

# **COBBLEFIELD ESTATES**

## **COVENANT CLARIFICATION OF THE TERM STRUCTURE**

**AND**

### **RULE 1. (LAKE WATER DEPLETION)**

LOT \_\_\_\_\_

**COVENANT CLARIFICATION OF THE  
TERM STRUCTURE**

*Carroll*  
HANCOCK COUNTY RECORDER

9905932

99 APR 29 11:04

CLARIFICATION OF THE TERM STRUCTURE IN  
THE DECLARATION OF ADDITIONAL  
COVENANTS, CONDITIONS AND RESTRICTIONS  
OF COBBLEFIELD ESTATES

Clarification of the term "structure" is herein provided on this 26 day of April, 1999, by the Officers of the Cobblefield Estates Homeowners Association for paragraph 2a of the "Declaration of Additional Covenant, Conditions and Restrictions of Cobblefield Estates" recorded in the Office of the Recorder of Hancock County, Indiana on May 15, 1990, as Instrument No. 902779.

The Directors of the Cobblefield Homeowners Association (hereinafter referred to as "Directors") discovered on approximately April 15, 1999 that the term "structure" was not adequately defined in the Cobblefield Estates Covenants. A formal meeting with proper notice was held on April 26, 1999; after discussion and debate by the Directors, a motion was made by Tim Curry and seconded by John Ellis to make written findings with regard to the definition of the term "structure" in paragraph 2a of the "Declaration of Additional Covenant, Conditions and Restrictions of Cobblefield Estates" recorded in the Office of the Recorder of Hancock County, Indiana on May 15, 1990, as Instrument No. 902779 (hereinafter referred to as "Additional Covenants"). The Directors unanimously approved the findings on said motion:

- (1) the term "structure" in paragraph 2a of the Additional Covenants is vague, ambiguous and not defined by the by-laws and other documents governing Cobblefield Estates; and
- (2) the language of paragraph 2a of the Additional Covenants states that every lot "shall be used for single family residential purposes" and the construction of arbors, decks, bridges, walkways and gazebos is consistent with that purpose; and
- (3) the term "structure" in paragraph 2a of the Additional Covenants should be interpreted to not include arbors, decks, bridges, walkways or gazebos, and
- (4) plans for arbors, decks, bridges, walkways, and gazebos must be submitted to the Directors for approval. Approval is required prior to erection.

*Fred Macreno, Jr.*  
Fred Macreno, Jr.  
Director, President

*John C. Ellis*  
John C. Ellis  
Director, Vice President

*Timothy L. Curry*  
Timothy L. Curry  
Director

*Constance*  
HANCOCK COUNTY RECORDER  
59 APR 29 AM 11:04

9905932

Witness our hands this 26<sup>th</sup> day of April, 1999, at Greenfield, Indiana.

Signature: *Timothy L. Curry*

Printed: TIMOTHY L. CURRY

Signature: \_\_\_\_\_

Printed: \_\_\_\_\_

STATE OF INDIANA  
COUNTY OF Hancock

Personally appeared before me, a Notary Public, in and for said County and State,

this 26<sup>th</sup> day of April, 1999, Fred Macreno, Jr, John C.

Ellis, Timothy L. Curry  
who acknowledged the the above statement.

*Constance Sue Mahlke*  
Notary Public Signature

CONSTANCE SUE MAHLKE  
Notary Public Printed

Resident of MARION County

My commission expires Nov. 19, 1999

*Carl J. Weiss*

HANCOCK COUNTY RECORDER

9905932

99 APR 29 AM 11:04

Witness our hands this 26<sup>th</sup> day of April, 1999, at Greenfield, Indiana.

Signature: *Fred Macreno, Jr*

Printed: Fred Macreno, Jr

Signature: *John C. Ellis*

Printed: JOHN C. ELLIS

STATE OF INDIANA

COUNTY OF Hancock

Personally appeared before me, a Notary Public, in and for said County and State,

this 26<sup>th</sup> day of April, 1999, Fred Macreno, Jr, John C.

