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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2014 006093

2014 JAN 31 AM 9:59

MICHAEL B. BROWN  
RECORDER

**ELLENDALE FARM**

**SUBMISSION AND  
THIRTEENTH AMENDMENT TO DECLARATION**

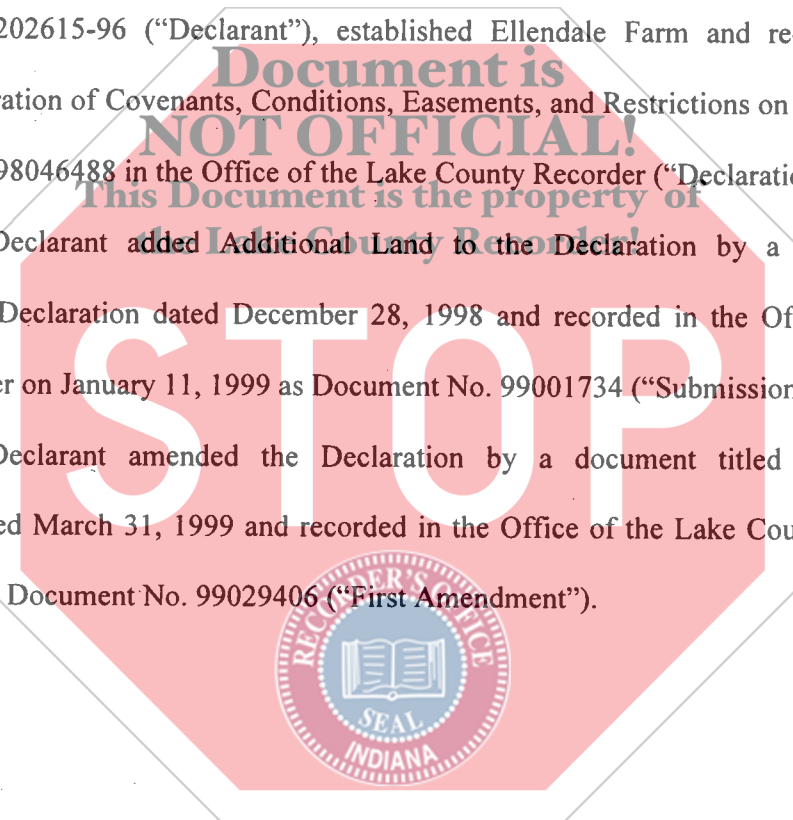
Daniel M. Rohaley, Trustee under Trust Agreement dated the 15<sup>th</sup> day of September, 2005 and known as Trust No. 920052648, executes this Amendment to Declaration.

RECITALS

A. David J. Wilcox, Trustee under Trust Agreement dated July 30, 1996 and known as Trust No. 202615-96 ("Declarant"), established Ellendale Farm and 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 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").



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PEGGY HOLINGA KATONA  
LAKE COUNTY AUDITOR

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D. Declarant added Additional Land to the Declaration by a document titled Submission and Second Amendment to Declaration dated January 6, 2000 and recorded in the Office of the Lake County Recorder on January 10, 2000 as Document No. 2000-001637 ("Second Amendment"), which Second Amendment, among other things, detailed various amendments to the Architectural Standards of Section 11.9(a) for Phases One through Four.

E. Declarant added Additional Land to the Declaration by a document titled Third Amendment to Declaration for Phase Five dated December 20, 2000 and recorded in the Office of the Lake County Recorder on December 26, 2000 as Document No. 2000-094102 ("Third Amendment"), which Third Amendment, among other things, detailed various amendments to the Architectural Standards of Section 11.9 for Phase Five.

F. Declarant added Additional Land to the Declaration by document titled Submission and Fourth Amendment to Declaration which added Phase Six and is dated September 10, 2002 and recorded in the Office of the Lake County Recorder on December 23, 2002 as Document No. 2002-118698 ("Fourth Amendment"), which Fourth Amendment, among other things, detailed various amendments to the Architectural Standards of Section 11.9 for Phase Six.

