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SECOND AMENDMENT TO P.O.A. AGREEMENT, DECLARATIONS, AND RESTRICTIONS OF PROPERTY OWNERSHIP OF WESTON RIDGE UNIT ONE, TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

THIS SECOND AMENDMENT dated May 1, 2004 to the P.O.A. Agreement, Declarations, and Restrictions of Property Ownership of Weston Ridge Unit One, Town of St. John, Lake County, Indiana, originally dated September 20, 2003, with St. John Westview LLC (hereinafter referred to as "Developer"), and Peoples Bank SB, as Trustee under the provisions of a Trust Agreement, known as Trust No. 10314, (hereinafter sometimes referred to as "Declarant"); or Woods of Weston Ridge, L.L.C., McFarland Homes VI, L.L.C. (Hereinafter referred to as "Contractor").

The following Second Amendment to said P.O.A. Agreement, Declarations, and Restrictions of Property Ownership as set forth below shall be read and construed together with said Declaration of Covenants, Conditions and Restrictions.

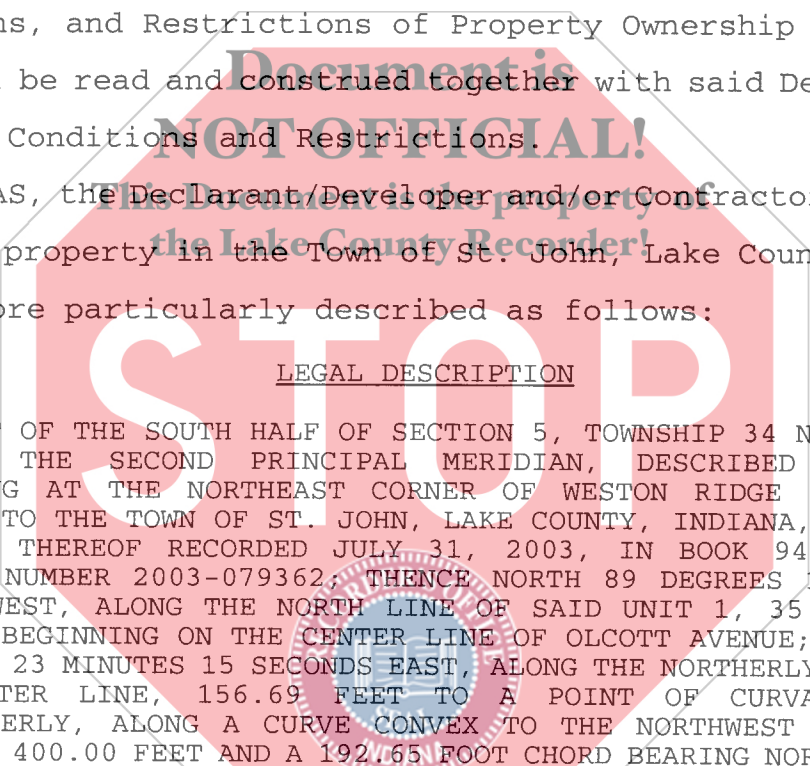
WHEREAS, the Declarant/Developer and/or Contractor holds title to certain property in the Town of St. John, Lake County, Indiana, which is more particularly described as follows:

LEGAL DESCRIPTION

THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF WESTON RIDGE - UNIT 1, AN ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, ACCORDING TO THE PLAT THEREOF RECORDED JULY 31, 2003, IN BOOK 94, PAGE 9, AS DOCUMENT NUMBER 2003-079362; THENCE NORTH 89 DEGREES 18 MINUTES 32 SECONDS WEST, ALONG THE NORTH LINE OF SAID UNIT 1, 35.00 FEET TO A POINT OF BEGINNING ON THE CENTER LINE OF OLCOTT AVENUE; THENCE NORTH 0 DEGREES 23 MINUTES 15 SECONDS EAST, ALONG THE NORTHERLY EXTENSION OF SAID CENTER LINE, 156.69 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, ALONG A CURVE CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 400.00 FEET AND A 192.65 FOOT CHORD BEARING NORTH 14 DEGREES 19 MINUTES 21 SECONDS EAST, AN ARC DISTANCE OF 194.57 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY, ALONG A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 400.00 FEET AND A 191.43 FOOT CHORD BEARING NORTH 14 DEGREES 24 MINUTES 45 SECONDS EAST, AN ARC DISTANCE OF 193.31 FEET TO A POINT OF TANGENCY; THENCE NORTH 0 DEGREES

