

METROPOLITAN TITLE OF IN, LLC
9604 COLDWATER ROAD SUITE 105
FORT WAYNE, IN 46825
NE00322

2022014004
RECORDED: 03/11/2022 03:19:50 PM
ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

**SECOND AMENDMENT OF THE DEDICATION, PROTECTIVE RESTRICTIONS,
COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO THE
PLAT OF THE ASLAN PASSAGE, SECTION I SUBDIVISION IN PERRY TOWNSHIP,
ALLEN COUNTY, INDIANA**

WHEREAS, North Eastern Development Corp., formerly known as NWM Corp., an Indiana corporation ("Declarant"), executed and recorded the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals for Aslan Passage, Section I at Document No. 2017041206 in the Office of the Recorder of Allen County, Indiana (the "Declaration"), as amended by a First Amendment recorded at Document No. 2018012534 (the "First Amendment"); and

WHEREAS, pursuant to Section 13.26.2 of the Declaration, the Declarant currently has the right to amend the Declaration, as amended; and

WHEREAS, capitalized terms as used herein shall have the same meaning ascribed to them or defined in the Declaration, as amended unless otherwise specifically defined herein.

NOW, THEREFORE, the Declarant hereby amends the Declaration, as amended, as follows:

1. ADDITION OF SECTION 13.29. Section 13.29 is hereby added as an additional section to the Declaration, as follows:

13.29 Geothermal & Irrigation.

13.29.1 All Lots directly abutting any retention pond located on any Common Area shall be permitted to access and use the water in the pond for an open loop geothermal heating and cooling system. No Lot shall be permitted to use any such retention pond for a closed loop geothermal system. Access to and use of the retention pond for a geothermal system shall require the prior written approval of the Association. As a condition of approval, the Association shall be entitled to impose reasonable conditions of the approval, such as by way of illustration and not limitation, size and location of water intake inlet, pump and water line location and size as well as screening and burying of any line and pump. Neither the Developer nor the Association shall have any liability to any Lot Owner due to the inadequacy of the water or inability of the water level or volume to service any such geothermal system.

13.29.2 No Lot abutting any retention pond shall be permitted to access, use, or draw water from any pond for irrigation purposes without the prior written consent of the Association which approval may be withheld or conditioned in its sole and absolute discretion. Any approval so granted may impose conditions and restrictions as well as the requirement to pay an annual or monthly fee, and any such approval may be revoked at any time upon 15 days prior written notice to the Lot Owner. Any fee charged for irrigation

need not be uniform for each Lot and differential irrigation fees may be based upon Lot size, irrigation water usage, and whether the Lot Owner has an open loop geothermal system that discharges into the pond.

2. MISCELLANEOUS. Except as modified herein, the Declaration and First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Second Amendment to the Declaration effective as of this 11th day of March, 2022.

NORTH EASTERN DEVELOPMENT CORP.,
an Indiana corporation

By: [Signature]
Joseph L. Zehr, President

STATE OF Indiana)
COUNTY OF Allen) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, on this 11th day of March, 2022, personally appeared **Joseph L. Zehr, as President of North Eastern Development Corp.**, being known or proved to me to be the person described in and who executed the foregoing instrument and who acknowledged execution of the same.

IN WITNESS WHEREOF, I have subscribed my name and affixed my official seal.

A resident of _____ County

[Signature]
Notary Public (signature)

Commission Expires: _____

Commission Number: _____

Notary Public (printed name)

This instrument prepared by Andrew D. Boxberger, Attorney at Law, 23515-02
Carson LLP, 301 W. Jefferson Boulevard, Suite 200, Fort Wayne, Indiana 46802.

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. Andrew D. Boxberger

