

CROSS REFERENCE

RECORDED

JAN 1992

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PLAT TO PLAT
ASSESSOR

SECOND AMENDMENT TO
MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS

JOHN R. VON ARX
MARION COUNTY AUDITOR

92000875

OF
CHESTNUT HILLS, INC., CHESTNUT HILLS LAKE, INC.
AND CHESTNUT HILLS COMMONS, INC. SUBSTITUTION OF FINAL
ACCEPTANCE TRANSFER

Handwritten initials and date: 1/15/92

The Master Declaration of Chestnut Hills, Inc., Chestnut Hills Lake, Inc. and Chestnut Hills Commons, Inc. ("Master Declaration") was recorded on September 5, 1990 as Instrument No. 90-91848 in the Office of Recorder of Marion County, Indiana, which contains the Conditional Plat of Chestnut Hills, Phase I, Section Two, recorded August 9, 1990, as Instrument No. 90-81298 and the Final Plat of Lots 49 and 54 in Chestnut Hills, Phase I, Section Two, as per Final Plat thereof recorded April 17, 1991 as Instrument No. 91-35336, all in the Office of Recorder of Marion County, Indiana.

Since the Conditional Plat and Final Plat of Chestnut Hills, Phase I, Section Two have been recorded, buyers are interested in buying Lots as a conventionally platted subdivision in the same manner as Phase I, Section One A, has been platted and is being developed per plat recorded August 9, 1990 as Instrument No. 90-81297 in the Office of Recorder of Marion County, Indiana.

By First Amendment to Master Declaration recorded JANUARY 10, 1992, as Instrument No. 9203597 in the Office of Recorder of Marion County, Indiana, Chestnut Hills, Phase I, Section Two, and Phase II, Section Three, were amended to provide for conventional single family residential platted lots without Common Area or Limited Common Area therein. Also, it was provided for the elimination of lien-supported assessments upon Dwellings for Common Area and Limited Common Area maintenance including both the Lots and building improvements. Provided, however, such Sections remained obligated for payment of assessments to maintain "Master Common Area".

By reason of the First Amendment to Master Declaration and general marketing conditions, the Declarant has determined that its marketing interest in Phase II, Section Four, has likewise developed into single family detached Dwellings on conventionally platted Lots distinguished from communal property ownership and maintenance.

Now, Therefore, the Master Declaration by Second Amendment is hereby changed to provide that all lands in Phase II, Section Four, generally designated Chestnut Hills Commons and more particularly described in Exhibit A attached shall be conventionally platted into not more than forty-one (41) lots in the same style

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and manner as Chestnut Hills, Phase I, Section One A and the Master Declaration and First Amendment are accordingly revised as follows:

Article I (and subsequent references): All references to the Commons Assn., two family housing or attached housing, Common Area, Limited Common Area, Initial Common Area, Final Common Area, Lot area having dimensions that exceed the exterior foundation wall by one inch (1") and party walls, shall be stricken.

Article II (and subsequent references): All references to parking rights within the Commons Assn. shall be stricken.

Article III (and subsequent references): All references to Articles of Incorporation, Bylaws and voting rights in the Commons Assn. shall be stricken.

Article IV (and subsequent references): All references to payment of assessments to the Commons Assn. or by Lot Owners therein (excepting assessments for maintenance of Master Common Area payable by all owners of the Properties in Chestnut Hills to Chestnut Hills, Inc.) purchasing a casualty insurance policy or master liability policy, shall be stricken.

Article V (and subsequent references): All references to assessments for exterior maintenance and upkeep of Dwellings upon each Lot shall be stricken.

Article IX (and subsequent references): All references to harmony and environmental controls, except for original construction, shall be stricken.

This Second Amendment to the Master Declaration is prepared for the sole application and purpose of the platting and development of Phase II, Section Four, of Chestnut Hills on the land described in Exhibit A attached. To the extent that this Second Amendment is in conflict with the Master Declaration or the First Amendment to Master Declaration, then this Second Amendment shall control as to Phase II, Section Four.

IN WITNESS WHEREOF, the undersigned, being the Declarant under the Master Declaration referred to herein and the owner of

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all lands and lots affected by this amendment, has hereunto set its hand and seal this 6 day of JANUARY, ~~1991~~ ¹⁹⁹²

Bay Development Corp.

