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Richard P. Jones 7P
CLARK COUNTY RECORDER
Filed for Record as Presented
I 201407788 Page 1 of 7
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MODIFICATION AND AMENDMENT OF RESTRICTIONS
AND COVENANTS, CONDITIONS AND RESTRICTIONS FOR
CHAMPIONS POINTE PLANNED UNIT DEVELOPMENT
AND GOLF VILLAS

WARNING: The modification of restrictive covenants, along with the original restrictions and protective covenants for the CHAMPIONS POINTE PLANNED UNIT DEVELOPMENT and THE GOLF VILLAS (collectively referred to as "CHAMPIONS POINTE"), as recorded at I200608216 and ~~I200702646~~ respectively contain certain provisions that require approvals of the developer and/or its assignee. Indiana courts have determined restrictive covenants are an enforceable contract between the developer and the subsequent owners and are enforceable. Failure to observe the restrictive covenants could operate with negative legal consequence.

The undersigned, the successor in interest to CCGC INVESTORS, LLC, being the owner and developer of the property commonly known as CHAMPIONS POINTE PLANNED UNIT DEVELOPMENT (inclusive of the "Golf Villas" at Plat Book 14, Page 64) in Clark County, Indiana;

WITNESSETH:

WHEREAS, CHAMPIONS POINTE is subject to certain Restrictions and Protective Covenants, the same being recorded at I200608216 ("Subdivision Restrictions") and I200702646 ("Golf Villa Restrictions"); and

WHEREAS, the Golf Villa Restrictions specifically only addressed those lots as shown in Plat Book 14, Page 64, which said section hereafter shall be referred to as Bay Hill Villas and subject to the Subdivision Restrictions as modified herein; and

WHEREAS, the Subdivision Restrictions Protective Covenants in Article VI provided for an Architectural Review Committee to review plans and perform various approval

aspects to maintain conformity with these Restrictions and Protective Covenants throughout the Subdivision; and

WHEREAS, the Subdivision Restrictions specifically provided for minimum square footages for various sections and the types of structures based upon a formula contained therein specifically stating:

Developer may establish different minimum floor areas for residential structures in Sections of the Subdivision, which may vary and will vary from Section to Section depending on the nature of residential structures constructed in those Sections. In establishing such minimum floor areas, Developer shall comply with the requirements of the Site Plan as to lot width ratios, F.A.R./Max. Bldg. Height and % of Coverage Max.

WHEREAS, it is the desire of the Developer to modify and amend the Subdivision Restrictions to include the Golf Villas and to cancel, negate and hold as of no further effect those Golf Villa Restrictions.

NOW, THEREFORE, in consideration of the premises herein contained the Developer, in accordance with Article IX, Section 9.02 and 9.03 does hereby agree, amend and modify those Subdivision Restrictions (I200608216) and further cancel and terminates those Golf Villa Restrictions (I200702646) replacing them with the Subdivision Restrictions as herein adopted, modified and amended in the following manner:

1. The Subdivision Restrictions hereby incorporate by reference the "Champions Pointe Architectural Control Guidelines" (Exhibit "A") as if set out and stated verbatim in the Subdivision Restrictions, replacing in full the Golf Villa Restrictions and amending and modifying the relevant sections of the Subdivision Restrictions relating to the Architectural Review--the process and the requirements, including, but not limited to,

square footage for each section of the Subdivision (including the Golf Villas, now known as Bay Hill Villas), materials, roof pitch and garage.

2. Article II, Section 2.01 shall be amended to state:

After Applicable Date, or at the option of the Developer before the Applicable Date, at least annually, or at such other times as may be necessary, the meetings of the members shall be held for the purpose of electing the Board of Managers (subject to the provisions of Section 3.02 hereof), approving the annual budget, providing for the collections of Common Expenses (defined below) and for such other purposes as may be required by this Declaration, these by-Laws or the Act.

3. Article III, Section 3.02 is corrected to remove one of the "shall be".

4. Article III, Section 3.10 the word "far" in the second line is replaced with the word "for".

5. Article VI, Section 6.01(a) shall be amended to include in the "Use of the Property" the following:

Other development amenities, including, but not limited to, pool, park areas, walking trails, sport courts, etc., and any other structures or amenities built for community residents' enjoyment and use. This provision is for the sole purpose of setting out possible improvements, but in no event shall it be considered as a promise of all such development amenities.

6. Article VI, Section 6.01 incorporates those "Champions Pointe Architectural Control Guidelines".

7. Article VI, Section 6.01 (w)(4) is corrected to replace the words "parking lots" with the word "driveway".

8. Article VI, Section 6.01 (w)(13) is corrected to replace the words "Midland

Meadows" with "Champions Pointe".

9. Article VI, Section 6.01 (x-cc) is amended to remove the Exhibit C reference and replace with the Exhibit "A" attached hereto.

10. Article VI, Section 6.01 (dd) is removed in its entirety, and such lighting within the Subdivision shall be at the sole discretion and approval of the developer and/or its assigns.

11. Article IX, Section 9.01 shall be amended to remove the reference therein to a "this Section 5.1", and the same shall read as if those word did not appear therein.

12. Article IX, Section 9.04 shall be amended to add the words, "or any of its agents, its principals or owners" after the first word Developer.

