

200600022699
Filed for Record in
HENDRICKS COUNTY IN
THERESA D LYNCH
08-11-2006 At 02:00 p.m.
COVENANTS 41.00

THIRD AMENDMENT

to

DECLARATION OF RESTRICTIVE COVENANTS
ASHBURTON GROVE SUBDIVISION, HENDRICKS COUNTY,
INDIANA
(COMMONLY KNOWN AS "WEXFORD COMMONS")

THIS THIRD AMENDMENT is made this 28th day of June, 2006 by Wexford Corporation, Rhoades Investment Company, LLC, and all other Owners of all the lots in Ashburton Grove (commonly known as Wexford Commons):

WITNESSETH:

WHEREAS, the Secondary Plat for Ashburton Grove was recorded March 4, 2004, as Document No. 200400006830 in Plat Cabinet 5, Slide 143, Pages 2ABC in the Office of the Recorder of Hendricks County, Indiana ("Secondary Plat, Ashburton Grove"); and,

WHEREAS, the RESTRICTIVE COVENANTS OF ASHBURTON GROVE, ("Declaration") dated November 20, 2003 were recorded on March 10, 2004 as Instrument Number 200400007356; Book 499, pages 2062-2067, in the Office of the Recorder of Hendricks County, Indiana; and,

WHEREAS, the FIRST AMENDMENT TO RESTRICTIVE COVENANTS OF ASHBURTON GROVE, dated June 23, 2005 were recorded on July 26, 2005 as Instrument Number 200500022120 in the Office of the Recorder of Hendricks County, Indiana; and,

WHEREAS, the SECOND AMENDMENT TO RESTRICTIVE COVENANTS OF ASHBURTON GROVE, dated December 28, 2005 were recorded on December 28, 2005 as Instrument Number 200500039343 in the Office of the Recorder of Hendricks County, Indiana; and,

WHEREAS, the Owners of all the lots in Ashburton Grove (now commonly known as "WEXFORD COMMONS") subdivision agree to further amend and modify the Declaration, as amended, as permitted in Paragraph 22 of the Declaration; so that,

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NOW THEREFORE, the Owners hereby totally replace in its entirety Paragraph 7. ACCESSORY BUILDINGS with the following new paragraph:

7. ACCESSORY BUILDINGS: NO out-buildings are permitted on any lot covered by this Declaration of Restrictive Covenants without the approval of the Architectural Committee. Those that may be approved include: (1) a wood gazebo or deck; (2) a building associated with a swimming pool if constructed of materials and design in conformity with the house; and (3) temporary personal playground equipment for the use of the Owner family or guests. In no cases will a detached garage be permitted. The Architectural Committee has sole discretion in determining the acceptability of any proposed structure.

IN WITNESS WHEREOF: The said parties as owners of all lots in Ashburton Grove Subdivision (commonly known as "Wexford Commons"), have hereunto set their hand and seal on the respective dates shown below.

WEXFORD CORPORATION

by: Charles E. Foggatt, President
Charles E. Foggatt, President

date: 8-8-06

STATE OF INDIANA)
) SS:
COUNTY OF HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Wexford Corporation**, represented by its Corporate Officer, Charles E. Foggatt, President, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing **THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS** as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 8th day of August, 2006.
Lisa L. Hoover Notary Public

(printed)

My Commission expires _____.



Lisa L. Hoover
NOTARY PUBLIC INDIANA
HENDRICKS COUNTY
My Commission Expires
January 16, 2010

RHOADES INVESTMENT COMPANY, LLC

by: *[Signature]*

date: 7/10/06

Lance Rhoades, Managing Member

STATE OF INDIANA)
) SS:

COUNTY OF HENDRICKS)

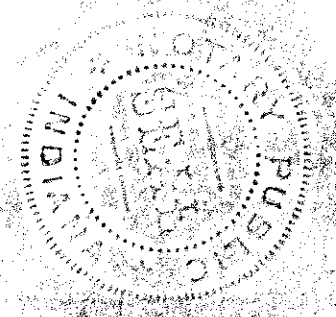
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Rhoades Investment Co., LLC**, represented by its Managing Member, Lance Rhoades, as owner and proprietor of the above described subdivision, acknowledged the execution of the above and foregoing **THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS** as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 10th day of July, 2006.

Brenda J Hardy Notary Public

Brenda J. Hardy (printed)

My Commission expires 12-5-2007



Paul B. Plunk

date: 6/29/06

PAUL BRYAN PLUNK

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Paul Bryan Plunk**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing **THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS** as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 29th day of June, 2006.

Lisa L. Hoover Notary Public

(printed)


My Commission expires _____



Lisa L. Hoover
NOTARY PUBLIC INDIANA
HENDRICKS COUNTY
My Commission Expires
January 16, 2010


TIMOTHY W. KEENE

date: 7-6-06


ELAINA M. KEENE

date: 7-6-06

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

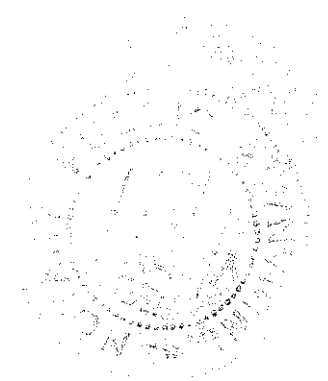
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Timothy W. Keene** and **Elaina M. Keene**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing **THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS** as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 6th day of July, 2006.

