

INSTRUMENT #: 20250911  
TERRI L. GRAVES, RECORDER  
WASHINGTON COUNTY, SALEM IN  
RECORDED AS PRESENTED  
03/28/2025 02:48:54 PM  
NUMBER OF PAGES: 5  
FILED

**AMENDMENT CORRECTING SCRIVENERS ERROR ON MINIMUM ROOF PITCH  
IN DECLARATION DECLARING AND GRANTING FIFTY FOOT NON-EXCLUSIVE  
UTILITY EASEMENT AND  
DECLARING COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS  
FOR WASHINGTON COUNTY 4 LOTS  
RECORDED ON JULY 29, 2024 AS INSTRUMENT 20242294**

DECLARANT'S SOURCE OF TITLE IS FROM WARRANTY DEED  
DATED MAY 24, 2024 AND RECORDED ON THE 5<sup>th</sup> DAY OF JUNE, 2024 IN THE  
WASHINGTON COUNTY  
RECORDERS OFFICE AS INSTRUMENT NO: 20241724

THIS AMENDMENT CORRECTS A SCRIVENERS ERROR ON THE MINIMUM ROOF  
PITCH SET FORTH IN THE ORIGINAL DECLARATION RECORDED AS INSTRUMENT  
20242294 ON JULY 29, 2024

Prepared by:

Roger S. Curry VP  
1950 S. Morgantown Rd.  
Morgantown IN. 46160

**AMENDMENT CORRECTING SCRIVENERS ERROR ON MINIMUM ROOF PITCH  
IN DECLARATION DECLARING AND GRANTING FIFTY FOOT NON-EXCLUSIVE  
UTILITY EASEMENT AND  
DECLARING COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS  
FOR WASHINGTON COUNTY 4 LOTS RECORDED ON JULY 29, 2024 AS  
INSTRUMENT 20242294**

THIS AMENDMENT CORRECTING SCRIVENERS ERROR ON MINIMUM ROOF PITCH IN DECLARATION DECLARING AND GRANTING FIFTY FOOT NON-EXCLUSIVE UTILITY EASEMENT AND DECLARING COVENANTS, CONDITIONS, AND EASEMENTS, AND RESTRICTIONS FOR WASHINGTON COUNTY 4 LOTS RECORDED ON JULY 29, 2024 AS INSTRUMENT 20242294 (the "Amendment"), is made on the 26<sup>th</sup> day of March, 2025 (the "Effective Date") by FFCIC/KM LLC hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS Declarant is the owner of certain property in Washington County, State of Indiana, which is more particularly described in Exhibit A, attached hereto, and incorporated herein by reference, hereinafter referred to as the "Real Estate."

WHEREAS, Declarant's source of title to the Real Estate is from that certain Warranty Deed dated May 23, 2024, and recorded on the 5<sup>th</sup> day of June, 2024 in the Washington County Recorder's Office as Instrument No. 20241724.

WHEREAS, Declarant heretofore filed for record that certain DECLARATION DECLARING AND GRANTING FIFTY FOOT NON-EXCLUSIVE UTILITY EASEMENT AND DECLARING COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS FOR WASHINGTON COUNTY 4 LOTS dated June 30, 2024 and recorded in the Washington County Recorder's Office on July 29, 2024 as Instrument No 20242294 (the "Original Declaration"), which said Original Declaration set forth and declared certain Covenants, Conditions, and Restrictions applicable to the Real Estate;

WHEREAS, said Original Declaration erroneously provided in Article IV, Section 4 that all single family dwellings or residences must meet a requirement that the roof pitch be a minimum of 4:4;

WHEREAS, the reference in said Original Declaration in Article IV, Section 4 to a roof pitch minimum of 4:4 was a scrivener's error and the correct roof pitch minimum is 4:12;

WHEREAS, Declarant has executed and is recording this Amendment for purposes of correcting said scrivener's error and certifying and confirming that the correct roof pitch that all single family dwellings or residences must meet is 4:12;

WHEREAS, Article VIII, Section 2 grants to Declarant the right to make reasonable amendments to this Declaration if required in order to provide for the orderly development of the Real Estate and the sale of Lots comprising the Washington County 4 Lots during such period of time as Declarant shall have an ownership interest in the Real Estate, which Amendment shall be accomplished by an instrument executed by Declarant filed in the office of the Washington County, Indiana Recorder.

NOW THEREFORE, Declarant hereby executes and files this Amendment for purposes of correcting the scrivener's error in the reference in the Original Declaration in Article IV, Section 4 to a minimum roof pitch of 4:4 and correctly setting forth the restriction that there is a minimum roof pitch of 4:12, to wit:

1. Memorialization of Corrected Roof Pitch in Article IV, Section 4 of Original Declaration. Notwithstanding any provisions to the contrary elsewhere contained in the Original Declaration, Declarant hereby states and declares that Article IV, Section 4 of the Original Declaration is hereby deleted and replaced by the following:

ARTICLE IV, USE RESTRICTIONS, Section 4. Building Size Restrictions/Materials Used is hereby amended and restated to provide:

Section 4. Building Size Restrictions/Materials Used: Only single-family dwellings shall be constructed on any of the Lots which are to be created out of the above-described Real Estate, and no such single-family dwellings shall be permitted unless the enclosed area, exclusive of carport, garage, or open porch, conforms to the Washington County, Indiana Building Codes and the following square footage requirements:

- (a) All one-story dwellings shall contain not less than 1,250 feet.
- (b) All two-story dwellings shall contain not less than 1,000 square feet of ground floor area.
- (c) All story and one-half dwellings shall contain not less than 1,000 square feet of ground floor area and shall not be less than 1,450 square feet overall.
- (d) All bi-level or tri-level dwellings shall contain not less than 1,000 square feet of area on the lowest levels of said structure above ground level.