By: Allen I. Sklare
Allen I. Sklare, President

Attest: Miriam Sklare
Miriam Sklare, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Bay Development Corp., by its President and Secretary, who acknowledged the execution of the foregoing Second Amendment to Master Declaration of Covenants, Conditions and Restrictions of Chestnut Hills, Inc., Chestnut Hills Lake, Inc. and Chestnut Hills Commons, Inc., and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 6th day of January, 1992

My commission expires: April 24, 1995

Joy Elaine Hardin
JOY ELAINE HARDIN, Notary Public
Residing in Marion County, IN.

Prepared by:
William F. LeMond
IN Attorney No. 8761-49
608 Union Federal Building
Indianapolis, Indiana 46204
(317) 236-6300

file 3968
code CHES.6-.8

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CONSENT OF MORTGAGEE

THE UNDERSIGNED, being the holder of an existing mortgage on the Properties as defined in the above and foregoing Second Amendment to Master Declaration of Covenants, Conditions and Restrictions of Chestnut Hills, Inc., Chestnut Hills Lake, Inc. and Chestnut Hills Commons, Inc., which mortgage was dated on the 5th day of December, 1990 and recorded in the Office of Recorder of Marion County, Indiana on the 21st day of December, 1990 as Instrument No. 90-131934, hereby consents to the recording of the above and foregoing Second Amendment to Master Declaration.

EXECUTED this 13th day of DECEMBER, 1991.

FIRST INDIANA BANK,
a Federal Savings Bank

By: Mark R. Wehrli
MARK R. WEHRLI, Asst. Secretary (Printed)

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared MARK R. WEHRLI, of FIRST INDIANA BANK, a Federal Savings Bank, who, having been duly sworn, acknowledged the execution of the foregoing Consent of Mortgagee for and on behalf of said Savings Bank and stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 13th day of DECEMBER, 1991.

My commission expires:
APRIL 16, 1992

Virginia Mery
VIRGINIA MERY, Notary Public
Residing in MARION County, IN.

This instrument prepared by William F. LeMond, IN Attorney No. 8761-49, 600 Union Federal Building, Indianapolis, IN 46204-3112.

file 3960
code CHES.9

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LAND DESCRIPTION FOR CHESTNUT HILLS PHASE II-SECTION 4

EXHIBIT A

Part of the East Half of the West Half of Section 26, Township 17 North, Range 2 East, Pike Township, Marion County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the East Half of the Southwest Quarter of Section 26, Township 17 North, Range 2 East, Pike Township, Marion County, Indiana; thence South 88 degrees 47 minutes 22 seconds West 1322.81 feet on the South line of said Southwest Quarter to the Southwest corner of the East Half of the said Southwest Quarter; thence North 00 degrees 02 minutes 26 seconds West 958.03 feet on the West line of the East Half of said Southwest Quarter to the Southwest corner of the real estate described in Instrument #89-80646 in the Office of the Recorder, Marion County, Indiana and to the POINT OF BEGINNING of this description; thence North 00 degrees 02 minutes 26 seconds West continuing on said West line 216.00 feet to southwest corner of Chestnut Hills Phase II-Section 3 as per plat thereof recorded as Instrument #910110787 in the Office of the Recorder, Marion County, Indiana; thence North 89 degrees 57 minutes 34 seconds East on a south line of Chestnut Hills Phase II-Section 3 as described in Instrument #910110787 (this and the next 14 calls are on the said south and east lines of Chestnut Hills Phase II-Section 3 as described in Instrument #910110787) 177.00 feet; (1) thence North 86 degrees 08 minutes 13 seconds East 22.48 feet; (2) thence North 85 degrees 15 minutes 42 seconds East 50.17 feet to a point of intersection with a non-tangent curve, concave Northerly, having a radius of 1258.87 feet and a central angle of 03 degrees 44 minutes 18 seconds; (3) thence Easterly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 84 degrees 08 minutes 15 seconds East a distance of 82.12 feet to a point of compound curvature with a curve, concave Northerly, having a radius of 475.00 feet and a central angle of 19 degrees 20 minutes 04 seconds; (4) thence Easterly along the arc of said curve to the left a distance of 160.29 feet to the point of intersection with a non-tangent line; (5) thence North 58 degrees 02 minutes 54 seconds East 50.00 feet to a point of intersection with a non-tangent curve, concave Northwesterly, having a radius of 475.00 feet and a central angle of 22 degrees 41 minutes 08 seconds; (6) thence Northeasterly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 55 degrees 01 minute 52 seconds East a distance of 188.07 feet to the point of tangency thereof; (7) thence North 32 degrees 20 minutes 44 seconds East 105.98 feet to the point of curvature of a tangent curve, concave Northwesterly, having a radius of 325.00 feet and a central angle of 17 degrees 34 minutes 49 seconds; (8) thence Northeasterly along the arc of said curve to the left a distance of 99.72 feet to the point of intersection with a non-tangent line; (9) thence North 13 degrees 53 minutes 21 seconds East 50.00 feet; (10) thence North 13 degrees 50 minutes 26 seconds East 177.94 feet to the point of curvature of a tangent curve, concave Southeasterly, having a radius of 185.00 feet to the point of curvature of a tangent curve, concave Southeasterly, having a radius of 185.00 feet and a central angle of 65 degrees 57 minutes 17 seconds; (11) thence Northerly along the arc of said curve to the right a distance of 212.96 feet to a point of compound curvature with a curve, concave Southerly, having a radius of 50.00 feet and a central angle of 48 degrees 20 minutes 18 seconds; (12) thence Easterly along the arc of said curve to the right a distance of 42.18 feet to a point of reverse curvature with a curve, concave Northwesterly, having a radius of 50.00 feet and a central angle of 127 degrees 46 minutes 14 seconds; (13) thence Southeasterly along the arc of said curve to the left a distance of 111.50 feet to the point of intersection with a non-tangent line; (14) thence South 89 degrees 38 minutes 13 seconds East 103.24 feet to the West line of the real estate described in Instrument #67-4955 in the Office of the Recorder, Marion County, Indiana; thence South 02 degrees 05 minutes 00 seconds East 525.32 feet on the West line of said Instrument # 67-4955 to the Northern most point of the State Right-of-Way for Interstate 465 described in Instrument # ; thence South 22 degrees 24 minutes 12 seconds West 507.44 feet on the Westerly line of said Instrument # to the South line of the real estate described in said Instrument #89-80646; thence South 88 degrees 47 minutes 21 seconds West 1000.31 feet on the South line of said Instrument #89-80646 to the POINT OF BEGINNING; Containing 13.2770 acres, more or less.

