHEREAS, said Owners voting to approve the amendments set
forth below constitute more than seventy-five percent (75%) in
the aggregate of the votes of all Owners; and

INSTR. # 9505956

CHICAGO TITLE

INST. # 9505956

WHEREAS, said Owners, under the authority of the Declaration, wish to make certain changes and amendments to the Declaration as described below.

NOW, THEREFORE, the Declaration is amended in the manner set forth below.

1. Since the Applicable Date has already occurred such that there is only one class of membership, Article IV, Section 2 (including subparagraphs (a), (b) and (c) thereof) of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 2. Voting Rights. The Corporation has one (1) class of membership, of which all Owners are a part. Each member shall be entitled to one (1) vote for each Lot of which such member is the Owner with respect to each matter submitted to a vote of the members upon which the members are entitled to vote. When more than one (1) Person constitutes the Owner of a particular Lot, all such Persons shall be members of the Corporation, but all of such Persons shall have only one (1) vote for such Lot, which vote shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any such Lot.

2. Since the "Applicable Date" has already occurred such that the original developer no longer has control of the Corporation's Board of Directors, Article V, Section 2 of the Declaration is hereby deleted in its entirety and shall be left intentionally blank.

3. Article V, Section 4 of the Declaration is hereby deleted in its entirety and shall be replaced with the following:

Section 4. Term of Office and Vacancy. The term of office and vacancies of the members of the Board of Directors shall be in the manner as provided in the Corporation's Articles of Incorporation and Code of By-Laws, as amended.

4. Article V, Section 5 of the Declaration is hereby deleted in its entirety and replaced with the following:

Section 5. Removal of Directors. The removal of a Director or Directors shall be in the manner as provided in the Corporation's Articles of Incorporation and Code of By-Laws, as amended.

INSTR. # 9505956

5. Article V, Sections 9 and 10 of the Declaration are hereby deleted in their entirety and shall be replaced with the following:

Section 9. Standards of Conduct, Liability and Indemnification of Officers and Directors. The standards of conduct, liability and indemnification of Officers and Directors of the Corporation shall be in the manner as provided in the Corporation's Articles of Incorporation and Code of By-Laws, as amended.

Section 10 of the Declaration shall be left intentionally blank.

6. Article V, Section 12 of the Declaration is hereby deleted in its entirety.

7. Definitions. The definitions of terms defined in the Declaration as used herein shall be applicable to these amendments to the Declaration, unless otherwise expressly defined herein.

8. Acceptance and Ratification. The acceptance of a deed of conveyance or the act of occupancy of any lot shall constitute a ratification of these amendments, together with the Declaration, the By-Laws, the Articles of Incorporation, and any rules or regulations adopted pursuant thereto, together with all amendments to the foregoing, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in a Lot or the Real Estate as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease.

9. Certification. The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the amendments of the Declaration as contained herein have been fulfilled and satisfied.

EXECUTED on the 9th day of January, 1995.

River Glen Homeowners Association, Inc., an Indiana nonprofit corporation

By:

[Signature]
(Signature)

DANIEL L. HEWES
(Printed)

(Title)

PRESIDENT
(Title)

CHICAGO TITLE

INSTR. # 9505956

ATTEST:

B. Frank Thomas
Signature
B. FRANK THOMAS
Printed
NOTARY PUBLIC
Title

STATE OF INDIANA }
COUNTY OF MARION } SS:

Before me, a notary public, in and for said County and State, personally appeared Dennis L. Hootman and B. Frank Thomas, the President and Treasurer, respectively, of River Glen Homeowners Association, Inc., an Indiana nonprofit corporation, who acknowledged execution of the within and foregoing amendments to the Declaration of Covenants, Conditions and Restrictions for River Glen, for and on behalf of said corporation and its members and who, being duly sworn, stated that the Certifications and representations made therein are true. Witness my hand and notarial seal this 7th day of January, 1995.

