AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.
May 03 2023
Nicholas D Jordan
AUDITOR OF ALLEN COUNTY

Perry - 22651582

2023017718

RECORDED: 05/03/2023 10:20:19 AM

NICOLE KEESLING

ALLEN COUNTY RECORDER

FORT WAYNE, IN

FIRST AMENDMENT TO THE DEDICATIONS, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS FOR THE PRESERVE AT TWIN EAGLES, SECTION I, A SUBDIVISION IN PERRY TOWNSHIP, ALLEN COUNTY, INDIANA.

FIRST AMENDMENT TO THE DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS AND APPROVALS FOR THE PRESERVE AT TWIN EAGLES, SECTION I (this "First Amendment") is dated and deemed effective as of the date of recording with the Allen County, Indiana Recorder's Office under the following circumstances:

### **RECITALS**

WHEREAS, Twin Eagles Development, LLC, an Indiana limited liability company, executed, as the Developer, that certain Dedication, Protective Restrictions, Covenants, Limitations, Easements and Approvals Appended to and as Part of the Dedication and Plat of The Preserve at Twin Eagles, Section I, a Subdivision in Perry Township, Allen County, Indiana ("Subdivision") on June 30, 2006 and recorded on July 14, 2006, as Document No. 206042327, in the Office of the Recorder of Allen County, Indiana (the "Declaration"); and

WHEREAS, the Developer no longer owns any Lots within the Subdivision; and

WHEREAS, the rights and obligations of the Lot Owners, as prescribed, authorized and limited pursuant to the Declaration, are governed by The Villas of Twin Eagles Community Association, Inc. ("Association") and its Board of Directors; and

WHEREAS, the Board of Directors, in consultation with no less than 75% of the Lot Owners of the Subdivision, desire to amend the Declaration for the purpose of prohibiting certain types and forms of commercial use activity within the Subdivision involving the leasing of a Unit; and

**NOW, THEREFORE**, in consideration of the foregoing, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby modified and amended as follows:

- 1. <u>Incorporation of Recitals</u>. The recitals set forth above are incorporated into this Section 1 as if fully set forth herein. Capitalized terms shall have the same meaning as set forth in the Declaration unless otherwise set forth herein.
- 2. <u>Restatement of Section 12.7.</u> Section 12.7 of the Declaration is hereby restated in its entirety as follows:

- No Business Activity. No business of any kind whatsoever shall be erected, maintained, operated, carried on, permitted or conducted on the Properties, and without limiting the generality of the foregoing, no store, market, shop, mercantile establishment, trading or amusement establishment, quarry, pit, undertaking establishment, crematory, cemetery, radio tower, auto camp, trailer camp or haven, hospital, public baths, school, kindergarten, nursery school, sanitarium asylum or institution shall be erected, maintained, operated, carried on, permitted or conducted on the Properties. Also prohibited are individual garage sales, yard sales and the like; provided, however, that Association sanctioned garage sales for all Owners occurring within a time frame specified by the Association shall be permitted. In furtherance of the foregoing, the following permitted activities, limitations and prohibitions shall apply to the use of a Lot and Unit:
- 12.7.1 <u>Home Occupations</u>. No Lot or Unit shall be used for any purposes other than as a single-family residence, except that a home occupation, defined as follows, any use conducted entirely within the dwelling Unit and participated in solely by a member of the immediate family residing in said dwelling Unit, which use is clearly incidental and secondary to the use of the dwelling Unit for dwelling purposes and does not change the character thereof and in connection with which there is: (a) no sign or display that indicates from the exterior that the dwelling Unit is being utilized in whole or in part for any purpose other than that of a dwelling Unit; (b) no commodity is sold upon that Lot; (c) no person is employed in such home occupation other than a member of the immediate family residing in the dwelling Unit; and (d) no mechanical or electrical equipment is used other than is customarily used in an office-at-home or by home hobbyist, and which is generally unsuitable for commercial applications.
- Leasing Prohibition. In furtherance of the provisions of Section 12.7 12.7.2 above, to a) protect the Owners' long term investments in their Units and Lots; b) preserve the congenial and residential character of the Subdivision and the high standards of accountability and responsibility for the maintenance and care of the Units and their respective Lots between and among the Owners; c) avoid the temporary and transient nature of leasing Units and d) encourage a low turnover of occupancy and to avoid the commercialization of the Subdivision caused by using or occupying any Unit and Lot for rental or leasing purposes, no Lot, Unit or any portion thereof may be rented, leased or otherwise occupied for a fee or other consideration, monetary or otherwise, for any duration whatsoever, including overnight arrangements or rentals, to any individual or entity ("Leasing Activity"). Each Lot and Unit thereon may be occupied only by its Owner and said Owner's immediate family members. For avoidance of doubt, "immediate family members" shall exclude aunts, uncles and cousins of any type, except in cases where the Owner obtains the prior written approval of the Board of Directors. Nothing contained herein prohibits or otherwise limits an Owner's right to have guests and invitees of the Owner and said Owner's immediate family members present at the Owner's Unit, or to have a house-sitter at the Owner's Unit, so long as no Leasing Activity occurs, and no

