

**DECLARANT'S AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
FOR
14797 NORTH STATE ROAD 156, PATRIOT, INDIANA LOTS
AND GRANTING AND DECLARING UTILITY AND ACCESS EASEMENTS
RECORDED ON MARCH 3, 2025 AS INSTRUMENT 2025000379**

DECLARANT'S SOURCE OF TITLE IS FROM WARRANTY DEED
DATED AUGUST 21, 2024 AND RECORDED ON THE 29TH DAY OF AUGUST, 2024 IN
THE SWITZERLAND COUNTY
RECORDERS OFFICE AS INSTRUMENT NO: 2024001111

AND FROM CORRECTIVE DEED RE-RECORDED TO CORRECT ERROR IN GRANTEE
ON THE 23RD DAY OF OCTOBER 2024 IN THE SWITZERLAND COUNTY
RECORDERS OFFICE AS INSTRUMENT NO: 2024001372

THIS AMENDMENT REVISES ARTICLE VIII, SECTION 2 (a) OF THE ORIGINAL
DECLARATION RECORDED ON MARCH 3, 2025 AS INSTRUMENT 2025000379

Prepared by:

Khloe Anderson, Manager
1950 S. Morgantown Rd.
Morgantown IN. 46160

**DECLARANT'S AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
14797 NORTH STATE ROAD 156, PATRIOT, INDIANA LOTS
AND GRANTING AND DECLARING UTILITY AND ACCESS EASEMENTS
RECORDED ON MARCH 3, 2025 AS INSTRUMENT 2025000379**

THIS DECLARANT'S AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 14797 NORTH STATE ROAD 156, PATRIOT, INDIANA LOTS AND GRANTING AND DECLARING UTILITY AND ACCESS EASEMENTS RECORDED ON MARCH 3, 2025 AS INSTRUMENT 2025000379 (the "Amended Declaration"), is made on the 8th day of April, 2025 (the "Effective Date") by FFCIC/RM, LLC, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of a certain 144.287- acre parcel of real estate located in Switzerland 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 August 21, 2024 and recorded on the 29th day of August, 2024 in the Switzerland County Recorder's Office as Instrument No: 2024001111 and from a Corrective Deed re-recorded to correct error in the Grantee on the 23rd day of October 2024 in the Switzerland County Recorder's Office as Instrument No: 2024001372.

WHEREAS, Declarant heretofore filed for record that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 14797 NORTH STATE ROAD 156, PATRIOT INDIANA LOTS AND GRANTING AND DECLARING UTILITY AND ACCESS EASEMENTS dated February 27, 2025 and recorded in the Switzerland County Recorder's Office on March 3, 2025 as Instrument No 2025000379 (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 provided in Article VIII Section 2 (a) that the Declarant and any Association responsible for Common Area had the right to charge reasonable admission and other fees for the use of recreational facilities situated upon the Common Area;

WHEREAS, the Declarant has determined to modify said Article VIII Section 2 (a) to provide that any such reasonable admission and other fees charged by Declarant or any Association for the use of recreational facilities situated upon the Common Area shall not exceed \$360.00 per year in 2025 US Dollars without the unanimous voting and consent of all Owners;

WHEREAS, Declarant has executed and is recording this Amendment for purposes of deleting the original Article VIII Section 2 (a) and replacing same with a revised Article VIII

Section 2 (a) that provides that any such reasonable admission and other fees charged by Declarant or by any Association for the use of recreational facilities situated upon the Common Area shall not exceed \$360.00 per year in 2025 US Dollars without the unanimous vote and consent of all Owners;

WHEREAS, Article VII, 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 Patriot 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 Switzerland County, Indiana Recorder.

WHEREAS, Declarant is the sole Owner of all of the Real Estate, and thus of all Lots, and Declarant has determined to amend Article VIII Section 2 (a) in order to provide for the orderly development of the Real Estate and the sale of Lots comprising the Patriot Lots, and Declarant is fully authorized by said Article VII, Section 2 to make this Amended Declaration and file same in the office of the Switzerland County, Indiana Recorder.

