

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2000 001637

2000 JAN 10 AM 9:12

MORRIS W. CARTER  
RECORDER

**SUBMISSION  
AND  
SECOND AMENDMENT TO DECLARATION**

David J. Wilcox, Trustee under Trust Agreement dated July 30, 1996 and known as Trust No. 202615-96, executes this Amendment to Declaration.

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Crown Point, Indiana

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Crown Point, Indiana

A. David J. Wilcox, Trustee under Trust Agreement dated July 30, 1996 and known as Trust No. 202615-96 ("Declarant"), recorded the First Restated Declaration of Covenants, Conditions, Easements, and Restrictions on June 22, 1998 as Document No. 98046488 in the Office of the Lake County Recorder ("Declaration").

B. Declarant added Additional Land to the Declaration by a document titled Submission to Declaration dated December 28, 1998 and recorded in the Office of the Lake County Recorder on January 11, 1999 as Document No. 99001734 ("Submission").

C. Declarant amended the the Declaration by a document titled Amendment to Declaration dated March 31, 1999 and recorded in the Office of the Lake County Recorder on April 4, 1999 as Document No. 99029406 ("First Amendment").

D. Declarant, under the Declaration, has the right to amend the Declaration from time to time.

**FILED**

JAN 10 2000

PETER BENJAMIN  
LAKE COUNTY AUDITOR

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17:00  
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(1)

E. Declarant wishes to add Additional Land to the Declaration, as amended, and to further amend the Declaration.

NOW THEREFORE, Declarant amends the Declaration as follows:

1. Amendment to Architectural Standards.

(a) Section 11.9 (a) is deleted and the following inserted in its place:

(i) **Phase One.** For Lots shown on the Plat for Ellendale Farm, Phase (Unit) One, recorded in Plat Book 82, Page 40 of the Lake County Recorder, single story Residential Units will contain a minimum of 1,800 square feet of living area. Two story Residential Units will contain a minimum of 2,200 square feet of living area with a ground floor area of at least 1,200 square feet. No Bi-level Residential Units will be allowed. All construction will be "stick built" at the Lot.

(ii) **Phase Two.** With the exception of the Townhome Lots, for Lots shown on the Plat for Ellendale Farm, Phase Two, recorded in Plat Book 84, Page 30, single story Residential Units will contain a minimum of 2,000 square feet of living area. Two story Residential Units will contain a minimum of 2,400 square feet of living area with a ground floor area of at least 1,200 square feet. No Bi-level Residential Units will be allowed. All construction will be "stick built" at the Lot.

(iii) **Phase Three.** For Lots shown on a plat for Ellendale Farm, Phase (Unit) Three, recorded in Plat Book 86, Page 2 of the Lake County Recorder, single story residential units will contain a minimum of 1,800 square feet of living area. Two story residential units will contain a minimum of 2,200 square feet of living area with a ground floor of at least 1,200 square feet. No bi-level residential units will be allowed. All construction will be "stick built" at the Lot.

(iv) **Phase Four.** For Lots shown on a plat for Ellendale Farm, Phase (Unit) Four, recorded in Plat Book 87, Page 86 of the Lake County Recorder, single story residential units will contain a minimum of 2,000 square feet of living area. Two story residential units will contain a minimum of 2,400 square feet of living area with a ground floor of at least 1,200 square feet. No bi-level residential units will be allowed. All construction will be "stick built" at the Lot.

- (b) Section 11.9 (c) is deleted in its entirety and the following inserted in its place:

11.9 (c) Roof. Roof pitches must be 6:12 or steeper for Lots shown on the Plat for Ellendale Farm, Phase (Unit) One, recorded in Plat Book 82, Page 40 in the office of the Lake County Recorder. Except for the Townhome Lots, Roof pitches must be 8:12 or steeper for Lots shown on the Plat for Ellendale Farm, Phase Two, recorded in Plat Book 84, Page 30 in the office of the Lake County Recorder. Roof pitches for Lots 74-82 must be 8:12 or steeper, and all other Lots in such Phase (Unit) Three must be 6:12 or steeper for Lots shown on the Plat for Ellendale Farm, Phase (Unit) Three, recorded in Plat Book 86, Page 2 in the office of the Lake County Recorder. Roof pitches must be 8:12 or steeper for Lots shown on the Plat for Ellendale Farm, Phase (Unit) Four recorded in Plat Book 87, Page 86 in the office of the Lake County Recorder.

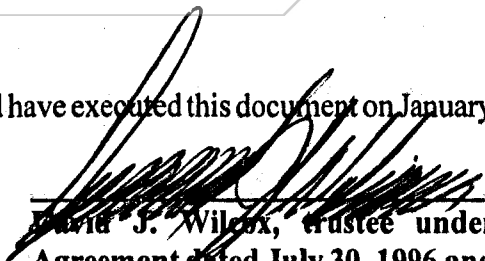
- (c) The following Section 11.13 is added to the Declaration:

11.13 Minimum Requirements. If this Declaration fails to specifically state a standard for a Lot, the standards shall be set at the most restrictive standard contained in this Declaration for such item. The Declarant has the right to set such standard at a lesser standard, at the Declarant's sole discretion.

2. Submission of Additional Land. The Declarant submits the real estate on the attached Exhibit "A" to the Declaration as Additional Land, as defined in Section 1.1 of the Declaration and authorized under Article VIII of the Declaration, to be ruled and regulated by its terms in the Development as if the real estate had initially been a part of the land subject to the Declaration. The real estate submitted by this Submission is not part of the Townhome Development. Declarant accepts this submission.