Ellis, Timothy L. Curry  
who acknowledged the the above statement.

*Constance Sue Mahlke*  
Notary Public Signature

CONSTANCE SUE MAHLKE  
Notary Public Printed

Resident of Marion County

My commission expires Nov. 19, 1999

**RULE 1.**

**(LAKE WATER DEPLETION)**

COBBLEFIELD HOMEOWNERS ASSOCIATION, INC.  
COBBLEFIELD ESTATES SUBDIVISION

1900  
6  
**COPY**

NOTICE OF ADOPTION OF RULES AND REGULATIONS

Dated: 8/29/00

TO ALL LOT OWNERS OF THE COBBLEFIELD ESTATES SUBDIVISION

You are hereby notified that on August 28, 2000, the Cobblefield Estates Homeowners Association, Inc. Board of Directors adopted Rules and Regulations relating to depletion of the subdivision's Lake water. A copy of the minutes of that meeting with the adopted Rules and Regulations appended thereto is attached hereto.

2008956

Ms. Sharon Sabla  
1024 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Richard Shepler  
1048 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Walter Eppler  
1066 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. John Ellis  
1086 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Steven Hawks  
1104 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Joe Moore  
1124 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Leon Moffett  
1142 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Robert Scroggs  
1170 Sandstone Court  
Greenfield, IN 46140

Mr. Scott Card  
1188 Sandstone Court  
Greenfield, IN 46140

Pastor and Mrs William Smith  
1200 Sandstone Court  
Greenfield, IN 46140

Mr. and Mrs. Jeff Laslie  
1212 Sandstone Court  
Greenfield, IN 46140

Mr. and Mrs. Joe Hawkins  
1224 Sandstone Court  
Greenfield, IN 46140

Mr. and Mrs. Don Staples  
1213 Sandstone Court  
Greenfield, IN 46140

Mr. and Mrs. Nicholas Dallas  
1201 Sandstone Court  
Greenfield, IN 46140

Mrs. Wingate  
1181 Sandstone Court  
Greenfield, IN 46140

Mr. and Mrs. Larry Cooper  
1157 Sandstone Court  
Greenfield, IN 46140

Mr. and Mrs. Vic Imes  
1153 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Fred Macreno  
1135 Cobblefield Way  
Greenfield, IN 46140

HANDS ON COUNTY RECORDER  
0046329 AM 10/17  
*Carly Schaefer*

Mr. and Mrs John Barry  
1075 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. William  
Worley  
7672 Fieldstone Court  
Greenfield, IN 46140

Miss Linda Barclay  
7654 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. William  
Burris  
7636 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Tracy  
Coleman  
7618 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Emmanuel  
Rosado  
7610 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Jay Jones  
7600 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Tim Curry  
7601 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Phil Rose  
7609 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Richard L.  
Ware  
7635 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. David  
Durbin  
7653 Fieldstone Court  
Greenfield, IN 46140

Dr. and Mrs. Ralph Rea  
7671 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Charles Page  
7689 Fieldstone Court  
Greenfield, IN 46140

