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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2006 AUG -1 AM 8:53

MICHAEL A. BROWN  
RECORDER

2006 066182

Tax Key Nos: 12-295-1  
12-295-2  
12-295-3  
12-295-4  
12-295-5  
12-295-6

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND GRANT OF EASEMENTS FOR ST. JOHN SQUARE**

This First Amendment to Declaration of Covenants, Conditions, Restrictions and Grant of Easements for St. John Square ("**Agreement**") is made and entered into this 25th day of July, 2006, by St. John Land, LLC, an Indiana limited liability company, the current fee simple owner of Lot 1, Lot 2, Lot 4, Outlot A and Outlot B as defined in the Declaration, and the successor in interest to Paul Hemmer Development Company IV, LLC ("**Declarant**") and consented to by TSC/St. John, LLC, a Kentucky limited liability company and the current fee simple owner of Lot 3 as defined in the Declaration. The foregoing are sometimes collectively referred to herein as the "**Parties**".

**STOP**  
**NOT OFFICIAL!**

WITNESSETH:

This Document is the property of the Lake County Recorder

WHEREAS, the Declarant has executed and recorded that certain Declaration of Covenants, Conditions, Restrictions and Grant of Easements for St. John Square dated April 1, 2006, and recorded April 20, 2006, as Document No. 2006-033054, in the office of the Lake County Recorder's office in Lake County, Indiana ("**Declaration**") encumbering all of that certain real estate situate in St. John, Lake County, Indiana, known as Lot 1, Lot 2, Lot 3, Lot 4, Outlot A, and Outlot B in Plat Book 99, Page 42, said real estate being more particularly described in Exhibit A attached hereto ("**Property**"); and

WHEREAS, pursuant to Section 2.5 of the Declaration, Paul Hemmer Development Company IV, LLC, a Kentucky limited liability company, desires to assign all of its rights and obligations as Declarant to St. John Land, LLC, and St. John Land, LLC desires to assume all of such rights and obligations.

WHEREAS, pursuant to Section 14.14 of the Declaration, the Declarant is authorized to amend the Declaration, and the Declarant hereto desires to amend Section 7.1.3 of the Declaration to provide for the shared use of a common pylon sign located, or to be located, on Outlot A; and

NOW THEREFORE, the Declarant hereby declares that the Declaration shall be formally amended as

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1. The fourth sentence of Section 7.1.3 of the Declaration is hereby deleted in its entirety and the following sentence shall be substituted in lieu thereof:

“The use of the common monument or pylon sign upon Outlot A shall be governed by the following: (1) the first fifty (50) square feet of sign space shall be reserved exclusively for use by Lot 3; and (2) the next fifty-one (51) to ninety-three (93) square feet of sign space, if any, shall be reserved for the shared use by the tenants of Lot 1 and Lot 4, respectively, and such sign space shall be allocated among the tenants of Lot 1 and Lot 4 as approved in writing in the discretion of the Declarant, its successors and assigns.”

2. Paul Hemmer Development Company IV, LLC hereby assigns all of its rights and obligations as Declarant pursuant to the Declaration to St. John Land, LLC. St. John Land, LLC hereby accepts and assumes all rights and obligations of the Declarant pursuant to the Declaration, and from and after the date of this Agreement, Paul Hemmer Development Company IV, LLC shall have no further obligations or liabilities in connection with the Declaration.

3. This Agreement shall be legally binding upon the Parties and all owners and future owners of any part or portion of the Property, and their respective successors, assigns, and tenants.

4. The Parties hereby agree that this Agreement shall be filed in the public real estate record in the office of the Lake County Recorder's office.

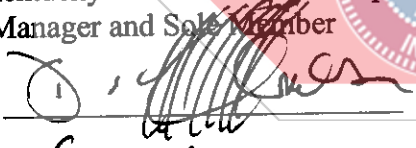
5. Any terms not defined in this Agreement shall have the meanings attributed to them in the Declaration.

6. This Agreement shall run with the land and shall be binding on the Parties and all parties having or acquiring any right, title or interest in the Property, or any part thereof, and their successors, assigns and tenants.

**DECLARANT:**

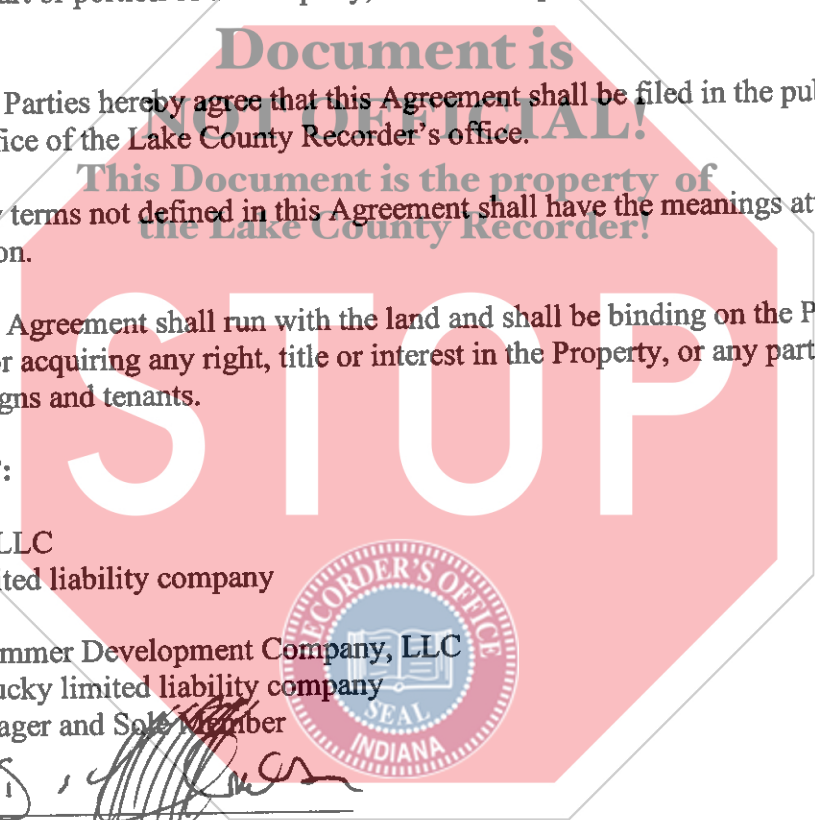
St. John Land, LLC  
An Indiana limited liability company

