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**FAITH KIMBROUGH
MARION COUNTY IN RECORDER**

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PAGES: 145

By: ER

**These amendments do not need
To be approved by the County Assessor
or the Dept. of Metropolitan Development**

**AMENDMENTS TO THE
RESTATED PLAT COVENANTS FOR
CASTLETON ESTATES,
CASTLEBROOK AND
HUNTERS WOODS**

Cross Referenced Instrument Numbers:

**73-71728, 77-28220, 82-19086, 73-53022, 73-62957, 74-40988,
77-62415, 80-6230, 80-6231, 75-60946, 78-45771, 74-15959,
82-56482, 84-78192, 2003-0036178, and A201800001301**

AMENDMENTS TO THE RESTATED PLAT COVENANTS FOR
CASTLETON ESTATES, CASTLEBROOK AND HUNTERS WOODS

The following amendments to the Plat Covenants have been approved.

WITNESS the following:

The original developers of the Castleton Estates and Castlebrook subdivisions located in Marion County (hereafter, "Developers") previously recorded a "Declaration of Covenants and Restrictions for Castleton Estates Development and Castlebrook Development" on November 7, 1973 in the Office of the Recorder of Marion County, Indiana, as **Instrument No. 73-71728** (hereafter, "Declaration"); and

The Declaration was subsequently amended by Instrument No. 77-0028220 and 82-19086; and

Castleton Estates, Inc., an Indiana nonprofit corporation (hereafter, "Association"), was established and incorporated pursuant to the provisions of the Declaration; and

The Association maintains, repairs, replaces, administers, operates and owns Common Areas which include recreational facilities (swimming pool and clubhouse) which are for the use and enjoyment of the owners and residents of lots within Castleton Estates, Castlebrook and Hunters Woods; and

In addition to the Declaration, certain Plats were filed in the Office of the Recorder of Marion County, Indiana for Castleton Estates, Castlebrook, and Hunters Woods; and

The Plat for **Castleton Estates - First Section** was filed with the Office of the Recorder of Marion County, Indiana on August 17, 1973, as **Instrument No. 73-53022**, and established thirty-seven (37) Lots numbered one (1) through thirty-seven (37), inclusive; and

The Plat for **Castleton Estates - Second Section** was filed with the Office of the Recorder of Marion County, Indiana on September 28, 1973, as **Instrument No. 73-62957**, and established twenty-five (25) Lots numbered thirty-eight (38) through sixty-two (62), inclusive; and

The Plat for **Castleton Estates - Third Section** was filed with the Office of the Recorder of Marion County, Indiana on July 3, 1974, as **Instrument No. 74-40988**, and established thirty-four (34) Lots numbered sixty-three (63) through ninety-six (96), inclusive; and

The Plat for **Castleton Estates - Section 7A** was filed with the Office of the Recorder of Marion County, Indiana on September 22, 1977, as **Instrument No. 77-62415**, and established thirty-three (33) Lots numbered two hundred ninety-one (291) through three hundred twenty-

three (323), inclusive, plus a parcel of recreation area (Common Area) which is owned by the Association; and

The Plat for **Castleton Estates - Section 7B** was filed with the Office of the Recorder of Marion County, Indiana on January 30, 1980, as **Instrument No. 80-6230**, and established thirty-seven (37) Lots numbered three hundred twenty-four (324) through three hundred sixty (360), inclusive; and

The Plat for **Castleton Estates - Section 7C** was filed with the Office of the Recorder of Marion County, Indiana on January 30, 1980, as **Instrument No. 80-6231**, and established six (6) Lots numbered three hundred sixty-one (361) through three hundred sixty-six (366), inclusive; and

The Plat for **Castleton Estates - Section 8-A** was filed with the Office of the Recorder of Marion County, Indiana on or about October 11, 1975, as **Instrument No. 75-60946**, and established eighteen (18) Lots numbered two hundred forty-five (245), two hundred fifty-six (256) through two hundred sixty-seven (267), and two hundred eighty-six (286) through two hundred ninety (290), inclusive; and

The Plat for **Castleton Estates - Section 8-B** was filed with the Office of the Recorder of Marion County, Indiana on July 14, 1978, as **Instrument No. 78-45771**, and established eighteen (18) Lots numbered two hundred sixty-eight (268) through two hundred eighty-five (285), inclusive; and

The Plat for **Castlebrook** was filed with the Office of the Recorder of Marion County, Indiana on March 20, 1974, as **Instrument No. 74-15959**, and established forty-two (42) Lots numbered one (1) through forty-two (42), inclusive; and

