

2015 062462

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2015 SEP 11 AM 9:17

MICHAEL D. BROWN
RECORDER

ELLENDALE FARM

**SUBMISSION AND
FOURTEENTH AMENDMENT TO DECLARATION**

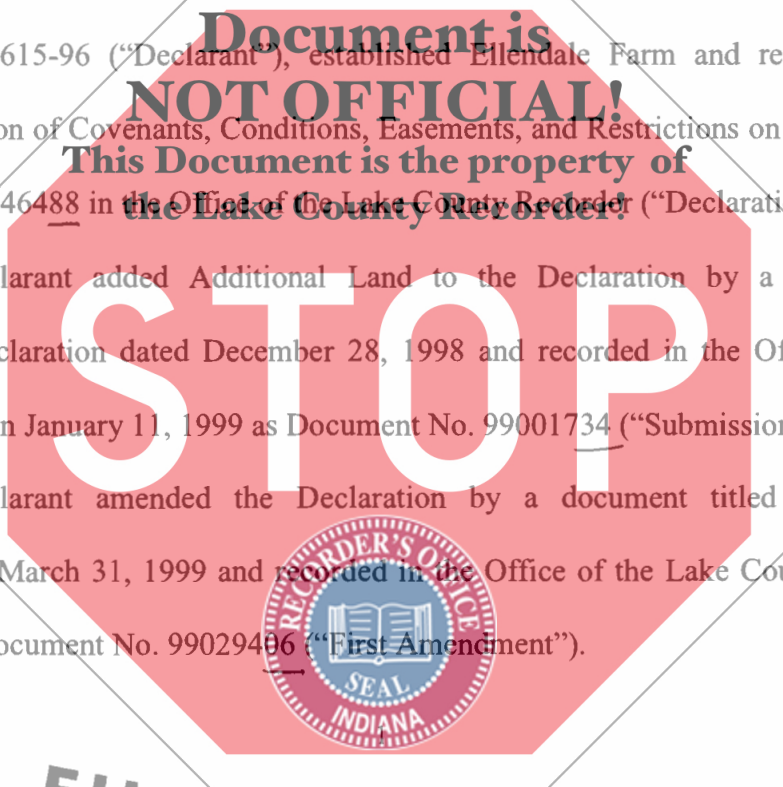
James Taylor, as Successor Trustee to Daniel M. Rohaley, Trustee under Trust Agreement dated July 30, 1996 and known as Trust No. 202615-96, executes this Amendment to Declaration.

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. 99029486 ("First Amendment").



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JOHN E. PETALAS
LAKE COUNTY AUDITOR

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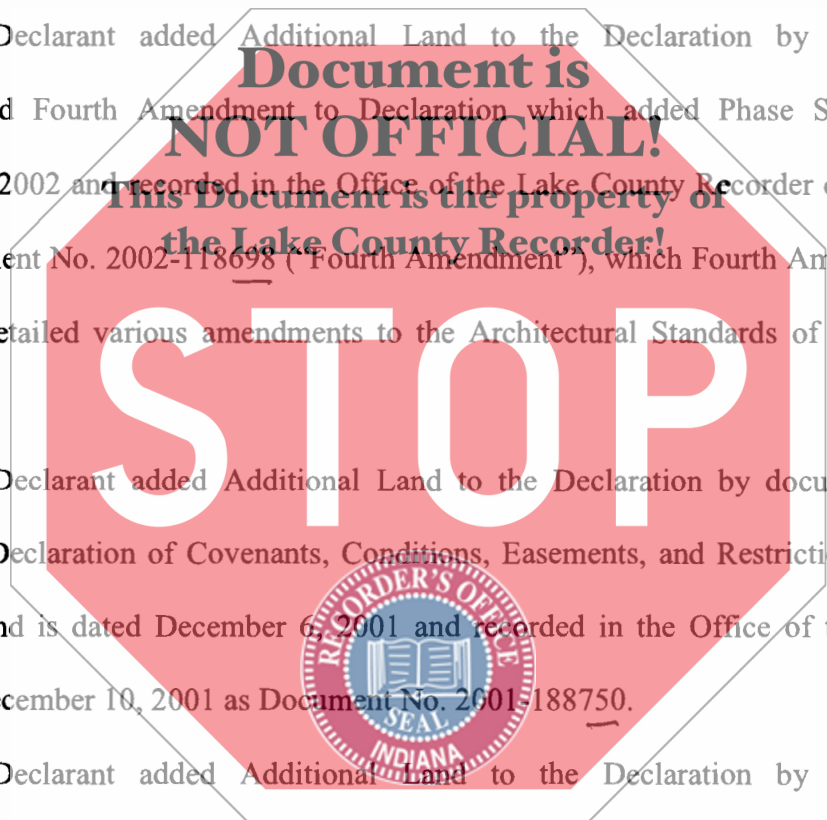
D. Declarant added Additional Land to the Declaration by a document titled Submission and Second Amendment to Declaration dated January 6, 2000 and recorded in the Office of the Lake County Recorder on January 10, 2000 as Document No. 2000-001637 (“Second Amendment”), which Second Amendment, among other 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 added Additional Land to the Declaration by document titled Submission and Twelfth Amendment to Declaration dated August 20, 2015 and recorded in the



