



SEVENTH AMENDMENT TO THE
DECLARATION OF COVENANTS
AND RESTRICTIONS OF BERSOT CROSSING

Cross Referenced Instrument Numbers:

200400007080
200500010834
200500019358
2009165479
2011073331
201802847
201903105
202000192

**SEVENTH AMENDMENT TO THE
DECLARATION OF COVENANTS
AND RESTRICTIONS OF BERSOT CROSSING**

This Seventh Amendment to the Declaration of Covenants and Restrictions of Bersot Crossing was executed as of the date set forth below.

W I T N E S S E T H that the following facts are true:

The Bersot Crossing subdivision located in Hendricks County, Indiana was established by a "Declaration of Covenants and Restrictions" (the "Declaration") that was filed in the Office of the Recorder of Hendricks County, Indiana on March 8, 2004, as Instrument No. 20040007080; and

Plats filed with the Office of the Recorder of Hendricks County, Indiana established the Lots and Common Areas comprising said subdivision; and

A Supplemental Declaration of Covenants and Conditions of Bersot Crossing Property Ownership was filed in the Office of the Recorder of Hendricks County, Indiana April 14, 2005, as Instrument No. 200500010834; and

The Declaration was amended by the "First Amendment to Declaration of Covenants and Restrictions Bersot Crossing Property Ownership", which was filed in the Office of the Recorder of Hendricks County, Indiana, on July 5, 2005, as Instrument No. 200500019358; and

The Declaration was further amended by the "Second Amendment to the Declaration of Covenants and Restrictions of Bersot Crossing Property Ownership", which was filed in the Office of the Recorder of Hendricks County, Indiana, on June 12, 2009 as Instrument No. 2009165479; and

The Declaration was further amended by the "Third Amendment to the Declaration of Covenants and Restrictions of Bersot Crossing Property Ownership", which was filed in the Office of the Recorder of Hendricks County, Indiana, on March 30, 2011 as Instrument No. 2011073331; and

The Declaration was further amended by the "Third [sic] Amendment to the Declaration of Covenants and Restrictions of Bersot Crossing Property Ownership", which was filed in the Office of the Recorder of Hendricks County, Indiana, on January 28, 2018 as Instrument No. 201802847; and

The Declaration was further amended by the "Fifth Amendment to the Declaration of Covenants and Restrictions of Bersot Crossing Property Ownership", which was filed in the Office of the Recorder of Hendricks County, Indiana, on February 14, 2019 as Instrument No. 201903105; and

The Declaration was further amended by the "Sixth Amendment to the Declaration of Covenants and Restrictions of Bersot Crossing Property Ownership", which was filed in the Office of the Recorder of Hendricks County, Indiana, on January 3, 2020 as Instrument No. 202000192; and

Section 20 of the Declaration allows for the amendment of the Declaration upon the approval of no less than seventy-five percent (75%) of all Owners in attendance in person or by proxy at a regular or specially called meeting with a proper quorum; and

The Board of Directors of Bersot Crossing Homeowners Association, Inc. ("Association") recommended that the Declaration of Covenants be further amended as set forth below; and

After notice was duly given, a Special Meeting of the members of the Association was held on May 11, 2021, for the stated purpose of considering and voting upon this amendment; and

At said meeting, no less than seventy-five percent (75%) of the owners present in person or by proxy voted in favor of amending the Declaration pursuant to the terms below:

NOW, THEREFORE the Declaration which is applicable to all Owners and residents within Bersot Crossing is hereby amended as follows:

1. Paragraph 19(r) of the Declaration is deleted in its entirety and replaced with the following:

Paragraph 19(r) Storage Sheds must comply with the following requirements:

- (i) Color of storage shed must match the primary color of house.
- (ii) Roofing material and color must match the primary color of house.
- (iii) All sheds must be maintained as it relates to repainting, roofing and siding.
- (iv) Exterior cladding shall be wood or vinyl. No poly, rubber, fiberglass, or metal sheds will be approved.
- (v) 14-foot maximum height at peak.
- (vi) No storage units can be located on a utility or drainage easement.
- (vii) Storage units must be 5 feet from property line.
- (viii) No dirt or gravel floors will be permitted.

