

SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CODNITIONS AND
RESTRICTIONS FOR HEARTHSTONE

THIS SIXTH AMENDMENT is entered into this ____ day of _____, 2012, by the Hearthstone Owners Association, Inc. (hereinafter referred to as "Association") an Indiana not-for-profit corporation, pursuant to the approval of the owners.

I. RECITALS

A. On August 3, 2005, Hearthstone/Dyer Development LLL, ("Declarant"), recorded a Declaration of Covenants, Conditions and Restrictions for Hearthstone, which document was recorded as Document No. 2005-064678, in the Office of Recorder of Lake County.

B. On July 27, 2006, Declarant recorded a First Amendment to Declaration of Covenants, Conditions and Restrictions for Hearthstone, recorded as Document No. 2006-065309, in the Office of Recorder of Lake County.

C. On April 28, 2008, Declarant recorded a Second Amendment to Declaration of Covenants, Conditions and Restrictions for Hearthstone, recorded as Document No. 2008-030534, in the Office of Recorder of Lake County.

D. On October 17, 2008, Declarant recorded a Third Amendment to Declaration of Covenants, Conditions and Restrictions for Hearthstone, recorded as Document No. 2008-071417, in the Office of Recorder of Lake County.

E. On September 29, 2010, Declarant recorded a Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Hearthstone, recorded as Document No. 2010-056594, in the Office of Recorder of Lake County.

F. On January 11, 2011, Declarant recorded a Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Hearthstone, recorded as Document No. 2011-000768, in the Office of Recorder of Lake County.

G. A of the above-recorded Declarations shall be referred to collectively as the "Declaration".

H. On _____, 2011, Declarant transferred control of Association to the owners of the Units.

I. Section 12.02c provided that the Declaration may be changed or modified by an instrument in writing setting forth such change or modification, signed and acknowledged by the Board, the Owners having at least sixty-seven (67%) of the total membership.

J. Section 10.02a sets forth: "Every Dwelling shall be located and in accordance with the applicable governmental building and zoning codes and with such additional specifications and standards as may be required by the Architectural Control Committee after all construction plans and specifications (including, but not limited to those for grading and site work, excavation, and specifications showing the nature, kind, shape, heights, materials, color scheme, location, elevations and approximate cost of all Dwellings), along with a staked survey (showing the elevations of all corners of the Lots), have been submitted to, and approved in advance in writing by, the Architectural Control Committee. No storage shed shall be permitted."

II. AMENDMENT

A. The Association, as authorized by the Owners, desire to amend Section 10.02a of the Declaration as follows: "Every Dwelling shall be located and in accordance with the applicable governmental building and zoning codes and with such additional specifications and standards as may be required by the Architectural Control Committee after all construction plans and specifications (including, but not limited to those for grading and site work, excavation, and specifications showing the nature, kind, shape, heights, materials, color scheme, location, elevations and approximate cost of all Dwellings), along with a staked survey (showing the elevations of all corners of the Lots), have been submitted to, and approved in advance in writing by, the Architectural Control Committee."

B. The following language shall be added to Section 10.02:

(u) Sheds. Storage sheds are permitted provided they satisfy the following criteria: only one per Dwelling; the exterior of the shed shall match the exterior of the Dwelling in color or blend with the colors in a complimentary fashion; the same facade materials are not required; the size of the shed shall not exceed ten feet by ten feet (10' x 10'); it must be situated against or within three (3) feet of the rear elevation/foundation of the Dwelling; it shall comply at all times with Town code; and it shall be maintained. No shed shall be inconsistent with the general architectural design and aesthetic flavor or either (a) the Dwelling of such Lot or (b) the remainder of the Dwellings on the Property.

All sheds must receive the approval of the Architectural Control Committee prior to installation.

C. In all other respects all of the terms and conditions of the Declarations shall remain in full force and effect.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed on the date set forth above.

HEARTHSTONE OWNERS ASSOCIATION, INC.,
an Indiana not-for-profit corporation

By: _____
Gregory Harts, President

STATE OF INDIANA)
) SS:
COUNTY LAKE)

Before me, a Notary Public, duly authorized and acting in the above county and state, personally appeared HEARTHSTONE OWNERS ASSOCIATION, INC., by and through Gregory Harts, its President, and acknowledged execution of the foregoing Declaration.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this ____ day of _____, 2012.

Notary Public Signature

Printed Name

My Commission Expires: _____

County of Residence: _____

This Instrument Prepared by: Peter Bylen, 1st American Management Company, Inc., 3408 Enterprise Avenue, Valparaiso, Indiana 46383; Telephone: (219) 464-3536.