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Julie L. Voorhies,
Marion County Recorder



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By: SLC

BILLIE J. BREAUX
RECORDER

066856 APR 15 2011

INSTRUMENT NO. 1981-29285
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

3
S.C.

Cross-Reference: 1981-29285

**AMENDMENT TO THE
DECLARATION OF RESTRICTIONS
OF GEIST HARBOURS**

This Amendment to the Declaration of Restrictions of Geist Harbours was executed as of the date set forth below.

WITNESS THAT the following facts are true:

The Geist Harbours residential community located in Marion County was established by a certain Declaration of Restrictions which was recorded on May 14, 1981, as Instrument No. 1981-29285, in the Office of the Recorder of Marion County, Indiana; and

Geist Harbours consists of different subdivisions, some of whose lots and properties are located in Marion County, Indiana, while others are located in Hamilton County, Indiana. Those twelve (12) Geist Harbours subdivisions include Feather Cove I, Feather Cove II, Feather Cove III, Masthead I, Masthead II, Admirals Bay, Admirals Pointe, Admirals Woods, Admirals Sound, Beam Reach, Crossing South, and Diamond Pointe; and

Plats filed with the Office of the Recorder of Marion County, Indiana established the lots and common areas comprising those portions of Geist Harbours located within Marion County; and

The Geist Harbours Property Owners Association, Inc. (hereafter, the Association) is the governing body of the twelve (12) Geist Harbours subdivisions described above.

The Board of Directors of the Association recommended that the provision in the Declaration of Restrictions that pertains to the architectural approval process be amended as set forth below to establish an appeals procedure; and

The Owners of more than a majority of the lots in the Marion County portion of Geist Harbours approved the amendment to the Declaration pursuant to the terms below; and

Likewise, the Owners of more than a majority of the lots in the Hamilton County portion of Geist Harbours approved the same amendment to the Declaration, such that an identical Amendment is being filed with the Office of the Recorder of Hamilton County, Indiana.

FILED

APR 15 2011

**MARION COUNTY
ASSESSOR**

Approved this 15th day of April 2011
Marion County Assessor
Mandi Kuyler Draftsman



All terms used in this Amendment shall have the same meanings as given to such terms in Paragraph 1 of the Declaration of Restrictions.

NOW, THEREFORE, the Declaration which is applicable to all Owners and residents within Geist Harbours is hereby amended as follows:

1. Paragraph 6.B of the Declaration of Restrictions is deleted and replaced with the following:

B. Duties of Committee. The Committee shall approve or disapprove proposed improvements within 30 days after all required information shall have been submitted to it. One copy of submitted material shall be retained by the Committee for its permanent files. All notifications to applicants shall be in writing, copied to the Board of Directors of the Association, and, in the event that such notification is one of disapproval or conditional approval, it shall specify the reason or reasons. The owner shall have the right to appeal the Committee's decision to the Board of Directors of the Association. Such appeal must be submitted, in writing, to the Committee and the property management company then serving the Association within 30 days after the date of the Committee's notice of denial or conditional approval. The appeal shall be heard by the Board of Directors at its next regularly scheduled Board meeting so long as the owner submits his or her appeal at least 15 days prior to such date so that the Board has ample time to review the file material prior to the Board meeting. If an appeal is not submitted within that time period, the matter shall be deferred until the next regularly scheduled Board meeting. The decision by a majority of the members of the Board of Directors in attendance shall be final.

In addition to the rights of an owner to appeal, the Board of Directors of the Association shall have the right to revoke or confirm any decision of the Committee. However, the Board shall have no more than 15 days to do so after the date of the Committee's decision. If the Board does not act by that time, the decision of the Committee shall be deemed to be final.

2. Except for the above, all other provisions of the Declaration of Restrictions shall remain unchanged and in full force and effect.

3. **Acceptance and Ratification.** The acceptance of a deed of conveyance or the act of occupancy of any one Lot shall constitute a ratification of this Amendment, together with the Declaration, and all such provisions shall be covenants running with the land and shall bind any person having at any time having any interest or estate in a Lot or the Geist Harbours subdivisions as though such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease.

4 Certification. The undersigned persons hereby represent and certify that all requirements for and conditions precedent to the Amendment to the Declaration have been fulfilled and satisfied.

Executed this 21 day of March, 2011.

Geist Harbours Property Owners Association, Inc., by:

Terry Fulk
Terry Fulk, President

Russell Desserich
Russell Desserich, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF Hamilton)

Before me, a notary public, in and for said County and State, personally appeared Terry Fulk and Russell Desserich, the President and Secretary, respectively, of Geist Harbours Property Owners Association, Inc., an Indiana nonprofit corporation, who acknowledged execution of the within and foregoing for and on behalf of said corporation and its members and who, being duly sworn, stated that the certifications and representations made therein are true. Witness my hand and notarial seal this 21 day of March, 2011.

Karla B. McCullough
Notary Public - Signature

Printed _____



My Commission Expires: _____

Residence County: _____

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

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