In addition, all single family dwellings or residences must meet the following additional

requirements:

- (a) No earth berm homes are permitted, provided this shall not be construed to prevent basement, and basements that otherwise comply with the requirements of this Declaration are permitted.
  - (b) All roof pitches must be a minimum of 4:12.
  - (c) To the extent practical, all utilities shall be underground.
  - (d) Barn Houses may be constructed, provided they meet all Washington County, Indiana building codes and otherwise comply with the requirements of this Declaration.
2. Additional Provisions. Except as herein specifically provided for correcting the scrivener's error regarding a minimum roof pitch, the Original Declaration is hereby ratified and confirmed in all respects.
3. Authority to Execute. The undersigned person executing this Amendment represents and certifies that he has been fully and properly empowered to execute this Amendment on behalf of the Declarant and that all appropriate company action has been taken and done.

IN WITNESS WHEREOF, FFCIC/KM LLC., has executed this AMENDMENT CORRECTING SCRIVENERS ERROR ON MINIMUM ROOF PITCH IN DECLARATION DECLARING AND GRANTING FIFTY FOOT NON-EXCLUSIVE UTILITY EASEMENT AND DECLARING COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS FOR WASHINGTON COUNTY 4 LOTS RECORDED ON JULY 29, 2024 AS INSTRUMENT 20242294.

Declarant  
FFCIC/KM LLC

By: Roger S. Curry  
Roger S. Curry, Vice President

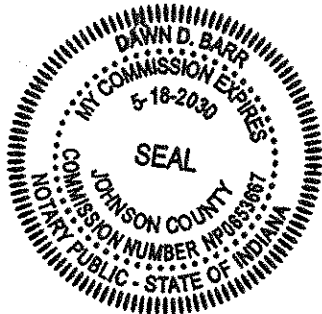
STATE OF INDIANA            )  
  ) SS:  
COUNTY OF JOHNSON        )

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 26<sup>th</sup> day of March, 2025, at which time Roger S. Curry, Vice President of FFCIC/KM LLC, personally appeared and acknowledged the execution of the above and foregoing AMENDMENT CORRECTING SCRIVENERS ERROR ON MINIMUM ROOF PITCH IN DECLARATION DECLARING AND GRANTING FIFTY FOOT NON-EXCLUSIVE UTILITY EASEMENT AND DECLARING COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS FOR WASHINGTON COUNTY 4 LOTS RECORDED ON JULY 29, 2024 AS INSTRUMENT 20242294 to be his voluntary act and deed.

My Commission Expires:

Dawn D. Barr  
Notary Public

5-18-2030



Dawn D. Barr  
Name Printed

Johnson  
County of Residence

This instrument prepared by: Roger S. Curry Vice President, 1950 South Morgantown Road Morgantown IN. 46160

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.

Roger S. Curry  
Roger S. Curry

## EXHIBIT A

**The Real Estate consists of the following legally described real estate located in Washington County, Indiana, to wit:**

BEING PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 3 NORTH, RANGE 5 EAST, GIBSON TOWNSHIP, WASHINGTON COUNTY, AND BEING ALL OF THE LANDS CONVEYED TO W.C. GARRIOTT, WILLIAM C. GARRIOTT, AND CHARLES E. GARRIOTT (INST #20003470), RECORDS OF THE RECORDER'S OFFICE OF WASHINGTON COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A IRON PIN FOUND MARKING THE NORTHWEST CORNER OF SAID QUARTER; THENCE WITH THE NORTH LINE OF SAID QUARTER S89°25'08"E FOR A DISTANCE OF 1290.71 FEET TO A NAIL FOUND ON THE APPROXIMATE CENTERLINE OF MOUNT ROAD, MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE ALONG SAID ROAD AND WITH THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER S00°11'50"E FOR A DISTANCE OF 894.92 FEET TO A MAG NAIL SET; THENCE WITH THE NORTHERLY RIGHT OF WAY OF STATE ROAD 56 FOR THE FOLLOWING THREE (3) COURSES AND DISTANCES:

- 1) S16°48'42"W FOR A DISTANCE OF 395.49 FEET TO A PIN SET;
- 2) S88°56'22"W FOR A DISTANCE OF 434.16 FEET TO A PIN SET;
- 3) THENCE WITH A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 3919.72

FEET, AND ARC LENGTH OF 319.01 FEET, A CHORD BEARING OF S86°31'18"W FOR A DISTANCE OF 318.92 FEET TO A PIN SET; THENCE WITH THE NORTH LINE OF THE LANDS CONVEYED TO JOHN M. HUDSON AND JENNA R. PLASSE (INST #20194211) N88°54'56"W FOR A DISTANCE OF 426.41 FEET TO A PIN SET ON THE WEST LINE OF SAID QUARTER; THENCE WITH SAID WEST LINE N00°01'32"W FOR A DISTANCE OF 1305.90 FEET TO THE POINT OF BEGINNING.

CONTAINING 37.893 ACRES MORE OR LESS AND BEING SUBJECT TO ALL EASEMENTS AND LEGAL RIGHTS-OF-WAY OF RECORD.