2004 MAY 11 11:53 AM

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LAKE COUNTY RECORDER  
MAY 11 2004



TICOR TITLE INSURANCE  
2050-45TH AVE  
HIGHLAND, IN 46322

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**FILED**

MAY 28 2004

STEPHEN R. STIGLICH  
LAKE COUNTY AUDITOR

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34 MINUTES 5 SECONDS EAST 188.74 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1339.42 FEET OF SAID SOUTH HALF OF SECTION 5; THENCE SOUTH 89 DEGREES 25 MINUTES 55 SECONDS EAST, ALONG SAID SOUTH LINE, 1031.73 FEET; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 132.00 FEET AND A 24.72 FOOT CHORD BEARING SOUTH 2 DEGREES 28 MINUTES 52 SECONDS WEST, AN ARC DISTANCE OF 24.75 FEET TO A POINT OF TANGENCY; THENCE SOUTH 2 DEGREES 53 MINUTES 27 SECONDS EAST 117.25 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 400.00 FEET AND A 235.87 FOOT CHORD BEARING SOUTH 14 DEGREES 15 MINUTES 24 SECONDS WEST, AN ARC DISTANCE OF 239.43 FEET TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 3176.27 FEET AND A 142.26 FOOT CHORD BEARING SOUTH 32 DEGREES 41 MINUTES 15 SECONDS WEST, AN ARC DISTANCE OF 142.27 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 279.75 FEET AND A 159.44 FOOT CHORD BEARING SOUTH 17 DEGREES 24 MINUTES 45 SECONDS WEST, AN ARC DISTANCE OF 161.68 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1983.42 FEET OF SAID SOUTH HALF OF SECTION 5 THAT IS 459.65 FEET EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 279.75 FEET AND A 30.03 FOOT CHORD BEARING SOUTH 2 DEGREES 13 MINUTES 12 SECONDS WEST, AN ARC DISTANCE OF 30.04 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 100.00 FEET AND A 32.31 FOOT CHORD BEARING SOUTH 4 DEGREES 0 MINUTES 3 SECONDS WEST, AN ARC DISTANCE OF 32.45 FEET TO A POINT OF TANGENCY; THENCE SOUTH 13 DEGREES 17 MINUTES 53 SECONDS WEST 137.73 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 60.00 FEET AND A 35.21 FOOT CHORD BEARING SOUTH 30 DEGREES 21 MINUTES 44 SECONDS WEST, AN ARC DISTANCE OF 35.74 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 20.00 FEET AND A 11.34 FOOT CHORD BEARING SOUTH 30 DEGREES 57 MINUTES 12 SECONDS WEST, AN ARC DISTANCE OF 11.50 FEET TO A POINT OF TANGENCY; THENCE SOUTH 14 DEGREES 28 MINUTES 49 SECONDS WEST 326.30 FEET TO A BEND POINT; THENCE SOUTH 19 DEGREES 30 MINUTES 41 SECONDS WEST 123.69 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, 285.30 FEET (AS MEASURED ALONG SAID SOUTH LINE) EAST OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 18 MINUTES 32 SECONDS WEST, ALONG SAID SOUTH LINE, 285.30 FEET TO SAID SOUTHWEST CORNER; THENCE NORTH 89 DEGREES 18 MINUTES 32 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, 456.61 FEET TO THE SOUTHEAST CORNER OF AFORESAID WESTON RIDGE - UNIT 1; THENCE CONTINUING NORTH 89 DEGREES 18 MINUTES 32 SECONDS WEST, ALONG SAID SOUTH LINE, 35.00 FEET; THENCE NORTH 0 DEGREES 23 MINUTES 16 SECONDS EAST, 594.56 FEET TO THE POINT OF BEGINNING; ALL IN LAKE COUNTY, INDIANA, WHICH INCLUDES, BUT IS NOT LIMITED TO, LOTS 1-29 AND COMMON AREAS WITHIN THE WOODS OF WESTON RIDGE AND ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA AS RECORDED ON DECEMBER 9<sup>TH</sup>, 2003 IN PLAT BOOK 94, PAGE 82 IN THE OFFICE OF THE RECORDER, LAKE COUNTY, INDIANA.

