

LAWYERS TITLE INS. CORP.
ONE PROFESSIONAL CENTER
SUITE 215
CROWN POINT, IN 46307
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westwoodtownhome/covenant4thsupp.cov

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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MARGARETTE CLEVELAND
RECORDER

FOURTH SUPPLEMENTAL AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS FOR
THE TOWNHOMES AT WESTWOOD ESTATES
IN MERRILLVILLE, LAKE COUNTY, INDIANA

This Fourth Supplemental Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Townhomes at Westwood Estates in Merrillville, Lake County, Indiana (the "Fourth Supplemental Declaration") is made as of the 15th day of February, 1996, by Westwood Partnership, an Indiana general partnership (the "Declarant"), as owner of record of the real estate subject to this Fourth Supplemental Declaration.

WITNESSETH:

WHEREAS, Declarant has heretofore executed and caused to be recorded that certain Declaration of Covenants, Conditions, Restrictions and Easements for The Townhomes at Westwood Estates in Merrillville, Lake County, Indiana, dated October 20, 1994 and recorded on October 26, 1994 as Instrument No. 94073105, in the Office of the Recorder of Lake County, Indiana, as amended by that certain First Supplemental Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Townhomes at Westwood Estates in Merrillville, Lake County, Indiana, dated April 12, 1995 and recorded on April 18, 1995 as Instrument No. 95020682, in the Office of the Recorder of Lake County, Indiana, as amended by that certain Second Supplemental Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for The Townhomes at Westwood Estates in Merrillville, Lake County, Indiana, dated August 10, 1995 and recorded on September 13, 1995 as Instrument No. 95054213, in the Office of the Recorder of Lake County, Indiana, and as further amended by that certain Third Supplemental to Declaration of Covenants, Conditions, Restrictions and Easements for The Townhomes at Westwood Estates in Merrillville, Lake County, Indiana, dated September 20, 1995 and recorded on September 27, 1995 as Instrument No. 95058215, in the Office of the Recorder of Lake County, Indiana, (collectively the "Declaration"); and

WHEREAS, the Declaration grants Declarant the unilateral right, privilege and option to annex certain real estate into the Submitted Parcel, and to make such real estate part of the Submitted Parcel subject to the Declaration for all purposes; and

WHEREAS, pursuant to the Declaration, Declarant desires to record this Fourth Supplemental Declaration to annex that certain real estate located in the Town of Merrillville, County of Lake, State of Indiana, and more particularly described on Exhibit A attached hereto and made a part hereof (the "Fourth Supplemental Parcel"), into the Submitted Parcel, as aforesaid.

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NOW, THEREFORE, Declarant hereby declares that the Fourth Supplemental Parcel shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration for all purposes, and subject to the easements, restrictions, covenants and conditions set forth in this Fourth Supplemental Declaration, which shall run with the real property subject to the Declaration and which shall be binding on all parties having any right, title or interest in the described Submitted Parcel or any part thereof, their heirs, successors, successors-in-title, and assigns and shall inure to the benefit of each owner thereof.

1. DEFINITIONS. All capitalized terms used herein shall have the meaning ascribed to them at the first time they are used herein or the meaning set forth in the Declaration.

2. ANNEXATION. The Fourth Supplemental Parcel and all Parcels contained therein are hereby declared to be annexed into the Submitted Parcel, and the Fourth Supplemental Parcel and all Parcels contained therein shall be a part of the Submitted Parcel subject to the Declaration and this Fourth Supplemental Declaration for all purposes including, without limitation, membership in the Association.

3. DURATION AND AMENDMENT. The terms and provision of this Fourth Supplemental Declaration shall be effective during the same period of time and subject to the same conditions, limitations and may be amended to the same extent, as the terms and provisions of the Declaration.

4. LIMITATION ON DEVELOPER'S LIABILITY. Notwithstanding anything to the contrary herein, it is expressly agreed, and each Owner, by accepting title to a Parcel and/or Residential Unit and becoming an Owner acknowledges and agrees, that neither Declarant (including without limitation any assignee of interest of Declarant hereunder) nor any partner, director, officer or shareholder of Declarant (or any partner, officer, director or shareholder in any such assignee) shall have any personal liability to any Owner or other person, arising under, in connection with, or resulting from (including without limitation resulting from action or failure to act with respect to) the Declaration and this Fourth Supplemental Declaration except, in the case of Declarant (or its assignee), to the extent of its interest in the Submitted Parcel; and, in the event of a judgment no execution or other action shall be sought or brought thereon against any other assets, nor be a lien upon such other assets of the judgment debtor.

5. SEVERABILITY. Every one of the covenants or restrictions is hereby declared to be independent of, and severable from, the rest of the covenants or restrictions and of and from every other one of the covenants or restrictions, and of and from every combination of the covenants or restrictions. Therefore, if any of the covenants or restrictions shall be held to be invalid or to be unenforceable or to lack the quality of running with the land, that holding shall be without effect upon the validity, enforceability or "running" quality of any other one of the covenants or restrictions.

6. SUBMITTED PARCEL. The legal description of the Submitted Parcel is set forth on Exhibit B attached hereto and made a part hereof, which shall replace and substitute for Exhibit B of the Declaration.

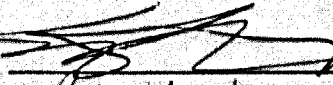
IN WITNESS WHEREOF, Declarant has caused this instrument to be signed as of this
15th day of February, 1996.


DECLARANT:

WESTWOOD PARTNERSHIP, an Indiana general partnership

By: ATG CORPORATION, an Indiana corporation


Its: Partner

By: 
Its: President

Attest: 
Its: Secretary

By: HOPPER CONSTRUCTION CO., INC., an Indiana corporation

Its: Partner

By: 
Its: President

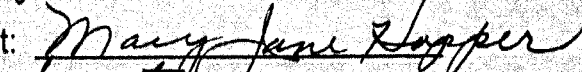
Attest: 
Its: Secretary

EXHIBIT A

Lot 6, 7 and 8, Westwood Block Three, as shown in Plat Book 75, Page 90, in the Office of the Recorder of Lake County, Indiana.

EXHIBIT B

Lot 1, 2, 3, 4, 5, 6, 7 and 8, Westwood Block Three, as shown in Plat Book 75, Page 90,
in the Office of the Recorder of Lake County, Indiana.