P. Thomas Murray, Jr.
Notary Public
P. Thomas Murray, Jr.
Printed



My Commission Expires: 12-20-97 Residence County: Marion

This instrument prepared by, and should be returned to, P. Thomas Murray, Jr., Attorney at Law, P. O. Box 81749, Indianapolis, IN 46256. (317) 242-2550.

schlwwgdn.doc
1-1-95



CHICAGO TITLE

95 FEB 23 11:06 AM
MARION COUNTY CLERK
MARION COUNTY CLERK'S OFFICE

ALSO COVERS RIVER RIDGE

Instrument
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NOTICE OF AMENDED FENCE POLICY FOR
RIVER GLEN SECTIONS 1, 2, 3 AND 4,
RIVER RIDGE AND BARRINGTON RIDGE

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Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L. CLARK
On 01-06-1998 At 12:49 pm.
AMENDMENT 32.00

The Board of Directors of the River Glen Homeowners Association, Inc. ("Association") hereby gives notice that it has adopted an Amended Fence Policy pertaining to the homes in River Glen, Sections 1, 2, 3, and 4, River Ridge, and Barrington Ridge.

WITNESSETH:

WHEREAS, the residential community in the Town of Fishers, Hamilton County, Indiana commonly known as River Glen (consisting of the platted subdivisions known as River Ridge, Barrington Ridge, and River Glen Sections 1, 2, 3 and 4), collectively referred to hereafter as "River Glen", was established upon the recording of the "Declaration of Easements, Covenants and Restrictions for River Glen" with the Hamilton County Recorder's Office on August 24, 1989 as Instrument Number 8918275 (hereafter, "Declaration"), as well as the recording of plats for the various sections thereof; and

WHEREAS, the original Declaration was amended by the "Amendments to Declaration of Easements, Covenants and Restrictions for River Glen" being recorded with the Hamilton County Recorder's Office on February 23, 1995, as Instrument Number 9505956; and

WHEREAS, the Secondary Plat for River Glen, Section 1 was recorded on September 26, 1989 with the Hamilton County Recorder's Office as Instrument Number 8921350 (hereafter, "Section 1 Plat"); and

WHEREAS, the Section 1 Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Section 1 Plat (hereafter, "Section 1 Plat Restrictions"); and

WHEREAS, the Section 1 Plat Restrictions were amended by the "Amendments to Plat Restrictions for the Secondary Plat of River Glen, Section 1" being recorded with the Hamilton County Recorder's Office on December 22, 1995, as Instrument Number 9509566035; and

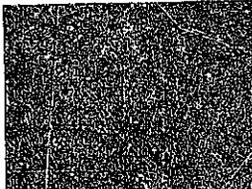
WHEREAS, the Secondary Plat for River Glen, Section 2 was recorded on June 6, 1990 with the Hamilton County Recorder's Office as Instrument Number 9013363 (hereafter, "Section 2 Plat"); and

WHEREAS, the Section 2 Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Section 2 Plat (hereafter, "Section 2 Plat Restrictions"); and

WHEREAS, the Section 2 Plat Restrictions were amended by the "Amendments to Plat Restrictions for the Secondary Plat of River Glen, Section 2" being recorded with the Hamilton County Recorder's Office on December 22, 1995, as Instrument Number 9509566034; and

WHEREAS, the Secondary Plat for River Glen, Section 3 was recorded on March 7, 1991 with the Hamilton County Recorder's Office as Instrument Number 9105036 (hereafter, "Section 3 Plat"); and

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WHEREAS, the Section 3 Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Section 3 Plat (hereafter, "Section 3 Plat Restrictions"); and

WHEREAS, the Section 3 Plat Restrictions were amended by the "Amendments to Plat Restrictions for the Secondary Plat of River Glen, Section 3" being recorded with the Hamilton County Recorder's Office on December 22, 1995, as Instrument Number 9509566038; and

WHEREAS, the secondary plat for River Glen, Section 4 was recorded on December 10, 1990 with the Hamilton County Recorder's Office as Instrument Number 9030352 (hereafter, "Section 4 Plat"); and

WHEREAS, the Section 4 Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Section 4 Plat (hereafter, "Section 4 Plat Restrictions"); and

WHEREAS, the Section 4 Plat Restrictions were amended by the "Amendments to Plat Restrictions for the Secondary Plat of River Glen, Section 4" being recorded with the Hamilton County Recorder's Office on December 22, 1995, as Instrument Number 9509566037; and

WHEREAS, the Secondary Plat for River Ridge was recorded on January, 6, 1989 with the Hamilton County Recorder's Office as Instrument Number 8900379 (hereafter, "River Ridge Plat"); and