Dated this 12th day of MAY, 2014.

CCGC INVESTORS, LLC

BY: 

SIGNATURE

Tyler N. Allen, Managing Member
PRINTED NAME AND TITLE

STATE OF INDIANA)

)SS:

COUNTY OF _____)

Before me, a Notary Public, in and for said County and State, personally appeared CCGC INVESTORS, LLC, by Tyler N. Allen and acknowledges the execution of the foregoing as its free and voluntary act and deed for the use and purposes mentioned herein.

WITNESS my hand and seal, this 12 day of May, 2014.

My Commission Expires:

8/5/2014

Dawn D. Hendren

NOTARY PUBLIC

Dawn D Hendren

PRINTED NAME

Resident of Bullitt County, ~~Indiana~~
Kentucky



This Instrument Prepared By:

JOHN A. KRAFT, Attorney
YOUNG, LIND, ENDRES & KRAFT
126 West Spring Street
New Albany, Indiana 47150

[champions pointe-modifications

**"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.**

(Name) JOHN A. KRAFT "

Exhibit A

Champions Pointe Architectural Requirements

Architectural Requirements - The following Sections have been, or are ready to be, developed and will have the following minimum floor areas, roof pitch, exterior construction materials, and garage requirements:

1. **The Masters Sections (87 Lots - on Recorded sheets 2, 3 & 4) – aka Section 1 in the development sequence and Section I on the PUD site plan –**
 1. **Non-Golf Course Lots**
 - a. Ranch = 1600 Square Feet
 - b. 1 ½ Story = 1800 Square Feet
 - c. 2 Story = 2000 Square Feet
 - i. Minimum Square Footage on 1st floor for 2 stories = 1000
 - ii. Minimum Roof Pitch Minimum – 8/12
 - iii. Minimum Exterior Ratio – 75% Masonry/25% Siding
 - iv. Garage Entry – Courtyard side, Side, Rear only
 2. **Golf Course Lots**
 1. Ranch = 2000 Square Feet
 2. 1 ½ Story = 2200 Square Feet
 3. 2 Stories = 2400 Total Square Feet
 - i. Minimum Square Footage on 1st floor for 2 stories = 1200
 - ii. Minimum Roof Pitch Minimum – 8/12
 - iii. Minimum Exterior Ratio – 75% Masonry/25% Siding
 - iv. Garage Entry – Courtyard side, Side, Rear only
2. **Bay Hill Villas (46 Lots) – aka Section 2 in the development sequence and Section A on the PUD site plan –**
 1. Ranch = 1400 Square Feet
 2. 1 ½ Story = 1600 Square Feet
 3. 2 Stories = 1600 Total Square Feet
 4. Minimum Square Footage on 1st floor for 2 stories = 800
 5. Minimum Roof Pitch Minimum – 7/12
 6. Minimum Exterior Ratio – Predominant Masonry with Siding Accents
 7. Garage Entry – Courtyard side entry with some front load garages, depending on the lot limitations
3. **Pine Valley Villas (40 Lots) – aka Section 3 in the development sequence and Section C on the PUD site plan –**
 1. Ranch = 1400 Square Feet
 2. 1 ½ Story = 1600 Square Feet
 3. 2 Stories = 1600 Total Square Feet
 4. Minimum Square Footage on 1st floor for 2 stories = 800
 5. Minimum Roof Pitch Minimum – 7/12
 6. Minimum Exterior Ratio – No required ratio, but must have a combination of both masonry brick or stone and hardy plank siding (or similar); The architectural style must be 'cottage' or 'craftsman' style
 7. Garage Entry – Front load garages

4. **The Augusta Section 4A (3 Lots) and 5A (20 Lots) – aka Sections 4 and 5 in the development sequence and Section G on the PUD site plan –**
 1. Ranch = 1600 Square Feet
 2. 1 ½ Story = 1800 Square Feet
 3. 2 Stories = 2000 Total Square Feet
 4. Minimum Square Footage on 1st floor for 2 stories = 1000
 5. Minimum Roof Pitch Minimum – 8/12
 6. Minimum Exterior Ratio – 50% Masonry/50% Siding
 7. Garage Entry – Courtyard side, Side, Rear only
5. **The Augusta Section 4B (10 Lots) – aka Section 4 in the development sequence and Section J on the PUD site plan –**
 1. Ranch = 2000 Square Feet
 2. 1 ½ Story = 2200 Square Feet
 3. 2 Stories = 2400 Total Square Feet
 4. Minimum Square Footage on 1st floor for 2 stories = 1200
 5. Minimum Roof Pitch Minimum – 8/12
 6. Minimum Exterior Ratio – 75% Masonry/25% Siding
 7. Garage Entry – Courtyard side, Side, Rear only
6. **Augusta Section 6A (30 Lots) – aka Section 6 in the development sequence and Section L on the PUD site plan –**
 1. Ranch = 2000 Square Feet
 2. 1 ½ Story = 2200 Square Feet
 3. 2 Stories = 2400 Total Square Feet
 4. Minimum Square Footage on 1st floor for 2 stories = 1200
 5. Minimum Roof Pitch Minimum – 8/12
 6. Minimum Exterior Ratio – 75% Masonry/25% Siding
 7. Garage Entry – Courtyard side, Side, Rear only