

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2017 006154

2017 JAN 26 PM 2:37

MICHAEL B. BROWN

**FOURTH AMENDMENT TO DECLARATION OF COVENANTS  
AND RESTRICTIONS FOR  
BRIAR COVE PAIRED COTTAGE ASSOCIATION**

This Fourth Amendment to the Declaration of Covenants and Restrictions for Briar Cove Paired Cottage Association ("Amendment") is made this 15 day of NOVEMBER 2016 by the Briar Cove Paired Cottage Association, Inc., ("Association") and Indiana not-for-profit corporation, pursuant to the approval of the owners.

**I. RECITALS**

- A. On June 23, 2003, Briar Cove Development, LLC, recorded a Declaration of Covenants, Conditions, Restrictions and Easements for Briar Cove Paired Cottage Association, which document was recorded as Documents No. 2003-064808, in the Office of Recorder of Lake County, Indiana.
- B. On September 27, 2005, Declarant recorded a First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Briar Cove Paired Cottage Association, in the office of the Lake County Recorder as Document No. 2005-084875.
- C. On November 21, 2005, Declarant recorded a Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Briar Cove Paired Cottage Association, in the office of the Lake County Recorder as Document No. 2005-102423.
- D. On July 28, 2016, Association recorded a Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Briar Cove Paired Cottage Association, in the office of the Lake County Recorder as Document No. 2016-048013.
- E. Article XIII, Section 1D of the Declaration provides that the Declaration may be changed, modified or rescinded by an instrument in writing setting forth such change, modification or rescision, signed and acknowledged by the Board, the Owners having at least three-quarters (3/4) of the total memberships.
- F. Article X, Section 1 of the Declaration concerning the Architectural Review Committee: "The Architectural Review Committee (the "ARC") shall consist of at least three (3) and no more than five (5) members, all of whom shall be appointed by the Board of Directors. The ARC shall have exclusive jurisdiction over all new or original construction, and all modifications, additions or alterations (including color) made on or to existing Residential Units and the open space, if any, appurtenant thereto, and Common Areas."

**II. AMENDMENT**

- A. The Association, as authorized by the Owners, desire to amend Article IV, Section 1 of the Declaration as follows: "The Architectural Review Committee (the "ARC") shall consist of at least three (3) and no more than five (5) members, all of whom shall be appointed by the Board of Directors. The ARC shall have jurisdiction over submissions based upon guidelines established by the Board of Directors for all modifications, additions or

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JOHN E. PETALAS  
LAKE COUNTY AUDITOR

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alterations (including color) made on or to existing Residential Units and the open space, if any, appurtenant thereto, and Common Areas.”

B. In all other respects all of the terms and conditions of the Declarations shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed on the date set forth above.

BRIAR COVE PAIRED COTTAGES ASSOCIATION, INC.,  
an Indiana not-for-profit corporation

By: *Ralph Flens*  
Ralph Flens, President

STATE OF INDIANA    )  
                                  ) SS:  
COUNTY LAKE        )

Before me, a Notary Public, duly authorized and acting in the above county and state, personally appeared BRIAR COVE PAIRED COTTAGES ASSOCIATION, INC., by and through Ralph Flens, its President, and acknowledged execution of the foregoing Declaration.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this 18<sup>th</sup> day of NOVEMBER 2016.

LINDA A SMITH  
NOTARY PUBLIC, SEAL  
STATE OF INDIANA  
MY COMM. EXP. 8-31-2019

*Linda A Smith*  
Notary Public Signature  
LINDA A. SMITH  
Printed Name

My Commission Expires: 8/31/2019  
County of Residence: LAKE

Affirmation

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. fls

This Instrument Prepared by: Peter Bylen, 1st American Management Company, Inc., 3408 Enterprise Avenue, Valparaiso, Indiana 46383; Telephone: (219) 464-3536.