Mr. and Mrs. Darren Moore  
1024 N. Buck Creek Road  
Greenfield, IN 46140

Mr. and Mrs. Scott Pierce  
1048 N. Buck Creek Road  
Greenfield, IN 46140

Mr. and Mrs. Jim Curran  
1066 N. Buck Creek Road  
Greenfield, IN 46140

Mr. and Mrs. Walter Althardt  
1135 N. Buck Creek Road  
Greenfield, IN 46140

Mr. and Mrs. Leo Hill  
1104 N. Buck Creek Road  
Greenfield, IN 46140

Mr. and Mrs. Robert E. Alexander  
1177 Cobblefield Way  
Greenfield, IN 46140

Mr. and Mrs. Roger Piercy  
1173 Cobblefield Way  
Greenfield, IN 46140

Mr. & Mrs. William Kachelmeyer  
7633 Brownstone Court  
Greenfield, IN 46140

00 AUG 29 AM 10:48  
HANCOCK COUNTY RECORDER  
*Erin J. Thomas*

2008966



**MINUTES OF THE SPECIAL MEETING**  
**OF THE DIRECTORS OF THE**  
**COBBLEFIELD HOMEOWNERS ASSOCIATION, INC.**

2008966

Pursuant to Section 3.10 of the By-Laws of the Cobblefield Homeowners Association, Inc., and upon call by Fred Macreno, Jr., President of the Board of Directors of the Cobblefield Homeowners Association, Inc. a special meeting of the Board of Directors of Cobblefield Homeowners Association, Inc. (hereinafter referred to as the "Corporation" and which is a corporation formed and existing under the laws of the State of Indiana) was held at 1135 Cobblefield Way, Greenfield, Indiana 46140, on August 28, 2000, at 7:00 P.M. The following were present: Fred Macreno, Jr., Tim Curry and David Durbin, being a quorum and all of the directors of the Corporation.

HANCOCK COUNTY RECORDER  
AUG 29 2000  
7:48  
*David Durbin*

Fred Macreno, Jr., President of the Board of Directors of Corporation, called the special meeting to order. A waiver of notice of the special meeting, subscribed by all the directors of the Corporation was then presented and read and it was ordered that such waiver be appended to the minutes of the meeting. It was noted that the purpose of the special meeting was discussion of and action on adoption of rules and regulations governing depletion of Cobblefield Estate Subdivision Lake water. The minutes of the preceding meeting of the board of directors were thereupon read and adopted.

The President then rendered a report indicating that at least one subdivision lot owner had installed a system to pump water from the subdivision Lake for use in irrigating his lawn. The report indicated that use of Lake water for any purpose outside its natural setting would possibly lower the Lake's level to a point where the Lake would become unsightly and no longer be in keeping with the purposes for which it was designed, would produce undesirable odors, would pose possible health hazards to subdivision residents and would result in an increased cost to the Corporation and its members (the subdivision lot owners) to maintain the Lake. The report further set forth specific calculations (noted below) showing that continued water depletion from the Lake could result in water level reductions of four (4) feet in a dry season:

Fourteen lots (17, 18, 19, 20, 21, 22, 23, 24, 25, 42, 43, 44, 45, 46) border the Cobblefield drainage Lake. The total area (of these combined lots) is 302,358, square feet. If an average of 3500 square feet for each house, associated walks and drives were subtracted; the remaining lawn area to be watered would be 253,358 square feet or 5.8 acres. The size of the drainage Lake is approximately one acre. The standard quantity of water recommended for lawn irrigation is one inch of water per week minimum. This means that in a very dry summer, as experienced in 1999, the water level in the drainage Lake would be reduced by approximately 6 inches per week or more than 24 inches in a month to irrigate the lawns on these 14 lots. In very dry weather conditions the water level in the Lake is already significantly reduced because of natural evaporation and

dam seepage and leakage. In the summer of 1999, the water level in the Lake was reduced 24 inches by evaporation and dam seepage and leakage. Thus, if the fourteen lot owners adjacent to the Lake elected to draw water from the Lake to irrigate their respective lawns, the water level would be reduced an additional 24 inches. Therefore, the total expected reduction in the water level of the Lake (in a dry season) would be 4 feet.