Office of the Lake County Recorder on August 20, 2015 as Document Number No. 2015 056827 (“Thirteenth Amendment”), which Thirteenth Amendment, among other things, added additional land to the Development, amended certain Architectural Standards, and established certain building setbacks.

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

R. 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 EF Highlands Phase Three (“Phase Fifteen”, all of which is occasionally hereinafter indicated as appearing on the “Plat of EF Highlands Phase Three” or “Plat of Phase Fifteen”).

NOW THEREFORE, Declarant amends the Declaration as follows:

1. Amendment to Architectural Standards.

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

(x) **Phase Fifteen.** The following standards shall apply to the following-described Lots:

(1) For Lots 37 through 44, 49, 69, and 78 through 87, shown on the Plat for EF Highlands Unit 3, recorded in Plat Book 108, Page 47 in the Office of the Lake County Recorder, single story Residential Units will contain a minimum of 1,700 square feet of living area and a half story Residential Units will contain a minimum of 1,800 square feet of living area. Two story Residential Units will contain a minimum of 2,000 square feet of living area. No Bi-level Residential Units will be allowed. All construction will be “stick built” at the Lot.

(2) For Lot 302, shown on the Plat for EF Highlands Unit 3, recorded in Plat Book 108, Page 47 in the Office of the Lake County Recorder, a single story Residential Unit will contain a minimum of 1,880 square feet of living area. A two story Residential Unit will contain a minimum of 2,200 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 Phase Fifteen will be 8:12 or steeper.

(c) For Lots 37 through 44, 49, 69, and 78 through 87 shown on the Plat of Phase Fifteen, the following setbacks will apply under Section 11.9(f):

(f) **Setbacks.** The following setbacks requirements shall apply to Lots 37 through 44, 49, 69, and 78 through 87 in Phase Fifteen:

(i) **Front.** As required on the Plat.

(ii) **Side.** 5 feet on each side for all Lots.

(iii) **Back.** As required on the Plat.

(d) For Lot 302 shown on the Plat of Phase Fifteen, the following setbacks will apply under Section 11.9(f):

(f) **Setbacks.** The following setbacks requirements shall apply to Lot 302 in Phase Fifteen:

(i) **Front.** As required on the Plat.

(ii) **Side.** 5 feet, 10 inches on each side of the Lot.

(iii) **Back.** As required on the Plat.

2. **Fenceline Easement.** Lot 49 contains an additional part of the Fenceline Easement as shown on the Plat of EF Highlands Phase Three, and as further described in Section 2.30 of the Declaration, in favor of the Declarant and the Association for access to construct, maintain, repair and replace a fence and landscaping in such easement area. Such easement area adds to that area described as the Fenceline Easement within the Declaration and does not otherwise modify or amend the area originally described as the Fenceline Easement. The Owner of Lot 49 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. **Other Matters.**

(a) All other provisions for single-family Residential Units of the Declaration will apply to Phase Fifteen.

(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.

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.

[SIGNATURES APPEAR ON FOLLOWING PAGES]



IN WITNESS WHEREOF, the undersigned have executed this document on this day of Sept, 2015. 8

Declarant:

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

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

On this 8th day of September, 2015, before me, the undersigned, a Notary Public in and for said County and State, personally appeared James Taylor, Successor Trustee to Daniel M. Rohaley under Trust Agreement dated July 30, 1996 and known as Trust № 202615-96, and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official seal.

Debra Margot Driver

, Notary Public

My Commission Expires: 12/20/2016

My County of Residence: Porter

Document is NOT OFFICIAL!

This Document is the property of the Lake County Recorder!



