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FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF FOXMOOR

THIS FIRST AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF FOXMOOR (this "First Amendment") is made by COPENHAVER & CARTER DEVELOPERS, INC., an Indiana corporation ("Developer").

RECITALS

A. Developer, pursuant to a certain Declaration of Covenants, Conditions and Restrictions of Foxmoor which was recorded August 31, 1990 as Instrument No. 90011483 in the office of the Recorder of Johnson County, Indiana (the "Declaration"), established certain covenants, conditions and restrictions with respect to real estate to be developed into a single-family residential community commonly known as Foxmoor, such real estate being located in Johnson County, Indiana and more particularly described on Exhibit A attached hereto and hereby made a part hereof (the "Real Estate"). (MISC. 62 PAGE 808)

B. Pursuant to Section 11.2 of the Declaration, Developer reserved unto itself the right to amend the Declaration.

C. Developer hereby enters into this First Amendment in order to amend the Declaration upon the following terms and conditions.

NOW, THEREFORE, Developer hereby declares that the Real Estate is and shall be held, transferred, sold, conveyed, hypothecated, encumbered, leased, rented, used, improved and occupied subject to the following amendment to the Declaration:

1. The following is hereby added to the end of Paragraph No. 4 of the Supplemental Plat Covenants and Restrictions of Foxmoor attached as Exhibit C to the Declaration:

No fence shall be placed or permitted to remain upon any lot, except upon the rear property line of any lot which abuts property outside of the Real Estate (i.e. lots which abut property outside of Foxmoor).

2. All other terms and conditions of the Declaration, except as modified herein, shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment has been executed by Developer as of the 9th day of November, 1990.

COPENHAVER & CARTER
DEVELOPERS, INC.

BY: William E. Carter
William E. Carter, President

BY: Dennis E. Copenhaver
Dennis E. Copenhaver,
Secretary/Treasurer

INITIAL REAL ESTATE

A part of the West Half of the Southwest Quarter of Section 25, Township 14 North, Range 3 East of the Second Principal Meridian, Johnson County, Indiana more particularly described as follows:

Commencing at the Southeast corner of the West Half of the Southwest Quarter of Section 25, Township 14 North, Range 3 East; thence North $01^{\circ}39'54''$ East 1050.06 feet to the Point of Beginning of the herein described tract; thence North $89^{\circ}11'12''$ West parallel with the South line of said Quarter Section & 255.76 feet. Thence North $00^{\circ}48'48''$ East 480.00 feet; thence North $89^{\circ}11'12''$ West 61.14 feet; thence North $81^{\circ}58'40''$ West 199.23 feet; thence North $81^{\circ}11'12''$ West 173.30 feet; thence North $00^{\circ}48'48''$ East 137.93 feet to the point of curvature of a non-tangent curve concave southeasterly having a radius of 10.00 feet; thence North and Northwesterly along said curve an arc distance of 11.41 feet (said arc being subtended by a chord bearing North $88^{\circ}38'27''$ West and having a distance of 10.81 feet); thence North $44^{\circ}50'06''$ West 51.42 feet to the point of a curvature of a non-tangent curve concave Northerly having a radius of 10.00 feet; thence Northeasterly and Northerly along said curve an arc distance 15.51 feet (said arc being subtended by a chord bearing North $14^{\circ}12'36''$ East and having a distance of 14.00 feet); thence North $30^{\circ}13'48''$ West 1.04 feet; thence North $89^{\circ}11'12''$ West 165.95 feet; thence North $00^{\circ}48'48''$ East 70.89 feet; thence South $59^{\circ}46'12''$ West 440.21 to a point on the South right-of-way line of Fry Road; thence the following five (5) courses along said line; (1) North $32^{\circ}02'19''$ East 16.12 feet; (2) North $59^{\circ}46'12''$ East 95.00 feet; (3) North $57^{\circ}56'14''$ East 250.13 feet; (4) North $54^{\circ}20'35''$ East 100.45 feet; (5) North $59^{\circ}46'12''$ East 351.67 feet; thence South $00^{\circ}34'54''$ West 201.84 feet; thence South $83^{\circ}41'06''$ East 606.65 feet to the East line of said Half Quarter; thence South $01^{\circ}39'54''$ West along said East line 717.00 feet to the Point of Beginning, containing 8.35 acres (363,717 square feet) more or less; subject to easements, rights-of-way, and restrictions.

The above described Real Estate was platted as Foxmoor, Section I on August 6th, 1990 in the Plat Book C, Page 466 A & B & C, Instrument # 90010337 in the office of the Recorder of Johnson County, Indiana.

ADDITIONAL REAL ESTATE

A part of the West Half of the Southwest quarter of Section 25, Township 14 North, Range 3 East of the Second Principal Meridian, Johnson County, Indiana, more particularly described as follows:

Commencing at the Southeast Corner of the West half of the Southwest quarter; thence North $01^{\circ}39'54''$ East along the East line of said West half 1050.06 feet; thence North $89^{\circ}11'12''$ West 255.76 feet to the Point of Beginning; thence continuing North $89^{\circ}11'12''$ West 642.91 feet; thence North $00^{\circ}48'48''$ East 689.49 feet; thence South $89^{\circ}11'12''$ East 167.71 feet to a non-tangent curve concave westerly having a central angle of North $69^{\circ}38'28''$ and a radius of 10.00 feet; thence Southerly and Southwesterly along said curve an arc distance of 12.15 feet, (said arc being subtended by a chord having a bearing of South $23^{\circ}49'46''$ West, and a length of 11.42 feet); thence South $44^{\circ}50'06''$ East 51.42 feet to a non-tangent curve concave southerly having a central angle of South $65^{\circ}25'07''$ West and a radius of 10.00 feet; thence Easterly along said curve an arc distance of 11.42 feet, (said arc being subtended by a chord having a bearing of South $88^{\circ}38'27''$ East, and a length of 10.81 feet); thence South $00^{\circ}48'48''$ West 137.93 feet; thence South $89^{\circ}11'12''$ East 173.30 feet; thence South $81^{\circ}58'40''$ East 199.23 feet; thence South $89^{\circ}11'12''$ East 61.14 feet; thence South $00^{\circ}48'48''$ West 480.00 feet to the Point of Beginning containing 8.22 acres (358,064 square feet), more or less; subject to all highways, rights-of-way and easements.

Nov 13 8 20 AM '90