NOW THEREFORE, Declarant hereby executes and files this Amended Declaration for purposes of providing that any reasonable admission and other fees charged by Declarant or by any Association for the use of recreational facilities situated upon the Common Area shall not exceed \$360.00 per year in 2025 US Dollars without the unanimous voting and consent of all Owners.

1. Amendment to Article VIII Section 2 (a) of Original Declaration. Notwithstanding any provisions to the contrary elsewhere contained in the Original Declaration, Declarant hereby states and declares that Article VIII Section 2 (a) of the Original Declaration is hereby deleted in its entirety and is replaced by the following:

(a) The right of the Declarant, or in the event Declarant determines not to be responsible for the Common Area and sets up an Association (the "Association") for purposes thereof, then the right of any such Association, to (i) charge reasonable admission and other fees for the use of recreational facilities, if any, situated upon the Common Area, provided however reasonable admission and other fees for the use of recreational facilities, if any, situated upon the Common Area shall not exceed \$360.00 per year in 2025 US Dollars, with years subsequent to 2025 not exceeding \$360.00 adjusted for inflation under government standard inflation index, unless any such higher admission and other fee is approved by the unanimous vote and consent of all Lot Owners, (ii) to fine any Owner or make any Special Assessment against any Owner in the event any Owner or any person whose permitted right to use Common Areas derives from such Owner violates any rules or regulations of this

Declaration or promulgated by any Association in the event Declarant determines not to be responsible for the Common Area and sets up an Association for purposes thereof;

2. Additional Provisions. Except as herein specifically provided for replacing Article VIII, Section 2 (a) of the Original Declaration, the Original Declaration is hereby ratified and confirmed in all respects.
3. Authority to Execute. The undersigned person executing this Amended Declaration represents and certifies that she has been fully and properly empowered to execute this Amended Declaration on behalf of the Declarant and that all appropriate company action has been taken and done.

IN WITNESS WHEREOF, FFCIC/RM LLC, has executed this DECLARANT'S AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 14797 NORTH STATE ROAD 156, PATRIOT, INDIANA LOTS AND GRANTING AND DECLARING UTILITY AND ACCESS EASEMENTS RECORDED ON MARCH 3, 2025 AS INSTRUMENT 2025000379 this 8th day of April, 2025.

Declarant
FFCIC/RM LLC

By: _____
Khloe Anderson, Manager

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Subscribed and sworn to before me, a Notary Public in and for said County and State, this _____ day of _____, 2025, at which time Khloe Anderson, Manager of FFCIC/RM LLC, personally appeared and acknowledged the execution of the above and foregoing DECLARANT'S AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 14797 NORTH STATE ROAD 156, PATRIOT, INDIANA LOTS AND GRANTING AND DECLARING UTILITY AND ACCESS EASEMENTS RECORDED ON MARCH 3, 2025 AS INSTRUMENT 2025000379 to be her voluntary act and deed.

My Commission Expires:

Notary Public

Name Printed

County of Residence

This instrument prepared by: Khloe Anderson, Manager, 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.

Khloe Anderson

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EXHIBIT A

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

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 76-02-25-200-010.000-006

A PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 3, RANGE 1 WEST BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION ON THE OHIO RIVER; THENCE DOWN SAID RIVER AT THE EAST COURSE WITH THE MEANDERS THEREOF 75 PERCH TO A STAKE ON THE BANK OF THE OHIO RIVER; THENCE SOUTH 165 PERCH TO A STAKE WITNESSES BY A BUCKEYE, ONE PERCH NORTHEAST AND AN IRONWOOD 1 PERCH SOUTHEAST; THENCE WEST 75 PERCH TO A STAKE IN THE WEST LINE OF SAID SECTION; THENCE NORTH 160 PERCH TO THE PLACE OF BEGINNING CONTAINING 75 ACRES, MORE OR LESS.

