

Cross-Reference:

Hidden Lake Estates, Section One (Plat), Instrument #1999-30074 Hidden Lake Estates, Section Two (Plat), Instrument #2001-6112 Hidden Lake Estates, Section Three (Plat), Instrument #2001-191412

AMENDMENT to the

PLAT COVENANTS for <u>HIDDEN LAKE ESTATES</u>

(SECTION ONE, TWO AND THREE)

The Hidden Lake Estates Homeowners Association, Inc., by its Board of Directors, on this 13 day of November, 2017, states the following:

INTRODUCTION:

The residential community in Marion County, Indiana, commonly known as Hidden Lake Estates was established upon the recording of certain Plats and other documents with the Office of the Recorder for Marion County, Indiana; and

The Plat for Hidden Lake Estates, Section One, was recorded with the Office of the Marion County Recorder on February 5, 1999, as **Instrument #1999-30074**; and

The Plat for Hidden Lake Estates, Section Two, was recorded with the Office of the Marion County Recorder on January 11, 2001, as **Instrument #2001-6112**; and

The Plat for Hidden Lake Estates, Section Three, was recorded with the Office of the Marion County Recorder on October 26, 2001, as **Instrument #2001-191412**; and

The Plats contain identical covenants and restrictions ("Plat Covenants") that apply to every Lot in the Hidden Lake Estates subdivision; and

The Plat Covenants state that by taking a deed to any lot as set forth on any of the Plats for the Hidden Lake Estates development, each owner becomes a mandatory member of the subdivision's homeowner's association known as Hidden Lake Estates Homeowners Association, Inc. ("Association"), an Indiana nonprofit corporation; and

The Association was incorporated as provided in the Plat Covenants as a non-profit corporation by the Articles of Incorporation filed with, and approved by, the Indiana Secretary of State on February 10, 1999, and Amended on October 6, 2006; and

The Plat Covenants, Paragraph 30, state the Plat Covenants may be amended at any time by an affirmative vote of eighty percent (80%) of the then Owners of Lots in the subdivision. However, IC 32-25.5-3-9 limits the percentage to seventy-five percent (75%); and

There are one hundred forty-two (142) total Lot Owners in Hidden Lake Estates. There are sixty (60) Lots in Section One; forty-six (46) Lots in Section Two; and thirty-six (36) Lots in Section Three.

A total of one hundred nine (109) Lot Owners in the subdivision voted to approve the proposed amendment, consisting of forty-seven (47) Lot Owners in Section One; thirty-five (35) Lot Owners in Section Two; and twenty-seven (27) Lot Owners in Section Three, which means more than seventy-five percent (75%) of each Section approved the amendment. Only one (1) Lot Owner voted against the proposed amendment. Hence, at least seventy-five percent (75%) of the Lot Owners in Hidden Lake Estates approved the proposed amendment as required by Paragraph 30 of the Plat Covenants; and

The ballots cast to approve the Amendment are attached as "Exhibit A"; and

AS A RESULT, the following amendment to the Plat Covenants for Hidden Lake Estates, Section One, Two and Three is adopted and approved by the Lot Owners under the authority granted in Paragraph 30 of the Plat Covenants.

[End of Introduction]

[Remainder of Page Left Blank]

Paragraph 10 of the Plat Covenants for Hidden Lake Estates, Section One, Two and Three is amended to read as follows:

10. Residential Use Only and Rental/Leasing Restriction. All lots in this subdivision shall be used solely for residential purposes. No motor home, trailer, tent, shack, basement, or other outbuildings shall be used for temporary or permanent residential purposes on any lot in the subdivision. No commercial business will be permitted in the subdivision.

For the purpose of maintaining the congenial and residential character of Hidden Lake Estates, for the protection and maintenance of property values by encouraging the maintenance, improvement and updating of the Lots within the Hidden Lake Estates community, and in an effort to limit investment purchasers, institutional buyers, and others from buying properties within the Hidden Lake Estates subdivision solely for the purpose of leasing or renting the properties in the subdivision, all homes in the Hidden Lake Estates development must be OWNER-OCCUPIED for a minimum of five (5) years from the date the Owner(s) takes title to a property within the Development. The term "Owner-Occupied" means that the home must be occupied by the titled Owner(s), the titled Owner's spouse or significant other, the titled Owner's dependent children, the titled Owner's live-in caretaker, and any temporary visitors and guests of the titled Owner, so long as the titled Owner(s) also lives in the home. The term "Owner-Occupied" is not satisfied by the representatives, employees, agents or guests of a corporation, partnership, or other entity.

During this five (5) year period of required Owner-Occupancy, a home may NOT be occupied by anyone renting, leasing, leasing to own, or purchasing on contract the home. Any lease, rental agreement, or similar document entered into after this covenant is recorded will be voidable in the sole discretion of the Association's Board of Directors.