WHEREAS, the River Ridge Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the River Ridge Plat (hereafter, "River Ridge Plat Restrictions"); and

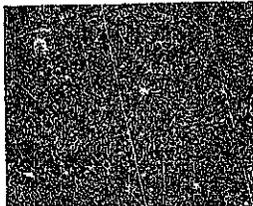
WHEREAS, the River Ridge Plat Restrictions were amended by the "Amendments to Plat Restrictions for the Secondary Plat of River Ridge" being recorded with the Hamilton County Recorder's Office on December 22, 1995, as Instrument Number 9509566038; and

WHEREAS, the Secondary Plat for Barrington Ridge was recorded on September 29, 1989 with the Hamilton County Recorder's Office as Instrument Number 8921596 (hereafter, "Barrington Ridge Plat"); and

WHEREAS, the Barrington Ridge Plat contains certain Plat Restrictions which constitute restrictions, limitations and covenants which run with the real estate described in the Barrington Ridge Plat (hereafter, "Barrington Ridge Plat Restrictions"); and

WHEREAS, the Plat Restrictions, as amended, for River Glen Sections 1, 2, 3 and 4, and River Ridge each state that the River Glen Architectural Committee shall adopt a fence policy as part of the Architectural Standards, which said fence policy is to be recorded with the Hamilton County Recorder; and

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ALSO COVERS RIVER RIDGE

WHEREAS, the River Glen Architectural Committee developed an Amended Fence Policy which was subsequently adopted by the Board of Directors of River Glen Homeowners Association, Inc.

NOW, THEREFORE, the undersigned officer of the Association's Board of Directors gives notice of the following:

1. At a Board of Director's meeting held on July 25, 1997, the Board of Directors of the River Glen Homeowners Association Inc., voted unanimously, by resolution, to approve and adopt the Amended Fence Policy for River Glen Sections 1, 2, 3 and 4, River Ridge and Barrington Ridge which is attached hereto as Exhibit "A" and incorporated herein
2. The effective date of such amended fence policy is July 25, 1997

Dated this 25 day of July, 1997

River Glen Homeowners Association, Inc., by:
Harry A. Sommer
Harry A. Sommer, President

STATE OF INDIANA)
COUNTY OF Madison)

Before me a Notary Public in and for said County and State, personally appeared Harry A. Sommer, the President of River Glen Homeowners Association, Inc., who acknowledged execution of the foregoing for and on behalf of said corporation and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal this 25 day of July, 1997

P. Thomas Murray Sr.
Notary Public - Signature

P. Thomas Murray Sr.
Printed



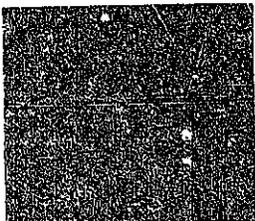
My Commission Expires:
12-20-01

Residence County: Madison

This instrument prepared by, and should be retained to: Thomas Murray, Jr., Esq. & Murray, P.C., Attorneys at Law, 1151 Shepley Street, Suite 105, Indianapolis, IN 46220 (317) 242-8258, telex: 707393



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River Glen
Homeowners Association Inc.

PO Box 61 • Fishers, IN 46038

AMENDED FENCE POLICY FOR
RIVER GLEN SECTIONS 1, 2, 3, & 4, RIVER RIDGE
ANDBARRINGTON RIDGE ADOPTED BY THE BOARD OF
DIRECTORS OF THE RIVER GLEN HOMEOWNERS ASSOCIATION,
INC. AND THE RIVER GLEN ARCHITECTURAL COMMITTEE

All fences must be approved by the River Glen Architectural Committee effective the 25 day of July, 1997. Contact the River Glen Architectural Committee for information on specific fence styles. The architectural Committee has the authority to grant exceptions on a case by case basis.

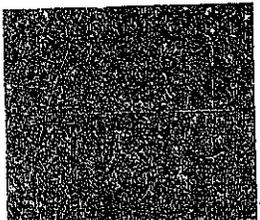
Barrington Ridge fences shall be approved by the Barrington Ridge Board of Directors or its Architectural Committee. If the Barrington Ridge Board or its Architectural committee is dissolved, then fences in Barrington Ridge must be approved by the River Glen Architectural Committee.