payment or consideration of any kind is received or paid to Owner or any third party on Owner's behalf. In the event any interpretation of the provisions of this sub-section 12.7.2 is necessary, the Board of Directors shall have the final determination as to the interpretation and such will be binding on all parties with no right of appeal.

- 12.7.3 <u>Business of Association.</u> The business of operating the Association shall not be considered as business activity under this Section 12.7.
- 3. <u>Restatement of Section 12.17</u>. Section 12.17 of the Declaration is hereby restated in its entirety as follows:

### 12.17 Occupancy of Units and Subdivision:

- 12.17.1 Occupancy of Units. Each Unit shall be occupied solely pursuant to the provisions of sub-section 12.7.2 above and used solely as a single-family dwelling and for no other purpose.
- 12.17.2 <u>Subdivision</u>. No Unit or Lot may be subdivided into more than one Unit or Lot. Only an entire Lot and the Unit thereon may be sold or otherwise transferred.
- 4. <u>Restatement of Section 14.18</u>. Section 14.18 of the Declaration is hereby restated in its entirety as follows:
  - 14.18 <u>Amendments</u>. Any provision of these Covenants may be amended, but such amendment is subject to the following requirements and limitations:
  - 14.18.1 <u>Amendment or Modification</u>. This Declaration and these Covenants may be amended only by a vote of not less than sixty-six percent (66%) of the Owners, in person or by proxy, at a meeting called for the purpose of amending this Declaration and these Covenants, and such other purposes as deemed necessary and appropriate by the Board of Directors and held pursuant to the Bylaws of the Association.
  - 14.18.2 <u>Incorporation of Federal Guidelines</u>. There may be incorporated as part of these Covenants, and, where applicable, the Articles and Bylaws of the Association, any and all provisions which now or hereafter may be required under the regulations or guidelines of FNMA, FHLMC, GNMA, VA and FHA so as to make any first mortgage encumbering a Unit eligible for purchase by FNMA, FHLMC, or GNMA, and eligible under VA or FHA, and such provisions shall supersede any conflicting matters contained in these Covenants, the Articles or Bylaws, except to the extent compliance with any regulation or guideline is waved by FNMA, FHLMC, GNMA, VA or FHA. Should FNMA, FHLMC, GNMA, VA or FHA require an amendment of these Covenants, the Articles or Bylaws, then such amendment may be made and filed by the Association without regard

to any other provisions herein contained regarding amendments, and without any requirement for securing the consent of any Unit Owner.

- 5. <u>Remaining Terms and Provisions</u>. Except as otherwise set forth above, the terms and provisions of the Declaration remain unmodified and in full force and effect. In the event of any conflict or inconsistency between the terms and provisions of this First Amendment and the terms and provisions of the Declaration, the terms and provisions of this First Amendment shall in all instances govern and prevail.
- 6. <u>Effective Date</u>. The Effective Date of this First Amendment shall be the date of recording with the Office of the Recorder of Allen County, Indiana.

IN WITNESS WHEREOF, having obtained the approval of the Plan Commission as required by sub-section 14.18.4, the Association and the undersigned, being at least seventy-five percent (75%) of the Owners of The Preserve at Twin Eagles, have executed this First Amendment.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK. SIGNATURE PAGES FOLLOW.]

### **DECLARANT:**

THE VILLAS OF TWIN EAGLES ASSOCIATION INC., an Indiana corporation

William P. Thomas, President

STATE OF INDIANA

) SS:

COUNTY OF ALLEN

Before me, a Notary Public in and for said County and State, personally appeared William P. Thomas, as President, of The Villas of Twin Eagles Association Inc., an Indiana corporation, who acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial scal this 3 rd day of MacM

County of Residence: Commission Expires:

Commission No.:

ANNE S CASTEEN, Notary Public Allen County, State of Indiana Commission Number NP0743491 My Commission Expires September 06, 2030 WM, 2022 2023 MML S COUSTEEN y Public NNE S MASTEEN

i	WHEREOF, , 2022.	the undersigned has	executed th	his instrument this /O day of
Lot 169:			Dewey V	. Culbritson
			Joyce A.	A. Cullertson Culbertson
STATE OF IND	DIANA	) ) SS:		
COUNTY OF A	LLEN	)		
	Joyce A. Cul			tate, personally appeared Dewey V. acknowledged the execution of the
W	ITNESS my h	and and notarial seal tl	his <u>///</u> da	ny of <u>No V.</u> , 2022.
County of Resid Commission Ex Commission No	xpires:	Sally Ann Thomas Notary Public Seal State of India Allen County Commission Number NP0743610 My Commission Expires 9/11/2030		Notary Public  SALLY AND THOMAS  Printed Name

IN WITNESS WHEREOF 100 ember, 2022.  Lot 170:		Vaughn B. Billings or Judith M. Billings, Co-Trustee of the Vaughn Billings Family Revocable Trust dated September 21, 1998
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
Billings or Judith M. Billing September 21, 1998, who ack	co-Trustee of the Vaugh cnowledged the execution of the	
WITNESS my l	nand and notarial seal this	Ø day of <u>NoV.</u> , 2022.
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indiana Allen County Commission Number NP0743610 My Commission Expires 9/11/2030	Notary Public  SALLY AND THOMAS Printed/Name

IN WITNESS WHEN 2022  Lot 171:	David R. Kemp  David R. Kemp  Barbara L. Kemp
STATE OF INDIANA	) ) SS:
COUNTY OF ALLEN	
Kemp and Barbara L. instrument.	Notary Public in and for said County and State, personally appeared David R. Kemp, husband and wife, who acknowledged the execution of the foregoing
WITNES	S my hand and notarial seal this 30 day of 1000 15027.3
County of Residence: Commission Expires: Commission No.:	ANNE S CASTEEN, Notary Public Allen County, State of Indiana Commission Number NP0743491 My Commission Expires September 06, 2030  ANNE S CASTEEN, Notary Public Notary Public Notary Public Printed Name

IN WITNESS WHERE , 2023.  Lot 172:	OF, the undersigned has executed this instrument this 30 day of  Matthew Sprunger  Janel Sprunger	
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
Sprunger and Janel Spruinstrument.	ary Public in and for said County and State, personally appeared Matthew ger, husband and wife, who acknowledged the execution of the foregoing	
WITNESS	ny hand and notarial seal this 201 day of Junuary 2022.3	
County of Residence: Commission Expires: Commission No.:	ANNE S CASTEEN, Notary Public Allen County, State of Indiana Commission Number NP0743491 My Commission Expires September 06, 2030  ANNE S CASTEEN, Notary Public	FN

IN WITNESS WHEREO November, 2022.	F, the undersigned has exec	cuted this instrument this $\frac{1}{5}$ day of
Lot 173:		Just Wandell Sandall, H. or
		Gichael P. Barnhill, as Co-Trustee of the
		usan L. Barnhill Supplemental Needs
	1.	rust
STATE OF INDIANA	)	
	) SS:	
COUNTY OF ALLEN	)	
Barnhill, Terry S. Darnhill	I. II, or Michael P. Barnhill,	ty and State, personally appeared Susan L. as Co-Trustee of the Susan L. Barnhill ion of the foregoing instrument.
WITNESS my	y hand and notarial seal this _	<b>5</b> day of <b>Nov.</b> , 2022.
County of Residence:		Sally an Thomas
Commission Expires:		Notary Public
Commission No.:	Sally Ann Thomas Notary Public Seal State of Indiana Allen County Commission Number NP0743610 My Commission Expires 9/11/2030	SALLY AND THOMAS Printed Name

IN WITNESS WHEREOF <u>November</u> 2022. Lot 174:	, the undersigned has	executed this  L. Edward M.  Mary Ann M.	SUSAL AcFarland	s 15 Juli Far	day of  Musical Control  Marketine  Marketin
STATE OF INDIANA	) ) SS:				
COUNTY OF ALLEN	)				
Before me, a Notary McFarland and Mary Ann M foregoing instrument.	Public in and for said C IcFarland, husband and				
WITNESS my	nand and notarial seal t	his <u>15</u> day o	f <b>Nov.</b> , 20	22.	
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indi		Notary Public	The	<del>me</del>

SALLY AND THOMAS
Printed Name

Sally Ann Thomas
Notary Public Seal State of Indiana
Allen County
Commission Number NP0743810
My Commission Expires 9/11/2030

