



**SECOND AMENDMENT TO DECLARATION OF COVENANTS AND
RESTRICTIONS OF HOMESTEAD**

This Second Amendment to Declaration of Covenants and Restrictions of Homestead ("Second Amendment") is entered into as of the date of signature below, by Westport Homes, Inc., as Developer under the Declaration of Covenants, Conditions and Restrictions for Homestead (the "Declaration").

WITNESSETH:

WHEREAS, the Declaration was recorded in with the Morgan County Recorder's Office on or about February 1, 2006 as Instrument No. 200601245; and

WHEREAS, the Declaration was subsequently amended by the First Amendment to Declaration of Covenants and Restrictions of Homestead recorded on May 11, 2007 as Instrument No. 200705537; and

WHEREAS, on or about October 13, 2009, Westport Homes, Inc. was assigned all rights as Developer under the Declaration; and

WHEREAS, Section 9.2 of the Declaration allows the Developer to "unilaterally amend [the] Declaration for any purpose..." and

WHEREAS, Westport Homes, Inc., as Developer, desires to amend the Declaration as provided herein;

NOW THEREFORE, the Declaration is amended as follows:

AMENDMENT

1. Section 7.11 shall be deleted in its current form and replaced with:


Section 7.11 Storage Sheds and Temporary Structures. No mini-barn, outbuilding, or other structure which is detached from a Dwelling Unit shall be constructed until after it is approved by the Declarant, during the Development Period, and thereafter by the Board of Directors and/or the Architectural Review Committee. All such mini-barns and outbuildings shall have siding and roofing that match the existing Dwelling Unit, and shall not exceed (i) 120 square feet, and (ii) 10 feet in height.

2. Section 7.23(a)(iv) shall be deleted in its current form and replaced with:

(iv) **Fencing Height.** Fencing shall not exceed six (6) feet in height; provided that a decorative cap or top (lattice work or other approved decorative detail) may be installed so long as the aggregate height of the entire structure shall not exceed six (6) feet.

IN WITNESS WHEREOF, the undersigned has caused this Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Homestead be executed on the date below.

WESTPORT HOMES, INC.

By: 
Steven M. Dunn, President

Date: January 23, 2018

STATE OF INDIANA)
) SS:
COUNTY OF Marion)

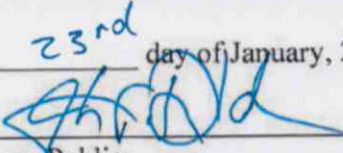


Before me the undersigned, a Notary Public in and for said County and State, personally appeared Steven M. Dunn, as President of Westport Homes, Inc., an Indiana Corporation, the "Developer" under the Declaration of Covenants, Conditions and Restrictions for Homestead, and having been duly sworn, acknowledged execution of this Second Amendment.

Witness my hand and Notarial Seal this 23rd day of January, 2018.

My Commission Expires:

4/26/25


Notary Public

Residing at Marion County

John F. Donaldson
Printed Name

This instrument was prepared by and after recording return to John F. Donaldson, Esq., 9210 N. Meridian Street, Indianapolis, Indiana 46260. (317) 844-0433.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. John F. Donaldson

20.0
21.00



(2)

MORGAN COUNTY RECORDER
KAREN BRUMMETT 5P
PJD Date 05/11/2007 Time 09:24:12
RECORDING: 21.00
I 200705537 Page 1 of 5

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS
OF HOMESTEAD**

THIS FIRST AMENDMENT, dated ^{MARCH} ~~January 12~~, 2007, is made by C.P. MORGAN COMMUNITIES, L.P., an Indiana limited partnership ("Developer").

Recitals:

A. Developer recorded a document entitled "Declaration of Covenants, Conditions and Restrictions for Homestead," dated November 28, 2005, and recorded on February 1, 2006, as Instrument No. I 200601245 (the "Declaration"), in the Office of the Recorder of Morgan County, Indiana.

B. Developer desires to amend the Declaration as provided in Section 9.2(f) thereof, to correct certain clerical or typographical errors contained therein.

Terms:

NOW THEREFORE, the Developer hereby amends the Declaration, as follows:

1. All references in the "Recitals" portion of the Declaration to "Marion County" shall be, and hereby are, amended to read "Morgan County."
2. Exhibit "B" attached to the Declaration contains a clerical error in that it includes real estate which is not subject to Developer's right to purchase; accordingly, such Exhibit "B" shall be, and hereby is, replaced with Exhibit "B" attached hereto.
3. Except as amended by Sections 1 and 2, above, the Declaration shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the Developer has caused this First Amendment to be executed as of the date written above.

C.P. MORGAN COMMUNITIES, L.P.
By: C.P. MORGAN INVESTMENT CO., INC.,
its general partner

By: Michelle Leonard
Authorized Agent

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Michelle Leonard, the Authorized Agent of C.P. Morgan Investment Co., Inc., the general partner of C.P. Morgan Communities, L.P., an Indiana limited partnership, who, having been duly sworn, executed the foregoing First Amendment to Declaration of Covenants and Restrictions for Homestead for and on behalf of said entity and stated that the representations contained therein are true.

