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RECORDER OF DEKALB CO, IN
LETA HULLINGER
RECORDED AS PRESENTED
FEE AMOUNT: 25.00

**FIRST AMENDMENT TO THE HERITAGE ESTATES SUBDIVISION SECTION I AND
SECTION II DEDICATIONS, COVENANTS AND RESTRICTIONS
CROSS REFERENCE**

This is the First Amendment to the Dedications, Covenants and Restrictions ("Covenants") of Heritage Estates Section I recorded in the DeKalb County Recorder's Office on the 23rd day of October 2019, as Document Number 201905303. The Plat of Heritage Estates Section I and Section II was recorded in the DeKalb County Recorder's Office on the 12th day of November, ~~2019~~ as Document Number 202108358.

2021
JLF



**FIRST AMENDMENT OF THE HERITAGE ESTATES SUBDIVISION SECTION I AND
SUBDIVISION SECTION II
DEDICATIONS, COVENANTS, AND RESTRICTIONS**

The undersigned owners, hereby declare that this is the First Amendment to the Dedications, Covenants Restrictions for the heritage Estates Subdivision Section I, (hereinafter referred to as the "Covenants") which were recorded on the 23rd day of October, 2019, as Document Number 201905363. The Covenants are hereby amended as follows:

- I. **DEVELOPMENT AND USE RESTRICTIONS.** Section I Paragraph 1 of the Covenants shall be replaced in its entirety and amended to read as follows:
 1. All lots shall be used for residential purposes only. There shall be permitted one (1) single-family dwelling on a lot. There shall be only one accessory structure permitted on each lot and that structure is limited to one shed or storage building of not more than ten feet by twelve feet (10' by 12') and a maximum height of twelve feet (12'). The accessory structure must be a wooden structure and must be harmonious with the appearance of the dwelling on said lot. Provided, however, that for lots 1, 34-56 inclusive, lot 64 and 65 an accessory building shall be located not more than fifteen feet (15') from the rear of the dwelling, that is, no part of the accessory building shall extend no more than fifteen feet (15') from the rear wall of the single family dwelling on said lot. Provided further that for lots numbered 72 through 83 inclusive, notwithstanding the previous restrictions for accessory buildings, each of these lots may have an accessory building not to exceed twenty-four feet by thirty-six feet (24' x 36') and not to exceed a maximum height of twenty feet (20') for the reason that lots 72 through 83 inclusive are larger than other lots in Heritage Estates Sections I and II. Also for lots 72 through 83 inclusive, there shall be permitted no driveway of any type for ingress and egress to the accessory building, all ingress and egress shall be over and through the lawn of said lot. The accessory buildings shall be for personal use only and there shall be no commercial or business use conducted in said accessory building. The sole accessory building must be approved by the Association and must obtain an Improvement Location Permit from the City of Garrett.

- II. **LAKE RESTRICTIONS.** Section II Paragraph 21 shall be divided into Section 21(a) and Section 21(b) which shall read as follows:
 - (a). The lake in Section I referred to as Lake One, and the lake in Section II referred to as Lake Two shall both be for the benefit of the Lot Owners. Piers of any kind, size or shape, boats, rafts, pontoons,

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canoes, kayaks and the like are prohibited. Ice fishing is prohibited. If fishing is permitted by the Association, fishing shall be from the shore only. Alteration of the shoreline or the lake bed is prohibited. The use of the lakes is restricted to Lot Owners, or their guests, unless the Association permits otherwise. All side Lot lines of Lots butting a lake go to the water's edge of Lake One, and also the water's edge of Lake Two, thus, there is no common area around the perimeter of Lake One and no common area around the perimeter of Lake Two. The Developer shall maintain Lake One and Lake Two until the turn over to the Association pursuant to Section 22 of these Covenants.

- (b). This restrictions only pertains to lot owners that own a lot butting a lake. On these lots, no trees, shrubs, or other plantings shall be permitted within twenty feet (20') of the top of the bank of the lake. The developer recommends the following trees be selected when planting trees as provided herein:

- 1) Crimson Maple
- 2) European Hornbeam
- 3) Hardy Rubber
- 4) Male Ginkgo
- 5) Sweet Gum
- 6) Linden
- 7) White Oak
- 8) Burr Oak
- 9) Tulip

The following trees shall not be permitted to be planted in the back yard of any lake lots:

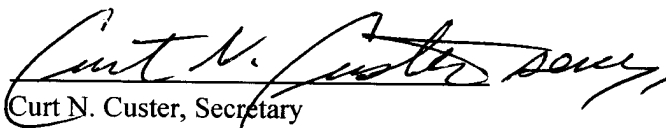
- 1) Box Elder
- 2) Female Ginkgo
- 3) Siberian Elm
- 4) Cottonwood
- 5) Basswood
- 6) Catalpa
- 7) Tree of Heaven
- 8) Black Walnut
- 9) Podded Honey Locust
- 10) Mulberry
- 11) Bradford Callery Pear
- 12) Soft or hard maple

All lakes initially belong to the Developer and thereafter the Association, after the Association is formed and the Developer's responsibilities are assigned to the Association, and are under the jurisdiction and the control of the Developer and the Association thereafter.

III. **HERITAGE ESTATES HOMEOWNERS ASSOCIATION.** The original Covenants and this First Amendment shall now apply to not only Heritage Estates Subdivision Section I but also Heritage Estates Subdivision Section II. This First Amendment shall apply retroactively to the 23rd day of October, 2019.

Adopted this 1st day of October, 2021.

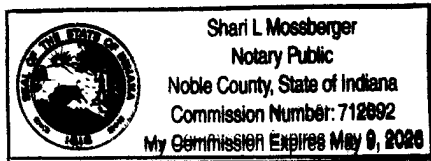
**OWNERS:
CUSTER FARMS, INC.**


By: 
Curt N. Custer, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF DEKALB)

Subscribed and sworn to before me, a Notary Public, in and for said County and State, on this 1st day of October, 2021, personally appeared Curt N. Custer, Secretary acknowledged his signature on the foregoing document.

Witness my hand and notarial seal.




SHARI L. MOSSBERGER, Notary Public

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. - J. D. Brinkerhoff . This instrument prepared by **J. D. Brinkerhoff**, Attorney at Law, BRINKERHOFF & BRINKERHOFF, PC, 101 N. Randolph Street , P. O. Box 269, Garrett, IN 46738. Attorney No. 3639-17. Telephone: (260) 357-5111.