

**FIRST AMENDMENT TO  
PRIMARY DEDICATION, DECLARATION, PROTECTIVE  
RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND  
APPROVALS APPENDED TO AND AS PART OF THE DEDICATION  
AND PLAT OF SILVER LEAF ESTATES, SECTION III, A SUBDIVISION IN  
CEDAR CREEK 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 Silver Leaf Estates, Section III, a Subdivision in Allen County, Indiana, recorded in the office of the Recorder of Allen County, Indiana, on July 8, 2021, as Document No. 2021045128 ("Restrictions"), hereby amends the Restrictions pursuant to Article X, Section 2, as follows:

1. Article III, Section 17, Fences, Section (a), is hereby deleted as replaced as follows:

Section 17. Fences.

(a) Back Yard. All back yard fences shall be of wood, vinyl, or ornate aluminum construction. No steel will be allowed. A Lot with any portion of any of its boundary lines running adjacent to the Common Area containing any pond or lake (a "Lake Lot") must have split-rail or picket-type fences and not exceed four (4) feet in height. Said split-rail fences on any Lake Lot shall be limited to three (3) rails. Any fence on a non-Lake Lot shall not exceed four (4) feet in height. The location of any proposed fence on any Lot shall be approved by the Architectural Control Committee pursuant to the terms and conditions set forth in Article III, Section 21.2. No fence shall extend toward the front yard of any Lot beyond the rear corners of the residence located on any Lot. All fences constructed on a corner Lot shall not extend into or encroach upon the space between said building line and the street on the street side of said corner Lot. In addition to the foregoing, all fences shall meet all applicable requirements of the Allen County Zoning Ordinances.

2. Article III, Section 21.4, Auxiliary Building, is hereby added as follows:

Section 21.4. Auxiliary Building. An Auxiliary Building (as defined below) may be permitted on a Lot, subject to the sole and absolute discretion and approval of Declarant, or the Committee, as appropriate, pursuant to Section 21.2. For purposes of this Declaration, an "Auxiliary Building" shall mean a building or structure not to

exceed two (2) stories and not to exceed 1,300 square feet on the first or second floors, shall be constructed of materials and present an exterior design and appearance harmonious with the single-family residence constructed on the subject Lot, and the Owner of the subject Lot shall have received approval pursuant to Section 21.2 for the location and construction of the building on the subject Lot. An Auxiliary Building, if permitted, may be used as an additional garage and storage area, game room, exercise room, loft, or for other uses similar thereto. No Auxiliary Building shall be used by an Owner as a residence, nor shall an Auxiliary Building be permitted to exist without the prior existence of a separate, single-family residence on the same Lot. At the time of the sale of any Lot by Declarant, Declarant, or its representatives, as part of the "new construction" approval process under Section 21.1, may grant prior approval of any Auxiliary Building to be erected at a later time. If such approval is based on plans and specifications of the Auxiliary Building that did not include the exterior design and/or appearance of the Auxiliary Building, then the Owner of the subject Lot shall seek additional approval from Declarant, or its representatives under Section 21.2, as to the exterior design, materials and appearance prior to commencing construction of the Auxiliary Building, which additional approval shall not be unreasonably withheld or delayed by Declarant, or its representatives.

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 Silver Leaf Estates, Section III, on the date written below.

**WEDGEWOOD DEVELOPMENT, INC.**

By:   
Jeffrey M. Thomas, Secretary

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 Wedgewood Development, Inc., an Indiana corporation, and that he executed the same as the act of such Secretary for the purposes and consideration therein expressed, and in the capacity therein stated.

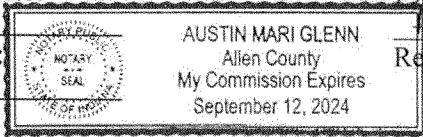
GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30 day of July, 2021.

My Commission Expires:

9/12/24

Commission Number:

WADWUS



Austin Mari Glenn  
Austin Mari Glenn, Notary Public  
Resident of Allen County,

**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