## FIRST AMENDMENT

TO THE DEDICATION AND DECLARATION OF PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO AS PART OF THE DEDICATION AND PLAT OF KENSINGTON DOWNS EAST VILLAS, SECTION I A SUBDIVISION OF ST. JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA

Pursuant to the provisions of Article VI, Section 36, of the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to as Part of the Dedication and Plat of Kensington Downs Villas, Section I. which was recorded on October 9, 1997, as Document Number 970056939, in the Office of the Recorder of Allen County, Indiana, the undersigned Chestnut Group, Inc., an Indiana corporation, hereby makes and effects the following change, alteration and modification in and to said Protective Covenants: PLAT BOOK C PAGE 182

Article VI of the Dedication and Declaration of Protective Restrictions shall 1. be amended to read as follows:

Section 5. Building Setback. No Dwelling Unit or any improvements or structures shall be located on any Lot nearer to the front Lot line or nearer to the side street line or the rear property line than the minimum building setback lines shown on the recorded plat. In any event, no Dwelling Unit shall be located nearer than a distance of five (5) feet to a side Lot line. and, except for screened in porches, no nearer than a distance of twenty-five (25) feet to a rear property line if there is no rear setback line shown on the recorded plat.

All other terms and provisions of the Dedication and Declaration of Protective 2. Restrictions shall remain in full force and effect and shall not be altered or modified except as specifically set forth in this Amendment.

IN WITNESS WHEREOF, Chestnut Group, Inc., a corporation organized and existing under the laws of the State of Indiana, has hereunto set its hand and seal by its RECORDED duly authorized officer, this 20th day of July, 1998.

07/22/1998 09:32:25 RECORDER

VIRGINIA L. YOUNG ALLEN COUNTY, IN

CHESTNUT GROUP, INC.

L. Delagrange, President

980049780

Doc. No. Receipt No.

DCFD MISL

**DULY ENTERED FOR TAXATION** 

CHEST NUT BROWP POBOX S760 F.W. IN 46895

**AUDITORS NUMBER** 

JUL 2 2 1998

AUDITOR OF ALLEN COUNTY

STATE OF INDIANA )
) §§:
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, this 20th day of July, 1998, personally appeared Roger L. Delagrange, President of Chestnut Group, Inc., to me known to be such officer of said corporation, and acknowledged the execution of the foregoing First Amendment to the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to as Part of the Dedication and Plat of Kensington Downs East Villas, Section I for and on behalf of said corporation and by its authority.

WITNESS my hand and notarial seal.

My Commission expires:

March 7, 2001

Notary Public

Printed: Nancy Storms
County of Residence: 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 said document conforms to the requirements of the Allen County Zoning and Subdivision Control Ordinances and the document is now eligible for recording. This certificate does not extend to the form or validity of the document.

Dated this 22 day of \_

\_, 1990

ALLEN COUNTY PLAN COMMISSION

BY:

Dennis A. Gordon, AICP Executive Director

## Prepared by:

Dennis D. Sutton, Attorney at Law, Attorney I.D. No.: 764-02 - BURT, BLEE, DIXON & SUTTON, 1000 Standard Federal Plaza, Fort Wayne, IN 46802 (219) 426-1300