ALSO, A PART OF FRACTIONAL SECTION 25, TOWNSHIP 3, RANGE 1 WEST AND DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE OR STAKE AT THE EDGE OF THE OHIO RIVER 75 POLES EAST OR DOWN SAID RIVER FROM THE NORTHWEST CORNER OF SAID FRACTIONAL SECTION; THENCE SOUTH 1.60 POLES MORE OR LESS TO A STAKE OR STONE; THENCE EAST 61 POLES MORE OR LESS TO A STAKE OR STONE IN THE EAST SIDE OF A CREEK OR RUN; THENCE NORTHWARDLY DOWN SAID RUN 47.37 CHAINS TO THE OHIO RIVER; THENCE UP SAID RIVER WITH THE MEANDERINGS THEREOF 93.16 POLES TO THE PLACE OF BEGINNING, CONTAINING 70.04 ACRES, MORE OR LESS.

LESS AND EXCEPTING THEREFROM THE FOLLOWING:

A PART OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 25, TOWNSHIP 3 NORTH, RANGE 1 WEST, DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST SECTION LINE OF SAID SECTION 25 AT A POINT WHERE IT INTERSECTS THE LOW WATER MARK OF THE OHIO RIVER AND BEING 205 FEET NORTH OF THE CENTERLINE OF STATE HIGHWAY #156; THENCE RUNNING SOUTH 380 FEET; THENCE EAST 125 FEET; THENCE NORTH 380 FEET TO THE RIVER; THENCE UP THE RIVER WEST 125 FEET TO THE PLACE OF BEGINNING, CONTAINING ONE AND NINE HUNDREDTHS (1.09) ACRES, MORE OR LESS.

NOW BEING DESCRIBED AS FOLLOWS:

SITUATED IN FRACTIONAL SECTION 25, TOWNSHIP 3 NORTH, RANGE 1 WEST, POSEY TOWNSHIP, SWITZERLAND COUNTY, INDIANA, AND BEING PART OF THE LANDS CONVEYED TO RODERICK E. & MYRA S. DICKERSON (INST #2021512842) BEING THAT 144.287 AC. TRACT OF LAND SHOWN ON THE PLAT OF AN ORIGINAL SURVEY OF SAID TRACT CERTIFIED BY ERIC M. LANG, P.S. #21000192 LAST REVISED ON AUGUST 5, 2024, MCALLISTER LAND CONSULTING, LLC PROJECT 24 - SWITZCO.DICKERSON (ALL REFERENCES TO MONUMENTS AND COURSES HEREIN ARE AS SHOWN ON SAID PLAT OF SURVEY) DESCRIBED AS FOLLOWS:

EXHIBIT "A"
Legal Description

BEGINNING AT AN IRON PIN FOUND MARKING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID FRACTIONAL SECTION; THENCE WITH THE WEST LINE OF SAID FRACTIONAL SECTION NORTH 00 DEGREES 20'32" EAST FOR A DISTANCE OF 1383.42 FEET TO THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED TRACT, WITNESSED A IRON PIN FOUND 9.31 FEET EAST OF LINE; THENCE CONTINUING WITH SAID WEST LINE NORTH 00 DEGREES 20'32" EAST FOR A DISTANCE OF 2354.35 FEET TO A PIN SET; THENCE WITH SOUTH AND EAST LINE OF THE LANDS CONVEYED TO ALLEN RIDER ENTERPRISES, LLC (INST #2023001237) FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES;

