

**FIRST AMENDMENT OF THE DEDICATION, PROTECTIVE RESTRICTIONS,  
COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS APPENDED TO THE  
PLAT OF THE RETREAT AT HAWTHORNE PARK ESTATES, A SUBDIVISION IN  
PERRY TOWNSHIP, ALLEN COUNTY, INDIANA**

**WHEREAS**, North Eastern Development Corp., an Indiana corporation ("Declarant"), executed and recorded the Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to the Plat of The Retreat at Hawthorne Park Estates at Document No. 2020039476 in the Office of the Recorder of Allen County, Indiana (the "Declaration"); and

**WHEREAS**, pursuant to Section 7.26.2 of the Declaration, the Declarant currently has the right to amend the Declaration; and

**WHEREAS**, capitalized terms as used herein shall have the same meaning ascribed to them or defined in the Declaration unless otherwise specifically defined herein.

**NOW, THEREFORE**, the Declarant hereby amends the Declaration as follows:

1. AMEND SECTION 7.1. Section 7.1 is hereby amended to delete the following sentence:

"No building shall be erected, altered, placed, or permitted to remain on any Lot other than one single-family residence not to exceed two and one-half stories in height."

The deleted sentence is hereby replaced with the following sentence:

"No building shall be erected, altered, placed, or permitted to remain on any Lot other than one single-family residence not to exceed two and one-half stories in height, (i) except that the pre-existing structure located on Lot 1, erected prior to the execution and recording of this Declaration shall be permitted to remain and (ii) except all Lots shall be allowed to have an outbuilding which shall not exceed thirteen hundred (1300) square feet in surface area and two stories in height and must be approved by the Architectural Committee."

2. MISCELLANEOUS. Except as modified herein, the Declaration shall remain in full force and effect.

*signatures on following page*

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER

Feb 20 2024 CP

NICHOLAS D. JORDAN  
ALLEN COUNTY AUDITOR

IN WITNESS WHEREOF, the Declarant has executed this First Amendment to the Declaration effective as of this 19 day of February, 2024.

NORTH EASTERN DEVELOPMENT CORP.,  
an Indiana corporation

By: [Signature]  
Joseph L. Zehr, President

STATE OF Indiana )  
COUNTY OF Allen ) SS:

Before me, the undersigned, a Notary Public, in and for said County and State, on this 19 day of February, 2024, personally appeared **Joseph L. Zehr, as President of North Eastern Development Corp.**, being known or proved to me to be the person described in and who executed the foregoing instrument and who acknowledged execution of the same.

IN WITNESS WHEREOF, I have subscribed my name and affixed my official seal.

A resident of \_\_\_\_\_ County

[Signature]  
Notary Public (signature)

Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

\_\_\_\_\_  
Notary Public (printed name)

This instrument prepared by Logan C. Stevens, Attorney at Law, 36085-02  
Carson LLP, 301 W. Jefferson Boulevard, Suite 200, Fort Wayne, Indiana 46802.  
*I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Logan C. Stevens*

