

9415266

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FIRST AMENDED COVENANTS AND RESTRICTIONS
FOR
ROOKER RUN PLANNED UNIT DEVELOPMENT

WHEREAS, the undersigned are all of the owners of platted lots in ROOKER RUN PLANNED UNIT DEVELOPMENT, SECTION I, as per plat thereof recorded in Deed Record 367, page 505, and ROOKER RUN PLANNED UNIT DEVELOPMENT, SECTION II, as per plat thereof recorded in Deed Record 370, page 18, all in the Office of the Recorder of Morgan County, Indiana, and the owners of the remaining acreage to be developed as a part of said Rooker Run Planned Unit Development; and,

WHEREAS, in order that the covenants and restrictions for Rooker Run Planned Unit Development be harmoniously construed and certain sections or language be corrected; and,

WHEREAS, it is intended that all sections of Rooker Run Planned Unit Development be bound by the same covenants and restrictions;

BE IT THEREFORE AGREED that the covenants and restrictions of Rooker Run Planned Unit Development, Section I, as per plat thereof recorded in Deed Record 367, page 505, and Section II, as per plat thereof recorded in Deed Record 370, page 18, and the covenants and restrictions of the remainder of Rooker Run Planned Unit Development, in consideration of the mutual benefits of such covenants and restrictions and the harmonious development of Rooker Run, be amended as follows:

1. Paragraph 19(a)(3): Strike the word "lability" and insert the word "liability."
2. Paragraph 19(a)(3): Insert between the word "lots" and the word "the" the following phrase:

"of the entire Rooker Run Planned Unit Development, including all sections, regardless when such sections are platted and recorded,"

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3. Add a new Paragraph 19(g):

All such areas either dedicated to and accepted by any public agency or civil authority or non-profit organization exempt from taxation by the laws of the State of Indiana shall be exempt from assessments herein.

4. Add a new Paragraph 20 following Paragraph 19 as follows:

20. Common Areas/Park. All areas designated as "Park and Common Area" or similarly upon the plats of the various sections, regardless when such sections are platted or recorded, are hereby dedicated to the homeowners of Rooker Run Planned Unit Development as an easement in common for drainage and recreational use upon such reasonable rules as may be from time to time promulgated by the Rooker Run Owners' Association, Incorporated. The Owners' Association has the further right, title and authority to dedicate, convey or transfer all or part of such Park or Common Area to any public agency or civil authority, as the Town of Mooresville, for such purposes and subject to such conditions as may be agreed to by two-thirds (2/3) of the then members of the Association.

5. Former Paragraph 20, Enforcement, shall now become Paragraph 21.

IN WITNESS WHEREOF, this instrument has been executed this 23 day of November, 1994, each executing officer certifying that such officer is duly authorized to execute on behalf of and bind the corporate party herein.

ENVIRONMENTAL DEVELOPMENT CORPORATION

By Christopher M. Crouch, President
Christopher M. Crouch, President

ATTEST:

Alan L. Deerwester, sec. - 11/19/94
Alan L. Deerwester,
Secretary-Treasurer

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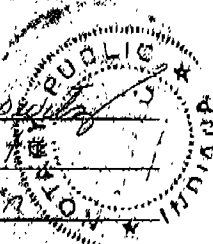
STATE OF INDIANA)
) SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said County and State, personally appeared CHRISTOPHER M. CROUCH and ALAN L. DEERWESTER the President and Secretary-Treasurer, respectively, of ENVIRONMENTAL DEVELOPMENT CORPORATION, who acknowledged execution of the foregoing document for and on behalf of said corporation, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 23rd day of November, 1994.

(Signature) Janet Rubincovitch

(Printed) Janet Rubincovitch
Notary Public
Resident of Marion



My commission expires: 1-28-96

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HANSEN & HORN GROUP, INC.

By [Signature]
Kenneth D. Hansen CEO

(Printed Name and Title)

ATTEST:

(Printed Name and Title)

STATE OF INDIANA
COUNTY OF Marion

ss:

Before me, a Notary Public in and for said County and State, personally appeared Kenneth D. Hansen and _____ the CEO and _____, respectively, of HANSEN & HORN GROUP, INC., who acknowledged execution of the foregoing document for and on behalf of said corporation, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 28 day of November, 1994.

(Signature) [Signature]
(Printed) Brenda S. Watterer
Notary Public
Resident of Hamlet, IN

My commission expires: 08-25-98

CROSSMAN COMMUNITIES, INC.

By *Richard H. Crosser*

(Printed Name and Title)

RICHARD H. CROSSER PRES.

