

MARTHA A. WOMACKS  
MARION COUNTY AUDITOR

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PUBLIC RECORDS DEPARTMENT  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

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CROSS-REFERENCE: DECLARATION INST. NOS. 2003-0177197; 2004-0165853

**SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR  
THE TOWNHOMES AT MERIDIAN SQUARE**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE TOWNHOMES AT MERIDIAN SQUARE (the "Amendment") is made as of this 5<sup>th</sup> day of July, 2005, by THE TOWNHOMES AT MERIDIAN SQUARE HOMEOWNERS ASSOCIATION, INC., an Indiana not-for-profit corporation (the "Association").

WITNESSETH:

WHEREAS, The Association has entered into that certain Declaration of Covenants, Conditions and Restrictions for the Townhomes at Meridian Square dated as of August 28, 2003, and recorded on August 28, 2003, as Instrument Number 2003-0177197 in the Office of the Recorder of Marion County, Indiana (the "Recorder's Office"), as amended by that certain First Amendment dated August 4, 2004, and recorded on August 24, 2004, as Instrument No. 2004-0165853 in the Recorder's Office (collectively, the "Declaration"), which Declaration provides for certain covenants, conditions and restrictions with respect to certain Property (as defined in the Declaration) located in Marion County, Indiana, all as more particularly provided in the Declaration; and

WHEREAS, The Association desires to add a Section 4.4 to the Declaration, as more particularly described below.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this Amendment, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declaration shall be amended as follows:

1. Recitals. The above Recitals are incorporated into this Amendment as if fully set forth herein and are true and correct in all material respects.

2. Addition of Section 4.4. The following provision is hereby added as Section 4.4 to the Declaration:

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Inst # 2005-0134990

**"Section 4.4 Limitation on Number of Lots Owned by a Single Owner.**  
Pursuant to Paragraph 12 of the Statement of Commitments, no more than two (2)  
Lots may be concurrently owned by the same person or entity."

3. Capitalized Terms. Any capitalized terms not otherwise defined herein shall have the same meaning in this Amendment as defined in the Declaration.

4. Severability. If any term, provision or condition of this Amendment is found to be or rendered invalid or unenforceable, it shall not affect the remaining terms, provisions and conditions of this Amendment, and each and every other term, provision and condition of this Amendment shall be valid and enforceable to the fullest extent permitted by law.

5. Governing Law. This Amendment shall be governed, construed, applied and enforced in accordance with the laws of the State of Indiana.

6. Amendment to Declaration. Except as expressly amended herein, all other terms, covenants and conditions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has executed this Amendment as of the day, month and year first above written.

The Townhomes At Meridian Square Homeowners  
Association, Inc., an Indiana not-for-profit  
corporation

By: \_\_\_\_\_

Signature

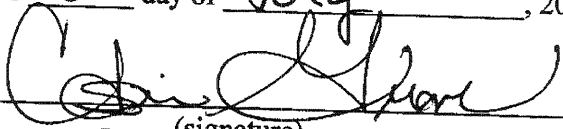
Its: \_\_\_\_\_

Printed Name and Title

STATE OF INDIANA )  
 )SS:  
COUNTY OF Marion )

Before me, a Notary Public in and for said County and State, personally appeared Gina Marchino, known to me to be the Agent of The Townhomes At Meridian Square Homeowners Association, Inc., an Indiana not-for-profit corporation, who acknowledged the execution of the foregoing Second Amendment to Declaration of Covenants, Conditions and Restrictions as such officer acting for and on behalf of said not-for-profit corporation, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 5<sup>th</sup> day of July, 2005.

  
\_\_\_\_\_  
(signature)

CABIE GROVES  
\_\_\_\_\_  
Printed Name Notary Public

My Commission Expires: 07-19-2009

My County of Residence: MARION

This instrument was prepared by, and after recording, return to: Heather K. Olinger, Esq., ICE MILLER, One American Square, Box 82001, Indianapolis, IN 46282, Telephone: (317) 236-2100.