The Plat for **Hunters Woods - Section One** was filed with the Office of the Recorder of Marion County, Indiana on October 13, 1982, as **Instrument No. 82-56482**, and established thirty-eight (38) Lots numbered one (1) through thirty-eight (38), inclusive; and

The Plat for **Hunters Woods - Second Section** was filed with the Office of the Recorder of Marion County, Indiana on October 5, 1984, as **Instrument No. 84-78192**, and established thirty-nine (39) Lots numbered thirty-nine (39) through seventy-seven (77), inclusive; and

All of the Plats referred to above included certain covenants and restrictions (hereafter, the "Plat Covenants"); and

In 2003, the Board of Directors of the Association restated the Plat Covenants in a single document for the convenience of the Owners; and

The "Notice of Restated Plat Covenants for Castleton Estates, Castlebrook and Hunters Woods" was filed with the Office of the Recorder of Marion County, Indiana on February 19, 2003, as **Instrument No. 2003-0036178**. That document compiled the terms of the

original Plat Covenants included in the Plats described above such that there were no changes or amendments to the Plat Covenants or the Plats which were being made when said Notice was recorded in 2003; and

In 2018, the Association's members approved new leasing and rental restrictions that were added to the Plat Covenants as well as an amendment to the enforcement provision of the Plat Covenants. Those provisions were included in the "**Amendments to the Restated Plat Covenants for Castleton Estates, Castlebrook and Hunters Woods**" that filed with the Office of the Recorder of Marion County, Indiana on January 4, 2018, as **Instrument No. A201800001301**; and

Pursuant to Indiana Code 32-21-2-3.5, the Board of Directors of the Association proposed that the amendments described below would apply to all lots within Castleton Estates, Castlebrook and Hunters Woods; and

A special meeting of the Association's members was held to discuss the proposed amendments; and

The Board of Directors distributed petition and signature pages to the lot owners; and

Of the 327 total number of lots within Castleton Estates, Castlebrook and Hunters Woods, the requisite number of owners of lots signed the petition and signature pages that are attached hereto in order to approve the amendments set forth below.

NOW, THEREFORE, the Plat Covenants are amended as follows:

AMENDMENT NUMBER 1

Prior to this amendment, the Plat Covenants (except for the Plat Covenants for Hunters Woods-First Section and Hunters Woods-Second Section) stated the following:

No trailer, tent, shack, attached shed, basement, garage, barn, or other outbuilding or temporary structure shall be used for temporary or permanent residence on any lot in this subdivision. There shall be no detached tool shed, or detached storage building erected or used as an accessory to a residence in this subdivision. (These restrictions are not applicable to Hunters Woods-First Section and Hunters Woods-Second Section.)

In recognition of the fact that numerous sheds were erected over the years, the Association's Board of Directors recommended that the second sentence above be deleted, and that the entire provision be replaced with the following:

No trailer, tent, shack, attached shed, basement, garage, barn, or other outbuilding or temporary structure shall be used for temporary or permanent residence on any lot in this subdivision. Detached tool sheds, or detached storage buildings erected

or used as an accessory to a residence (collectively referred to as a “mini-barn” hereafter) must adhere to the minimum requirements of the City of Indianapolis Zoning Ordinance, including that the height must be less than or equal to that of the owner’s home. In addition, there are the following requirements:

- (i) a mini-barn cannot be larger than ten feet (10') by twelve feet (12');
- (ii) there shall be no more than one (1) mini-barn per lot;
- (iii) no metal mini-barns are permitted;
- (iv) no mini-barn may be located in a side yard or front yard;
- (v) nothing shall be stacked up beside a mini-barn.
- (vi) the mini-barn must be well maintained at all times.

Mini-barns constructed or erected prior to the approval of this amendment are exempt from these requirements. However, any replacement of a previously exempt mini-barn must satisfy these requirements.

The above restrictions (i) through (v) are not applicable to Hunters Woods-First Section and Hunters Woods-Second Section.

AMENDMENT NUMBER 2

Prior to this amendment, the Plat Covenants included this brief provision on lot maintenance:

It shall be the duty of the owner of each lot in the subdivision to keep the grass on the lot properly cut and to keep the lot free from weeds and trash and otherwise neat and attractive in appearance.

