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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2011 071953

2011 DEC 13 AM 11:06

MICHAEL J. FAJMAN
RECORDER

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR VILLAGE CIRCLE ESTATES**

THIS FIFTH AMENDMENT is made this 2 day of December, 2011 by VILLAGE CIRCLE DEVELOPMENT LLC ("Declarant"):

WITNESSETH

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Village Circle Estates was recorded as Document No. 2007 043518 in the Office of the Lake County Recorder, Indiana on May 29, 2007; and as amended by First Amendment to Declaration of Covenants, Conditions, and Restrictions for Village Circle Estates recorded as Document No. 2008 071411 on October 17, 2008; and as amended by Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Village Circle Estates recorded as Document No. 2010 057990 on October 6, 2010; as amended by Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Village Circle Estates recorded as Document No. 2011 000766 on January 6, 2011; and as amended by Fourth Amendment to Declaration of Covenants, Conditions, and Restrictions for Village Circle Estates recorded as Document No. 2011 051927 on September 21, 2011 ("Declaration").

WHEREAS, pursuant to Article XIII, Section 13.02, the Declarant has reserved the right and option to amend the Declaration; and

WHEREAS, Declarant now desires and intends hereby to so amend the Declaration;

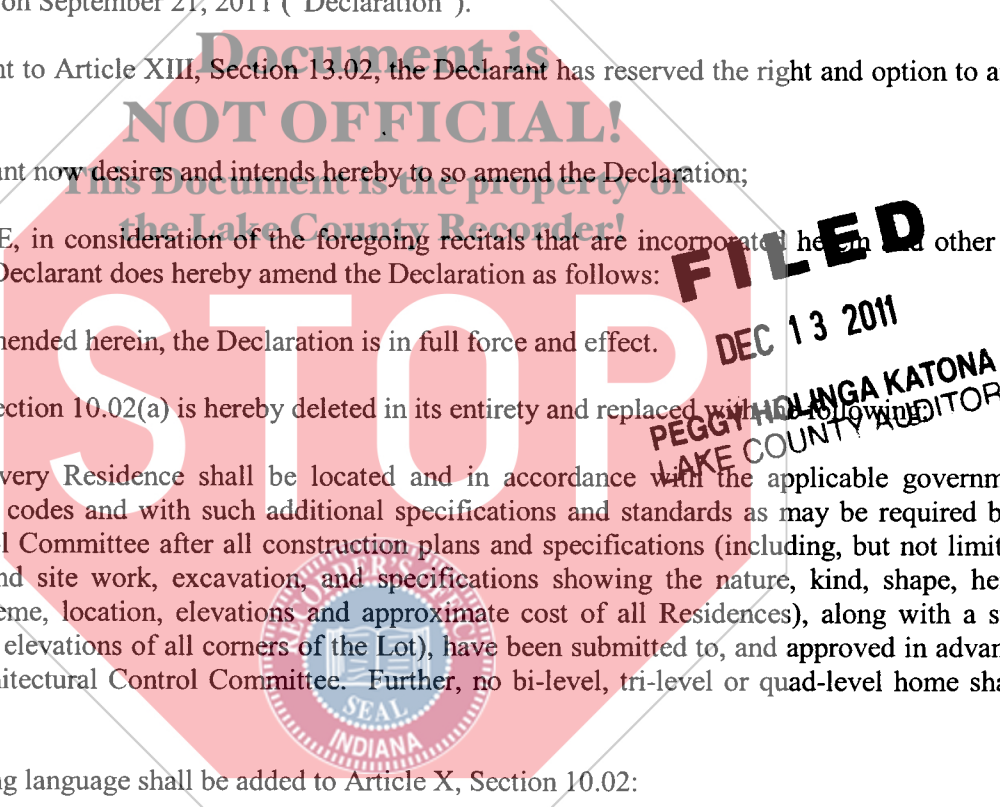
NOW, THEREFORE, in consideration of the foregoing recitals that are incorporated herein and other good and valuable consideration, Declarant does hereby amend the Declaration as follows:

1. Except as amended herein, the Declaration is in full force and effect.
2. Article X, Section 10.02(a) is hereby deleted in its entirety and replaced with the following:
 - (a) **General.** Every Residence shall be located and in accordance with the applicable governmental building and zoning codes and with such additional specifications and standards as may be required by the Architectural Control Committee after all construction plans and specifications (including, but not limited to those for grading and site work, excavation, and specifications showing the nature, kind, shape, heights, materials, color scheme, location, elevations and approximate cost of all Residences), along with a staked survey (showing the elevations of all corners of the Lot), have been submitted to, and approved in advance in writing by, the Architectural Control Committee. Further, no bi-level, tri-level or quad-level home shall be permitted.
3. The following language shall be added to Article X, Section 10.02:

(s) **Sheds.** Storage sheds are permitted provided they satisfy the following criteria: only one per Dwelling; the exterior of the shed shall match the exterior of the Dwelling in color or blend with the colors in a complimentary fashion; the same facade materials are not required; the size of the shed shall not exceed ten feet by ten feet (10' x 10'); it must be situated against or within three (3) feet of the rear elevation/foundation of the Dwelling; it shall comply at all times with Town code; and it shall be maintained. No shed shall be inconsistent with the general architectural design and aesthetic flavor of

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either (a) the Dwelling of such Lot or (b) the remainder of the Dwellings on the Property. All sheds must receive the approval of the Architectural Control Committee prior to installation.

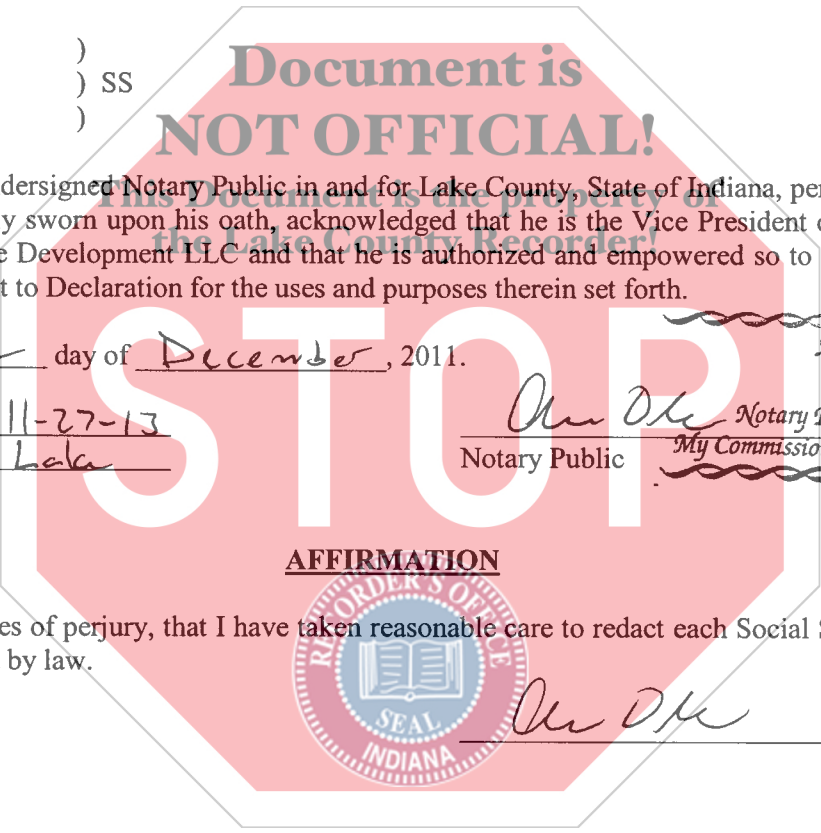
4. Unless otherwise provided, all capitalized terms herein will have the same meaning as given in the Declaration.

IN WITNESS WHEREOF, the Declarant has executed this Amendment to the Declaration this 2 day of December, 2011.

VILLAGE CIRCLE DEVELOPMENT LLC

By: [Signature]
Todd M. Olthof, Vice President of OD Enterprises, Inc., its Manager

STATE OF INDIANA)
) SS
COUNTY OF LAKE)



Before me, the undersigned Notary Public in and for Lake County, State of Indiana, personally appeared Todd M. Olthof who, being duly sworn upon his oath, acknowledged that he is the Vice President of OD Enterprises, Inc, Manager of Village Circle Development LLC and that he is authorized and empowered so to do, executed the above and foregoing Amendment to Declaration for the uses and purposes therein set forth.

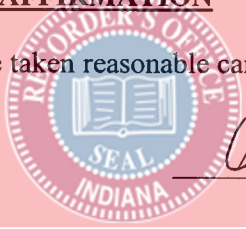
DATED this 2 day of December, 2011.

My Commission Expires: 11-27-13
My County of Residence: Lake

[Signature]
Notary Public
Andrea Oller
Seal
Notary Public, State of Indiana
My Commission Expires November 27, 2013

AFFIRMATION

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.



[Signature]

PREPARED BY AND AFTER RECORDING RETURN TO:
GREG BOUWER, KORANSKY, BOUWER & PORACKY, P.C.,
425 JOLIET STREET, SUITE 425, DYER, IN 46311