Witness my hand and Notarial Seal this 12 day of March, 2007.

Jinarey Codd
(Eindsey Coddington)



My Commission Expires: 8.21.13 My County of Residence: Hamilton

I affirm under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Lewis E. Willis, Jr.

This instrument was prepared by Lewis E. Willis, Jr., Stark Doninger & Smith, 50 South Meridian Street, Suite 700, 46240

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EXHIBIT "B"

Land Description (Overall Residential except Lot Number 1 Homestead)

Part of the West Half of the Northwest Quarter and part of the West Half of the Southwest Quarter of Section 1 together with part of the Northwest Quarter of the Northwest Quarter of Section 12 together with part of the North Half of the Northeast Quarter of Section 11 together with part of the Southeast Quarter and part of the Southeast Quarter of the Northeast Quarter of Section 2, all being in Township 13 North, Range 1 West, Monroe Township, Morgan County, Indiana, being more particularly described as follows:

Commencing at the Northeast Corner of the West Half of the Southwest Quarter of said Section 1 marked by a rebar with cap (cap not readable); thence North 89 degrees 44 minutes 07 seconds West (basis of bearings) along the North Line of said West Half a distance of 435.60 feet to the **Point of Beginning**; thence continuing North 89 degrees 44 minutes 07 seconds West along said North Line a distance of 159.58 feet; thence South 00 degrees 50 minutes 21 seconds East, parallel with the East Line of the West Half of said Southwest Quarter Section, a distance of 718.05 feet; thence North 89 degrees 09 minutes 39 seconds East a distance of 21.50 feet; thence South 00 degrees 50 minutes 21 seconds East, parallel with the East Line of the West Half of said Southwest Quarter Section, a distance of 96.00 feet; thence South 89 degrees 09 minutes 39 seconds West a distance of 21.50 feet; thence South 00 degrees 50 minutes 21 seconds East, parallel with the East Line of the West Half of said Southwest Quarter Section, a distance of 1181.86 feet to the Northwest Corner of a tract of land described in Instrument #200403116 in the Office of the Recorder of Morgan County, Indiana (the following two (2) described courses being along the West Lines of said tract of land); (1) South 00 degrees 50 minutes 21 seconds East a distance of 655.04 feet; (2) South 00 degrees 27 minutes 15 seconds East a distance of 450.02 feet to the Northwest Corner of a tract of land described in Instrument #200412842 in said Recorder's Office (the following two (2) described courses being along the West and South Lines of said tract); (1) South 00 degrees 27 minutes 26 seconds East a distance of 335.17 feet; (2) North 88 degrees 38 minutes 06 seconds East a distance of 295.13 feet; thence South 00 degrees 29 minutes 28 seconds East a distance of 8.39 feet to the South Line of the 24 acres off of the North End of the West Half of the Northwest Quarter of said Section 12; thence South 89 degrees 51 minutes 48 seconds West along said South Line a distance of 1028.13 feet to the West Line of said West Half also being the East Line of the Northeast Quarter of said Section 11; thence South 00 degrees 26 minutes 41 seconds East along said East Line a distance of 275.36 feet to a point which lies South 00 degrees 26 minutes 41 seconds East 16.10 chains (1062.60 feet) from the Northeast Corner of said Section 11 (said point also being the Southeast Corner of a tract of land described in Deed Book 272, page 287 in said Recorder's Office) (the following three (3) described courses being along the South, West and a portion of the North Line of said tract of land); (1) South 89 degrees 53 minutes 44 seconds West a distance of 2157.54 feet; (2) North 00 degrees 26 minutes 41 seconds West a distance of 1062.60 feet; (3) North 89

degrees 53 minutes 44 seconds East a distance of 163.99 feet to the Southwest Corner of the East Half of the West Half of the Southeast Quarter of said Section 2; thence North 00 degrees 24 minutes 26 seconds West along the West Line of the East Half of the West Half of the Southeast Quarter of said Section 2 a distance of 2006.35 feet; thence South 89 degrees 53 minutes 49 seconds East a distance of 890.03 feet; thence North 00 degrees 26 minutes 21 seconds West a distance of 682.32 feet to a "rebar" set; thence North 75 degrees 02 minutes 12 seconds East a distance of 26.62 feet to the approximate centerline of McCracken Creek (the following forty-six (46) described courses being along the meanderings of said centerline);