The Association’s Board of Directors recommended that there should be more specific requirements that address not only grass and weeds but also minimum home maintenance requirements. Thus, the above provision is deleted and replaced with the following:

Each owner shall be responsible for maintaining and keeping his or her lot, home, and all other structural improvements located on his or her lot in a good, clean, neat, sanitary and well maintained condition and shall do such work thereon as required to be so maintained. Each owner shall keep their lot free of all trash, debris & rubbish; keep the grass mowed to prevent unsightly growth; cut down, prune, or remove overgrown, dead, dying, or diseased trees and shrubs from the

lot; and keep the lot free of overgrown weeds and otherwise neat and attractive in appearance. Each owner shall prevent the existence of any other condition that reasonably tends to detract from or diminish the appraised value of their property.

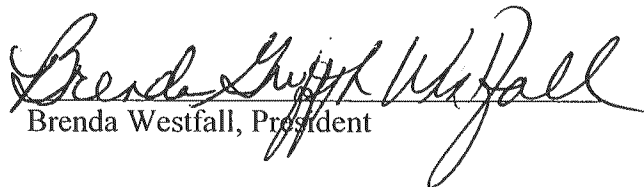
* * * * *

Except for the two amendments above, the Plat Covenants (as amended in 2018) and the Declaration shall remain unchanged and in full force and effect.


[signature page follows]

IN WITNESS WHEREOF, we, the undersigned officers of the Association, do hereby execute these Amendments and certify the truth of the facts herein stated this 14 day of July, 2023. As shown on the attached Affidavits, the owners' signatures on the attached "Petition and Signature Pages" were witnessed by officers of the Association.

Castleton Estates, Inc. (on behalf of Castleton Estates, Castlebrook and Hunters Woods)

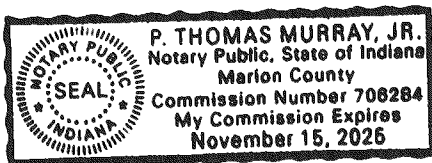

Brenda Westfall, President

ATTEST:


Sandra Bowman, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared Brenda Westfall and Sandra Bowman, the President and Secretary, respectively, of Castleton Estates, Inc., who acknowledged execution of the foregoing for and on behalf of said corporation and who, having been duly sworn, stated that the representations contained herein are true. Witness my hand and Notarial Seal this 14th day of July, 2023.




Notary Public, Signature

P. THOMAS MURRAY, JR.
Printed

My Commission Expires:
Nov. 15, 2025

Residence County: MARION

"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." /s/ P. Thomas Murray, Jr., Esq.

This instrument prepared by P. Thomas Murray, Jr., EADS MURRAY & PUGH, P.C., Attorneys at Law, 9515 E. 59th Street, Suite B, Indianapolis, IN 46216. Tele: (317) 536-2565.

AFFIDAVIT

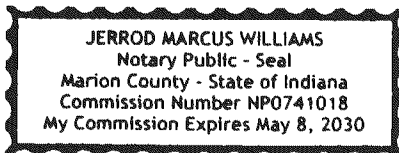
In my capacity as an officer of Castleton Estates, Inc. I, **Brenda Westfall**, witnessed the signatures of Lot Owners within Castleton Estates, Castlebrook, and/or Hunters Woods as they signed the Petition and Signature Pages that are attached to the foregoing "Amendments to the Restated Plat Covenants for Castleton Estates, Castlebrook, and Hunters Woods." I hereby verify and certify that the Owners' signatures on the Petition and Signature Pages are genuine for those Owners underneath whose names my signature appears.

Brenda S Westfall

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared **Brenda Westfall** who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal this 10th day of July 2023.



J E Williams
Notary Public, Signature

JERROD WILLIAMS
Printed

My Commission Expires:
5-8-2030

Residence County: MARION

AFFIDAVIT

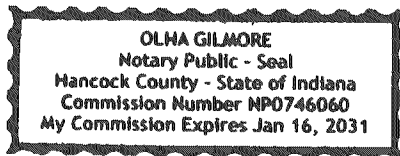
In my capacity as an officer of Castleton Estates, Inc. I, **Sandra Bowman**, witnessed the signatures of Lot Owners within Castleton Estates, Castlebrook, and/or Hunters Woods as they signed the Petition and Signature Pages that are attached to the foregoing "Amendments to the Restated Plat Covenants for Castleton Estates, Castlebrook, and Hunters Woods." I hereby verify and certify that the Owners' signatures on the Petition and Signature Pages are genuine for those Owners underneath whose names my signature appears.

Sandra Bowman

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared **Sandra Bowman** who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal this 11th day of July 2023.