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ALSO, commencing at the Southeast corner of the East Half of the Southwest Quarter of Section 26, Township 17 North, Range 2 East, Pike Township, Marion County, Indiana; thence South 88 degrees 47 minutes 22 seconds West 1322.81 feet on the South line of said Southwest Quarter to the Southwest corner of the East Half of the said Southwest Quarter; thence North 00 degrees 02 minutes 26 seconds West 1174.03 feet on the West line of the East Half of said Southwest Quarter to the southwest corner of Chestnut Hills Phase II-Section 3 as per plat thereof recorded as Instrument #910110787 in the Office of the Recorder, Marion County, Indiana; thence North 00 degrees 02 minutes 26 seconds West continuing along West line of East Half of said Quarter Section 70.00 feet to a North line of Chestnut Hills Phase II-Section 3 as described in Instrument #910110787 and to the POINT OF BEGINNING of this description; thence continuing North 00 degrees 02 minutes 26 seconds West on West line of said Quarter Section 173.08 feet to a South line of said Chestnut Hills Phase II-Section 3 as described in Instrument #910110787; thence North 89 degrees 55 minutes 50 seconds East on said South line (this and the next 6 calls are on the perimeter of said Chestnut Hills Phase II-Section 3 as described in Instrument #910110787) 105.30 feet to a point of intersection with a non-tangent curve, concave Northeasterly, having a radius of 50.00 feet and a central angle of 79 degrees 19 minutes 50 seconds; (1) thence Southerly along the arc of said curve to the left, from which the local tangent at the beginning point bears South 00 degrees 04 minutes 10 seconds East a distance of 69.23 feet to a point of reverse curvature with a curve, concave Southwesterly, having a radius of 50.00 feet and a central angle of 53 degrees 25 minutes 24 seconds; (2) thence Easterly along the arc of said curve to the right a distance of 46.62 feet to a point of compound curvature with a curve, concave Westerly, having a radius of 175.00 feet and a central angle of 25 degrees 56 minutes 31 seconds; (3) thence Southeasterly along the arc of said curve to the right a distance of 79.24 feet to the point of tangency thereof; (4) thence South 00 degrees 02 minutes 26 seconds East 21.60 feet; (5) thence North 86 degrees 13 minutes 05 seconds West 22.48 feet; (6) thence South 89 degrees 57 minutes 34 seconds West 177.01 feet to the POINT OF BEGINNING; containing 0.6697 acres, more or less.