

RECORDED
12/16/2002 12:38:09
RECORDER
PATRICIA J CRICK
ALLEN COUNTY, IN

Doc. No. 202105250
Receipt No. 39431

DCFD 3.00
MISL 86.00
MISL 6.00
MISL 1.00
BLER 100.00

**AMENDMENT TO PROTECTIVE RESTRICTIONS,
COVENANTS, AND LIMITATIONS FOR STONEFIELD,
SECTIONS I-III**

The undersigned are the owners of at least fifty-five percent (55%) of the Lots in an addition located in the City of Fort Wayne, Allen County, Indiana, known as Stonefield, and execute this Instrument for the purpose of amending the Protective Restrictions, Covenants, and Limitations which protect and encumber the Lots located in Stonefield. We do so believing the facts set forth herein to be true, but any inaccuracy with respect to any such facts shall not affect the effectiveness of the amendments set forth herein:

RECITALS

- A. On or about March 8, 1990, the plat of Stonefield, Section I, Phase I was recorded as Document No. 90-9097 in Cabinet B; page 15.
- B. On or about June 21, 1990, the plat of Stonefield, Section I, Phase I was amended by an amendment recorded as Document No. 90-24871 in Cabinet B, page 22.
- C. On or about July 30, 1992, the plat of Stonefield, Section I, Phases II and III was recorded as Document No. 92-41936 in Cabinet B, page 100.
- D. On or about October 22, 1996, the plat of Stonefield, Section I, Phases IV and V was recorded as Document No. 96-58943 in Cabinet C, page 130.
- E. On or about September 25, 1997, the plat of Stonefield, Section II was recorded as Document No. 97-53622 at Cabinet C, page 176.
- F. On or about August 26, 1998, the plat of Stonefield, Section III, was recorded as Document No. 98-59521 at Cabinet D, page 36.
- G. There are now 166 Lots in the various Sections of Stonefield.
- H. The "Dedication, Protective Restrictions, Covenants, Limitations, Easements, and Approvals Appended to and Made a Part of the Dedication and Plat of Stonefield" filed contemporaneously with, and as a part of, the foregoing plats provide that the covenants may be amended by the owners of fifty-five percent (55%) of the Lots in Stonefield. The undersigned are owners of Lots in Stonefield who desire to amend the Covenants as set forth below.

AUDITOR'S OFFICE
Duly entered for taxator. Subject
to final acceptance for transfer.

02 21214
AUDITORS NUMBER

DEC 03 2002


AUDITOR OF ALLEN COUNTY

*By
Comps + Members*

*954144
NC
10*

It is, accordingly, agreed that the Covenants of Stonefield shall be amended as set forth below:

A. Article V, Section 1 currently reads as follows:

Section 1. Establishment. There is hereby established an Architectural Control Committee to be composed of two (2) members. The first Committee members are to be appointed by the Plator. In the event of death or resignation of any member of the Committee, the remaining member shall have full authority to designate a successor. Neither the members of the Committee or its designated representatives shall be entitled to any compensation for service performed pursuant to this article. At such time the Plator or Developer ceases to be a class B member of the Association, the members of the Architectural Control Committee shall be appointed by the Association, pursuant to its Bylaws.

This Section shall be deleted in its entirety and replaced with the following:

Section 1. Establishment. There is hereby established an Architectural Control Committee to consist of an odd number of at least three (3) Lot Owners, one of which shall be the Vice President of the Association, or another appointed member of the Board of Directors of the Association. The members of the Architectural Control Committee shall not be entitled to any compensation for services performed pursuant to this article.

B. Article V, Section 2 currently reads as follows:

Section 2. Architectural Control. No building, fence, wall, or other structure shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications and a plan showing the location of the structure have been submitted to and approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finished grade elevations. The Committee's approval or disapproval shall be in writing. In the event that the Committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

This Section shall be deleted in its entirety and replaced with the following:

Section 2. Architectural Control. No building, fence, wall, or other structure shall be commenced, erected, placed or altered on any Lot until the construction plans and specifications and a plan showing the location of the structure have been submitted to and approved by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finished grade elevations. The Committee's approval or disapproval shall be provided to the Lot Owner in writing within thirty (30) days of the date on which the plans and specifications have been submitted to the Architectural Control Committee.

Alternatively, the Architectural Control Committee may request supplemental information from the Lot Owner submitting the plans and specifications. The plans and specifications shall be deemed approved unless the Committee either disapproves the plans and specifications or requests supplemental information within thirty (30) days of the date on which the plans and specifications are submitted to the Architectural Control Committee. Any member of the Architectural Control Committee (but not in aggrieved Lot Owner), may appeal the decision of the Architectural Control Committee to the Board of Directors of the Association. The Board of Directors may overrule the decision of the Architectural Control Committee if seventy-five percent (75%) of the members of the Board of Directors vote to overrule the decision of the Architectural Control Committee at a meeting called for the purpose of considering the issue. If the member of the Architectural Control Committee appeals the decision of the Architectural Control Committee to the Board of Directors of the Association, the thirty (30) day time limit in which to respond to the Lot Owner shall be extended for an additional thirty (30) days.

C. Article VI, Section I currently reads as follows:

Section 1. No Lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain, on any Lot other than one (1) detached single-family dwelling unit, which shall not exceed two (2) stories in height. No detached structure shall be permitted on any Lot without prior written approval from the Architectural Control Committee.

This Section shall be deleted in its entirety and replaced with the following:

Section 1. No Lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain, on any Lot other than one (1) detached single-family dwelling unit, which shall not exceed two (2) stories in height. No detached structure shall be permitted on any Lot without prior written approval from the Architectural Control Committee. All such single-family dwelling units shall be "stick built" on site. Premanufactured trusses, stud walls, or metal framing may be used in the construction of the home, however, the premanufactured substructure may not consist of more than fifteen percent (15%) of the total completed structure. No manufactured home (including one within the definition of I.C. § 9-13-2-96 as existing on the recordation date of this Instrument) or modular home may be erected, placed or permitted to remain on any Lot.