However, this "Owner-Occupancy" restriction is not intended to prevent residents whose primary residence is in Hidden Lake Estates, but who are not the titled Owner of their home as the result of estate planning, such as placing their home in a trust, reserving a life estate, or Medicaid planning, from buying a home or living in Hidden Lake Estates. In this situation, the titled Owner will be considered to be in compliance with this covenant so long as the Owner also follows all of the remaining restrictions in this provision, including the five (5) year Owner-Occupancy requirement.

The Board may approve a hardship exception to this restriction in writing when deemed reasonably appropriate by the Board under the particular circumstances, such as to comply with state or federal laws. A decision of whether to grant a hardship exception is strictly within the sole discretion of the Board, and may not be overturned by any court unless shown to violate federal or state law.

Once the five (5) year Owner-Occupancy period has expired, the titled Owner(s) of a lot may lease his property, but all leases must be in writing for a period of at least one (1) year, must lease the whole home, must inform the renter that failure to comply with the Covenants and Rules and Regulations is a default under the lease, and the Owner(s) must provide the Association with a copy of the lease (amounts redacted) within thirty (30) days of signing the lease.

This covenant takes effect on the date this covenant is recorded with the Marion County Recorder's Office. This covenant will apply to all Owners taking deeded title to

a property in Hidden Lake Estates after this covenant is recorded. Any Owner taking deeded title to a property within Hidden Lake Estates before this covenant is recorded will not be subject to the five (5) year Owner-Occupancy restriction, but will be subject to all other provisions of this covenant. Likewise, this provision does not apply to institutional mortgagees of any home in Hidden Lake Estates which comes into possession of the home by reason of foreclosure, judicial sale, or deed-in-lieu of foreclosure. Any Owner found to be in violation of any portion of this covenant by a court of competent jurisdiction will be permanently banned from renting his property.

All other provisions of the Plat Covenants for Hidden Lake Estates, Section One, Two and Three remain unchanged;

The foregoing amendment(s) will run with the land and will be binding upon all owners and upon the parties having or acquiring any right, title or interest, legal or equitable, in and to the real property or any part or parts thereof subject to these covenants.

[End of Amendments]

We certify that this Amendment to the Plat Covenants for Hidden Lake Estates, Section One, Two and Three, was duly moved and passed by at least seventy-five percent (75%) of the Lot Owners as required by Paragraph 30 of the Plat Covenants.

Printed Name of Director

ATTEST:

Secretary

Printed Name of Director

11/13/2017
Date

STATE OF INDIANA)
COUNTY OF MARION)
Before me a Notary Public in and for said County and State, personally appeared and Secretary, respectively, of Hidden Lake Estates Homeowners Association, Inc., who acknowledged execution of the foregoing Amendment to the Plat Covenants for Hidden Lake Estates, Section One, Two and Three, and who, having been duly sworn, stated that the representations contained herein are true.
Witness my hand and Notarial Seal of this 13 day of November 2017.
Notary of Public - Signature Marion County of Residence
Printed Christina G. Short Christina G. Short Marion County My Commission ExpireDate Commission Expires April 17 55
I hereby 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. —Scott A. Tanner
This document was prepared by and should be returned to: Scott A. Tanner, TANNER LAW GROUP, 6125 S. East St., Suite A, Indianapolis, IN 46227

EXHIBIT A

Amendment must be approved by an affirmative vote of seventyfive percent (75%) of the then Owners of Lots in the subdivision.

Section One has 60 Lot Owners (75% = 45)

(Amendment approved by 47 Lot Owners)

Section Two has 46 Lot Owners (75% = 35)

(Amendment approved by 35 Lot Owners)

Section Three has 36 Lot Owners (75% = 27)

(Amendment approved by 27 Lot Owners)

"YES" means you think the Amendments should be approved. "NO" means you think the Amendments should <u>NOT</u> be approved.	YES	<u>NO</u>
Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	X	

This voting is being done without a meeting. That means at least fourteen (14) votes must be cast by ballot to equal or exceed the quorum (10% of all Owners) required to be present at a duly constituted meeting, if one had been held.

According to Paragraph 30 of the Plat Covenants, the Plat Covenants may be amended at any time by an affirmative vote of eighty percent (80%) of the then owners of lots in the subdivision. However, IC 32-25.5-3-9 limits the percentage to seventy-five percent (75%). There are one hundred forty (140) Lot Owners in Hidden Lake Estates, so these proposed amendment(s) would need to be approved by at least one hundred five (105) Owners to be approved.

