

FIRST AMENDMENT  
TO THE PROTECTIVE RESTRICTIONS, COVENANTS,  
LIMITATIONS AND EASEMENTS  
FOR SHOREWOOD, SECTION I

89-048641

Pursuant to the provisions of Section 24 of Article VII of the Protective Restrictions, Covenants, Limitations and Easements for Shorewood, Section I, as recorded in Plat Cabinet "A", page 143, as Document No. 89-012165 in the Office of the Recorder of Allen County, Indiana, the undersigned Charlie Herbst, Inc. does hereby make and affect the following changes, alterations, and modifications in and to said Protective Restrictions, Covenants, Limitations and Easements for Shorewood, Section I:

1. The last sentence of Section 27 is hereby amended to read as follows:

Maximum fence height on Lots 43 through 60, both inclusive, shall be 36 inches; and maximum fence height on all other Lots where fences are permitted shall be 72 inches.

2. Section 37 is hereby amended to read as follows:

Lake 1: Lake 1 as shown on the plat is intended for (1) a detention basin for storm water runoff, (2) for the exclusive aesthetic benefit of the Owners and occupants of Lots 43 through 59, both inclusive, and their invitees, and (3) for limited recreational use (i.e., skating and fishing only, both at the sole risk of the user) by the Owners and occupants of Lots 43 through 59, both inclusive, and their invitees. Lake 1 is not intended for other recreational uses, and as such no swimming, boating, or other recreational use of Lake 1 shall be permitted. Further, no piers, docks, or other structures shall be permitted to be placed within Lake 1 other than piers which have been approved by the Architectural Control Committee, the materials, color and size of which shall all be compatible. In addition, inasmuch as no walkway easements have been provided around the shoreline of Lake 1, all Owners are expected to remain within the confines of their respective Lots and not have access to the water's edge on any neighboring Lot around the Lakes. The Common Area located between Lots 53 and 54 is for the sole purpose of providing access to the Association for maintenance purposes only and is not to be construed as an access to Lake 1 or recreational area for use of the Owners of Lots in this subdivision.

Lakes 2 and 2A: Lakes 2 and 2A as shown on the plat are intended solely for detention basins for storm water runoff. Lakes 2 and 2A are not intended for other recreational uses, and as such no swimming, boating, skating, fishing, or other recreational use of Lakes 2 and 2A shall be permitted. Further, no piers, docks, or other structures shall be permitted to be placed within Lakes 2 or 2A.

The undersigned Shorewood Community Association, Inc. joins in this amendment as the owner of the Common Areas in Shorewood, Section I, to acknowledge its consent to the foregoing.

IN WITNESS WHEREOF, the undersigned have set their hands this 14th day of November, 1989.

CHARLIE HERBST, INC.

SHOREWOOD COMMUNITY ASSOCIATION, INC.

By: Charles A. Herbst  
Charles A. Herbst, President

By: Charles A. Herbst  
Charles A. Herbst, President

DULY ENTERED FOR TAXATION

DEC 7 - 1989

Judith Bloom  
AUDITOR OF ALLEN COUNTY

Charles Herbst  
President

INSTRUMENT X 10,538

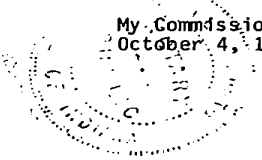
89 DEC - 8 AM 9:06  
ALLEN COUNTY RECORDER  
*Charlie Herbst*

8 9 4 8 6 4 1

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, this 14th day of November, 1989, personally appeared Charles A. Herbst, the President of Charlie Herbst, Inc., to me known to be such officer of said corporation, and acknowledged the execution of the foregoing instrument for and on behalf of said corporation and by its authority. Witness my hand and notarial seal.

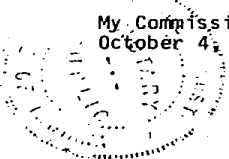
My Commission Expires:  
October 4, 1992

  
Carol M. Huston  
Carol M. Huston  
Notary Public  
County of Residence: Allen

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, this 14th day of November, 1989, personally appeared Charles A. Herbst, the President of Shorewood Community Association, Inc., to me known to be such officer of said corporation, and acknowledged the execution of the foregoing instrument for and on behalf of said corporation and by its authority. Witness my hand and notarial seal.


My Commission Expires:  
October 4, 1992

  
Carol M. Huston  
Carol M. Huston  
Notary Public  
County of Residence: Allen

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 certification does not extend to the form or validity of the document.

Dated this 22nd day of November, 1989.

ALLEN COUNTY PLAN COMMISSION

By:   
Dennis A. Gordon, AICP

This instrument prepared by: William D. Swift, Attorney, 590 Lincoln Tower, Fort Wayne, Indiana, 46802.

8 9 4 8 6 4 1