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20222001478

FILED FOR RECORD IN  
TIPPECANOE COUNTY, IN  
SHANNON WITHERS, RECORDER  
01/25/2022 12:08:55PM  
COVENANTS 25.00

*Re-Rec*



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20222000278

FILED FOR RECORD IN  
TIPPECANOE COUNTY, IN  
SHANNON WITHERS, RECORDER  
01/06/2022 01:48:03PM  
COVENANTS 25.00

**Amendment No. 1**

**RESOLUTION AMENDING THE RECORDED 2004 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF HARRISON HIGHLANDS SUBDIVISION TO ADD ARTICLE VI, SECTION Y, SHORT TERM RENTALS**

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions of Harrison Highlands Subdivision (the "Covenants") were recorded on or about January 12, 2004;

WHEREAS, "Owner" is defined under Article II(J) of the Covenants as: "the recorded owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Property, including contract sellers, but otherwise excluding those having such interest merely as security for the performance of an obligation. Unless specifically indicated to the contrary, the term "Owner" shall include the Declarant;"

WHEREAS, "Lot" or "Lots" is defined under Article II(I) of the Covenants "as the context requires, any parcel or parcels of land designated as such upon the Plat or, after construction, that parcel of land upon which there is constructed a Dwelling that is conveyed to an Owner by the Declarant. Subject to any necessary approval of the appropriate governmental authority, a "Lot" may contain portions of real estate greater or less than its originally platted dimensions should the Declarant deem it advisable in order to accommodate the construction of a Dwelling Unit;"

WHEREAS, "Dwelling Unit" is defined by Article II(H) as "any single-family residence situated upon a Lot."

WHEREAS, the Owners of certain Lots in Harrison Highlands Subdivision have listed their Dwelling Units/Lots on Short Term Rental Platforms and rented them out as Short Term Rentals;

WHEREAS, the renting of Dwelling Units/Lots in the Harrison Highlands Subdivision as Short Term Rentals has disrupted the other Owners' use and enjoyment of their Dwelling Units/Lots;

WHEREAS, at least ninety percent (90%) of the Owners of Lots in Harrison Highlands Subdivision wish to prohibit any Owner of a Lot in Harrison Highlands Subdivision from renting their Lot/Dwelling Unit as a Short Term Rental;

WHEREAS, the Owners of Lots located in Harrison Highlands Subdivision are permitted to amend or modify the Covenants in accordance with the terms of the Covenants;

WHEREAS, specifically, Article IX(C) of the Covenants provide as follows:

- C. Amendment: During the first-twenty (20) years following its recordation, this Declaration may be amended or modified at any time by an instrument recorded in the Office of the Recorder of Tippecanoe County, Indiana, approved and signed by at least ninety percent (90%) of the then Owners and thereafter by an instrument signed by at least seventy-five percent (75%) of the then Owners; provided, however, that none of the rights or duties of Declarant reserved or set out hereunder may be amended or changed without Declarant's prior written approval. Except as prohibited below, this Declaration may also be amended by Declarant, if it then has any ownership interest in the Property, at any time within four (4) years after the recordation hereof. Any amendment must be recorded. The covenants, restrictions and all other provisions of this Declaration shall run with the land and shall be binding upon the persons owning any portion of the Property and all parties claiming under them for a period of twenty (20) years from the date of the recordation, and thereafter shall automatically extend for successive periods of ten (10) years each unless prior to the expiration of such ten-year period this Declaration is amended or changed in whole or in part as hereinabove provided.

WHEREAS, the undersigned, at least ninety percent (90%) of the Owners of Lots in Harrison Highlands Subdivision wish to add Article VI, Section Y to the now-existing Covenants, which were recorded on or about January 12, 2004; and

NOW, THEREFORE, BE IT RESOLVED that the Covenants are amended and Article VI(Y) is added to the Covenants recorded on or about January 12, 2004 under Document No. 04-000872 and reads as follows:

Y. Short Term Rentals:

- (1) "Short Term Rental Platform" is defined as an entity that: (a) provides a platform through which unaffiliated parties offer to rent a Short Term Rental to an occupant; and (b) collects consideration for the rental from the occupant.

- (2) "Short Term Rental" is defined as the rental of a Dwelling Unit/Lot in the Harrison Highlands Subdivision for terms of less than thirty (30) days at a time through a Short Term Rental Platform or other program. The term includes any detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designed for a single family residential use.
- (3) Short Term Rental is prohibited in the Harrison Highlands Subdivision.

Duly adopted this 6<sup>th</sup> day of January, 2022.