- (ix) Generally, sheds must be constructed only on a concrete pad. Skids or blocks are not permitted, unless approved otherwise by the Board of Directors.
 - (x) Only one Accessory Structure per lot.
 - (xi) Storage sheds may not exceed 144 sq. ft. and have a minimum of 64 sq. ft.
 - (xii) No items may be stored outside of or attached to the outside of the shed.
 - (xiii) Roof must be sloped to compliment the primary residence. Flat roofs will not be approved. Examples of roofs are contained in Exhibit 7A.
 - (xiv) All sheds must have a door that latches.
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- (xv) Windows, if present, should match as closely as possible to those on the primary structure in both style and color.
 - (xvi) Any utilities will be homeowner's responsibility and are subject to Town of Brownsburg requirements.
 - (xvii) Homeowner must comply with all Town of Brownsburg requirements, locations, and setbacks.
 - (xviii) Homeowner must obtain all needed permits from the Town of Brownsburg to install any shed.
 - (xiv) Any shed must have the proper forms submitted for approval, and it must be approved before construction is begun. This would include the Architectural Approval Form and all documents requested as part of the request form. These forms can be located on the HOA website. Any shed or storage unit with an area of 90 sq. ft. or more will need an Accessory Structure permit from the Town of Brownsburg.
 - (xvi) The final placement and design or location of any shed is at the discretion of the HOA Board, and the Town of Brownsburg as it may pertain to easement or visibility concerns.

Exhibit 7A. The following are roof designs that are permitted and not permitted for storage sheds

Permitted Roof Designs

Gable



Hip



Slant



Gambrel or Barn Style



Non- Permitted Roof Designs

Flat



2. There shall be a new Paragraph 19(u) added to the Declaration which shall state as follows:

19(u) Alternative Storage Units (hereafter "ASU") must comply with the following requirements:

- (i) ASUs must be placed behind third car garage or bump out.
- (ii) Homes with no third car garage or bump out must have the ASU placed behind home and not visible from street.
- (iii) Only one Accessory Structure per lot.

- (iv) An ASU cannot extend past rear corner of house and have a maximum width of 48".
- (v) An ASU must match color of home.
- (vi) Any ASU needs to have the proper forms submitted for approval, and the ASU must be approved before construction begins. This would include the Architectural Approval Form and all documents requested as part of the request form. These forms can be located on the HOA website. Any shed or storage unit with an area of 90 sq. ft. or more will need an Accessory Structure permit from the Town of Brownsburg.
- (vii) The final placement and design or location of any ASU is at the discretion of the HOA Board, and the Town of Brownsburg as it may pertain to easement or visibility concerns.

3. There shall be a new Paragraph 1(s), Paragraph 1(t) and Paragraph (u) added to the Declaration, all of which shall state as follows:

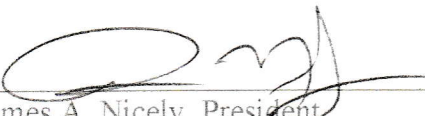
- (s) "Accessory Structure" shall mean any structure on the property other than the Dwelling Unit or fence.
- (t) "Alternative Storage Unit" shall mean units, other than sheds, that are either permanently built or prefabricated and installed on the homeowner's property. Examples include lean-tos, deck boxes, storage closets, etc.
- (u) "Shed" shall mean a detached single story, four walled, roofed structure used for storage.

4. Certification. The undersigned persons hereby represent and certify that all requirements for and conditions precedent to this Seventh Amendment of the Declaration have been fulfilled and satisfied.

[signature page follows]


Executed this 14 day of February, 2022.

Bersot Crossing Homeowners Association, Inc., by:


James A. Nicely, President

STATE OF INDIANA)
) SS:
COUNTY OF Hendricks)

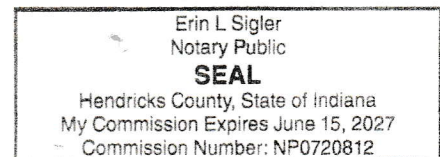
Before me, a notary public, in and for said County and State, personally appeared James A. Nicely, the President of Bersot Crossing Homeowners Association, Inc., an Indiana nonprofit corporation, who acknowledged execution of the within and foregoing for and on behalf of said corporation and its members and who, being duly sworn, stated that the representations made herein are true. Witness my hand and notarial seal this 14 day of February, 2022.


Notary Public – Signature

Erin L. Sigler
Printed

Residence County: Hendricks

My Commission Expires: June 15, 2027



This instrument was prepared by and after recording return to:
P. Thomas Murray, Jr.
EADS MURRAY & PUGH, P.C.
9515 E. 59th St., Suite B
Indianapolis, IN 46216
Tele: (317) 536-2563

"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." /s/ P. Thomas Murray, Jr.