

FIRST AMENDMENT OF DEDICATION, PROTECTIVE RESTRICTIONS,
COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED
TO THE PLAT OF ASLAN PASSAGE, SECTION I,

IN PERRY TOWNSHIP, ALLEN COUNTY, INDIANA (the "First Amendment")
Perry 8501170

WHEREAS, North Eastern Development Corp., F/K/A NWM Corp., an Indiana corporation ("Declarant"), executed and placed of record that certain dedication, protective restrictions, covenants, limitations, easements and approvals appended to the Plat of Aslan Passage, Section I, in Perry Township, Allen County, Indiana recorded August 2, 2017, at Document Number 2017041206 in the Office of the Recorder of Allen County, Indiana, (collectively the "Aslan Passage Declaration"); and

WHEREAS, NWM Corp. has changed its name to North Eastern Development Corp.; and

WHEREAS, pursuant to Article 13.26.2 of the Aslan Passage Declaration, the Declarant currently has the right to amend the Aslan Passage Declaration; and

NOW, THEREFORE, the Declarant hereby amends the Aslan Passage Declaration as follows:

1. There is hereby added an additional Section to the Aslan Passage Declaration denominated as Section 13.28, as follows:

13.28 Restrictive Covenants for Conservation. There was recorded on January 23, 2018 at document number 201800435 in the Office of the Recorder of Allen County, Indiana that certain Declaration of Restrictive Covenants for Conservation (the "Mitigation Declaration"). Capitalized terms as used herein shall have the same meaning ascribed to them in the Mitigation Declaration.

The .265-acre portion of the Property described on Exhibit A to this Mitigation Declaration is directly adjacent to a portion of the Common Area described as Block A in the Aslan Passage Declaration. Block A is included as a part of the Property described on Exhibit A in the Mitigation Declaration. Access to the Mitigation Property as shown on Exhibits C and D to the Mitigation Declaration is through the said block A, which is Common Area as established in the Aslan Passage Declaration. A portion of the Mitigation Plan exists in Block A.

The Declarant grants Declarant, the Aslan Passage Community Association, Inc. (the "Association") and the U.S. Army Corps of Engineers, ("Corps") and their authorized agents an irrevocable and assignable right to enter in, on over and across the Property to inspect and monitor the Mitigation Property; to implement the Mitigation Plan or take corrective measures under the Mitigation Plan; to take any actions necessary to maintain or restore the natural conditions of the Mitigation Property; or to take any actions necessary to verify compliance with the Mitigation Declaration. The Declarant also grants Declarant, the Association and the Corps and their authorized agents an irrevocable and assignable right to enter and exit over

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.
Mar 13 2018
Nicholas D Jordan
AUDITOR OF ALLEN COUNTY

AFTER RECORDING
RETURN TO:
TRADEMARK TITLE
9025 COLDWATER ROAD STE 100A
FORT WAYNE, IN 46825

and across the Property and the Mitigation Property, as necessary for the purposes listed above or in the Mitigation Declaration, for the purposes of performing all work required by the Mitigation Plan or in the Mitigation Declaration. No rights of access or entry to or use of any portion of the Property is granted or conveyed to members of the public or to any members of the Association by the Mitigation Declaration or this First Amendment.

The Declarant agrees, at its expense, to complete the Mitigation Plan. The Mitigation Plan is for a period of five (5) years. After the completion thereof, the Association shall assume and shall perform all obligations of the Declarant pursuant to the Mitigation Declaration on the Mitigation Property. The Association and any owner (and their successors in interest) of any of the Mitigation Property shall take no action on the Mitigation Property which is in violation of or contrary to the Mitigation Declaration. The owners of the .265 acres portion of the Mitigation Property shall have no obligation to perform any requirements of the Mitigation Plan; provided however, in the event any owner of any portion of the Mitigation Property violates and of the terms of the Mitigation Declaration, then in that event the owner so violating the Mitigation Declaration shall be solely responsible to remediate or correct such violation.

Notwithstanding any other provision of the Aslan Passage Declaration, this First Amendment may not be amended without the prior written consent of the Declarant herein and all owners of the Property, which consent may be withheld in their sole and absolute discretion. The Aslan Passage Declaration and this First Amendment is hereby made subject and subordinate to the Mitigation Declaration with the same force and effect as if the Aslan Passage Declaration and this First Amendment had been executed, delivered and recorded after the recording of the Mitigation Declaration.

2. Except as expressly modified or amended by this First Amendment, all other terms and provisions of the Aslan Passage Declaration remain unchanged and shall remain in full force and effect.

by Trademark Title, Inc

Underwritten by Stewart Title Guaranty Company

File Number: **IND-129380**

Appendix A

Part of the Southwest Quarter of Section 21, Township 32 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 21, being marked by a cast iron monument; thence South 87 degrees 26 minutes 01 seconds West (GPS grid bearings used as the basis for all bearings in this description), on and along the South line of said Southwest Quarter, being within the right-of-way of Hathaway Road, a distance of 1099.20 feet to a survey nail at the true point of beginning; thence continuing South 87 degrees 26 minutes 01 seconds West, on and along said South line and within said right-of-way, a distance of 162.76 feet to the point of intersection of said South line with the East right-of-way line of the abandoned New York Central Railroad, this being the Southeast corner of a 3.803 acre tract of real estate described in a deed to the Board of Commissioners of the County of Allen, Indiana, in Document Number 2015065162 in the Office of the Recorder of Allen County, Indiana; thence North 01 degrees 56 minutes 58 seconds West, on and along the East line of said 3.803 acre tract, a distance of 452.68 feet to a #5 rebar; thence North 87 degrees 40 minutes 52 seconds East, a distance of 163.91 feet to a #5 rebar; thence South 01 degrees 48 minutes 10 seconds East, a distance of 451.98 feet to the true point of beginning, containing 1.696 acres of land, subject to legal right-of-way for Hathaway Road, and subject to all easements of record. This description is based on an original survey by Sauer Land Surveying, Inc., Survey No IRM-005, dated October 31, 2017.