Olha Gilmore
Notary Public, Signature

Olha Gilmore
Printed

My Commission Expires:
01/16/2031

Residence County: Hancock

AFFIDAVIT

In my capacity as an officer of Castleton Estates, Inc. I, **Armand Hayes**, witnessed the signatures of Lot Owners within Castleton Estates, Castlebrook, and/or Hunters Woods as they signed the Petition and Signature Pages that are attached to the foregoing "Amendments to the Restated Plat Covenants for Castleton Estates, Castlebrook, and Hunters Woods." I hereby verify and certify that the Owners' signatures on the Petition and Signature Pages are genuine for those Owners underneath whose names my signature appears.

Armand C. Hayes

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared **Armand Hayes** who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations contained herein are true.

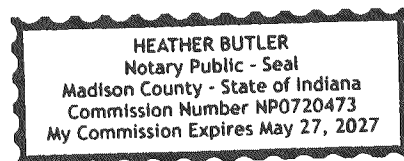
Witness my hand and Notarial Seal this 12th day of July 2023.

Heather Butler
Notary Public, Signature

Heather Butler
Printed

My Commission Expires:
May 27, 2027

Residence County: Madison



AFFIDAVIT

In my capacity as an officer of Castleton Estates, Inc. I, **Jim Boerger**, witnessed the signatures of Lot Owners within Castleton Estates, Castlebrook, and/or Hunters Woods as they signed the Petition and Signature Pages that are attached to the foregoing "Amendments to the Restated Plat Covenants for Castleton Estates, Castlebrook, and Hunters Woods." I hereby verify and certify that the Owners' signatures on the Petition and Signature Pages are genuine for those Owners underneath whose names my signature appears.

Jim Boerger

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared **Jim Boerger** who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations contained herein are true.

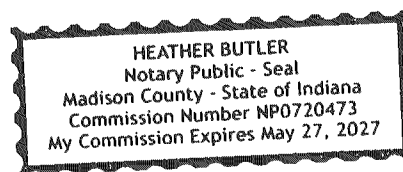
Witness my hand and Notarial Seal this 11th day of July 2023.

Heather Butler
Notary Public, Signature

Heather Butler
Printed

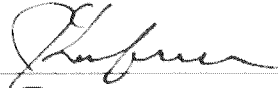
My Commission Expires:
May 27, 2027

Residence County: Madison



AFFIDAVIT

In my capacity as an officer of Castleton Estates, Inc. I, **Chris Kaufman**, witnessed the signatures of Lot Owners within Castleton Estates, Castlebrook, and/or Hunters Woods as they signed the Petition and Signature Pages that are attached to the foregoing "Amendments to the Restated Plat Covenants for Castleton Estates, Castlebrook, and Hunters Woods." I hereby verify and certify that the Owners' signatures on the Petition and Signature Pages are genuine for those Owners underneath whose names my signature appears.

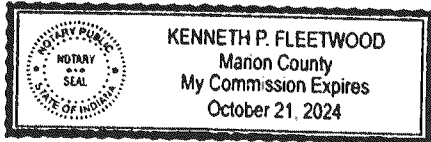


JAMES CHRISTOPHER KAUFMAN JR

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared ^{James} **Christopher Kaufman**, **Kaufman** who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal this 10th day of July 2023.


Notary Public, Signature

Kenneth P. Fleetwood
Printed

My Commission Expires:
10/21/2024

Residence County: Marion

AFFIDAVIT

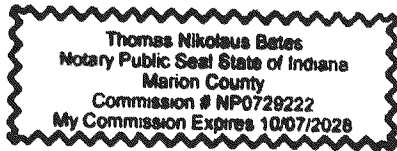
In my capacity as an officer of Castleton Estates, Inc. I, **Laurie Satoski**, witnessed the signatures of Lot Owners within Castleton Estates, Castlebrook, and/or Hunters Woods as they signed the Petition and Signature Pages that are attached to the foregoing "Amendments to the Restated Plat Covenants for Castleton Estates, Castlebrook, and Hunters Woods." I hereby verify and certify that the Owners' signatures on the Petition and Signature Pages are genuine for those Owners underneath whose names my signature appears.

Laurie Satoski

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared **Laurie Satoski** who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal this 11th day of July 2023.



Thomas Nikolaus Bates
Notary Public, Signature

Thomas Nikolaus Bates
Printed

My Commission Expires:

10/07/2028

Residence County: Marion