

25⁰⁰ E. Kaitie Wagoner

AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
MALLARD POND

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MALLARD POND entered by and between the individual lot owners whose signatures follow and is dated the 30th day of January 1997, for identification purposes only.

Whereas, the Declaration of Covenants, Conditions and Restrictions of the Mallard Pond Subdivision, were recorded on April 14, 1994 in Miscellaneous Book 144, Pages 578 through 615, inclusive, the same showing Instrument Number 1317; and,

Whereas, the Declaration of Covenants, Conditions and Restrictions of the Mallard Pond Subdivision were amended by the lot owners and recorded on May 5, 1995 in Miscellaneous Book 152, Pages 893 through 897, inclusive; and,

Whereas, the Declaration of Covenants, Conditions and Restrictions referenced a plat of the Mallard Pond Subdivision recorded in the Office of the Recorder of Boone County, Indiana, in Book Number 8, Page 31 on April 14, 1994; and,

Whereas, the undersigned, being all of the owners of Lots within the Mallard Pond Subdivision desire to make certain amendments to the Declaration of Covenants, Conditions and Restrictions as follows:

NOW, THEREFORE it is agreed that ARTICLE V - Lot Development, Section 5.02, Type, Size and Nature of Construction Permitted, subsection (b), as it appears in Miscellaneous Book 144, Page 595, and Amended in Miscellaneous Book 152, Page 894, is now amended to read as follows:

The minimum finished floor area of a one-story dwelling house constructed on a Lot, exclusive of open porches, attached garages and basement, shall be 2400 square feet in the case of a one-story residence, and in the case of a dwelling house having more than one story, a minimum of 1300 square feet of the required minimum finished floor area shall be located on the first floor.

NOW, THEREFORE it is agreed that ARTICLE V - Lot Development, Section 5.06, Mailboxes, as it appears in Miscellaneous Book 144, Page 599, shall be amended to add the following statement:

Mailboxes may be purchased from the developer or lot owner may construct mailboxes to the developers requirements.

NOW, THEREFORE, it is agreed that ARTICLE VII - Use and Maintenance of Lots, Section 6.03, Signs, as it appears in Miscellaneous Book 144, Page 605, shall be amended to read as follows:

No business or commercial sign of any kind shall be displayed to public view on any Lot except that one two-sided sign (not exceeding five (5) square feet per side) may be displayed at any time for the purpose of advertising the property for sale or for rent, or may be displayed by a builder to advertise during construction.

Keith A. Wagoner
Keith A. Wagoner

Debra S. Wagoner
Debra S. Wagoner

State of Indiana)
County of Morgan) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County, INDIANA and State, this 17th day of November, 1997.

Barbara J. Terhune
Notary Public

BARBARA J. TERHUNE
Printed

My Commission Expires:
Aug. 25th, 2001

County of Residence:
MORGAN

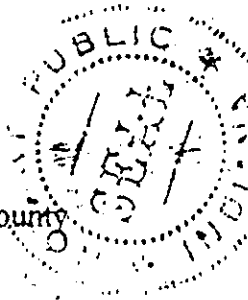
Peggy A. Richardson
NOTARY PUBLIC

PEGGY A. RICHARDSON, Notary Public
My Commission Expires: Feb. 28, 1999
County of Residence: Boone

PRINTED

Mark T. Whitlock
Mark T. Whitlock

Jane E. Whitlock
Jane E. Whitlock



State of Indiana)
County of Marion) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 5 day of Feb, 1997.

Genna Lee Carrigan
Notary Public

Genna Lee Carrigan
Printed

My Commission Expires:
July 16, 1999

County of Residence:
Marion

David F. Westenkirchner
David F. Westenkirchner
(Westenkirchner)

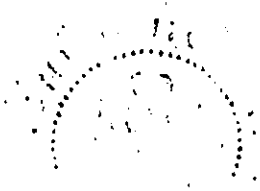
Robby P. Westenkirchner
Robby P. Westenkirchner

State of Indiana)
County of BOONE) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 3 day of FEBRUARY, 1997.

Pamela A. Gilmore
Notary Public

PAMELA A. GILMORE
Printed



My Commission Expires:
4/20/00

County of Residence:
BOONE

Kerry J. Wagner
Kerry J. Wagner
Tamara S. Wagner
Tamara S. Wagner

State of Indiana)
County of BOONE) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 19th day of February, 1997.

Cathy A. Ottinger
Notary Public
Cathy A. Ottinger
Printed

My Commission Expires:
5/16/99

County of Residence:
BOONE

Scott D. Eicher
Scott D. Eicher
Debra B. Eicher
Debra B. Eicher

State of Indiana)
County of BOONE) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 6 day of FEBRUARY, 1997.