AREA = 1,238,706 SF = 28.433 AC (more or less)

hereinafter the "Additional Real Estate"; and

WHEREAS, Declarant and Developer did cause to be recorded in the office of the Recorder of Lake County, Indiana, that certain P.O.A. Agreement, Declarations, and Restrictions of Property Ownership of Weston Ridge Unit One, dated September 20, 2003, and duly recorded on October 20, 2003 in the Office of the Recorder of Lake County, Indiana, as Document No. 2003112889 (herein the "Declaration"); and

WHEREAS, Declarant and Developer desire to amend the Declaration for the purpose of expanding the Project (as defined in the Declaration) to include Additional Real Estate.

NOW, THEREFORE, Declarant and Developer, do hereby amend the Declaration as follows:

EXPANSION TO INCORPORATE ADDITIONAL REAL ESTATE. Pursuant to the provisions of Section K, ¶¶1 through 8 and Section L of the Declaration; the Declaration is hereby amended to add thereto the following described real estate:

**LEGAL DESCRIPTION**

THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF WESTON RIDGE - UNIT 1, AN ADDITION TO THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA, ACCORDING TO THE PLAT THEREOF RECORDED JULY 31, 2003, IN BOOK 94, PAGE 9, AS DOCUMENT NUMBER 2003-079362; THENCE NORTH 89 DEGREES 18 MINUTES 32 SECONDS WEST, ALONG THE NORTH LINE OF SAID UNIT 1, 35.00 FEET TO A POINT OF BEGINNING ON THE CENTER LINE OF OLCOTT AVENUE; THENCE NORTH 0 DEGREES 23 MINUTES 15 SECONDS EAST, ALONG THE NORTHERLY EXTENSION OF SAID CENTER LINE, 156.69 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, ALONG A CURVE CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 400.00 FEET AND A 192.65 FOOT CHORD BEARING NORTH 14 DEGREES 19 MINUTES 21 SECONDS EAST, AN ARC DISTANCE OF 194.57 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY, ALONG A CURVE CONVEX TO THE SOUTHEAST AND HAVING A RADIUS OF 400.00 FEET AND A 191.43 FOOT CHORD BEARING NORTH 14 DEGREES 24 MINUTES 45 SECONDS EAST, AN ARC DISTANCE OF 193.31 FEET TO A POINT OF TANGENCY; THENCE NORTH 0 DEGREES 34 MINUTES 5 SECONDS EAST 188.74 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1339.42 FEET OF SAID SOUTH HALF OF SECTION 5; THENCE SOUTH 89 DEGREES 25 MINUTES 55 SECONDS EAST, ALONG SAID SOUTH LINE, 1031.73 FEET; THENCE SOUTHWESTERLY, ALONG A CURVE CONVEX TO THE NORTHWEST AND

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(herein the "Additional Real Estate"), and accordingly, from and after the recording hereof, the Additional Real Estate shall be considered to be a part of the Property (as defined in the

Declaration including but not limited to Section A of the Declaration), and likewise, the Additional Real Estate shall be a part of the Project (as defined in the Declaration including but not limited to Section A of the Declaration).

Effect of Amendment. Each and every term and provision of the Declaration shall remain in full force and effect hereafter, each of which are incorporated herein by reference and made a part hereof as if set forth in full herein.

IN WITNESS WHEREOF, the parties have hereunder set their names acknowledging the First Amendment to the P.O.A. Agreement, Declarations, and Restrictions of Property Ownership of Weston Ridge Unit One, Town of St. John, Lake County, Indiana on the day and year first above written.



"THE P.O.A."

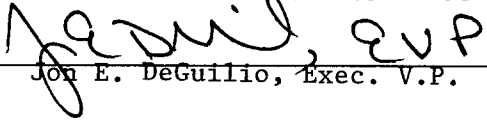
"DECLARANT"

WESTON RIDGE PROPERTY  
ASSOCIATION, INC.

