

Recorded
02/28/2006 09:24:25
RECORDER
PATRICIA J CRICK
ALLEN COUNTY, IN
Receipt No. 5813
DCFD 3.00
IDEP 2.00
MISL 12.00
MISL 1.00
Total 18.00

reference Plat Cabinet F Pg 103

**FIRST AMENDMENT TO
PRIMARY DEDICATION, DECLARATION, PROTECTIVE
RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND
APPROVALS APPENDED TO AND AS PART OF THE DEDICATION
AND PLAT OF VALENCIA, SECTION 1, A SUBDIVISION IN
ST. JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA**

Pursuant to the provisions of Article X of the Primary Dedication, Declaration, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of Valencia, Section 1, a Subdivision in St. Joseph Township, Allen County, Indiana (the "Restrictions"), recorded as Document No. 205080259 on December 9, 2005, in the Office of the Recorder of Allen County, Indiana, the undersigned, Gilmore-Thomas Development, L.L.C., by its authorized representative, does hereby make and effect the following changes, alterations, amendments and modifications in and to the Restrictions for the purpose of modifying the provisions governing materials used on the front exterior of all dwellings.

1. Article III, Section 24 of the Restrictions shall be deleted in its entirety and replaced by the following language:

Section 24. Front Exteriors. All front elevations must be of natural material, i.e., wood, brick or stone, except for soffits and the use of hardi plank or vinyl siding, on a limited basis, to highlight or complement the natural material required to cover the majority of all front elevations hereunder.

2. All other provisions of the Restrictions shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Gilmore-Thomas Development, L.L.C., by its authorized representative, has executed this First Amendment as of this 3rd day of February, 2006.

GILMORE-THOMAS DEVELOPMENT, L.L.C.
An Indiana Limited Liability Company

2976

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

By: Jeffrey M. Thomas
Jeffrey M. Thomas
Its: Member

FEB 27 2006

Elizabeth M. Brown
AUDITOR OF ALLEN COUNTY

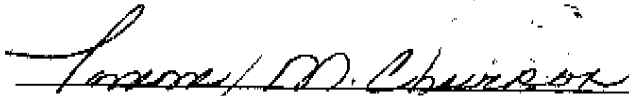


Box: Jeff Thomas / Twin Eagles

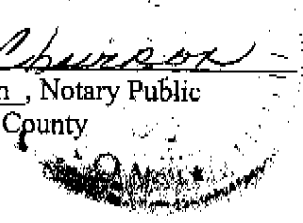
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

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 Gilmore-Thomas Development, L.L.C., an Indiana limited liability company, and that he executed the same as the act of such Gilmore-Thomas Development, L.L.C. for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of February, 2006.



Tammy M. Cheviron, Notary Public
A resident of Allen County



My Commission Expires:
12/28/11

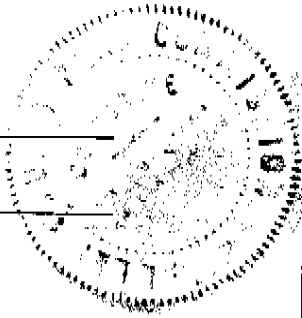
This is to certify that the foregoing document has been reviewed by the Allen County Plan Commission. As presented, the content of the Restrictions contained in this First Amendment conforms to the requirements of the Allen County Zoning and Subdivision Control Ordinances and said First Amendment is now eligible for recording. A certificate does not extend to the form or validity of the document.

Dated this 16 day of February, 2006.

ALLEN COUNTY PLAN COMMISSION

By: See attached minutes

Its: _____



This instrument prepared by:
J. Rickard Donovan
ROTHBERG LOGAN & WARSCO LLP
110 West Berry Street, Suite 2100
Fort Wayne, IN 46802
Telephone: (260) 422-9454

MAIL TO: Gilmore-Thomas Development, L.L.C.
1020 East Dupont Road
Fort Wayne, IN 46825



LAND AREA: 92.38 acres
PRESENT ZONING: I-3(P)/Planned General Industrial
PROPOSED SEWER: City of Fort Wayne
PROPOSED WATER: private well

Following comments by staff and general discussion by the Commission, Mr. Martin moved the Commission approve the Primary Development Plan of Bailey Trucking based on certain Findings of Fact and conditions of approval that are to be made a part of these minutes. After a second by Ms. Hoot, the motion carried unanimously.

CONSENT AGENDA:

Mr. Neumeister asked the minutes reflect he recused himself from discussion and voting on the additional consent agenda items.

RESTRICTIVE COVENANT AMENDMENT FOR THE FORESTS OF FOXWOOD, SECTION I. A request to amend the restrictive covenants for the noted subdivision relative to amending side yard setbacks to meet ordinance amendment.

RESTRICTIVE COVENANT AMENDMENT FOR AZBURY PARK, SECTION I. A request to amend the restrictive covenants for the noted subdivision relative to amending side yard setbacks to meet ordinance amendment.

RESTRICTIVE COVENANT AMENDMENT FOR VERA CRUZ, SECTION II. A request to amend the restrictive covenants for the noted subdivision relative to amending exterior materials requirement.

RESTRICTIVE COVENANT AMENDMENT FOR VALENCIA, SECTION I. A request to amend the restrictive covenants for the noted subdivision relative to amending exterior materials requirement.

Following comments by staff and general discussion by the Commission, Mr. Martin moved the Commission approve the consent agenda, with the exception of items one and two and the second item under additional consent agenda items, based on certain Findings of Fact and conditions of approval that are to be made a part of these minutes. After a second by Ms. Krisher, the motion carried unanimously.

PROPOSAL #1: Secondary Development Plan
Lima Commons Wal-mart
APPLICANT: Wal-mart Stores East
SQ. FT.: 204,000
LOCATION: Section 31 of Perry Township
LAND AREA: 38.5 acres

Prescribed by the
State Board of Accounts
(2005)

County Form 170

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.



Signature of Declarant

Jeffrey M Thomas

Printed Name of Declarant