By: Paul Hemmer Development Company, LLC  
A Kentucky limited liability company  
Its Manager and Sole Member

By: 

Title: Secretary

[acknowledgment follows]



STATE OF KENTUCKY )  
 )  
COUNTY OF KENTON )

On this 25<sup>th</sup> day of July, 2006, before me Timothy Albert Lynch, the undersigned, a Notary Public in and for said County and State, personally appeared Donald M. Hemmer, as Secretary of Paul Hemmer Development Company IV, LLC, a Kentucky limited liability company and the manager and sole member of St. John Land, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing instrument on behalf of said St. John Land, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



**TIMOTHY ALBERT LYNCH**  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
December 30, 2008

*Timothy Albert Lynch*  
Notary Public

CONSENTED TO BY OWNER OF LOT 3:

TSC/St. John, LLC  
A Kentucky limited liability company

By: Paul Hemmer Development Company IV, LLC  
A Kentucky limited liability company  
Its Manager and Sole Member

By: *[Signature]*

Title: *Secretary*



[acknowledgment follows]

STATE OF KENTUCKY )  
 )  
COUNTY OF KENTON )

On this 25<sup>TH</sup> day of July, 2006, before me Timothy Albert Lynch, the undersigned, a Notary Public in and for said County and State, personally appeared Donald M. Hemmer, as Secretary of Paul Hemmer Development Company IV, LLC, a Kentucky limited liability company and the manager and sole member of TSC/St. John, LLC, a Kentucky limited liability company, and acknowledged the execution of the foregoing instrument on behalf of said TSC/St. John, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



TIMOTHY ALBERT LYNCH  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
December 30, 2008

*Timothy Albert Lynch*  
Notary Public

**Document is  
THE UNDERSIGNED PAUL HEMMER DEVELOPMENT COMPANY IV, LLC AND  
ST. JOHN LAND, LLC HEREBY EXECUTE THIS AGREEMENT FOR PURPOSES OF  
THE ASSIGNMENT IN SECTION 2 IN THE ABOVE AGREEMENT.**

**Document is the property of  
the Lake County Recorder!**

Paul Hemmer Development Company IV, LLC  
A Kentucky limited liability company

By: *[Signature]*  
Title: Secretary

St. John Land, LLC  
An Indiana limited liability company

By: Paul Hemmer Development Company  
IV, LLC  
A Kentucky limited liability company  
Its Manager and Sole Member

By: *[Signature]*  
Title: Secretary



[acknowledgments follow]

STATE OF KENTUCKY )  
 )  
COUNTY OF KENTON )

On this 25<sup>th</sup> day of July, 2006, before me Timothy Albert Lynch, the undersigned, a Notary Public in and for said County and State, personally appeared Donald M. Hemmer, as Secretary of Paul Hemmer Development Company IV, LLC, a Kentucky limited liability company, and acknowledged the execution of the foregoing instrument on behalf of said Paul Hemmer Development Company IV, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



**TIMOTHY ALBERT LYNCH**  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
December 30, 2006

*Timothy Albert Lynch*  
Notary Public

STATE OF KENTUCKY )  
 )  
COUNTY OF KENTON )

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On this 25<sup>th</sup> day of July, 2006, before me Timothy Albert Lynch, the undersigned, a Notary Public in and for said County and State, personally appeared Donald M. Hemmer, as Secretary of Paul Hemmer Development Company IV, LLC, a Kentucky limited liability company and the manager and sole member of St. John Land, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing instrument on behalf of said St. John Land, LLC.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



**TIMOTHY ALBERT LYNCH**  
Notary Public, Kentucky  
State At Large  
My Commission Expires  
December 30, 2006

*Timothy Albert Lynch*  
Notary Public

Prepared by and after recording return to:

Timothy A. Lynch  
Hemmer Pangburn DeFrank PLLC  
250 Grandview Drive, Suite 200  
Fort Mitchell, KY 41017  
(859) 344-1188



**EXHIBIT A**

Being all of Lot 1, Lot 2, Lot 3, Lot 4, Outlot A, and Outlot B, as shown and described on recorded plat thereof titled "St. John Square, an Addition to the Town of St. John, Lake County, Indiana, being a Resubdivision of Lots 9 through 12 in Pon & Co. Highway Farms", recorded at Plat Book 99, Page 42 of the Lake County, Indiana Recorder's office.

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