PEOPLES BANK SB AS TRUSTEE  
UNDER THE PROVISIONS OF A TRUST  
AGREEMENT DATED DECEMBER 12, 2001  
AND KNOWN AS TRUST NO. 10314

\_\_\_\_\_

\_\_\_\_\_

  
\_\_\_\_\_  
Jon E. DeGuilio, Exec. V.P.

STATE OF INDIANA        )  
                                  )SS:  
COUNTY OF LAKE        )

Before me, a Notary Public in and for said County and State, personally appeared WESTON RIDGE PROPERTY OWNERS ASSOCIATION, INC., an Indiana Corporation, by \_\_\_\_\_ and \_\_\_\_\_, to me known to be the Vice-President and Secretary/Treasurer of the Corporation, and acknowledged the execution of the foregoing Instrument.

Witness my hand and notarial seal this \_\_\_\_\_ day of May, 2004.

**Document is NOT OFFICIAL!**  
**This Document is the property of the Lake County Recorder!**

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
County of Residence:     Lake

This instrument is executed by the undersigned Trustee, not personally, but solely as Trustee under the terms of that certain agreement dated December 12, 2001 creating Trust No. 10314; and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding, that each and all of the covenants, undertakings, representations and agreements herein made are made and intend, not as personal covenants, undertakings, representations and agreements of the Trustee, individually, or for the purpose of binding it personally, but this instrument is executed and delivered by PEOPLES BANK SB, as TRUSTEE, solely in the exercise of the powers conferred upon it as such Trustee under said agreement and no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforced against PEOPLES BANK SB, as TRUSTEE, on account hereof, or on account of any covenants, undertaking representation or agreement herein contained, either expressed or implied, all such personal

liability, if any, being hereby expressly waived and released by the parties hereto or holder hereof, and by all persons claiming by or through or under said parties or holder hereof.

IN WITNESS WHEREOF, the said PEOPLES BANK SB, as Trustee, a Corporation has caused this instrument to be signed by its Executive VP, and attested by its Adm. Secretary and its corporate seal to be hereunto affixed this 20th day of May, 2004.

PEOPLES BANK SB AS TRUSTEE UNDER TRUST NO. 10314 UNDER TRUST AGREEMENT DATED DECEMBER 12, 2001

BY: Jon E. DeGuilio, Exec. V.P. PEOPLES BANK SB

ATTEST:

Joyce M. Barr  
Joyce M. Barr Adm. Secretary  
STATE OF INDIANA )

) SS:  
COUNTY OF LAKE )

Before me, a Notary Public, in and for said County and State, this 20th day of May, 2004, personally appeared Jon E. DeGuilio and Joyce M. Barr, of PEOPLES BANK SB AS TRUSTEE UNDER TRUST NO. 10314, who acknowledged the execution of the foregoing instrument as the free and voluntary act of said corporation, and as their free and voluntary act, acting for such corporation, as Trustee.

GIVEN under my hand and notarial seal this 20th day of May, 2004.

Brianne N. Susko  
Brianne N. Susko Notary Public

My Commission Expires: 12/1/10  
County of Residence: Porter

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be and the representations, covenants, undertakings and agreements of said Trustee are

nevertheless each and every one of them, made and intended not as personal representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally, but this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the Trust Company on account of this instrument or on account of any representation, covenant, undertaking, or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

IN WITNESS WHEREOF, the said Woods of Weston Ridge, an Indiana Limited Liability Company has caused this Second Amendment to P.O.A. to be approved and executed by Ronald M. McFarland, its Manager.

WOODS OF WESTON RIDGE, L.L.C.

BY: 

RONALD M. McFARLAND, Its Manager

IN WITNESS WHEREOF, the said McFarland Homes VI, an Indiana Limited Liability Company has caused this Second Amendment to P.O.A. be approved and executed by Ronald M. McFarland, its Manager.

McFARLAND HOMES VI, L.L.C.

BY: 

RONALD M. McFARLAND, Its Manager

This Instrument Prepared By: MICHAEL L. MUENICH  
Attorney at Law  
3235 - 45th Street, Suite 304  
Highland, Indiana 46322  
219/922-4141

weston1\2ndamd.poa