- 1) SOUTH 89 DEGREES 51'08" EAST FOR A DISTANCE OF 125.00 FEET TO A PIN SET;
- 2) NORTH 00 DEGREES 20'38" EAST FOR A DISTANCE OF 405.20 FEET TO A POINT ON THE OHIO RIVER; THENCE ALONG SAID RIVER SOUTH 86 DEGREES 20'30" EAST FOR A DISTANCE OF 2652.41 FEET TO A POINT; THENCE WITH THE WEST LINE OF THE LANDS CONVEYED TO JON E. & TONYA M. BAKER (D.R. 141, PG. 134) SOUTH 41 DEGREES 24'01" WEST FOR A DISTANCE OF 305.07 FEET TO A POINT; THENCE WITH THE WEST LINE OF THE LANDS CONVEYED TO THE STATE INDIANA (RIGHT-OF-WAY) FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES:
 - 1) SOUTH 04 DEGREES 01'40" EAST FOR A DISTANCE OF 102.16 FEET TO A POINT;
 - 2) SOUTH 35 DEGREES 17'36" EAST FOR A DISTANCE OF 34.10 FEET TO A MAG NAIL FOUND ON THE APPROXIMATE CENTERLINE OF STATE ROAD 156; THENCE ALONG SAID ROAD NORTH 85 DEGREES 30'14" WEST FOR A DISTANCE OF 70.19 FEET TO A MAG NAIL FOUND; THENCE ALONG THE APPROXIMATE CENTERLINE OF TURNER'S BRANCH FOR THE FOLLOWING SEVENTEEN (17) COURSES AND DISTANCES:
 - 1) SOUTH 19 DEGREES 07'08" WEST FOR A DISTANCE OF 84.92 FEET TO A POINT;
 - 2) SOUTH 49 DEGREES 40'39" WEST FOR A DISTANCE OF 93.23 FEET TO A POINT;
 - 3) SOUTH 11 DEGREES 13'32" WEST FOR A DISTANCE OF 162.29 FEET TO A POINT;
 - 4) SOUTH 35 DEGREES 33'23" WEST FOR A DISTANCE OF 149.23 FEET TO A POINT;
 - 5) SOUTH 74 DEGREES 50'18" WEST FOR A DISTANCE OF 56.80 FEET TO A POINT;
 - 6) SOUTH 39 DEGREES 09'01" WEST FOR A DISTANCE OF 113.09 FEET TO A POINT;
 - 7) SOUTH 17 DEGREES 21'22" WEST FOR A DISTANCE OF 236.82 FEET TO A POINT;

EXHIBIT "A"
Legal Description

- 8) SOUTH 26 DEGREES 50'47" WEST FOR A DISTANCE OF 96.61 FEET TO A POINT;
 - 9) SOUTH 26 DEGREES 33'18" EAST FOR A DISTANCE OF 182.47 FEET TO A POINT;
 - 10) SOUTH 22 DEGREES 24'00" EAST FOR A DISTANCE OF 188.83 FEET TO A POINT;
 - 11) SOUTH 36 DEGREES 30'52" EAST FOR A DISTANCE OF 70.57 FEET TO A POINT;
 - 12) SOUTH 03 DEGREES 00'68" WEST FOR A DISTANCE OF 214.24 FEET TO A POINT;
 - 13) SOUTH 33 DEGREES 16'44" EAST FOR A DISTANCE OF 271.33 FEET TO A POINT;
 - 14) SOUTH 18 DEGREES 36'24" WEST FOR A DISTANCE OF 100.39 FEET TO A POINT;
 - 15) SOUTH 08 DEGREES 23'24" EAST FOR A DISTANCE OF 130.97 FEET TO A POINT;
 - 16) SOUTH 16 DEGREES 24'35" WEST FOR A DISTANCE OF 243.96 FEET TO A POINT;
- SOUTH 36 DEGREES 51'07" FOR A DISTANCE OF 165.77 FEET TO A PIN SET; THENCE WITH THE NORTH LINE OF MICHAEL W. & SHERYL L. OATMAN'S LAND (D.R. 111, PAGE 201) NORTH 89 DEGREES 18'14" WEST FOR A DISTANCE OF 2235.07 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

GENERAL DEPICTION AND LAY OUT 14797 NORTH STATE ROAD LOTS

