

Key Number(s): 170-05917-0017 thru 0556;
170-05916-~~0205~~ (parent)
0348

**SECOND SUPPLEMENTAL DECLARATION of COVENANTS,
CONDITIONS and RESTRICTIONS of ARBOR CHASE**

This Second Supplemental Declaration of Covenants, Conditions and Restrictions of Arbor Chase ("Second Supplemental Declaration"), has been executed as of the 8th day of October, 2004, by Tippecanoe Development, LLC, an Indiana Limited Liability Company, ("Declarant").

RECITALS

1. Declarant has previously entered into a Declaration Agreement ("Declaration") dated December 15, 2004, and recorded January 30, 2004, as Document Number 04-002569 in the Office of the Recorder of Tippecanoe County, Indiana, restricting all Lots in the Property and Additional Real Estate as may be made subject to the Declaration.
2. Declarant has previously entered into a First Supplemental Declaration of Covenants, Conditions and Restrictions of Arbor Chase dated July 27, 2004 and recorded July 29, 2004, as Document Number 200404021807 in the Office of the Recorder of Tippecanoe County, Indiana for the purpose of providing additional definitions and amending certain sections of the Declarations.
3. The Declaration contemplates that the Declarant, as long as Declarant has any ownership interest in the Property, reserves the right to make amendments to the Declaration as

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DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER.

OCT 13 2004


AUDITOR OF TIPPECANOE CO.



Declarant may deem necessary or appropriate without the approval of any other person or entity, provided that the amendment is not prohibited by Section 10.3 Amendment to the Declaration and is not made subsequent to four years after the recordation of the Declaration.

4. This Second Supplemental Declaration is entered into by the Declarant affirming its ownership interest in the Property, for purpose of amending section 6.14 Residential Use of Article VI Use, Restrictions and Architectural Control and which is subject, in all respects, to this Declaration and all rights, obligations, and privileges herein.
5. All acts and things have been done and performed which are necessary by the Declarant that when executed and recorded in the Records of Tippecanoe County, Indiana, are enforceable with their respective terms and to make this Second Supplemental Declaration a valid and binding agreement.

NOW, THEREFORE, THIS SECOND SUPPLEMENTAL DECLARATION
WITNESSETH, THAT:

Article I. Definitions

Section 1.01 Definitions

(A) Unless otherwise provided herein, the terms defined in Article II of the Declaration shall, for all purposes, have the same meaning specified in the Second Supplemental Declaration.

(B) In addition, the terms defined in this Section 1.01(B) shall, for all purposes of this Second Supplemental Declaration, have the meanings specified in this Section 1.01(B).

“Second Supplemental Declaration” means this Second Supplemental Declaration authorizing the right to make amendments to the Declaration as Declarant is permitted to do so provided the

amendments do not violate Section 10.3 Amendment of the Declaration, Declarant has ownership interest in the Property, the amendments occur within four years after the recordation, and the amendment is recorded.

Article II. Amendment of Article VI Use, Restrictions and Architectural Control

Section 2.01 Amends Section 6.14 Residential Use

Article VI Use, Restrictions, and Architectural Control, Section 6.14 Residential Use, shall be amended by the deletion of this section in its entirety and replacing it with the following:

Section 6.14 Residential Use Lots shall be used only for residential purposes and only as single-family dwellings, with private garages of at least 528 square feet, and other such outbuildings as are usual and incidental to the use of a residential Lot may be constructed thereon. Lots in The Estates of Arbor Chase and Lots 56 through 69, 138 through 148, 201 through 203 and 223 through 226 in Arbor Chase by the Lakes shall have private garages which shall be side loaded and shall be at least 528 square feet. Lots in the Village of Arbor Chase shall have private garages and shall be at least 480 square feet. All Lots in this subdivision shall be designated as residential Lots, single family Lots, and no home shall exceed two and one-half (2 ½) stories or forty (40) feet in height.


Article III. Miscellaneous

Section 3.01 Miscellaneous

Except to the extent modified, amended, or supplemented by this Second Supplemental Declaration, the Declaration shall remain in full force and effect.

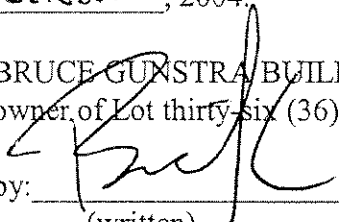
IN WITNESS WHEREOF, Tippecanoe Development, LLC an Indiana Limited Liability Company, has caused this Second Supplemental Declaration to be executed as of the date first written above.

TIPPECANOE DEVELOPMENT, LLC,
an Indiana Limited Liability Company

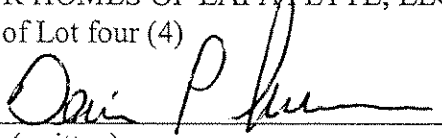
by: 
Derrin P. Sorenson, Member

The undersigned lot owners of the Subdivision hereby consent to this Second Supplemental Declaration of Covenants, Conditions and Restrictions of Arbor Chase this 8th day of October, 2004.

BRUCE GUNSTRA BUILDERS, INC.,
owner of Lot thirty-six (36)

by: 
(written)
BRIAN KEENE
(printed) (title)

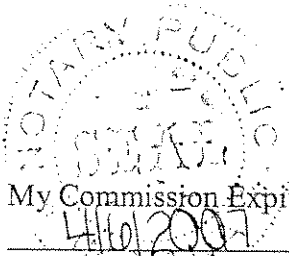
ARBOR HOMES OF LAFAYETTE, LLC,
owner of Lot four (4)

by: 
(written)
Derrin P. Sorenson member
(printed) (title)

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Tippecanoe Development, LLC, by Derrin P. Sorenson, Member, who, for and on behalf of said Company, acknowledged the execution of the foregoing Declaration, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 8th day of October, 2004.


My Commission Expires:
4/16/2007

Melissa M. Brooks
(written)
Melissa M Brooks
(printed)
NOTARY PUBLIC
Resident of Tippecanoe, IN.

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Bruce Gunstra Builders, Inc., by BRIAN REENIE, its SECRETARY, who, for and on behalf of said Corporation, acknowledged the execution of the foregoing Declaration, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 8th day of October, 2004.

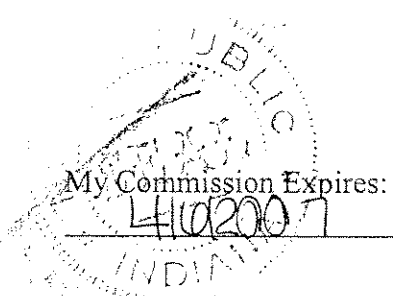

My Commission Expires:
4/16/2007

Melissa M. Brooks
(written)
Melissa M Brooks
(printed)
NOTARY PUBLIC
Resident of Tippecanoe, IN.

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Arbor Homes of Lafayette, LLC, by DEBBIE P. SORENSEN its MEMBER, who, for and on behalf of said Company, acknowledged the execution of the foregoing Declaration, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 8th day of October, 2004.



Melissa M. Brooks
(written)
Melissa M Brooks
(printed)

NOTARY PUBLIC
Resident of Tippecanoe, IN.

This instrument prepared by: Daniel A. Teder of the firm of Reiling Teder & Schrier, LLC, 415 Columbia Street, Suite 3000, P. O. Box 280, Lafayette, IN 47902-0280; Telephone: (765) 423-5333; Facsimile: (765) 423-4564; E-mail: dat@rtslawfirm.com