

**FIRST AMENDMENT
TO THE DEDICATION AND DECLARATION OF PROTECTIVE RESTRICTIONS,
COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO
AS PART OF THE DEDICATION AND PLAT OF
CHESTNUT HILLS, SECTION II
A SUBDIVISION OF ABOITE TOWNSHIP, ALLEN COUNTY, INDIANA**

Pursuant to the provisions of Article VII, Section 35 of the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to as Part of the Dedication and Plat of Chestnut Hills, Section II, as recorded in Plat Cabinet C, page 71, Document Number 95-043683 in the Office of the Recorder of Allen County, Indiana, the undersigned Chestnut Group, Inc. does hereby make and effect the following change, alteration and modification in and to said Protective Restrictions, Covenants, Limitations, Easements and Approvals for Chestnut Hills, Section II for the purposes of properly locating the improvements on Lot 86.

Article VII, Section 5 shall be amended to read as follows:

Section 5. Building Setback. No Dwelling Unit or any improvements or structures shall be located on any Lot nearer to the front Lot line or nearer to the side street line or the rear Lot line than the minimum building setback lines shown on the recorded plat except as hereinafter provided. In any event, no Dwelling Unit shall be located nearer than a distance of fifteen (15) feet to a rear Lot line, and no Dwelling Unit shall be located nearer than a distance of five (5) feet to a side Lot line except: (i) the Dwelling Unit on Lot 86 may be located no nearer than two (2) feet to its east side Lot line (provided that the Developer conveys the western three (3) feet of Lot 87 to the Owner of Lot 86); and (ii) no Dwelling Unit shall be located nearer than a distance of eight (8) feet to the west side Lot line on Lot 87.

The developer, Chestnut Group, Inc. warrants and represents to the Department of Planning Services that it currently holds title to Lots 86 and 87.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 27th day of March, 1996.

CHESTNUT GROUP, INC.

By: 
Roger DeLaGrange, President
DO NOT ENTER FOR TAXATION

RECORDED
04/25/1996 12:07:12
RECORDER
VIRGINIA L. YOUNG
ALLEN COUNTY, IN

Doc. No. 960022091
Receipt No. 6634
Date 04/25/1996 12:07:10

DCFD	3.00
MISL	8.00
MISL	1.00
Total	12.00

APR 25 1996


AUDITOR OF ALLEN COUNTY

96 4/64
AUDITOR'S NUMBER

*Chestnut Group
6008 BRANDY CHASE CIRCLE
FORT WAYNE, IN 46815*

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c. ch
As*

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

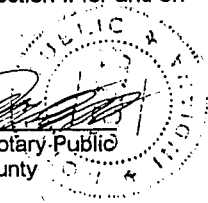
Before me, the undersigned, a Notary Public in and for said County and State, this 27th day of March, 1996, personally appeared Roger Delagrang, President of Chestnut Group, Inc., to me known to be such officer of said corporation, and acknowledged the execution of the foregoing First Amendment to the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to as Part of the Dedication and Plat of Chestnut Hills, Section II for and on behalf of said corporation and by its authority.

WITNESS my hand and notarial seal.

My Commission expires:

February 5, 1999


Deborah A. Webb, Notary Public
Residing in Allen County



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 said document conforms to the requirements of the Allen County Zoning and Subdivision Control Ordinances and the document is now eligible for recording. This certificate does not extend to the form or validity of the document.

Dated this 4 day of April, 1996.

ALLEN COUNTY PLAN COMMISSION

BY: 

Dennis A. Gordon, AICP
Executive Director

Prepared by: Dennis D. Sutton, Attorney at Law, BURT, BLEE, DIXON & SUTTON,
1000 Standard Federal Plaza, 200 E. Main St., Fort Wayne, IN 46802 (219) 426-1300.