Pamela A. Gilmore
Notary Public
PAMELA A. GILMORE
Printed

My Commission Expires:
4/20/00

County of Residence:
BOONE

Brent Bloemendaal
Brent Bloemendaal

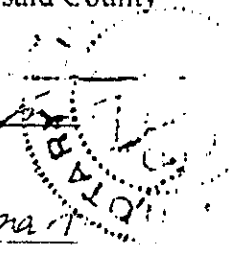
Sherrie L. Bloemendaal
Sherrie L. Bloemendaal

State of Indiana)
County of Boone) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County
and State, this 30th day of October, 1997.

Debra M. Fryman
Notary Public

Debra M. Fryman
Printed



My Commission Expires:
August 23, 1999

County of Residence:
Boone

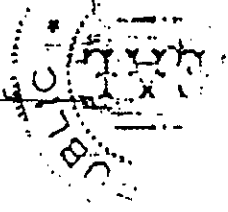
Meredith Stines
Meredith Stines

State of Indiana)
County of Boone) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County
and State, this 5 day of November, 1997.

Rhonda Cole
Notary Public

Rhonda Cole
Printed



My Commission Expires:
May 9, 1998

County of Residence:
Boone

[Handwritten Signature]

Michael D. Pitts

[Handwritten Signature]

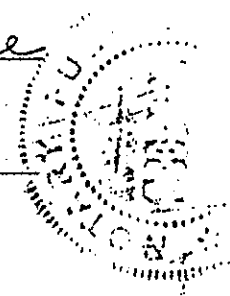
Elizabeth Pitts

State of Indiana)
County of Hamilton) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 15 day of April, 1997.

[Handwritten Signature]
Notary Public

Regina M. Page
Printed



My Commission Expires:
11-24-00

County of Residence:
Hamilton

[Handwritten Signature]

Randall S. Shaffer

[Handwritten Signature]

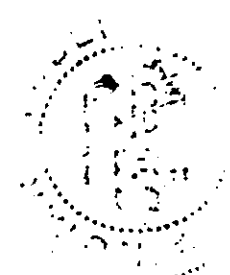
Kelly J. Shaffer

State of Indiana)
County of BOONE) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 21st day of MARCH, 1997.

[Handwritten Signature]
Notary Public

RONALD J. SNOW
Printed



My Commission Expires:
8/25/2000

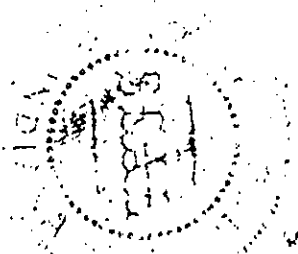
County of Residence:
HAMILTON

Chris L. Kenyon
Chris L. Kenyon

Claudia N. Kenyon
Claudia N. Kenyon

State of Indiana)
County of Boone) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 3RD day of MARCH, 1997.



My Commission Expires:
9-21-99

Susie H. Ziegler
Notary Public

SUSIE H. ZIEGLER
Printed

County of Residence:
HAMILTON

Royce R. Armstrong
Royce R. Armstrong
Teran L. Armstrong
Teran L. Armstrong

State of Indiana)
County of Boone) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 7th day of April, 1997.



My Commission Expires:
3-22-2000

Shirley M. Brower
Notary Public

Shirley M. Brower
Printed

County of Residence:
Boone

Mark Elliott
Mark Elliott

Mary E. Worth
Mary E. Worth

State of Indiana)
County of Boone) SS:

Subscribed and sworn to before me, a Notary Public, in and for said County and State, this 5th day of February, 1997.



Debra M. Fryman
Notary Public

Debra M. Fryman
Printed

My Commission Expires:
August 27, 1999

County of Residence:
Boone

Prepared by Keith Wagoner

ORIGINAL

AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
MALLARD POND

THIS AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF MALLARD POND entered by and
between the individual lot owners whose signatures follow
and is dated the 2nd day of May, 1995 for identification
purposes only.