G. Declarant added Additional Land to the Declaration by document titled First Supplemental Declaration of Covenants, Conditions, Easements, and Restrictions which added Phase Seven and is dated December 6, 2001 and recorded in the Office of the Lake County Recorder on December 10, 2001 as Document No. 2001-188750.

H. Declarant added Additional Land to the Declaration by document titled Submission and Fifth Amendment to Declaration which added Phase Eight and is dated December 19, 2003 and recorded in the Office of the Lake County Recorder on January 13, 2004

as Document No. 2004-003017 ("Fifth Amendment"), which Fifth Amendment, among other things, detailed various amendments to the Architectural Standards of Section 11.9 for Phase Eight.

I. Declarant added Additional Land to the Declaration by document titled Submission and Sixth Amendment to Declaration which added Phase Nine and is dated October 25, 2005 and recorded in the Office of the Lake County Recorder on October 29, 2004 as Document No. 2004-092548 ("Sixth Amendment"), which Sixth Amendment, among other things, detailed various amendments to the Architectural Standards of Section 11.9 for Phase Nine.

J. Declarant added Additional Land to the Declaration by document titled Submission and Seventh Amendment to Declaration which added Phase Ten and is dated November 29, 2006 and recorded in the Office of the Lake County Recorder on November 30, 2006 as Document No. 2006-104943 ("Seventh Amendment"), which Seventh Amendment, among other things, detailed various amendments to the Architectural Standards of Section 11.9 for Phase Ten.

K. Declarant added Additional Land to the Declaration by document titled Submission and Eighth Amendment to Declaration dated December 18, 2006 and recorded in the Office of the Lake County Recorder on January 10, 2007 as Document No. 2007-002442 ("Eighth Amendment"), which Eighth Amendment, among other things, submitted additional land to the Townhome Development and to the Association.

L. Declarant added Additional Land to the Declaration by document titled Submission and Ninth Amendment to Declaration dated November 5, 2007 and recorded in the Office of the Lake County Recorder on November 14, 2007 as Document No. 2007-089896

("Ninth Amendment"), which Ninth Amendment, among other things, submitted additional land to the Development and added provisions for Phase Twelve a/k/a EF Highlands Phase One ("Phase Twelve").

M. Declarant added Additional Land to the Declaration by document titled Submission and Tenth Amendment to Declaration which added provisions for Phase Eleven and is dated July 30, 2008 and recorded in the Office of the Lake County Recorder on August 14, 2008 as Document No. 2008-057812 ("Tenth Amendment"), which Tenth Amendment, among other things, detailed various amendments to the Architectural Standards of Section 11.9 for Phase Eleven and amended certain standards related to sidewalk construction.

N. Declarant added Additional Land to the Declaration by document titled Submission and Eleventh Amendment to Declaration dated July 25, 2013 and recorded in the Office of the Lake County Recorder on July 30, 2013 as Document No. 2013 055503 ("Eleventh Amendment"), which Eleventh Amendment, among other things, added additional land to the Development, amended certain Architectural Standards, and established certain building setbacks.

O. Declarant added Additional Land to the Declaration by document titled Submission and Twelfth Amendment to Declaration dated October 30, 2013 and recorded in the Office of the Lake County Recorder on October 30, 2013 as Document Number No. 2013 080567 ("Twelfth Amendment"), which Twelfth Amendment, among other things, added additional land to the Development, amended certain Architectural Standards, and established certain building setbacks.

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

Q. The land described on Exhibit "A" is adjacent to the Development, and Declarant wishes to submit it to the First Restated Declaration, as amended by the prior amendments; and Declarant wishes to supplement and amend the Declaration by adding provisions for Phase Fifteen a/k/a Carroll's Knoll ("Carroll's Knoll"), all of which is occasionally hereinafter indicated as appearing on the "Plat of Carroll's Knoll".

