

Doc. No. 970004973
Receipt No. 1879

DCFD 3.00
MISL 12.00
Total 15.00

FIRST AMENDMENT OF THE PROTECTIVE RESTRICTIONS AND COVENANTS OF HOMESTEAD HILLS

WHEREAS, Left Guard, Inc., an Indiana corporation, has previously platted Homestead Hills, an addition according to the recorded plat thereof recorded December 6, 1996, at document number 96-67773 in the Office of the Recorder of Allen County, Indiana; and

WHEREAS, Left Guard, Inc. continues to own one hundred percent (100%) of all of the lots within Homestead Hills, and has the right, pursuant to Section 27 of the recorded plat, to amend any of the covenants and restrictions, and desires to so amend the covenants and restrictions.

NOW, THEREFORE, Left Guard, Inc. does hereby amend the protective covenants and restrictions of Homestead Hills plat as follows:

1. The Architectural Control Committee established under Section 5 of the recorded plat shall consist of two members, both of whom are appointed by the Developer.
2. The Homestead Hills Community Association, Inc. shall have the right to repair, restore, and maintain a stone fence, and sign of the Subdivision located thereon, within the Landscape Easement already established in the plat along the west twenty feet of lot 23 and along the west fourteen feet of lot 1.
3. The prohibition on radio and television antennae set forth in paragraphs number 10 of Article 5 of the plat is amended to provide that said prohibition does not apply to those radio and television antennae located wholly within a dwelling unit and not visible from the outside of a dwelling unit.
4. Section 17 of Article 6 is amended to permit driveways from the street to a garage of poured concrete being not less than ten feet in width for those dwellings wherein the garage does not face the adjacent street, such as a garage that faces a side lot line.
5. The street addresses for the following lots are changes:

RECORDED
01/30/1997 15:12:00
RECORDER
VIRGINIA L. YOUNG
ALLEN COUNTY, IN

JULY ENTERED FOR TAXATION

JAN 30 1997


RECORDER OF ALLEN COUNTY

LOT	NEW STREET ADDRESS
Lot 9	10724 Homestead Hills Drive
Lot 11	10727 Homestead Hills Court
Lot 18	10728 Homestead Hills Court
Lot 16	10718 Homestead Hills Court

96 18290
AUDITOR'S NUMBER

Haller, Robert

6. Except as expressly modified herein, all other terms and conditions of the plat of Homestead Hills shall remain in full force and effect.

LEFT GUARD, INC.

BY:

Mark F. Hagerman
MARK F. HAGERMAN, President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

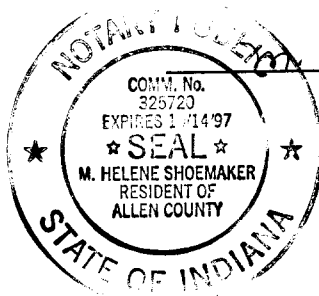
Before me, the undersigned Notary Public in and for said County and State, personally appeared Mark F. Hagerman, President of Left Guard, Inc. and acknowledged execution of the above and foregoing this 10th day of January, 1997.

My Commission Expires:

10-14-97

Resident of:

Allen



M. Helene Shoemaker
Notary Public

This instrument prepared by VINCENT J. HEINY, Attorney at Law, Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802, Telephone: (219) 426-0444.

**ALLEN COUNTY PLAN COMMISSION APPROVAL TO THE FIRST
AMENDMENT OF THE PROTECTIVE COVENANTS AND
RESTRICTIONS OF THE PLAT OF HOMESTEAD HILLS**

This is to certify that the attached First Amendment of the protective covenants and restrictions of the plat of Homestead Hills recorded December 6, 1996, at document number 96-67773 in the office of the Recorder of Allen County, Indiana, has been reviewed and approved by the Allen County Plan Commission. This consent is given for the purpose of setting forth in writing the decision of the Allen County Plan Commission approving the said First Amendment, and for the purpose of having the First Amendment recorded by the applicant in the Allen County Recorder's Office to set of record the First Amendment thereof. This certification does not extend to the validity or form of the said First Amendment.

Dated this 27 day of JANUARY, 1997.

ALLEN COUNTY PLAN COMMISSION

BY: 

**DENNIS GORDON, AICP
EXECUTIVE DIRECTOR**

STATE OF INDIANA)
) §:
COUNTY OF ALLEN)

AFFIDAVIT OF ALLEN COUNTY SUBDIVISION CONTROL ORDINANCE OFFICER

Re: Street Address Changes
Homestead Hills

The undersigned being first duly sworn under oath deposes and says:

1. That he is the Subdivision Control Officer of Allen County, having held that position for more than eight (8) years last past, and in that capacity is familiar with the Subdivision Plats in Allen County.

2. That the undersigned knows as a matter of fact that on the plat of Homestead Hills appearing in Plat Cabinet C, Page 140, there appears the designated street addresses on the following Lots

Lot 9 – 10732 Homestead Hills Drive

Lot 11 – 10725 Homestead Hills Court

Lot 16 – 10716 Homestead Hills Court

Lot 18 – 10708 Homestead Hills Court

which are in error.

3. That said error by inadvertence was overlooked at the time the plat of Homestead Hills was approved and recorded, and that in truth and in fact the street addresses on the aforementioned plat should have been identified as follows

Lot 9 – 10724 Homestead Hills Drive

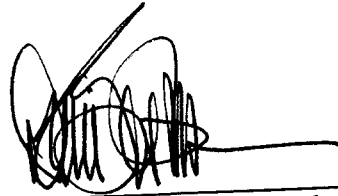
Lot 11 – 10727 Homestead Hills Court

Lot 16 – 10718 Homestead Hills Court

Lot 18 – 10728 Homestead Hills Court

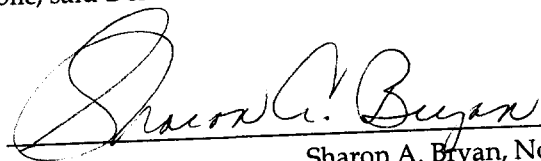
and from this date forward shall be so designated.

And further affiant sayeth naught.



Dennis A. Gordon, AICP, Allen County
Subdivision Control Officer, Allen County, Indiana

Subscribed and sworn to before me, a Notary Public, said Dennis A. Gordon, AICP this 16th day
of January, 1997.



Sharon A. Bryan, Notary Public
Resident of Allen County, Indiana

My Commission Expires: 5 February 1997