1. The specifications of the fence must be approved by the architectural committee.
2. Subject to the additional requirements set forth below applicable to certain lots, only the following styles and heights of fences shall be approved by the River Glen Architectural Committee:
 - a. Wrought iron steel picket fence (42" maximum height above grade)
 - b. Wooden picket fence (42" maximum height above grade)
 - c. Black vinyl coated chain link fence (42" maximum height above grade)
 - d. If a lot has an in-ground swimming pool, the maximum height for a fence around the pool shall be 72".



EXHIBIT "A"

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Amended Fence Policy
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3. For lots abutting River Glen Boulevard, all fences must be wrought iron style picket fences as described in the River Glen, River Ridge and Barrington Ridge Covenants and Plat Restrictions, including amendments. Specifically these lots are: Lots 1,3,4,5,7, and 8 of River Ridge; Lots 128, 144, 145 & 152 of River Glen-Section Three; Lots 80 through 88 of River Glen-Section Two; Lots 1, 2, 3 & 13 of Barrington Ridge; and Lots 4, 5, & 72 through 88 of River Glen-Sections One & Two.
4. For lots which abut the golf course and the tennis courts, all fences must be wrought iron style picket fences as described in the River Glen, River Ridge and Barrington Ridge Covenants and Plat Restrictions, including Amendments. Specifically, those Lots are : Lots 25, 35, 36, 37, 48, 49, 50, 51 & 52 of River Ridge; Lots 7 & 8 of Barrington Ridge; Lots 1, 6 through 23, and 52 through 60 of River Glen-Section One; and Lots 153 through 172 and 179 through 196 of River Glen-Section Four.
5. For Lots in River Ridge which abut 116th Street, all fences must be wrought iron style picket fences. Specifically, those Lots are Lots 8, 9, 11 through 17, and 20 through 23 of River Ridge.
6. No fence shall be erected nearer the front lot line of a lot than the front line of the principal residence erected on such lot or the front line of any adjacent residence.
7. No fence which obstructs sight lines at elevations between two feet (2') and six feet (6') above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right of way lines and a line connecting points twenty-five feet (25') from the intersection of said street lines or, in the case of a rounded property corner, from the intersection of the street right of way lines extended. The same sight line limitations apply to any lot within ten feet (10') of the intersection of a street right of way line with the edge of the driveway pavement or alley line.
8. Privacy fences enclosing, and constructed contiguously with patios or decks which vary from the requirements of this Fence Policy may be approved, on a case-by-case basis, by the River Glen Architectural Committee. ®

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9. Any fence erected or maintained on any Utility Easement, Drainage Easement, Sanitary Sewer Easement, Landscape Easement, Road or Trail Easement, or Water Company Easement as reflected and shown on any Plat on file with the Hamilton County Recorder's Office shall be at the risk of the party erecting the same and shall be subject to the rights and easements set forth in such Plat.

10. In the event of a serious or unusual architectural issue, the Architectural Committee shall seek the advice and counsel of the Board of Directors.

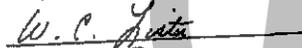
11. If there is a difference of opinion between the Architectural Committee and the Board of Directors, the decision of the Board of Directors shall control.

The Board of Directors of the River Glen Homeowners Association approved a three member committee, consisting of Harry Sommer, President, Winston Lister, Treasurer and James E. Schroeder, Architectural Committee and former Board Member, to draft the Amended Fence Policy.

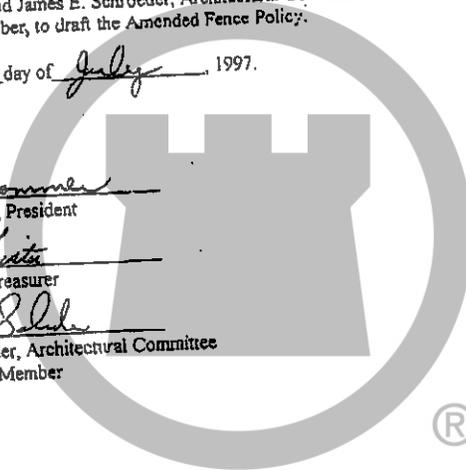
Dated the 25 day of July, 1997.

By:


Harry A. Sommer, President


Winston Lister, Treasurer


James E. Schroeder, Architectural Committee
& Former Board Member



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