

THIRD AMENDMENT TO PRIMARY DEDICATION, DECLARATION, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO AND AS A PART OF THE DEDICATION AND PLAT OF TUSCANY, SECTION 2, A SUBDIVISION IN PERRY TOWNSHIP, ALLEN COUNTY, INDIANA

This Third Amendment to Primary Dedication, Declaration, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of Tuscany, Section 2, a Subdivision in Perry Township, Allen County, Indiana (this "Third Amendment") is made effective as of the date this Third Amendment is recorded in the Office of the Recorder of Allen County, Indiana (the "Third Amendment Date").

WHEREAS, the Existing Property is encumbered by the Primary Dedication, Declaration, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of Tuscany, Section 2, a Subdivision in Perry Township, Allen County, Indiana dated October 9, 2012, and recorded on December 5, 2012, as Instrument No. 2012069136 of the records of the Recorder's Office of Allen County, Indiana (the "Declaration"); and

WHEREAS, the Declaration was amended by a certain First Amendment to Primary Dedication, Declaration, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of Tuscany, Section 2, a Subdivision in Perry Township, Allen County, Indiana dated December 29, 2012, and recorded on December 31, 2012, as Instrument No. 2012074351 of the records of the Recorder's Office of Allen County, Indiana (the "First Amendment"); and

WHEREAS, the Declaration was further amended by a certain Second Amendment to Primary Dedication, Declaration, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of Tuscany, Section 2, a Subdivision in Perry Township, Allen County, Indiana dated _____, and recorded on _____, as Instrument No. _____ of the records of the Recorder's Office of Allen County, Indiana (the "Second Amendment"); and

WHEREAS, the Members of each class of membership entitled to cast fifty-one percent (51%) of the votes of each such class of the Association, acting by and through the Board (the "Board") now desire to further amend the Declaration pursuant to the terms of this Third Amendment.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the Board desires to amend the Declaration as follows:

1. **Definitions**. Any capitalized term not defined herein shall have the meaning ascribed to it in the Declaration, as amended by the First Amendment and the Second Amendment. This Third Amendment is incorporated into and made a part of the Declaration, as amended by the First Amendment and the Second Amendment, and any and all references to the Declaration hereafter shall include this Third Amendment. Any inconsistency or conflict between this Third Amendment and the Declaration, as amended by the First Amendment and the Second Amendment, shall be governed and controlled by the terms of this Third Amendment.

2. **Amendment to Declaration**. Article VIII, Section 1(p) of the Declaration shall be deleted in its entirety and replaced with the following:


To enforce the provisions of this Declaration and any rules made hereunder and to enjoin and seek damages from any Owner for the violation of such provisions or rules. Without limiting the foregoing, the Board may, from time to time, adopt and thereafter impose upon Owners monetary fines (“Fines”) for violations of this Declaration and any rules made hereunder, provided that the adoption of the Fines are subject to the notice, voting and quorum requirements as set forth in the Association’s Articles of Incorporation and Bylaws, as same may be amended from time to time. An Owner’s Fines shall be a charge on the Owner’s land and shall be a continuing lien upon each Lot owned by such Owner. The Fines, together with costs of collection thereof, including without limitation, reasonable attorney’s fees, shall be the continuing obligation of the Owner who is subject to a Fine. Article VI, Section 10 of the Declaration shall apply to Fines, as well as Assessments.

3. **Certification of Compliance**. The undersigned members of the Board certify, as evidenced by their respective signatures below, that this Third Amendment was approved by the authority and consent of the Members of each class of membership entitled to cast fifty-one percent (51%) of the votes of each such class of the Association, and that such consent is evidenced by a written instrument as required by Ind. Code § 32-25.5-3-9(2)(B).

4. **Miscellaneous**. Except as herein expressly modified, the terms and provisions of the Declaration, as amended by the First Amendment and the Second Amendment, remain in full force and effect.

IN WITNESS WHEREOF, the Board has caused this Third Amendment to be executed as of the 4 day of NOV, 2022.

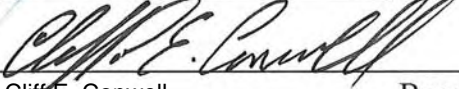
TUSCANY COMMUNITY ASSOCIATION, INC.

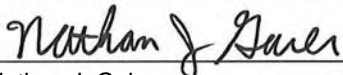
By: 
Kristi Abel, Board Member

By: 
Aris Eracleous, Board Member

By: 
Pat Burch, Board Member

By: 
Jodie Adams, Board Member

By: 
Cliff E. Conwell, Board Member

By: 
Nathan J. Gaier, Board Member


Amber Bouthot


Adam Bouthot

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

The undersigned, a notary public in and for the above County and State, certifies and witnesses that the above named individuals signed and are personally known to me to be the same persons whose names are subscribed to this instrument, appeared before me in person and acknowledged their signatures on behalf of **Tuscany Community Association, Inc.**, and delivered the instrument as a free and voluntary act, for the uses and purposes named in the instrument.

Witness my hand and notarial seal this 4th day of November, 2022.

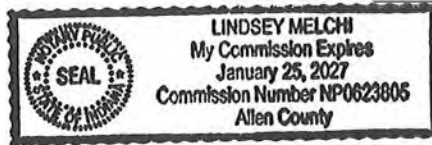
My Commission Expires:

12/31/27

Commission Number:

NP0623805

Lindsey Melchi
_____, Notary Public
Resident of Allen County



This instrument prepared by: Thomas B. Trent, Rothberg Logan & Warsco, 505 E. Washington Boulevard, Fort Wayne, Indiana 46802.

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. *Thomas B. Trent*

Return to: Thomas B. Trent
 The Rothberg Law Firm
 505 E. Washington Boulevard
 Fort Wayne, Indiana 46802