

9970

March 19, 1946.

To F. A. Lydick, Florence J. Lydick, and Harry Lydick and all others concerned.  
You are hereby notified, that I intend to hold a Mechanic's Lien on Lot numbered Nine (9) Kinnairds Addition to South Wayne and known as numbered 803 Kinnaird Avenue to the City of Fort Wayne, Allen County, Indiana as well as upon the Frame Dwelling house recently erected thereon by you for the sum of Seventy-four and Seventy Hundredths Dollars, for work and labor done and materials furnished by me in the Painting Interior of said house, which work and labor done, and materials furnished, was done and furnished by me at your special instance and request, and within the last sixty days.

Harry Brower

Recorded March 20, 1946. 9:45 A.M.  
Recorder, Allen County, Indiana.

8888888888

10023

WHEREAS, the lots and parcels of land in certain Additions to the City of Fort Wayne, known and described as Wildwood Park Addition, Wildwood Park Second Addition, Wildwood Park Second Addition Extended, and Wildwood Park Addition Amended are subject to those certain restrictions, easements, covenants and conditions as set forth in that certain Indenture made the 25th day of May, 1916 by and between Wildwood Park Company, a corporation, and Lee J. Hinde, duly recorded in Deed Record No. 241, pages 441 to 445 in the Office of the Recorder of Allen County and reference to which and the record thereof is hereby made for all purposes, said instrument being referred to hereafter as said Indenture; and,

WHEREAS, pursuant to and strictly in accordance with the provisions thereof, the owners of lots in said Additions have heretofore organized Wildwood Park Community Association, Incorporated, (hereinafter called the Association), which Association is now vested with the same rights and powers conferred upon and/or reserved to the Wildwood Park Company, a corporation, and said Indenture; and,

WHEREAS, AMONG the By-Laws duly adopted by said Association there is one section numbered 5 of Article 5 reading as follows:

"The Board shall appoint a Committee of three (3) members of this Association to pass upon all plans and specifications for any buildings, fences and walls, to be erected in the Additions and to enforce the observance of the restrictions, covenants and conditions applicable to the lots therein. The members of said committee shall serve for the year 1942 and until their successors are appointed. Annually, the new Board of Directors shall appoint such a committee. The action of such committee in approving or rejecting any plans or specifications shall be binding on all persons, subject, however, to the right of any aggrieved person or persons to appeal to the Board of Directors within 30 days after the decision of the committee. Upon such appeal the Board shall hear any person desirous of appearing before it and at the conclusion of the hearing shall affirm, reject, or modify the ruling of the committee or make such ruling as to it may seem proper and its decision shall be final and binding on all persons. The Board shall appoint three alternates to be known as Alternates Numbers 1, 2 and 3, who are to serve in the place of any one or more of the regular committeemen in the event of the death, resignation or absence of any member, said alternates to serve in the order of their numerical designation. If the Committee fails to approve, reject or modify such plans and specifications within ten days after the same are submitted to it, the same shall be considered approved and the President of the Association shall mark the same approved."

and,  
WHEREAS, under paragraph numbered 31 of said Indenture it is provided that, except as to the easements and rights-of-way reserved in paragraphs 6 to 9, both inclusive, the restrictions and conditions contained in said Indenture may be changed or abolished in any or all particulars by the owners of the lots in said Additions whenever two-thirds or more of the resident owners shall unite in signing and executing an agreement or resolution to that effect, provided such signers be not less than thirty; and,

WHEREAS, it is desired to abolish, modify and amend certain of said restrictions;

NOW, THEREFORE, Wildwood Park Community Association, Incorporated, acting herein by its officers thereunto duly authorized, through a resolution duly adopted heretofore by its board of Directors and the undersigned individuals who constitute more than two-thirds (2/3) of the resident owners of lots in said Additions, in consideration of the premises and of the signing and execution of this instrument by each of the parties hereto, do hereby agree that the restrictions, provisions and conditions contained in the above mentioned Indenture are hereby changed, amended and modified in the following respects, to-wit:

FIRST

That certain paragraph numbered 15 of said Indenture is hereby abolished and in lieu and substitution therefor the following is adopted and shall be applicable to and enforced against all lots in said Additions and shall be binding upon all owners thereof, to-wit:

"No billboards or other advertising signs or devices, except Real Estate Sale or Rent Signs approved by the Association, shall be erected on any lot; and no fence or wall or any other structure partaking of the nature of a fence or wall shall be commenced, erected, or maintained, nor shall any addition to or change or alteration therein be made, upon any lot in said Additions until the plans and specifications therefor, together with full and complete information as to the nature and proposed location thereof have been submitted to the Committee provided for in Sec. 8 of Article 5 of the By-Laws of said Association and until the written approval of said Committee shall have been obtained. Each and all of the provisions of Sec. 8 of Article 5 of the By-Laws of said Association pertaining to the submission and approval of plans and specifications for buildings to be erected upon lots in said Additions and for the right of appeal by any aggrieved person shall be binding upon and shall be observed and complied with by any person or persons desiring to erect, maintain, change or alter, or add to any fence or wall or other structure partaking of the nature of a fence or wall on any lot or lots in said Additions."

SECOND

The provisions and regulations contained in paragraph numbered 18 of said Indenture are hereby amended and modified to the extent that the provisions and regulations contained therein shall be applicable only to live trees.

The foregoing amendments and changes shall become effective as soon as this instrument shall have been recorded in the Recorder's Office of Allen County, Indiana, and shall be

and assigns and upon all of the lots and parcels of land in the above mentioned Additions and upon the owners of the lots and parcels of land in said Additions, their heirs and assigns.

