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Cross Reference Instrument No. 95-02933 and 95-03850

AMENDMENT TO
SCARLETT LAKES RESTRICTIVE COVENANTS

THIS AMENDMENT TO SCARLETT LAKES RESTRICTIVE COVENANTS (the "Amendment") is made as of the 13th day of March, 1997, by 53RD STREET ASSOCIATES, L.L.C., an Indiana limited liability company (hereinafter, "Declarant").

RECITALS

A. Declarant executed the Scarlett Lakes Restrictive Covenants on February 21, 1995, and recorded same on February 22, 1995, in the office of the Recorder of Madison County, Indiana as Instrument 95-02933 (the "Restrictive Covenants").

B. The Restrictive Covenants were imposed upon and encumbered that certain real estate commonly known as Scarlett Lakes, an addition to the City of Anderson, Madison County, Indiana (the "Subdivision"), which real estate is more particularly described on Exhibit "A" attached hereto (the "Real Estate"). The Restrictive Covenants are incorporated herein by reference.

C. Prior to the recording of the Restrictive Covenants, the Real Estate was subdivided by Declarant into one hundred forty-three (143) lots (the "Lots").

D. The Restrictive Covenants established that the Real Estate shall be held, conveyed and transferred in accordance with the provisions of the Restrictive Covenants.

E. Pursuant to Paragraph 36 of the Restrictive Covenants, amendments to the Restrictive Covenants may be made by obtaining the approval of the owners of at least two-thirds of the Lots in the Subdivision. The owners of at least 96 Lots may therefore amend the Restrictive Covenants.

F. Declarant is presently the fee simple owner of one hundred four (104) of the Lots in the Subdivision and is therefore entitled to amend the Restrictive Covenants pursuant to Paragraph 36 thereof.

G. Declarant now desires to amend the Restrictive Covenants by removing Lots 1, 2, 4 and 5, ~~as such~~ Lots are identified on the Plat for Scarlett Lakes, Section One, recorded March 10, 1995, as ~~Plat Book 21, page 39A-40~~, as Instrument No. 95-03850 (the "Plat"), from all of the terms and conditions of the Restrictive Covenants.

AMENDMENT

NOW, THEREFORE, Declarant, as the fee simple owner of one hundred four (104) of the Lots, ~~declares~~ 1, 2, 4 and 5, as such Lots are depicted on the Plat, are hereby released from all of the terms, ~~conditions~~ conditions and restrictions of the Restrictive Covenants and that said Lots

1, 2, 4 and 5 may be held, conveyed and transferred without being subject to any of the terms, covenants, conditions or conditions of the Restrictive Covenants.

IN TESTIMONY THEREOF, witness the signature of the undersigned as of the date first hereinabove written.

"DECLARANT"

53RD STREET ASSOCIATES, L.L.C.,
an Indiana limited liability company

By: [Signature]
Dexter McCormick, Managing Member

STATE OF INDIANA)
)SS:
COUNTY OF Marion)

Before me, a Notary Public in and for said county and state, personally appeared Dexter McCormick, who being first duly sworn by me upon his oath, stated that he is the Managing Member of 53rd Street Associates, L.L.C., that he is duly authorized to execute the foregoing on his behalf, that any statements or representations of fact contained therein are true and he acknowledged execution of the foregoing on behalf of said entity.

Witness my hand and Notarial Seal, this 13th day of March, 1997.

[Signature]
Notary Public - Signature

Nancy J. Dice
Notary Public - Printed

My Commission Expires:

10-5-99

My County of Residence:

Marion

This instrument was prepared by and please return after recordation to:

Robert T. Buday, attorney-at-law
By JOHNSON, SMITH, FENCE, DENSBOURN, WRIGHT & HEATH,
One Indiana Square, Suite #1800
Indianapolis, IN 46204

9704844

EXHIBIT A

Real Estate Legal Description

Lots numbered 18 and 19 and a strip of ground 59.4 feet wide off of the North end of Lots Numbered 14, 15, 16 and 17 in Rural Place Subdivision in the City of Anderson, Madison County, Indiana, the Plat of which is recorded in Plat Book 7, Page 7 in the Office of the Recorder of Madison County, Indiana.

Also, twenty-seven (27) acres off of the West side of the South half of the Southeast Quarter Section of Section 30, Township 19 North, Range 8 East, except, the following described part thereof, to-wit: Beginning at the Southwest corner of said tract and running thence East 100 feet; thence North 435.6 feet; thence West 100 feet; thence South 435.6 feet to the place of beginning. Leaving 26 acres, more or less, after said exception. Subject to legal rights-of-way.

Also, 93 feet off of the entire South side of Lot Numbered 4 in Rural Place Subdivision in Anderson Township.

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CATHERINE SUTTON
MADISON COUNTY RECORDER