IN WITNESS WHEREOF, the undersigned have executed this document on January 6, 2000.

Declarant:

  
David J. Wilcox, trustee under Trust Agreement dated July 30, 1996 and known as Trust N<sup>o</sup> 202615-96

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

On this 6<sup>th</sup> day of January, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared David J. Wilcox, trustee under Trust Agreement dated July 30, 1996 and known as Trust N<sup>o</sup> 202615-96, and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal.

**NOT OFFICIAL!**

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the Lake County Recorder

*Hazel J. Gardin*  
Hazel J. Gardin, Notary Public

My Commission Expires: 7-1-2001  
My County of Residence: Lake

**STOP**

This instrument prepared by:

Todd A. Etzler  
Burke Costanza & Cuppy LLP  
15 N. Franklin, Suite 200  
Valparaiso, Indiana 46383-4859

That part of the Northeast 1/4 of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian, bounded and described as follows: BEGINNING at the most Southerly corner of Outlot A in Ellendale Farm Unit One, being a subdivision, as recorded in Plat Book 82, Page 40, in the Southeast 1/4 of Section 7 and in the Northeast 1/4 of Section 18, both in said Township 34 North, Range 8 West of the Second Principal Meridian; thence North 40°-50'-13" West 148.15 feet along a Southwesterly line of said Outlot A, to the Southeast corner of Lot 34 in said Ellendale Farm Unit One; thence South 69°-30'-30" West 82.18 feet along a Southerly line of said Lot 34, to a bend; thence North 86°-46'-48" West 82.18 feet along a Southerly line of said Lot 34, to the Southeast corner of Lot 33 in said Ellendale Farm Unit One; thence North 76°-26'-11" West 120.68 feet along the Southerly line of said Lot 33, to the Southeast corner of Lot 32 in said Ellendale Farm Unit One; thence North 73°-31'-20" West 130.56 feet along the Southerly line of said Lot 32, to the Southeast corner of Lot 31 in said Ellendale Farm Unit One; thence North 57°-33'-18" West 130.56 feet along the Southerly line of said Lot 31, to the Southeast corner of Lot 30 in said Ellendale Farm Unit One; thence North 41°-35'-16" West 130.56 feet along the Southwesterly line of said Lot 30, to the most Southerly corner of Lot 29 in said Ellendale Farm Unit One; thence North 27°-25'-56" West 38.11 feet along the Southwesterly line of said Lot 29, to the most Easterly corner of Lot 123 in Ellendale Farm Unit Two, being a subdivision as recorded in Plat Book 84, Page 30 and per Certificate of Correction per Document No. 98076917, in the Southeast 1/4 of Section 7 and in the Northeast 1/4 of Section 18, both in said Township 34 North, Range 8 West of the Second Principal Meridian; thence South 53°-46'-47" West 147.06 feet along the Southeasterly line of said Lot 123, to the most Southerly corner of said Lot 123; thence South 45°-55'-26" West 60.57 feet, to the most Easterly corner of Lot 122 in said Ellendale Farm Unit Two; thence South 55°-39'-42" West 140.08 feet along the Southeasterly line of said Lot 122, to the most Easterly corner of Lot 121 in said Ellendale Farm Unit Two; thence South 70°-15'-53" West 169.77 feet along the Southerly line of said Lot 121, to the Southeast corner of Lot 120 in said Ellendale Farm Unit Two; thence South 56°-39'-50" West 165.92 feet along the Southeasterly line of said Lot 120 and the Southeasterly line of Lot 119 in said Ellendale Farm Unit Two, to the Northeast corner of Lot 118 in said Ellendale Farm Unit Two; thence South 14°-27'-13" West 194.63 feet along the Easterly line of said Lot 118 and the Easterly line of Lot 117 in said Ellendale Farm Unit Two, to a bend in said Easterly line of Lot 117; thence South 44°-23'-11" West 47.18 feet along a Southeasterly line of said Lot 117, to a bend; thence South 52°-45'-40" West 100.34 feet along said Southeasterly line of Lot 117, to the most Southerly Southeast corner of said Lot 117; thence North 71°-07'-48" West 53.79 feet along the Southerly line of said Lot 117, to the Southwest corner of said Lot 117; thence Southwesterly 167.55 feet along the Easterly line of Maryellen Drive as dedicated in said Ellendale Farm Unit Two, being the arc of a circle of 430.00 feet radius convex Southerly having a chord bearing South 30°-01'-56" West, to the most Northerly corner of Outlot D in said Ellendale Farm Unit Two; thence South 48°-48'-19" East 64.07 feet along a Northeasterly line of said Outlot D, to a bend; thence South 09°-55'-11" East 77.53 feet along a Northeasterly line of said Outlot D, to a bend; thence South 53°-29'-17" East 440.00 feet along a Northeasterly line of said Outlot D; thence North 39°-46'-48" East 160.00 feet; thence North 76°-07'-16" East 190.00 feet; thence South 90°-00'-00" East 161.60 feet, to the Southwesterly prolongation of the Southeasterly line of said Ellendale Farm Unit One; thence North 49°-09'-47" East 953.10 feet along said prolongation, to the herein designated POINT OF BEGINNING, in Lake County, Indiana.

(5)