I certify that I am an Owner of a lot within the Hidden Lake Estates subdivision and am a member in good standing of The Hidden Lake Estates Homeowners Association, Inc. I have been given an opportunity to read the proposed Amendment(s) to the Declaration. I understand that this ballot needs to be cast by the end of business on December 31, 2017, to be counted.

ndianapolis, IN 46229

Signature

Drinted Name

Address

Date

If you are sending in your ballot, please complete the ballot and send it to:

Hidden Lake Estates Homeowners Association, Inc. P.O. Box 29379 Indianapolis, IN 46229

If you want to save a stamp, you can just drop the ballot off at the Board President's house at:

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Signature

Printed Name

Address

10,54-1

Date

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Signature

Drinted Name

11015 Blar Hollow Drive.

Address

10-85-77 Date

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2017, to be counted,

Signature

Printed Name / 1/205 Bear Hollow DR 46229

Address

Date

9-1-1/

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Signature	
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DAN

Printeo Name

359 WOOOLAND TEALL

9-2-2017

Date

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Signature

Printed Name

Address

Date

9/9/2017

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Manuel Dates

gnature

Morcella Bakes

rinted Name

11235 E Bildsons Pl

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Signature

Printed Name

Address

10-21-17

Date

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0 ,0 /	
James L. Bea /	
James L Beard	
Printed Name	
11138 Bear Hollow	Dr

10/16/17 Date

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10/19/17

\rightarrow		'
Signa	ature	

KERRY BEIDELMA

Printed Name

11149 BEAR HOLLOW DR

Address

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Ernest Breeding	9-11-1
Signature	Date
ERNEST BREEDING Printed Name	
286 BEAR HOLLOW WAY	
Address	

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Signature

Printed Name

Address

9-12-2017

Date

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Signature

Drinted Name

11254 E Brds

Address

10-22-2017

Date

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?		191

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	X	

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Signature

Signature

Printed Name

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Date

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SEPT. 2, 2017

Signature
FRED # KATHRYNIBUSES

11105 DEERVALLEY DR.

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10/22/2017

Signature

Andrew Cabarris

Printed Name

11238 E. Birdsong Pl

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Addiess

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Indianapolis, IN 46229

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	\checkmark	

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Signature

Printed Name

Address

10-22-1

Date

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Chila E. Circle	9-11-17	
Signature	Date	
Printed Name		
360 WOODLAND TRAIL DR. Address		

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Signature

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10.19.1

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Signature

1

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Date

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Signature

Drinted Name

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Address

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Signature

Drinted Name

401

S Bear Hollow way Irdple

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Printed Name

Address

Sept 2, 2017

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9/4/2017

Date

Signatura

SEAN FERBRACHE

Printed Name

11349 BOAR NOUOW OF.

Address

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Signature

11203 Birdsong Dr.

INDPLS IN

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Signature

Printed Name

Addrage

10/16/17 Date

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Signature

Date

Distant Name

11715 DEER VALLEY DR.

Address

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Signature

District Allers

1150

9/11/2017 Date

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Signature

Printed Name

11143

Address

Date

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Hidden Lake Estates Homeowners Association, Inc. P.O. Box 29379 Indianapolis, IN 46229

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"YES" means you think the Amendments <i>should</i> be approved. "NO" means you think the Amendments <i>should <u>NOT</u></i> be approved.	YES	<u>NO</u>
Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	425	

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9/10/17

) 4)	
von Jour Hetcher	
Signature	
Joani Gause-Fletcher	
Printed Name	
323 Woodland Trl. Dr.	
Address	

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	X	

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9/15/17 Date

flought al
Signature
Ronald A. Goshen
Printed Name
11106 Deer Volley Dr
Address

Pronu

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Signature

Printed Name

Address

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Merodite L. Granger Joni J. Morris Signature

Meredith L. Grager Toui J. Morris

1/3/2 Clearspring Way

2 September 2017

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25 ept. 2017

Signature

David Grain

Drintad Nama

459 Woodland Tr. Dr.

Address

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Signature

Drintad Nama

Address

Sep 24, 2017

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Signature

Printed Name

Address

Date

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	*	

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Sig	nature

Keith of Pam Harrison
Signature

Keith of Pam Harrison

Printed Name

11324 Bear Hollow CT

Address

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Signature News

Rana

Printed Name

11236 E- Birdsong DR

Address

9-4-17

Date

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1 September, 2017

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	Yes	

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Dog & Hel	10-23-17
Signature	Date
Oranna L Hill Printed Name	
11052 Bear Hollow Dr Address	<u> </u>

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10-25-17

Signature

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Lint How Signature	09/18/17
Signature	Date
Antwain Howard Printed Name	
Printed Name	
11204 Deer Valley Or Indianapolis Z	EN 46229

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Signa	TI	ш	е

Printed Name

Δddress

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Date

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	43	

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Signature

Drinted Name

Address

10-19-17

Date

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Signaturo

Drinton Namo

Address

Date

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Signature

SEAB E JOHNSON

Printed Name

11312 BEAR HOLLOW OFF

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Signature

Drinted Name

Printed Name

Addense

Date

9/2/2017

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Signature

Drinted Name

Address

4.8.