- 1) North 64 degrees 35 minutes 05 seconds East a distance of 30.64 feet;
- 2) North 48 degrees 29 minutes 33 seconds East a distance of 34.76 feet;
- 3) North 19 degrees 15 minutes 25 seconds West a distance of 48.87 feet;
- 4) North 31 degrees 40 minutes 36 seconds East a distance of 45.82 feet;
- 5) North 26 degrees 10 minutes 13 seconds West a distance of 51.73 feet;
- 6) North 17 degrees 54 minutes 26 seconds East a distance of 66.18 feet;
- 7) North 27 degrees 49 minutes 15 seconds West a distance of 44.77 feet;
- 8) North 11 degrees 45 minutes 57 seconds East a distance of 53.73 feet;
- 9) North 63 degrees 27 minutes 26 seconds East a distance of 29.38 feet;
- 10) South 85 degrees 51 minutes 34 seconds East a distance of 17.16 feet;
- 11) South 55 degrees 41 minutes 09 seconds East a distance of 18.01 feet;
- 12) North 64 degrees 43 minutes 53 seconds East a distance of 24.95 feet;
- 13) North 35 degrees 44 minutes 47 seconds East a distance of 39.17 feet;
- 14) North 68 degrees 39 minutes 51 seconds East a distance of 37.21 feet;
- 15) North 21 degrees 48 minutes 07 seconds East a distance of 27.67 feet;
- 16) North 05 degrees 43 minutes 00 seconds West a distance of 39.84 feet;
- 17) North 19 degrees 27 minutes 10 seconds East a distance of 29.82 feet;
- 18) North 40 degrees 03 minutes 19 seconds East a distance of 32.37 feet;
- 19) North 18 degrees 44 minutes 56 seconds East a distance of 96.92 feet;
- 20) North 32 degrees 46 minutes 36 seconds East a distance of 82.95 feet;
- 21) North 71 degrees 20 minutes 42 seconds East a distance of 33.73 feet;
- 22) South 22 degrees 07 minutes 09 seconds East a distance of 33.22 feet;
- 23) South 68 degrees 48 minutes 16 seconds East a distance of 55.43 feet;
- 24) South 40 degrees 54 minutes 39 seconds East a distance of 39.38 feet;
- 25) North 82 degrees 24 minutes 24 seconds East a distance of 28.60 feet;
- 26) North 14 degrees 25 minutes 29 seconds East a distance of 25.06 feet;
- 27) North 17 degrees 09 minutes 04 seconds West a distance of 30.86 feet;
- 28) North 44 degrees 18 minutes 26 seconds East a distance of 28.16 feet;
- 29) North 02 degrees 52 minutes 33 seconds East a distance of 44.17 feet;
- 30) North 78 degrees 13 minutes 48 seconds East a distance of 47.04 feet;
- 31) South 15 degrees 13 minutes 54 seconds East a distance of 31.84 feet;
- 32) South 67 degrees 53 minutes 26 seconds East a distance of 49.72 feet;
- 33) South 85 degrees 35 minutes 14 seconds East a distance of 36.55 feet;
- 34) South 22 degrees 10 minutes 44 seconds East a distance of 58.65 feet;
- 35) South 67 degrees 11 minutes 32 seconds East a distance of 50.23 feet;
- 36) South 48 degrees 50 minutes 41 seconds East a distance of 78.39 feet;

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37) South 56 degrees 57 minutes 20 seconds East a distance of 298.44 feet;
38) South 70 degrees 12 minutes 46 seconds East a distance of 90.23 feet to the East Line of the Northeast Quarter of said Section 2;
39) South 61 degrees 01 minutes 43 seconds East a distance of 108.93 feet;
40) South 87 degrees 40 minutes 45 seconds East a distance of 97.56 feet;
41) North 83 degrees 13 minutes 37 seconds East a distance of 440.98 feet;
42) North 68 degrees 34 minutes 27 seconds East a distance of 110.05 feet;
43) North 43 degrees 06 minutes 30 seconds East a distance of 69.03 feet;
44) North 01 degrees 41 minutes 19 seconds West a distance of 462.23 feet;
45) North 20 degrees 11 minutes 27 seconds East a distance of 95.80 feet;
46) North 01 degrees 53 minutes 59 seconds East a distance of 147.03 feet to the South Line of a tract of land described in Deed Book 431, page 681 in said Recorder's Office; thence North 89 degrees 22 minutes 16 seconds East along the South Line of said tract of land a distance of 498.42 feet to the East Line of the West Half of the Northwest Quarter of said Section 1; thence South 00 degrees 40 minutes 40 seconds East along said East Line a distance of 980.44 feet; thence North 87 degrees 56 minutes 09 seconds West a distance of 65.40 feet; thence North 89 degrees 53 minutes 35 seconds West a distance of 369.11 feet; thence South 00 degrees 35 minutes 43 seconds East a distance of 2.60 feet to the North Line of a tract of land described in Instrument 9716050 in the Office of the Recorder in Morgan County (the following two (2) described courses being along the North and West Lines of said tract of land); 1) North 89 degrees 44 minutes 07 seconds West, parallel with the South Line of the West Half of the said Northwest Quarter Section, a distance of 1.14 feet; 2) South 00 degrees 40 minutes 40 seconds East, parallel with the East Line of the West Half of said Northwest Quarter Section, a distance of 200.00 feet to the **Point of Beginning**, containing 250.256 acres, more or less.

Except:

Lot Number 1 in Homestead Section 1, a subdivision in Morgan County, Indiana, the plat of which is recorded as Instrument Number 200601246 in the office of the Recorder of Morgan County, Indiana, containing 2.061 acres (89,780 square feet), more or less.

Containing a net total of 248.195 acres, more or less.

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01/02/2007

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