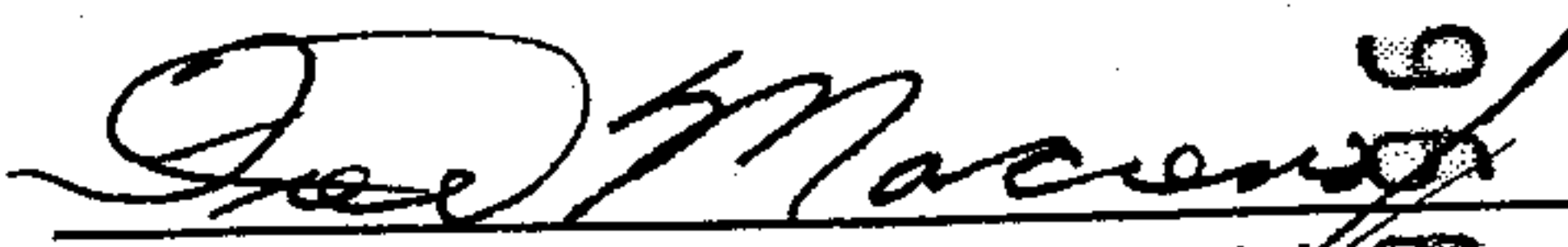
The President noted that the above water depletion consequences will result in decreased subdivision property values; health, noxious and nuisance concerns and conditions for subdivision lot owners; and decay of the subdivision as a whole and its lot owners individually. It was further noted that it would be in the best interest of the majority of subdivision lot owners for rules and regulations to be adopted prohibiting the depletion of the Lake's water except in cases relating to emergency use of the water by emergency rescue and fire personnel, within the scope of their duties thereas, to provide adequate fire protection to the Cobblefield Estates Subdivision.

A motion was then made by Tim Curry and seconded by David Durbin to adopt the attached Rules and Regulations pursuant to the Board's authority under Section Article III, Section 3.07(g), (i) and (J) of the By-Laws of the Cobblefield Homeowners Association, Inc. and paragraphs 4 and 8 of the Cobblefield Estates Subdivision Covenants dated December 15, 1989. After discussion and debate, the motion passed unanimously. The President directed that a copy of the attached Rules and Regulations be placed in the corporate "Turn Over" book and be distributed to all Cobblefield Estates Subdivision lot owners by September 15, 2000.

There being no further business before the meeting, on duly motion made, seconded and carried, the meeting was adjourned.

Respectfully submitted,

Signature:  
Printed:

  
Fred Macreno, Jr., President

Signature:  
Printed:

  
Tim Curry, Vice-President

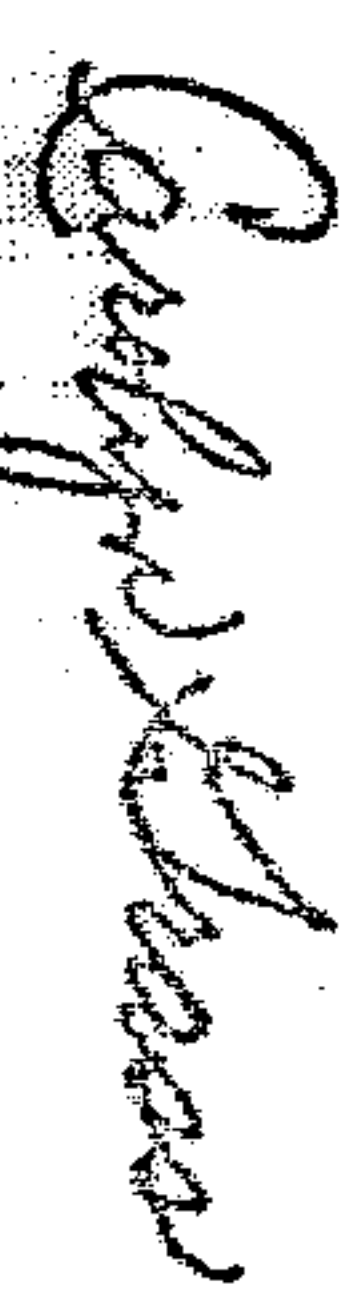
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David Durbin, Director

20089

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HANCOCK COUNTY RECORDER



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**WAIVER OF NOTICE OF THE SPECIAL MEETING**  
**OF THE DIRECTORS OF THE**  
**COBBLEFIELD HOMEOWNERS ASSOCIATION, INC.**

We, the undersigned, being all the directors of the Cobblefield Homeowners Association, Inc., (hereinafter referred to as "Corporation") hereby agree and consent that the special meeting of directors of the corporation be held on the date and at the time and place stated below for the purpose of discussion of and action on adoption of rules and regulations governing depletion of Cobblefield Estate Subdivision Lake water and of transacting any and all related business that should properly come before said meeting and hereby waive all notice of the meeting and any adjournment thereof.