ATTEST:

(Printed Name and Title)

STATE OF INDIANA)
COUNTY OF Madison) SS:

Before me, a Notary Public in and for said County and State, personally appeared Richard H. Crosser and Shirley J. White, respectively, of CROSSMAN COMMUNITIES, INC., who acknowledged execution of the foregoing document for and on behalf of said corporation, and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS my hand and Notarial Seal this 14th day of December, 1994.



(Signature) *Shirley J. White*

(Printed) Shirley J. White
Notary Public
Resident of Madison County

My commission expires:

May 31, 1999

This instrument prepared by:

Ralph M. Foley
Attorney at Law
FOLEY, FOLEY & PEDEN
60 E. Morgan Street
P. O. Box 1435
Martinsville, IN 46151
Ph. (317) 342-8474

HEREBY ENTERED FOR TAXATION
Granda Dublaw DATE 12-9-94
MORGAN COUNTY AUDITOR

Dec. 19 1994
12:20 P.M.
Shirley J. White
Notary Public

92/10
9502096

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Cross Reference - (i) Plat of Rooker Run, Section 1, as per the Plat and original restrictions thereof recorded in Deed Record 367, Pages 505-506, in the Office of the Recorder of Morgan County, Indiana; (ii) Plat of Rooker Run, Section 2, as per the Plat and original restrictions thereof recorded in Deed Record 370, Pages 18-19, in the Office of the Recorder of Morgan County, Indiana; (iii) First Amended Covenants and Restrictions for Rooker Run Planned Unit Development recorded in Miscellaneous Record 131, Pages 28 through 32, as Instrument Number 9415266 in the Office of the Recorder of Morgan County, Indiana; (iv) Second Amended Covenants and Restrictions for Rooker Run Planned Unit Development recorded in Deed Record 372, Pages 468-472, as Instrument Number 9500970 in the Office of the Recorder of Morgan County, Indiana; and (v) the amended Plat of Rooker Run, Section 2 recorded in Deed Record 373, Pages 377-378, as Instrument Number 9502096 in the Office of the Recorder of Morgan County, Indiana.

**THIRD AMENDMENT TO COVENANTS AND RESTRICTIONS
FOR ROOKER RUN PLANNED UNIT DEVELOPMENT**

WHEREAS, the undersigned are the owners of all platted lots in (i) Rooker Run Planned Unit Development, Section 1, as per the Plat and restrictions thereof recorded in Deed Record 367, Pages 505-506, and (ii) Rooker Run Planned Unit Development, Section 2, as per the Plat and restrictions thereof recorded in Deed Record 370, Pages 18-19, as amended by the First Amended Covenants and Restrictions recorded in Miscellaneous Record 131, Page 28 through 32, as Instrument Number 9415266, the Second Amended Covenants and Restrictions recorded in Deed Record 372, Pages 468-472, Instrument Number 9500970, and the amended Plat of Rooker Run, Section 2 recorded in Deed Record 373, Pages 377-378, as Instrument Number 9502096, all in the Office of the Morgan County, Indiana;

WHEREAS, the undersigned are desirous of amending the plat restrictions recorded along with Plat One as follows:

NOW, THEREFORE, it is acknowledged and agreed as follows:

1. Paragraph numbered sixteen of the of the original plat restrictions for Rooker Run Planned Unit Development, Section 1, recorded with the Recorder of Morgan County, Indiana in Deed Record 367, Page 506, is hereby deleted, in its entirety, and replaced in its entirety, with the following:

"16. Dwelling Quality and Size. The ground floor of the dwelling structure, exclusive of porches, basements and garages, shall be not less than one thousand two hundred (1,200) square feet for a one (1) story dwelling. Further, any

dwelling of more than one (1) story on lot 13 shall be not less than one thousand six hundred (1,600) square feet, with a minimum of eight hundred (800) square feet on the ground level. Further, any dwelling of more than one (1) story constructed on any lot other than lot thirteen (13) shall be not less than one thousand six hundred (1,600) square feet, with a minimum of nine hundred (900) square feet on the ground level. The first story, front elevation of all dwellings shall be a balanced thirty (30%) percent brick or stone.

Dwellings constructed on lots number 119 through 129, inclusive, and lots number 158 through 165, inclusive, shall meet the following requirements in addition to those requirements sited elsewhere in this document: the ground floor of the dwelling structure, exclusive of porches, basements and garages, shall be not less than one thousand five hundred (1,500) square feet for a one (1) story dwelling nor less than one thousand seven hundred fifty (1,750) square feet for a dwelling of more than one (1) story, with a minimum of nine hundred (900) square feet on the ground level. The front elevation of the dwelling shall be a balanced sixty (60%) percent brick or stone."

