

#206061705

Recorded
10/09/2006 16:00:49

RECORDER
PATRICIA J CRICK
ALLEN COUNTY, IN

Receipt No.	30526
DCFD	5.00
IDSP	2.00
MISL	12.00
MISL	1.00
MISL	1.00
Total	19.00

**FIRST AMENDMENT TO
DEDICATION, PROTECTIVE RESTRICTIONS,
COVENANTS, LIMITATIONS, EASEMENTS AND
APPROVALS APPENDED TO AND AS PART OF THE
DEDICATION AND PLAT OF GREY OAKS, SECTION I,
A SUBDIVISION IN ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA**

Pursuant to the provisions of Article IX of the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of Grey Oaks, Section I, a Subdivision in Aboite Township, Allen County, Indiana (the "Restrictions"), recorded as Document No. 206042328 on July 14, 2006, in the Office of the Recorder of Allen County, Indiana, the undersigned, Grey Oaks Development, LLC, by its authorized representative, does hereby make and effect the following changes, alterations, amendments and modifications in and to the Restrictions for the purpose of modifying the provisions governing the construction of fences.

1. Article IX, Section 25 of the Restrictions shall be deleted in its entirety and replaced by the following language:

Section 25. Fencing. The plans and specifications for any fencing to be constructed on any Lot shall be submitted to the Developer, or to the Committee at any time after the appointment of the members of the Committee by the Developer, for approval prior to construction in accordance with Article V hereof. Any fencing shall be approved in writing by the Developer, or Committee where appropriate, and shall also meet the requirements of the pertinent provisions of the Allen County Zoning Ordinance. At no time shall any fence be constructed at a height of five (5) feet or higher, and no Owner shall construct any fence to contain said Owner's entire Lot.

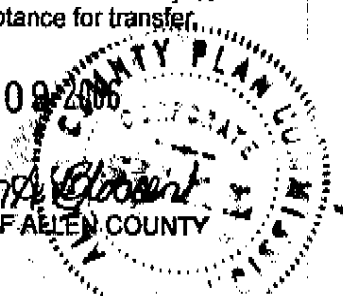
2. All other provisions of the Restrictions shall remain unchanged and in full force and effect.

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

16616

OCT 09 2006

Elizabeth A. Glavin
AUDITOR OF ALLEN COUNTY



187
1620

File: *Jeff Thomas Twin Eagles*

IN WITNESS WHEREOF, Grey Oaks Development, LLC, by its authorized representative, has executed this First Amendment as of this 18th day of September, 2006.

GREY OAKS DEVELOPMENT, LLC
An Indiana Limited Liability Company

By: [Signature]
Jeffrey M. Thomas, Member

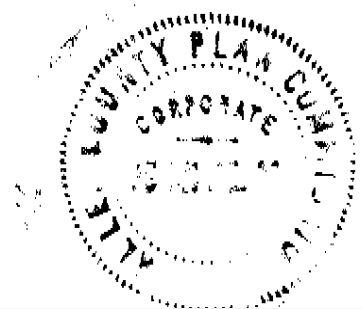
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned authority, a Notary Public in and for said County and State, this day personally appeared Jeffrey M. Thomas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said Grey Oaks Development, LLC, an Indiana limited liability company, and that he executed the same as the act of such Grey Oaks Development, LLC for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 18th day of September, 2006.

[Signature]
Tammy M. Cheviron, Notary Public
A resident of Allen County

My Commission Expires:
Allen



This is to certify that the foregoing document has been reviewed by the Allen County Plan Commission. As presented, the content of the Restrictions contained in this First Amendment conforms to the requirements of the Allen County Zoning and Subdivision Control Ordinances and said First Amendment is now eligible for recording. A certificate does not extend to the form or validity of the document.

Dated this 18th day of September, 2006.

ALLEN COUNTY PLAN COMMISSION

By: See minutes attached

Its: _____

This instrument prepared by:
J. Rickard Donovan, Esq.
ROTHBERG LOGAN & WARSCO LLP
110 West Berry Street, Suite 2100
Fort Wayne, IN 46802
Telephone: (260) 422-9454

MAIL TO: Grey Oaks Development, LLC
1020 East Dupont Road
Fort Wayne, IN 46825

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.

Arlene L. Colone

[Signed, printed or stamped name of individual]

REQUEST TO EXTEND THE PRIMARY PLAT AND DEVELOPMENT PLAN APPROVAL FOR VILLAS OF CHESTNUT COVE. A request to extend the Primary Plat and Development Plan approval for Chestnut Cove until October 20, 2007.

RESTRICTIVE COVENANT AMENDMENT FOR GREY OAKS, SECTION I. A request to amend the restrictive covenants for the noted subdivision relative to revising private fencing restrictions.

Following comments by staff and general discussion by the Commission, Mr. Young moved the Commission approve the consent agenda, with the exception of item one under the Secondary Plats and Development Plans and item one under Additional Consent Agenda Items, based on certain Findings of Fact and conditions of approval that are to be made a part of these minutes. After a second by Ms. Krisher, the motion carried unanimously.

PROPOSAL #1: Secondary Plat and Development Plan
Fiddler's Creek at Foxwood, Section III
APPLICANT: SBB Development Corporation
LOTS: 61
LOCATION: Section 12 of St. Joseph Township
LAND AREA: 19.12 acres

Mr. Neumeister asked the minutes reflect he recused himself from discussion and voting on this item.

Following comments by staff and general discussion by the Commission, Mr. Frisinger moved the Commission approve the Secondary Plat and Development Plan for Fiddler's Creek at Foxwood, Section III, based on certain Findings of Fact and conditions of approval that are to be made a part of these minutes. After a second by Mr. Martin, the motion carried unanimously.

RESTRICTIVE COVENANT AMENDMENT FOR SHEARWATER. A request to amend the restrictive covenants for the noted subdivision relative to revising rear setbacks from 25 feet to 15 feet on lots abutting common area.

Mr. Neumeister asked the minutes reflect he recused himself from discussion and voting on this item.

Following comments by staff and general discussion by the Commission, Mr. Frisinger moved the Commission approve the restrictive covenant amendment for Shearwater. After a second by Mr. Martin, the motion carried unanimously.