

STATE OF INDIANA
LAKE COUNTY
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2005 SEP 27 PM 12:14

MICHAEL A. BROWN
RECORDER

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BRIAR COVE PAIRED COTTAGE ASSOCIATION

THIS FIRST AMENDMENT is entered into this 26 day of September, 2005, by BRIAR COVE DEVELOPMENT LLC (hereinafter referred to as "Declarant").

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions, Restrictions and Easements for Briar Cove Paired Cottage Association recorded in the Office of the Recorder of Lake County, Indiana on June 23, 2003, as instrument no. 2003064808.

WHEREAS, Declarant reserved the right and option to amend the Declaration to add Additional Property, coupled with an irrevocable special power of attorney of Declarant to execute such amendment;

WHEREAS, Declarant now desires and intends hereby to so amend the Declaration; and

NOW, THEREFORE, Declarant does hereby amend the Declaration as follows:

1. All capitalized terms in this Amendment, to the extent not otherwise expressly defined herein, shall have the same meaning given to such terms in the Agreement.

2. Article XI is amended by adding a new Section 12 as follows:

Section 12. Notwithstanding any other provision herein to the contrary, the Board may assess a fine not exceeding Fifty (\$50.00) Dollar per day for violations of Article X and XI, and the Rules and Regulations of the Association, and the Association may record a lien against the Owners, Lot and/or Dwelling to collect such fines. The Association shall be entitled to impose such a fine provided: (i) the Association gives written notice of the violation to the Owner; and (ii) the Owner does not respond within ten (10) days of receipt of the notice of violation. If the Owner objects to such notice of violation, it shall provide all written evidence as to why such act or omission does not constitute a violation of Article X and the Rules and Regulations within ten (10) days of receipt of the notice of violation, and thereafter the Board shall consider all written evidence and shall make a final determination thereon within fifteen (15) days of receipt of the Owner's written material. The Association shall respond to an Owner's objection in writing with a final determination on the issue. If the Owner does not adhere to the Association's final determination, the Association shall be entitled to levy a fine against the Owner not exceeding Fifty Dollars (\$50.00) per day. The Association may impose a fine in excess of the above amount if it follows the provisions of Article XII, Sections 1 through 11.

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SEP 27 2005
PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

2. Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms and conditions.

IN WITNESS WHEREOF, the Declarant has executed this Amendment to the Declaration this 26 day of September, 2005.

BRIAR COVE DEVELOPMENT, LLC

BY: *Frederick A. Olthof*
Frederick A. Olthof, President of OD Enterprises, Inc., its Manager

STATE OF INDIANA)
) SS
COUNTY OF LAKE)

Before me, the undersigned Notary Public in and for Lake County, State of Indiana, personally appeared Frederick A. Olthof who, being duly sworn upon his oath, acknowledged that he is the President of OD Enterprises, Inc, Manager of Briar Cove Development, LLC and that he is authorized and empowered so to do, executed the above and foregoing Amendment to Declaration for the uses and purposes therein set forth.

DATED this 26 day of September, 2005.

Andrea Repasky
NOTARY PUBLIC

My Commission Expires: Apr: 22, 2012
My County of Residence: Lake



AFTER RECORDING RETURN TO: Greg Bouwer, Koransky & Bouwer, P.C., 425 Joliet Street, Suite 425, Dyer, IN 46311