*Cheryl Strong*  
 Cheryl Strong  
 Property Managing Agent  
 Harrison Highlands Homeowners Association, Inc.

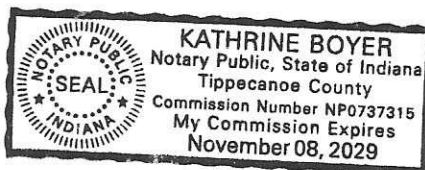
STATE OF INDIANA )  
 ) SS:  
 TIPPECANOE COUNTY )

Personally appeared before me, the undersigned Notary Public in and for said County and State, Cheryl Strong, who acknowledged execution of the foregoing Affidavit as her free and voluntary act and deed.

WITNESS my hand and Notarial Seal this 6 day of January, 2022.

My Commission Expires:  
11/08/2029  
 Commission #: NP0737315

KATHRINE BOYER  
 (written) Notary Public  
Kathrine Boyer  
 (printed)  
 County of Residence: TIPPECANOE



I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Patrick I. Jones

This instrument prepared by: Patrick I. Jones (32646-49), Withered Burns, LLP, 8 North Third Street, Suite 401, P.O. Box 499, Lafayette, IN 47902-0499, telephone 765-742-1988.

STATE OF INDIANA  
TIPPECANOE COUNTY

)  
) SS:  
)

AFFIDAVIT OF AMENDMENT

Cheryl Strong, being duly sworn upon her oath, states as follows:

1. I, Cheryl Strong, of Lafayette, Indiana, am the registered Property Managing Agent for Harrison Highlands Homeowners Association, Inc. (the "HOA"), a corporation in the State of Indiana. I am over the age of majority, have personal knowledge of the facts and matters stated herein, and am competent to testify thereto.
2. The HOA is governed by the Declaration of Covenants, Conditions, and Restrictions of Harrison Highlands Subdivision (the "Covenants") duly recorded on or about January 12, 2004 as Document Number 04-000872 in the Office of the Recorder of Tippecanoe County, Indiana.
3. According to Article IX(C) of the Covenants, they "may be amended or modified at any time by an instrument recorded in the Office of the Recorder of Tippecanoe County, Indiana, approved and signed by at least ninety percent (90%) of the Owners."
4. More than ninety percent (90%) of the Owners have approved and signed an amendment which restricts Owners from using their property as Short Term Rentals in accordance with Article IX(C) of the Covenants, which amendment is entitled Amendment No. 1: Resolution Amending the Recorded 2004 Declaration of Covenants, Conditions and Restrictions of Harrison Highlands Subdivision to Add Article VI, Section Y, Short Term Rentals (the "Amendment").
5. A true and accurate copy of the approved Amendment is recorded contemporaneously herewith as required by Article IX(C) of the HOA's Covenants.
6. Original copies of the signed consents to the Amendment of the Owners, along with an electronic file, are kept in the internal records of the HOA.

I affirm under the penalties of perjury that the foregoing are true.

Date: 01.06.2022

  
\_\_\_\_\_  
Cheryl Strong  
Property Managing Agent  
Harrison Highlands Homeowners Association, Inc.

STATE OF INDIANA)

) SS:

TIPPECANOE COUNTY )

Personally appeared before me, the undersigned Notary Public in and for said County and State, Cheryl Strong, who acknowledged execution of the foregoing Affidavit as her free and voluntary act and deed.

WITNESS my hand and Notarial Seal this 10 day of Jan., 2022.

My Commission Expires:

11/08/2029

Commission #: NP0737315

Kathrine Boyer  
(written) Notary Public

KATHRINE BOYER  
(printed)

County of Residence: TIPPECANOE



I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Patrick I. Jones

This instrument prepared by: Patrick I. Jones (32646-49), Withered Burns, LLP, 8 North Third Street, Suite 401, P.O. Box 499, Lafayette, IN 47902-0499, telephone 765-742-1988

I, Cheryl Strong, of Lafayette, Indiana, registered Property Managing Agent for Harrison Highlands Homeowners Association, Inc. a corporation in the State of Indiana on this 6<sup>th</sup> day of January, 2022 have prepared this instrument to be recorded in Tippecanoe County, Lafayette, Indiana.

The Amendment(s) being recorded are to be attached to the following Document(s) already recorded:

200404000872 ✓  
200404000873 ✓  
200404025447 ✓  
~~200408230030 ✓~~  
200404025446

I affirm, under penalty of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

  
\_\_\_\_\_  
Cheryl Strong