Meeting Date: August 28, 2000

Meeting Time: 7:00 P.M.


Meeting Place: 1135 Cobblefield Way, Greenfield, Indiana 46140

Dated: August 28, 2000

Signature:  
Printed:

  
Fred Macreno, Jr., President

Signature:  
Printed:

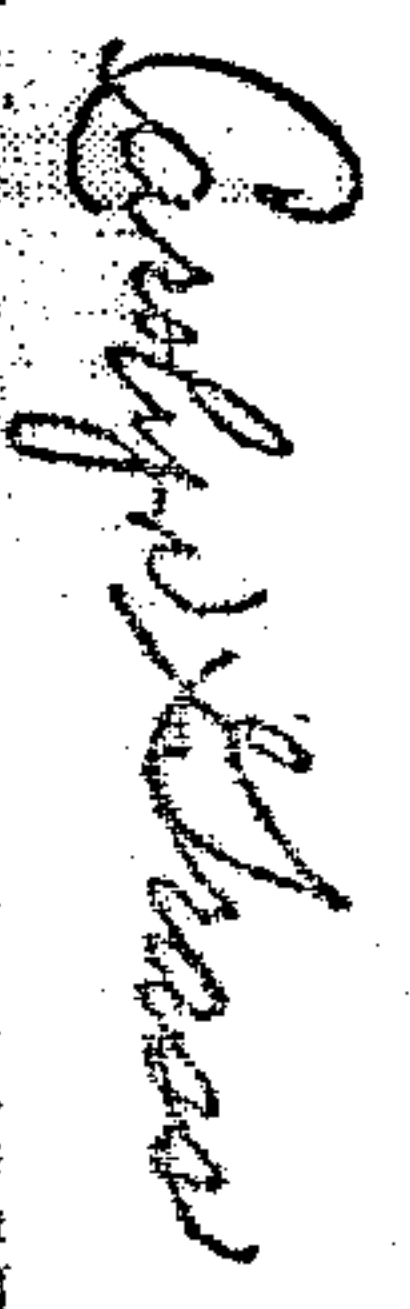
  
Tim Curry, Vice-President

Signature:  
Printed:

  
David Durbin, Director

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HANCOCK COUNTY RECORDER  
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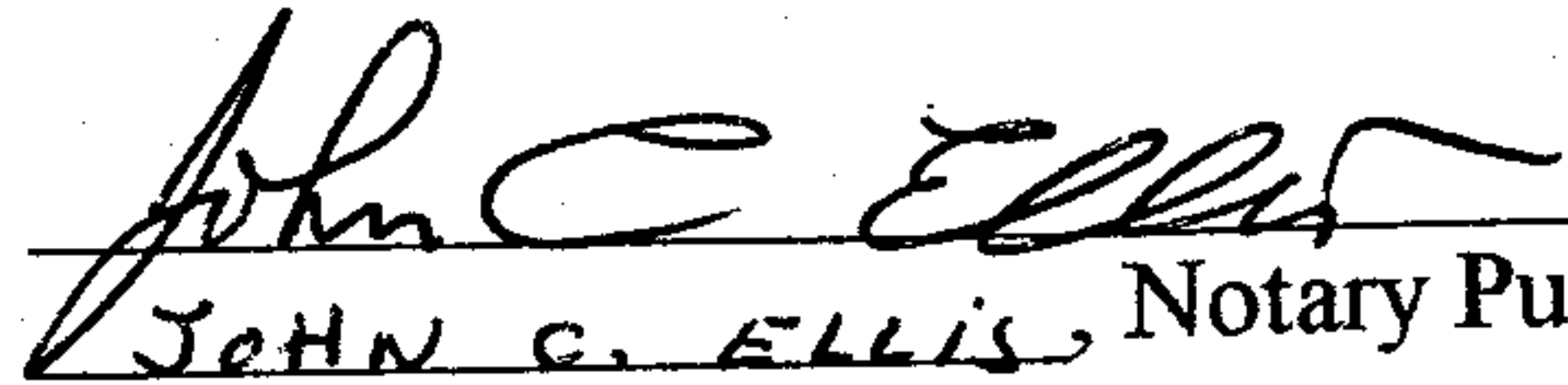
STATE OF INDIANA )  
 )  
COUNTY OF HANCOCK ) SS:

Before me, a Notary Public, in and for said County and State, personally appeared:

Fred Macreno, Jr. Tim Curry David Durbin

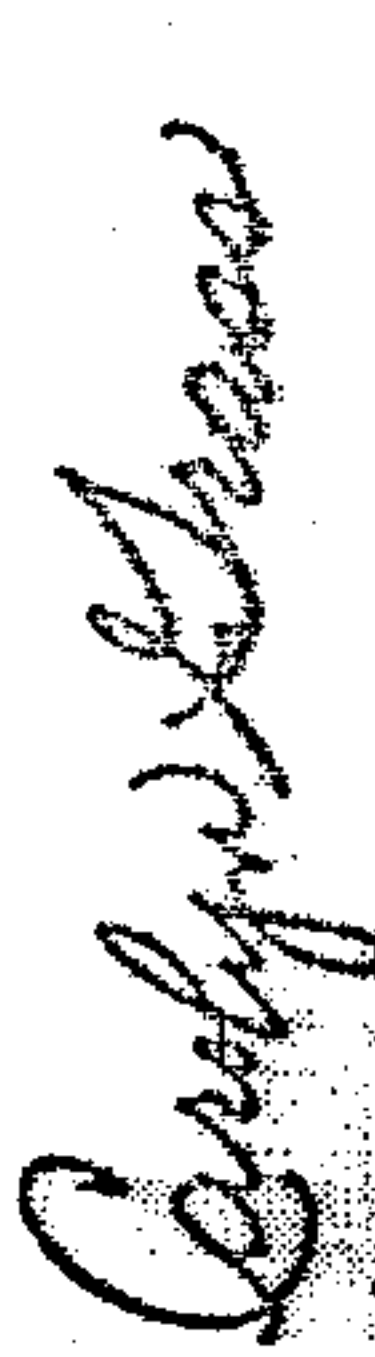
Known to me as the Officers of the Cobblefield Estates Homeowners Association, Inc.

Witness my hand and Notarial seal this 28<sup>TH</sup> day of AUGUST, 2000.

  
JOHN C. ELLIS, Notary Public

My Commission Expires:  
County of Residence:

JOHN C. ELLIS  
Notary Public, State of Indiana  
County of Hancock  
My Commission Expires 12/14/2006



HANCOCK COUNTY RECORDER

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2008966

**COBBLEFIELD HOMEOWNERS ASSOCIATION, INC.**  
**COBBLEFIELD ESTATES SUBDIVISION**

**RULES AND REGULATIONS**

Rule 1. Lake Water Depletion. Effective September 15, 2000, and thereafter, No Cobblefield Estates Subdivision lot owner, members of their family, invitees, guests, agents or representatives or any other person, firm or entity shall deplete the water in the Cobblefield Estates Subdivision "Lake" for any purpose whatsoever and by any means whatsoever except emergency rescue and fire personnel, operating within the scope of their duties thereas, may utilize the Lake's water in emergency circumstances as a means to provide adequate fire protection to the Cobblefield Estates Subdivision. Violation of this rule by any Cobblefield Estates Subdivision lot owner, members of their family, invitees, guests, agents or representatives, shall result in a fine on the lot owner of \$500.00 per calendar year which fine shall be collected by the Cobblefield Homeowners Association, Inc. in the same manner as payment of the annual assessment and shall be secured by a lien on the owner's lot and subject to late charges and interest to the same extent as a late payment of the annual assessment. (adopted August 28, 2000).

2008966

00 AUG 29 AM 10:48

HANCOCK COUNTY RECORDER

*Emily Thomas*

This instrument was prepared by John A. Apple, Attorney at Law  
8. W. Main St., Greenfield, IN 46140