 Notary Public

SUSAN M. BAKER (printed)

My Commission expires 12/08/08



Gary L. Charles

date: 7/24/06

GARY L. CHARLES

Donna J. Charles

date: 7-24-06

DONNA J. CHARLES

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

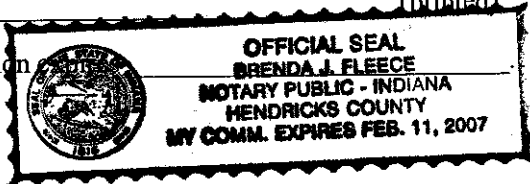
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Gary L. Charles and Donna J. Charles**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing **THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS** as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 24 day of July, 2006.

Brenda J. Fleece Notary Public

(printed)

My Commission Expires



RAJ

date: 6-6-06

ROBERT A. FULTON

Nancy C. Fulton

date: 6/6/06

NANCY C. FULTON

STATE OF INDIANA)

) SS:

COUNTY OF ^{Putnam} HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Robert A. Fulton** and **Nancy C. Fulton**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 7th day of July, 2006.

Crystal L. Boswell Notary Public

Crystal L. Boswell (printed)

My Commission expires 2/11/2011

Jason Hamilton Jr
JASON HAMILTON, JR.

date: July 17 2006

Sandra K. Hamilton
SANDRA K. HAMILTON

date: July 17-2006

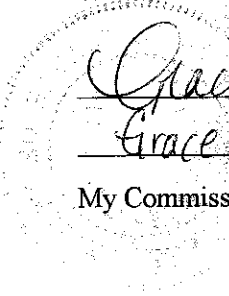
STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Jason Hamilton, Jr. and Sandra K. Hamilton**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 17th day of July, 2006.



Grace M Leitzman Notary Public

Grace M. Leitzman (printed)

My Commission expires April 15, 2011.

Aaron M Harlett

date: 21-JUL-2006

AARON M. HARLETT

Tracy JB Harlett

date: 07-21-2006

TRACY J.B. HARLETT

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Aaron M. Harlett and Tracy J. B. Harlett**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 21st day of July, 2006.

Marye Hammons Notary Public

Marye C. Hammons (printed)

My Commission expires July 16, 2010
Hendricks County Resident



Harry B. Bradley
HARRY B. BRADLEY

date: 8/8/06

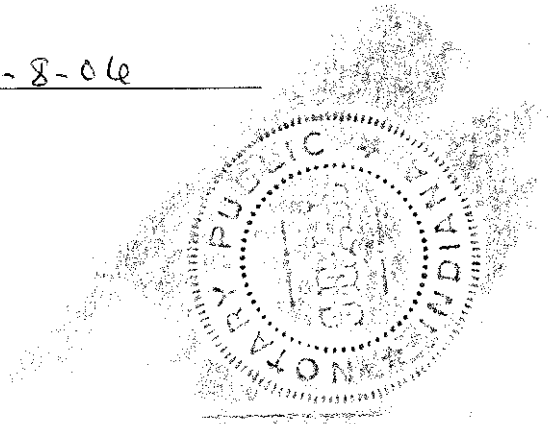
Joy A. Bradley
JOY A. BRADLEY

date: 8-8-06

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Harry B. Bradley and Joy A. Bradley**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 8th day of August, 2006.

April Rene Gay Notary Public

April Rene Gay (printed)

My Commission expires 3-28-2013

Julie A. Walker
JULIE A. WALKER

date: July 31, 2006

STATE OF INDIANA)
) SS:

COUNTY OF HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Julie A. Walker**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 31st day of July, 2006.

Lisa L. Hoover Notary Public

(printed)

My Commission expires _____.



Lisa L. Hoover
NOTARY PUBLIC INDIANA
HENDRICKS COUNTY
My Commission Expires
January 16, 2010

[Signature]

date: 8/8/06

MICHAEL C. BEATY

Karen Kunkel-Beaty

date: 8/8/06

KAREN KUNKEL-BEATY

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Michael C. Beaty and Karen Kunkel-Beaty**, as owner and proprietor of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 8th day of August, 2006.

[Signature] Notary Public

(printed)

My Commission expires _____



Lisa L. Hoover
NOTARY PUBLIC INDIANA
HENDRICKS COUNTY
My Commission Expires
January 16, 2010

S & R CUSTOM HOMES, INC.

by: Brenda Robinson

date: 8-1-06

Brenda Robinson

(printed)

STATE OF INDIANA)

) SS:

COUNTY OF HENDRICKS)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared S & R Custom Homes, Inc., as owner of one or more lots in the above described subdivision, acknowledged the execution of the above and foregoing THIRD AMENDMENT to DECLARATION OF RESTRICTIVE COVENANTS as their Voluntary Act and Deed.

WITNESS My Hand and Notarial Seal this 1 day of August, 2006.

Melody A. Sparks Notary Public

(printed)

My Commission expires _____



OFFICIAL SEAL
Melody A. Sparks
Notary Public - Indiana
Principal Office in
Morgan County
My Comm. expires March 25, 2011

This document was prepared by: Charles E. Foggatt, President, Wexford Corporation

Return to: Wexford Corporation, P.O. Box 176, Plainfield, IN 46168

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Charles E. Foggatt, President
Wexford Corporation