NOW THEREFORE, Declarant amends the Declaration as follows:

1. Amendment to Architectural Standards.

(a) The following provisions are added to Section 11.9(a):

(xi) Phase Fifteen. The following standards shall apply to the following-described Lots in Carroll's Knoll:

(1) For Lots 1 through 6, inclusive, shown on the Plat of Carroll's Knoll, recorded in Plat Book 106, Page 89 in the Office of the Lake County Recorder, single story Residential Units will contain a minimum of 2,800 square feet of living area, and two story Residential Units will contain a minimum of 3,100 square feet of living area. No Bi-level Residential Units will be allowed. All construction will be "stick built" at the Lot.

(b) Under Section 11.9(c), roof pitches for Lots shown on the Plat of Carroll's Knoll will be 8:12 or steeper.

(c) For Lots shown on the Plat of Carroll's Knoll, all sidewalks shall be seven feet in width and shall comply with the construction standards (except for width size) of appropriate governmental authorities.

(d) For Lots shown on the Plat of Carroll's Knoll, the following setbacks will apply under Section 11.9(f):

(f) Setbacks. The following setbacks requirements shall apply to all Lots in Carroll's Knoll:

(i) Front. The minimum front setback, per the Plat of Carroll's Knoll, for any structure shall be 30 feet; however, the minimum building line for the front yard setback for the primary dwelling shall be no less than that established by the Architectural Committee prior to the commencement of construction of such primary dwelling.

- (ii) Side. 10 feet on each side for all Lots.
- (iii) Back. As required on the Plat.

2. Other Matters.

(a) All other provisions for single family Residential Units of the Declaration will apply to Carroll's Knoll.

(b) Definition of "Stick Built". For all Residential Units constructed within the Development in any phase, the definition of "stick built" shall include on site construction, shall include construction with wood, steel, or other composite construction materials. Stick built will not include structures manufactured or assembled off site which, upon delivery to the site contain one or more constructed (rough or final construction) combination of walls or floors or ceilings or rooms. Use of trusses and truss-like structures shall be included in the definition of stick built.

(c) All driveways on any Lot in Carroll's Knoll shall be constructed of concrete, asphalt, or paving brick and otherwise in compliance with plans submitted to, and approved by, the Architectural Committee.

(d) Notwithstanding the preclusion of certain structures under Section 2.16 of the Declaration, Lots within Carroll's Knoll may contain, in addition to the primary dwelling, no more than one structural out building or carriage house ("Carriage House"), which Carriage House must conform to an architectural style consistent with the primary dwelling contained on such Lot. Plans for any Carriage House must be submitted to, and approved by, the Architectural Committee prior to its construction. Such plans for any Carriage House may be submitted either contemporaneously with plans pertaining to a primary dwelling or, following the construction of a primary dwelling, at anytime thereafter.

(e) Fenceline Easement. Notwithstanding the provisions contained in Section 2.30 of the Declaration, the following provisions pertain to Lots in Carroll's Knoll:

Fenceline Easement. Lots 1 and 6 contain the Fenceline Easement shown on the Plat in favor of the Declarant and the Association for access to construct, maintain, repair and replace a fence and landscaping in such easement area. The Owners of Lots 1 and 6 will maintain and replace the lawn areas on the Fenceline Easement. The Association will construct, maintain, repair, and replace the fence improvements and the landscaping other than the lawn on the Fenceline Easement. The Fenceline Easement includes the right of access to it.

3. 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. Declarant accepts this submission.



IN WITNESS WHEREOF, the undersigned have executed this document on this 3<sup>rd</sup> day of January, 2013.

Declarant:

Daniel M. Rohaley, Successor Trustee to David J. Wilcox under Trust Agreement dated July 30, 1996 and known as Trust No 202615-96

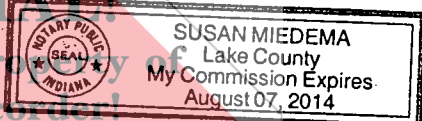
STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

On this 3<sup>rd</sup> day of January, 2013, before me, the undersigned, a Notary Public in and for said County and State personally appeared Daniel M. Rohaley, Successor Trustee to David Wilcox under Trust Agreement dated July 30, 1996 and known as Trust No 202615-96, and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal.

Susan Miedema, Notary Public

My Commission Expires: 8/7/14  
My County of Residence: LAKE



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