EXHIBIT "A"
LEGAL DESCRIPTION

That part of the Fractional Northwest 1/4 of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian bounded and described as follows: BEGINNING at the Southeast corner of Lot 36 in The Highlands of Ellendale Farm Unit One, being a subdivision in the West 1/2 of said Fractional Northwest 1/4, as recorded per Document No. 2007 087396; thence South 89°11'15" West 200.00 feet along the South line of said Lot 36 and its Westerly extension, to the West line of Kildare Avenue as dedicated in said The Highlands of Ellendale Farm Unit One; thence North 00°48'45" West 42.00 feet along said West line, to the Southeast corner of Lot 17 in said The Highlands of Ellendale Farm Unit One; thence South 53°16'48" West 169.03 feet along the Southeasterly line of said Lot 17, to the Southernmost corner of said Lot 17; thence North 36°43'12" West 108.14 feet along the Southwesterly line of said Lot 17, to the Easternmost corner of Lot 16 in said The Highlands of Ellendale Farm Unit One; thence South 53°16'48" West 200.00 feet along the Southeasterly line of said Lot 16 and its Southwesterly extension, to the Southwesterly line of Highlands Drive as dedicated in said The Highlands of Ellendale Farm Unit One; thence North 36°43'12" West 11.85 feet along said Southwesterly line, to the Easternmost corner of Lot 15 in said The Highlands of Ellendale Farm Unit One; thence South 53°16'48" West 154.54 feet along the Southeasterly line of said Lot 15, to the Southernmost corner of said Lot 15; thence South 19°54'21" East 222.43 feet; thence North 82°32'02" East 66.18 feet; thence North 73°38'24" East 67.19 feet; thence South 20°50'27" East 200.00 feet; thence South 57°49'42" East 357.91 feet; thence South 18°18'11" East 238.73 feet; thence South 00°02'16" West 40.00 feet, to the South line of said Fractional Northwest 1/4 of Section 18; thence South 89°57'44" East 51.36 feet along said South line, to the East line of the West 1/2 of said Fractional Northwest 1/4; thence North 00°48'45" West 1003.59 feet along said East line, to the herein designated POINT OF BEGINNING;

Together with;

That part of the Fractional Northwest 1/4 of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian bounded and described as follows: BEGINNING at the Southernmost corner of Lot 14 in The Highlands of Ellendale Farm Unit One, being a subdivision in the West 1/2 of said Fractional Northwest 1/4, as recorded per Document No. 2007 087396; thence North 36°43'12" West 140.00 feet along the Southwesterly line of said Lot 14, to the Westernmost corner of said Lot 14; thence South 53°16'48" West 65.00 feet along the Southeasterly line of Lot 13 in said The Highlands of Ellendale Farm Unit One, to the Southernmost corner of said Lot 13; thence North 36°43'12" West 70.00 feet along the Southwesterly line of said Lot 13, to the Southernmost corner of Lot 12 in said The Highlands of Ellendale Farm Unit One; thence North 20°46'28" West 72.80 feet along the Southwesterly line of said Lot 12, to the Southernmost corner of Lot 11 in said The Highlands of Ellendale Farm Unit One; thence North 66°27'53" West 80.62 feet along the Southwesterly line of said Lot 11, to the Westernmost corner of said Lot 11; thence North 75°56'40" West 89.79 feet, to the West line of said Fractional Northwest 1/4 of Section 18; thence South 00°44'58" East 362.70 feet along said West line; thence South 75°21'08" East 206.14 feet; thence Northeasterly 107.88 feet along the arc of a circle of 160.00 feet radius concave Southeasterly having a chord bearing of North 33°57'50" East, to a point of tangency; thence North 53°16'48" East 126.23 feet, to the herein designated POINT OF BEGINNING;

Together with;

That part of Lots 302, 303 and Outlot N in ELLENDALE FARM, UNIT 8 Described as: Beginning at the Southwest Corner of Lot 300 in said Ellendale Farm, Unit 8, thence North 89°11'15" East along the South Line of said Lot 300 a distance of 30.91 feet to the West most Corner of Lot 301; thence South 56°41'18" East along the South Line of said Lot 301 a distance of 208.61 feet to the Westerly Line of Maryellen Drive; thence Southwesterly along Maryellen Drive, being a curved line convex Easterly, having a radius of 170.0 feet, an arc distance of 80.71 feet to a point of reverse curve of said Maryellen Drive, thence Southerly along the Westerly line of Maryellen Drive, being a curved line convex Westerly and having a radius of 240.0 feet an arc distance of 267.38 feet to a point of tangent with said curved line; thence South 00°02'16' West along said tangent 13.00 feet to a point on the North line of 121st Avenue (being also the Southline of Outlot N in said Ellendale Farm, Unit 8), thence North 89°57'44" West along said North line of 121st Avenue a distance of 3.86 feet to the West line of said Outlot N, thence North 00°48'45" West along said West line of said Outlot N and the West Line of Lot 303, aforesaid a distance of 393.58 feet to the point of beginning, all in Said Ellendale Farm Unit 8, recorded January 13, 2004, as Document Number 2004-003016, a subdivision in the Northwest Quarter of Section 18, Township 34 North, Range 8 West of the Second Principal Meridian; all Vacated according to the plat thereof per Document No. 2015 000715 in Book 107 page 81 in Lake County, Indiana.

