

10223

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AMENDMENT TO THE COVENANTS AND RESTRICTIONS OF COLLINGSWOOD SUBDIVISION

The undersigned, Robert W. Thurston, and Lois M. Thurston being the owners of all lots in Collingswood Subdivision, a subdivision in Fall Creek Township, Hamilton County, Indiana, as platted and recorded with the Hamilton County Recorder on July 10, 1973, in Plat Book 4, pages 186-188, hereby make and declare the following amendments to the covenants and restrictions as they appear in such recorded plat:

1. The first unnumbered paragraph of the "Covenants and Restrictions" appearing on the second page of the record plat, which refers to minimum square footage requirements shall be amended to read as follows:

"Only single family residential dwelling units shall be erected in this subdivision, said units shall have a minimum ground floor area of 1,440 square feet for one story dwelling units, and 1,080 square feet for over one story dwelling units."

2. The last unnumbered paragraph of the "Covenants and Restrictions" appearing on the second page of the record plat, which refers to enforcement of the provisions of the Covenants and Restrictions shall be amended to read as follows:

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public or to any private individual affected thereby, and reserved to the several owners of the several lots in the subdivision and to their heirs and assigns, and further, any party bringing any action, either at equity or at law, for the enforcement of these covenants and restrictions shall be entitled to collect attorneys fees and costs if judgment is found in favor of such party bringing the action.

3. An additional paragraph to the Covenants and Restrictions appearing in such record plat shall read as follows:

The term "Developer" as used anywhere in the recorded plat or this amendment shall refer to the Developer, Robert W. Thurston, or his successors in interests, or assigns.

This Instrument Recorded April 28 1976
JUNE M. HEDGES, RECORDER, HAMILTON COUNTY, IND.

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JUNE M. HEDGES
RECORDER
HAMILTON CO., IND.

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4. The foregoing amendments are intended to be supplementary in nature, and any covenants and restrictions not covered by this amendment and not contradictory to these amendments shall remain in full force and effect.

IN WITNESS WHEREOF, we have caused these Amendments to be signed this 27 day of April, 1976.

Robert W. Thurston
Robert W. Thurston

Lois M. Thurston
Lois M. Thurston

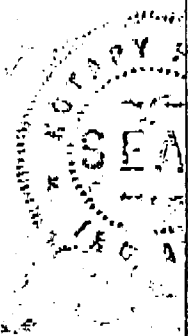
STATE OF INDIANA)
COUNTY OF HAMILTON)

Personally appeared before me the within named Robert W. Thurston and Lois M. Thurston who acknowledged the execution of the foregoing Amendment to the Covenants and Restrictions of Collingswood Subdivision to be their voluntary act and deed.

WITNESS, my hand and Notarial Seal this 27th day of April, 1976.

My Commission Expires:
February 27, 1977

Jack G. Hittle
Jack G. Hittle, Notary Public



This Instrument Prepared by Jack G. Hittle, Attorney at Law.

This Instrument Recorded April 28 1976
JUNE M. HEDGES, RECORDER, HAMILTON COUNTY, IND.