Date

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Signature

Printed Name

384 Wood | mo trank De brog 46209

Address

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Hidden Lake Estates Homeowners Association, Inc. P.O. Box 29379 Indianapolis, IN 46229

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?		

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Signature

Printed Name

Address

Date

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Signature

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Address

Date

9-3-2017

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Roch C. Level	. 2
Signature /	
ROCKY C. LEVE	//
Printed Name	22 W
11048 DEER VAII.	ey DR
Address	

//-2-/7 Date

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Si	gn	a	tu	re	

Printed Name

Address

9 - 14 - 17 Date

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307 Bear Hollow Ct.

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Signature

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Address

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Chilele Mills	10-25-2017
Signature	Date
Chaspolled MADDEN	
Printed Name	
291 BEAR HOLLOW WAY	
Address	

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10-16-17

11014 BEAR HOLLOW DR.

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Ton Mil	
Signature	
Tany Mardonaso	43
Printed Name	
11000 Maria 16 1500	16

Address

/6-21-17 Date

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10/25/17

Printed Name

11319 CLEARSPRING WAY, INDRES, IN 46239

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William meredith	10-19-2017
Signature	Date
William Meredith	
Printed Name	
11323 Clearspring Way	
Address	

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Address

10/19/2017 Date

If you are sending in your ballot, please complete the ballot and send it to:

Hidden Lake Estates Homeowners Association, Inc. P.O. Box 29379 Indianapolis, IN 46229

If you want to save a stamp, you can just drop the ballot off at the Board President's house at:

"YES" means you think the Amendments <i>should</i> be approved. "NO" means you think the Amendments <i>should <u>NOT</u></i> be approved.	YES	<u>NO</u>
Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	YES	

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According to Paragraph 30 of the Plat Covenants, the Plat Covenants may be amended at any time by an affirmative vote of eighty percent (80%) of the then owners of lots in the subdivision. However, IC 32-25.5-3-9 limits the percentage to seventy-five percent (75%). There are one hundred forty (140) Lot Owners in Hidden Lake Estates, so these proposed amendment(s) would need to be approved by at least one hundred five (105) Owners to be approved.

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Signature

TENT VIT. UVIC

Printed Name

350 WOOD LANS

TRAIL DRIVE

Address

INDIANAPOLIS, ID 46230

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9-11-17

11322 CLEAR SPRING WAY

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	V	П

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Jameel Ramsh
Signature
Jameel Parrish
Printed Name
243 S. Bear Hollow way
Address

10-17-17 Date

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9/6/17

Signature

Printed Name

223 S. Brar Hollow Way, Indpls 44229

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Signature

Printed Name
11039 Bear Hollow Drive.

* My maiden name is Erinn Sheridan, which is what is listed on the house.

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Date

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Signature

Printed Name

11222 & Birdsong PL

Address

/5/22 //7 Date

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Signature

Printed Name

11222

Address

9/16/// Date

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RJ P-1	
Signature	·
RJ RUZEWSK!	JA
Printed Name	
11137 BSAHHOllow	01 :
Address	

9/ 1/17 Date

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Signature

Printed Name

11304 CleARSPRING WAY

Date

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Signature

Printed Name

211 1

Addross

Date

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Signature

Drintad Nama

11342 Bear Hollow Ct

Address

September 17, 2017

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11246 East Birdson

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Signature

Drintad Nama

Address

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Signature /

Printed Name

11208 Bear Hollow

Address

Date

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Signature

Drintad Nama

Address

111-16-17

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Should the Proposed Amendment to Paragraph 10 (Owner Occupancy Requirement) to the Plat Covenants for Hidden Lake Estates, Section 1 be approved?	yes	

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Jan Took	o.	9/1	sli
Signature		Date	
Doug Todd	# 		
Printed Name			
11074 Deer Valley	Drive		
Address	P5594		

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10/16/2017

Melissa Varlaitser	
Signature	
Melissa Vantortsen	
Printed Name	
11123 BEAR HOLLOW DRIVE	
Address	

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Address

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1	lat Water	
7	Signature	
	John Wortkins	
	Printed Name	
	11219 E Birdsong	D
	Address	(4)

10-22-2012

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September 2,2017

Signature V

Printed Name

11118 Der Valley Drive, Indianapolis, IN 46229 Address

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Signature

Drinted Name

Addross

Date

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Signature Ville	
Hay Weller	
Signature	
Eagal Williams Printed Name	
Printed Name	
11244 Birdsong Dr.ix	EV
Address	

10/18/17

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Printed Name

11704 E. Binoson Da.

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Signature

Bill Worley

Printed Name

375 Woodland Trail On

Address

Oct. 19, 2017

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