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MICHAEL B. BROWN
RECORDER

**THIRD AMENDMENT TO THE
DECLARATION OF WATERFORD OF MERRILLVILLE**

THIS THIRD AMENDMENT is made this 30th day of JUNE, 2017, to the Declaration of Waterford of Merrillville which was recorded on December 6, 2005 in Lake County, Indiana as Document Number 2005 107183 (the "Declaration") ("Third Amendment").

RECITALS

WHEREAS, the land to which the terms of the Declaration apply is legally described as follows:

Parcel 1: Lots 185, both inclusive, of the Waterford, a Planned Unit Development in the Town of Merrillville, as per the plat thereof, recorded in Plat Book 98, page 62, in the office of the Recorder of Lake County, Indiana.

Parcel 2: Non-exclusive easement for ingress and egress as created in 86th Avenue Easement Agreement between Lake County Trust Company as Trustee under Trust No. 1954 and Burnside Construction Company, an Illinois corporation, dated March 13, 1992 and recorded March 16, 1992 as Document No. 92015446, over the following described land:

Part of the North 1/2 of the Northwest 1/4 of Section 29, Township 35 North, Range 8 West of the 2nd Principal Meridian, more particularly described as follows: Commencing at the Northeast corner of the Northwest 1/4 of said Section 29; thence South 0 degrees 36 minutes 05 seconds East along the East line of said Northwest 1/4, a distance of 729.60 feet to the point of beginning; thence South 89 degrees 44 minutes 10 seconds West, parallel to the North line of said Section 29, a distance of 369.40 feet; thence South 0 degrees 30 minutes 24 seconds East, a distance of 10.00 feet; thence South 89 degrees 44 minutes 10 seconds West, parallel to the North line of said Section 29, a distance of 150 feet; thence South 0 degrees 30 minutes 24 seconds East, a distance of 80.00 feet; thence North 89 degrees 44 minutes 10 seconds East, 519.55 feet to the East line of the Northwest 1/4 of said Section 29; thence North 0 degrees 36 minutes 05 seconds West, a distance of 90 feet to the point of beginning, all in the Town of Merrillville, Lake County, Indiana. ("the Property")

FILED

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JUL 17 2017

**JOHN E. PETALAS
LAKE COUNTY AUDITOR**

AMOUNT \$ 25.00
CASH _____ CHARGE _____
CHECK# 2504503
OVERAGE _____
COPY _____
NON-CONF _____
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WHEREAS, "Waterford Infrastructure, LLC" ("Declarant") is authorized to effect, sign, and record this Amendment;

WHEREAS, the purpose of this Amendment is to modify selected terms of the Declaration;

NOW, THEREFORE, Declarant for the purposes set forth above amends the Declaration through this third Amendment as follows:

1. The terms of ARTICLE III, Section 6 of the Declaration shall be deleted in its entirety and replaced with the following language:

SECTION 6. MEETINGS. The initial meeting of the "WA" shall be held upon 10 days written notice given by "WA". Such written notice may be given at any time after at least fifty (50) homes in Waterford are occupied. Thereafter, there shall be an annual meeting of the voting members as provided by "WA" By-Laws.

Special Meetings of the "WA" may be called at any time as provided in the "WA" By-Laws.

"WA" meetings may be called by its President, two-thirds of the Board of Directors, or by written petition to the President of the "WA" by the voting members sharing, in aggregate, not less than twenty percent (20%) of the total votes of "WA".

The presence in person or by proxy of thirty percent (30%) of the voting members shall constitute a quorum, unless otherwise expressly provided herein or required by the current Indiana Nonprofit Corporation Act of 1991.

2. The terms of ARTICLE IV, Section 3 of the Declaration shall be deleted in its entirety and replaced by the following language:

SECTION 3. BASIS OF REGULAR ASSESSMENTS. Effective January 1, 2008, and until the Board of Directors authorize, in writing and adjust otherwise, the record fee lot owner of any lot which has been approved with a home that meets the Town of Merrillville's criteria for issuing a Certificate of Occupancy, shall pay to the "WA" a monthly assessment of up to Fifteen Dollars (\$15.00), which may be increased at any time by a vote of the Board of Directors of the "WA".

3. The terms of ARTICLE IV, Section 9 shall be deleted in its entirety and replaced with the following language:

SECTION 9. EXEMPT PROPERTY. As long as the Declarant, Waterford Infrastructure, LLC owns any lots in the Waterford of Merrillville Subdivision said platted lots shall be exempt from assessment by "WA". Likewise, as long as O'Donnell Homes, LTD. owns any lot in Waterford of Merrillville Subdivision, said lot shall be exempt from assessment by "WA". Once a platted lot is owned

by a "Subsequent Owner" said lot shall no longer be exempt from assessment by "WA". Platted lots, if any, owned by "WA" and sub-divided land designated as commons are exempted from assessment by "WA".

4. All other terms and conditions of the Declaration, the First Amendment, and the Second Amendment, as originally filed with the Recorder of Lake County, State of Indiana, if not amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Third Amendment to the Declaration of Waterford of Merrillville on the day and year first above written.



WATERFORD INFRASTRUCTURE, LLC

Document is NOT OFFICIAL!

This Document is the property of the Lake County Recorder!

STATE OF Florida)
) SS:
COUNTY OF Palm Beach)

I, Tracy J. McAllister a Notary Public in and for said County and State, do hereby certify that MICHAEL P. RICHER, personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he executed said instrument as his free and voluntary act, and as the free and voluntary act of WATERFORD INFRASTRUCTURE, LLC, being thereunto duly authorized for the uses and purposes therein set forth.

Given under my hand and notary seal this 30 day of June, 2017.

My commission expires: April 19, 2021
My county of residence: Palm Beach

Tracy J. McAllister
Notary Public

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



Jan Daniel