

2022005444

RECORDED: 01/26/2022 02:06:24 PM

ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

FIRST AMENDMENT TO
PRIMARY DEDICATION, DECLARATION, PROTECTIVE
RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND
APPROVALS APPENDED TO AND AS PART OF THE DEDICATION
AND PLAT OF ROLLING OAKS, SECTION III, A SUBDIVISION IN
PERRY TOWNSHIP, ALLEN COUNTY, INDIANA.

The undersigned, being the Declarant, as such term is defined in the Primary Dedication, Declaration, Protective Restrictions, Covenants, Limitations, Easements and Approvals appended to and as a Part of the Dedication and Plat of Rolling Oaks, Section III, a Subdivision in Allen County, Indiana, recorded in the office of the Recorder of Allen County, Indiana, on January 20, 2022, as Document No. 2022004251 ("Restrictions"), hereby amends the Restrictions pursuant to Article X, Section 2, as follows:

1. Article III, Section 19, Sidewalks, is hereby deleted as replaced as follows:

Section 19. Sidewalks. Each Owner shall provide, at Owner's expense, and maintain a concrete public sidewalk across the front of his, her or their Lot prior to occupancy. Concrete sidewalks shall be five (5) feet in width. Notwithstanding the foregoing, the Developer shall install sidewalks over and across the easement located between Lots 134-135 and Lots 154-155 for the purpose of connecting the walking trail between the Subdivision and the Willow Ridge North subdivision. Subsequent to installation by Developer, the Association shall assume all responsibility for upkeep and maintenance of the sidewalks. If said sidewalks are damaged during construction of any residence on Lots 134-135 and/or Lots 154-155, then the Owner or Owner's builder of the residence shall bear the cost to repair/replace the sidewalks.

2. Article IV, Section 4 is hereby added as follows:

Section 4. Ingress/ Egress Easement. There shall be a pedestrian ingress/egress easement for the benefit of all members of the Association and their family members, tenants and contract purchasers, over and across the sidewalk located within the 14' easement between Lots 134-135 and Lots 154-155, which use and enjoyment shall be subject to and governed by the Association's right to prescribe rules for such use of the easement as set forth under Article V, Section 3, including the prohibition of motorized vehicles over and across the easement.

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

IN WITNESS WHEREOF, the undersigned does hereby execute this Amendment to said Restrictions for and on behalf of the Declarant of Rolling Oaks, Section III, on the date written below.

ROLLING OAKS DEVELOPMENT, LLC

By: 
Jeffrey M. Thomas, Member

STATE OF INDIANA, COUNTY OF ALLEN) SS:

Before me, the undersigned authority, a Notary Public in and for said County and State, this day personally appeared Jeffrey M. Thomas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was the act of the said Rolling Oaks Development, LLC, an Indiana limited liability company, and that he executed the same as the act of such Member for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 26 day of January, 2022.

My Commission Expires:

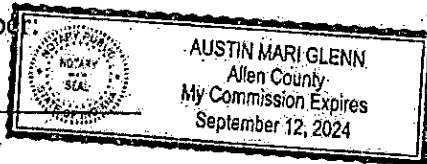
Austin Mari Glenn
Austin Mari Glenn, Notary

Public

Commission Number:

County, Allen

Resident of Allen



Pursuant to IC 36-2-11-15(d): I/We affirm, under the penalties for perjury, that I/we have taken reasonable care to redact each Social Security number in this document, unless required by law.

Timothy L. Claxton

Prepared by: Timothy L. Claxton, Esq., Burt, Blee, Dixon, Sutton & Bloom, 200 E. Main St., Suite 1000, Fort Wayne, Indiana 46802.