WHEREAS, the Declaration of Covenants, Conditions and
Restrictions of the Mallard Pond Subdivision, were recorded
on April 14, 1994 in Miscellaneous Book 144, Pages 578
through 615, inclusive, the same showing Instrument Number
4317; and,

WHEREAS, the Declaration of Covenants, Conditions and
Restrictions referenced a plat of the Mallard Pond
Subdivision recorded in the Office of the Recorder of
Boone County, Indiana, in Book Number 8, Page 31 on April
14, 1994; and

WHEREAS, the undersigned, being all of the owners of
Lots within the Mallard Pond Subdivision desire to make
certain amendments to the Declaration of Covenants,
Conditions and Restrictions as follows:

NOW, THEREFORE it is agreed that ARTICLE V - Lot
Development, Section 5.02. Type, Size and Nature of
Construction Permitted, subsection (b), as it appears in

3863

MAY 5 1 41 PM '95

MARY ALICE BALDWIN
RECORDER OF BOONE COUNTY
LEBANON, INDIANA, 46052
Mae BK 152 PG 893

Miscellaneous Book 144, Page 595, is now amended to read as follows:

The minimum finished floor area of a one-story dwelling house constructed on a Lot, exclusive of open porches, attached garages and basement, shall be 2,000 square feet in the case of a one-story residence, and in the case of a dwelling house having more than one story, a minimum of 1,500 square feet of the required minimum finished floor area shall be located on the first floor.

NOW, THEREFORE, it is agreed that ARTICLE VII - Easements, Section 7.01. Easements, as it appears in Miscellaneous Book 144, Pages 608 and 609, shall be amended to add the following easement:

"Landscape Easements" (L.E.) are designated and created for the specific purpose to allow the Developer to install signage at the entrances to Mallard Pond, and fencing along the west property line of Lots 1 and 15, including, but not limited to, the installation and maintenance of natural vegetative plantings and screening. The entrance signs, and accompanying landscaping, as well as the fencing installed by the Developer shall be maintained by the Property Owners Association. This Landscape Easement shall consist of twenty foot of even width along the entire western boundary of Lots 1 and 15 of Mallard Pond.

NOW, THEREFORE, it is agreed that ARTICLE VII - Easements, as it appears in Miscellaneous Book 144, Pages 608 and 609, shall be amended to add the following section:

Section 7.03. Lots 1 and 15: In order to maintain entrance lighting on the signage constructed within the boundaries of the Landscape Easements on Lots 1 and 15, the owners of said Lots, when constructing their single family residence, shall run a 110 electrical line from their dwellings to the entry signage located on the respective Lots. It shall be the duty and obligation of the owners of Lots 1 and 15 to maintain said electrical line and pay the cost of electricity, provided that, the owners of said

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Subscribed and sworn to before me, a Notary Public, in
and for said County and State, this 5th day of May, 1995.

Paula Jayne Brickey
Notary Public

Paula Jayne Brickey
Printed

My Commission Expires:
5/6/96

County of Residence:
Boone



Scott D. Eicher
SCOTT D. EICHER

Debra B. Eicher
DEBRA B. EICHER

STATE OF INDIANA)
) SS:
COUNTY OF Boone)

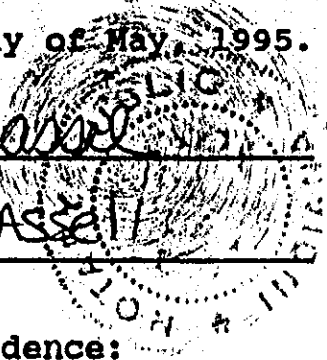
Subscribed and sworn to before me, a Notary Public, in
and for said County and State, this 3rd day of May, 1995.

Diane T. Dassel
Notary Public

Diane T. Dassel
Printed

My Commission Expires:
10.13.97

County of Residence:
MARION

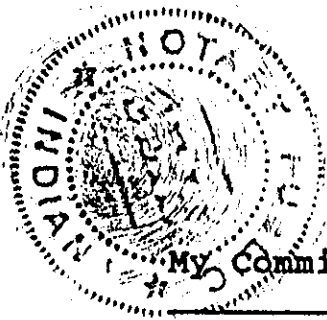


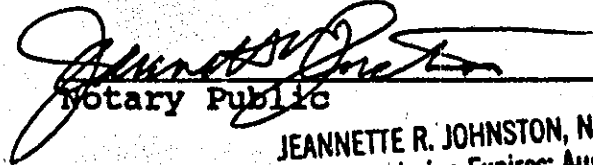
Mark T. Whitlock
MARK T. WHITLOCK

Jane E. Whitlock
JANE E. WHITLOCK

STATE OF INDIANA)
) SS:
COUNTY OF HAM)

Subscribed and sworn to before me, a Notary Public, in
and for said County and State, this 4 day of May, 1995.




Notary Public

JEANNETTE R. JOHNSTON, Notary Public
My Commission Expires: Aug. 26, 1995
County of Residence-Hamilton

Printed

County of Residence:

My Commission Expires:

This instrument prepared by Michael J. Andreoli, DONALDSON,
ANDREOLI & TRUITT, 1500 West Oak Street, Suite 200,
Zionsville, Indiana 46077, (317) 873-6266.