2. The plat restrictions recorded along with Plat One, as hereby amended, shall remain in full force and effect.

Dated: 3/27/95

ENVIRONMENTAL DEVELOPMENT CORPORATION
BY: [Signature]
HOWARD GROSS, RECEIVER
HANSON & HORN GROUP, INC.

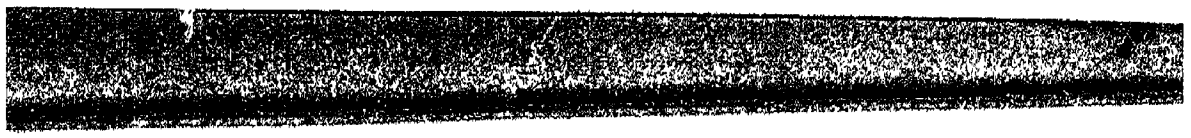
Dated: 5/27/95

BY: [Signature]
Kenneth D. Hansen, Chief Executive Officer

CROSSMANN COMMUNITIES PARTNERSHIP, an Indiana general partnership

Dated: 5-27-95

BY: TRIMARK DEVELOPMENT, INC., an Indiana Corporation
BY: [Signature]
RICHARD H. GROSSER
Vice President



Dated: 3/26/95
[Signature]
John S. Romanetz

Dated: 3-26-95
[Signature]
Kimberly A. Brangers

Dated: 3-26-95
[Signature]
David Barks

Prepared By: Charles D. Frankenger, NELSON & FRANKENBERGER, 3021 East 98th Street, Suite 220, Indianapolis, Indiana 46280 (317) 844-0106

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared Houng-Guon, the Receiver of Environmental Development Corporation, who acknowledged the execution of the foregoing Third Amendment to Covenants and Restrictions for Rooker Run Planned Unit Development.

WITNESS my hand and Notarial Seal this 27th day of March, 1995.

My Commission Expires:
May 27, 1997

Residing in the County Of:
Marion



[Signature]
Notary Public

Shirley J. White
Printed Name

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STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared Kenneth D. Hansen, the Chief Executive Officer of Harsen and Horn Group, inc., who acknowledged the execution of the foregoing Third Amendment to Covenants and Restrictions for Rooker Run Planned Unit Development.

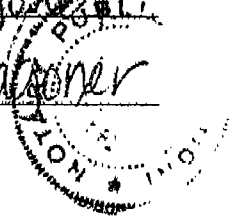
WITNESS my hand and Notarial Seal this 27 day of March, 1995.

My Commission Expires:
08-25-98

Residing in the County Of:
Hamilton

Brenda S. Watson
Notary Public

Brenda S. Watson
Printed Name



STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared Richard H. Crossan, the Vice President of Trimark Development, Inc., who acknowledged the execution of the foregoing Third Amendment to Covenants and Restrictions for Rooker Run Planned Unit Development for and on behalf of said corporation, a general partner of Crossman Communities Partnership, an Indiana general partnership.

WITNESS my hand and Notarial Seal this 27th day of March, 1995.

My Commission Expires:
May 21, 1997

Residing in the County Of:
Hamilton



Shirley J. White
Notary Public

Shirley J. White
Printed Name



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STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared John S. Romanetz, who acknowledged the execution of the foregoing Third Amendment to Covenants and Restrictions for Rooker Run Planned Unit Development.

WITNESS my hand and Notarial Seal this 26th day of March, 1995.

My Commission Expires:
July 7, 1998

Residing in the County Of:
Madison



Maesha D Nelson
Notary Public

Maesha D Nelson
Printed Name

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared Kimberly A. Brangers, who acknowledged the execution of the foregoing Third Amendment to Covenants and Restrictions for Rooker Run Planned Unit Development.

WITNESS my hand and Notarial Seal this 26th day of March, 1995.

My Commission Expires:
July 7, 1998

Residing in the County Of:
Madison



Maesha D Nelson
Notary Public

Maesha D Nelson
Printed Name



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STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for the State of Indiana, personally appeared David Barks, who acknowledged the execution of the foregoing Third Amendment to Covenants and Restrictions for Rooker Run Planned Unit Development.

WITNESS my hand and Notarial Seal this 26th day of March, 1995.

My Commission Expires:
July 7, 1998



Marsha D Nelson
Notary Public

Residing in the County Of:
Madison

Marsha D Nelson
Printed Name

RECEIVED FOR RECORD
March 28 1995
at 2:35 P.M.
Yvonne Kivete
MORGAN COUNTY REC'D