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RECORDED: 06/16/2014 10:12:48 AM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

**FIRST AMENDMENT OF THE AMENDED AND RESTATED DEDICATION,
PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS
AND APPROVALS APPENDED TO THE PLAT OF THE LAKES AT WILLOW CREEK,
SECTIONS I, II, III, SUBDIVISION IN PERRY TOWNSHIP, ALLEN COUNTY, INDIANA**

Whereas, the Amended and Restated Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals for the plats of Sections I, II, and III of The Lakes at Willow Creek are recorded at Document No. 205073993 in the Office of the Recorder of Allen County, Indiana (the “Protective Covenants”);

and

Whereas, Article 7.27 of the Protective Covenants provides that the covenants may be amended by an amendatory document signed by the owners of at least sixty percent (60%) of the Lots in the subdivision;

and

Whereas, more than sixty percent (60%) of the Lot Owners have consented to this First Amendment, with their written consents (the “Consents”) being attached hereto and incorporated herein by reference.

NOW, THEREFORE, The Lakes at Willow Creek Community Association, Inc., pursuant to the Consents, hereby states and places of public record the following amendment of Sections 6.2, 6.2.3 and 6.2.4 of the Protective Convents, as follows:

6.2 Fences. No building, fence, wall, in ground swimming pool, or any other structure of any kind or nature whatsoever shall be erected, constructed, placed or commenced, nor shall any landscaping be erected or maintained upon a lot, nor shall any exterior addition, change, or alteration be made to a structure until the plans and specifications showing the structure’s nature, kind, shape, height, materials and location are submitted to and approved by the committee in writing as to the structure’s harmony of external design, protection of sight lines and location in

relation to surrounding structures and topography in the subdivision. The Committee shall have the right to reject a proposed home or structure based solely upon its judgement that the design of the home or structure may not conform to the scheme, architectural design and harmony of the homes already constructed.

6.2.3 Pond Lots. Lots that adjoin any one of the association's ponds are specifically restricted from fence installations. Protection of sight-lines, views and vistas of the ponds and their relationship to the surrounding residential developments is essential and vital to the character and design intent of this subdivision. These lots are:

West Pond Lots: 31 through 37 and 57 through 66
(Exception existing fence only and as is for lot 32) (See 6.2.4)

Central Pond Lots: 68 through 80 and 93 through 102

East Pond Lots: 125 through 128 and 136 through 139

6.2.4 Exclusions. Fencing on lot 32 was installed before the covenants were combined, approved and filed. Refer to Section 7.24, "Failure by the Association, Developer or a lot owner to enforce any provision in the covenants shall in no event be deemed a waiver of the right to do so later."

Except as expressly amended hereinabove, all remaining terms and provisions of the Protective Covenants shall remain in full force and effect.

**THE LAKES AT WILLOW CREEK
COMMUNITY ASSOCIATION, INC.**

By: _____
LARRY NIEMI
Its: President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Subscribed and sworn to before me, the undersigned, a Notary Public in and for said County and State, personally appeared Larry Niemi, President of the Lakes at Willow Creek Community Association, Inc., and acknowledged the execution of the foregoing to be his voluntary act and deed the ____ day of June 2014

My Commission Expires
July 18, 2016

Signature of Notary Public

Resident Of:
Allen County, Indiana

Vincent J. Heiny
Printed Name of Notary Public

This instrument prepared by Vincent J. Heiny, (I.D. #7638-02), Attorney at Law, Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802; (260) 426-0444. 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/ Vincent J. Heiny