IN WITNESS WHEREOF, this instrument has been executed on this the 30th day of January, A. D., 1946,  
(---)

WILDWOOD PARK COMMUNITY ASSOCIATION INCORPORATED  
By: Ronald G. Stagg, President

ATTEST: Robert J. Collins, Secretary

Harry W. Balz	Arthur N. Ferguson
Irene Johnson Balz	Elsie Dorothea Ferguson
Ralph L. Burry	Joseph D. Frank
Kathryn G. Burry	Lois S. Frank
Harry J. Cocks	John Earl Groth
Marie W. Cocks	Grace Groth
Robert J. Collins	Ralph W. Hall
Jane H. Collins	May L. Hall
Harold H. Doswell	Alva L. Hastings
Hannah R. Doswell	Irene T. Hastings
John Hedman Johnson	Betty Douglas Hayes
Pauline F. Johnson	S. Allan Jacobs
Donald H. Jones	Maxine Groth Jacobs
Louise C. Jones	Gerald D. Mason
Robert Y. Keegan	Jennie B. Mason
Gertrude J. Keegan	Helen Cooper Mercer
Robert H. Klachn	Mildred B. Moore
Lucille T. Klachn	Walter W. Neuman
Walter B. Kruse	Ann F. Neuman
Lucille M. Kruse	Louis F. Niezer
Ferd J. Kuentzel	Rosemary C. Niezer
Helene Kuentzel	Harold J. Novitsky
Fergus J. McDiarmid	Charlotte Novitsky
Kathryn Dye McDiarmid	William J. Brutton
Carl D. Light	Lois Brutton
Ida A. Light	Adam M. Shook
Joseph N. Pettit	Eva Shook
Elizabeth Pettit	Otto W. Pohlmeier
John L. Richardson	Helen E. Pohlmeier
Margaret B. Richardson	John S. Sturgeon
Ernst C. Rurode	Dorothy G. Sturgeon
Marguerite Rurode	Forrest McClead
William T. Scheiman	Marceleen McClead
Nancy M. Scheiman	Robert H. Hill
Dwight Shirey	Mary E. Hill
Agnes H. Shirey	Nicholas L. Keyock
Clifford E. Simon	Dorothy G. Keyock
Georgianna Simon	Bernard W. Place
Ronald G. Stagg	Mary Jean Place
Bernice L. Stagg	
Paula S. Watt	

State of Indiana, County of Allen, SS:

Before me, Loretta M. Matlick, a Notary Public, this 19th day of March, A.D., 1946, personally appeared Roland G. Stagg and Robert J. Collins, as President and Secretary, respectively of Wildwood Park Community Association, Incorporated, a corporation, and acknowledged the execution of the annexed agreement as their free and voluntary act and deed and as the free and voluntary act and deed of said Wildwood Park Community Association, Incorporated.

Loretta M. Matlick, Notary Public  
in and for Allen County, Indiana.

My commission expires: Sept. 24, 1947.

State of Indiana, County of Allen, SS:

Before me, Loretta M. Matlick, a Notary Public in and for Allen County, Indiana, on this 19th day of March, A.D., 1946, personally appeared Harry W. Balz and Irene Johnson Balz, Ralph L. Burry and Kathryn G. Burry, Harry J. Cocks and Marie W. Cocks, Robert J. Collins and Jane H. Collins, Harold H. Doswell and Hannah R. Doswell, Arthur N. Ferguson and Elsie Dorothea Ferguson, Joseph D. Frank and Lois S. Frank, John Earl Groth and Grace Groth, Ralph W. Hall and May L. Hall, Alva L. Hastings and Irene T. Hastings, Betty Douglas Hayes, S. Allan Jacobs, and Maxine Groth Jacobs, John Hedman Johnson and Pauline F. Johnson, Donald H. Jones and Louise C. Jones, Robert Y. Keegan and Gertrude J. Keegan, Robert H. Klachn and Lucille T. Klachn, Walter B. Kruse and Lucille M. Kruse, Ferd J. Kuentzel and Helene Kuentzel, Fergus J. McDiarmid and Kathryn Dye McDiarmid, Carl D. Light and Ida A. Light, Gerald D. Mason and Jennie B. Mason, Helen Cooper Mercer, Mildred B. Moore, Walter W. Neuman and Ann F. Neuman, Louis F. Niezer and Rosemary C. Niezer, Harold J. Novitsky and Charlotte Novitsky, Joseph N. Pettit and Elizabeth Pettit, John L. Richardson and Margaret B. Richardson, Ernst C. Rurode, and Marguerite Rurode, William T. Scheiman and Nancy M. Scheiman, Dwight Shirey and Agnes H. Shirey, Clifford E. Simon and Georgianna Simon, Ronald G. Stagg and Bernice L. Stagg, Paula S. Watt, William J. Brutton and Lois Brutton, Adam M. Shook and Eva Shook, Otto W. Pohlmeier and Helen E. Pohlmeier, John S. Sturgeon and Dorothy G. Sturgeon, Forrest McClead and Marceleen McClead, Robert H. Hill and Mary E. Hill, Nicholas L. Keyock and Dorothy G. Keyock, Bernard W. Place and Mary Jean Place personally known to me, and known to me to be the persons who are described in and who executed the foregoing instrument, and acknowledged the same to be their voluntary act and deed for the uses and purposes therein mentioned; and, being severally under oath duly sworn, deposed and said that they are respectively, resident owners of lots and parcels in Wildwood Park Addition, Wildwood Park Addition Amended, Wildwood Park Second Addition, and Wildwood Park Second Addition Extended.)

Subscribed, sworn to, and acknowledged before me this 19th day of March, 1946.

(Notary Seal) My commission expires: Sept. 24, 1947. Loretta M. Matlick, Notary Public  
dated March 20, 1946. 12:10 P.M. in and for Allen County, Indiana.  
order, Allen County, Indiana.

\*\*\*\*\*