IN WITNESS WHER Jan, 2022 Lot 176:	EOF, the undersigned has executed this instrument this 30 Gerald L. Ohneck Debra G. Ohneck	day of
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
•	otary Public in and for said County and State, personally appeared Go Ohneck, husband and wife, who acknowledged the execution of the for	
WITNESS	my hand and notarial seal this 20 day of 1000 2023:3	
County of Residence: Commission Expires: Commission No.:	ANNE S CASTEEN, Notary Public Allen County. State of Indiana Commission Number NP0743491 My Commission Expires September 06, 2030 Printed Name	W TEEN

IN WITNESS WHEREO Nov., 2022.  Lot 177:	OF, the undersigned has ex	Danley N. Schiebel  Patti J. Schiebel
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
		nty and State, personally appeared Danley N. acknowledged the execution of the foregoing
WITNESS m	y hand and notarial seal this	<u>15</u> day of <u>No V.</u> , 2022.
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indiana Allen County Commission Number NP0743810 My Commission Expires 9/11/2030	Notary Public  SALLY AND THOMAS  Printed Name

IN WITNESS WHEREOF	the undersigned has executed this instrument this $ID^{IH}$ day of
Lot 178:	Randall D. Bush
	Sandra G. Bush
STATE OF INDIANA	) ) SS:
COUNTY OF ALLEN	)
•	Public in and for said County and State, personally appeared Randall D. nusband and wife, who acknowledged the execution of the foregoing
WITNESS my	nand and notarial seal this 10 day of Nov., 2022.
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indiana Allen County Commission Number NP0743610 My Commission Expires 9/11/2030  Allen County Commission Expires 9/11/2030  Allen County Commission Number NP0743610 Printed Name

IN WITNESS WHEREOF, NOVEM WEY, 2022.  Lot 179:	$\searrow$	ed this instrument this 10 day of 10000 K. Elser
STATE OF INDIANA COUNTY OF ALLEN	) ) SS: )	
•		and State, personally appeared Susan K. owledged the execution of the foregoing
WITNESS my h	and and notarial seal this 10	day of <u>No V.</u> , 2022.
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indiana Allen County Commission Number NP0743610 My Commission Expires 9/11/2030	Notary Public  SALLY AND THOMAS Printed Name

IN WITNESS WHEREOF January, 2023.  Lot 180:	, the undersigned has executed this	Devenue
	David Spea	a Jacuman
	Dara Speam	man
	1	
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
Spearman and Donna Spear acknowledged the execution	Public in and for said County and Sman, husband and wife, and Dara Spof the foregoing instrument.	
WITNESS my 1	hand and notarial seal this $20$ day	of JULUI \$62 <b>2.3</b>
County of Residence: Commission Expires: Commission No.:	ANNE S CASTEEN, Notary Public Allen County, State of Indiana Commission Number NP0743491  My Commission Expires September 06, 2030	Notary Public ANNES CASTEEN
`		Printed Name

N WITNESS WHERI	EOF, the undersigned ha	s executed this	instrument this 6 day of
February, 2023.			4.
Lot 181:		Mul	hall m
		Phillip C. W	right 50
		Marcia R. W	Vright
STATE OF INDIANA	) ) SS:		
COUNTY OF ALLEN	)		
Wright and Marcia R. Winstrument.	right, husband and wife, w	vho acknowledge	e, personally appeared Phillip C.  If the execution of the foregoing
WITNESS	my hand and notarial seal	this <u>l</u> day o	of e 171 WU, 2022.3
County of Residence: Commission Expires: Commission No.:	ANNE S CASTEE	N, Notary Public State of Indiana mber NP0743491	Notary Public
	/★/ \★/ Collillingsion na	es September 06, 2030	Printed Name
			I IIIIOG I WIIIO

IN WITNESS WHER	EOF, the undersigned has	as executed this	s instrument this 30 fg day of
Lot 182:		David W. B	M John
, ,			
STATE OF INDIANA	) ) SS:		
COUNTY OF ALLEN	)		
Bohren and Jane M. Boinstrument.	ohren, husband and wife, w	ho acknowledge	te, personally appeared David W. and the execution of the foregoing
	my hand and notarial seal	20th	a Januar Hooda
WITNESS	my hand and notarial seal	this 10 day	of <u>Multar</u> y 2024. 7
County of Residence: Commission Expires: Commission No.:	SEAL) Allen County,	EN, Notary Public State of Indiana Imber NP0743491	Notary Public
	My Commission Expi	res September 06, 2030	Printed Name

IN WITNESS WHEREOF,  ///////, 2022.  Lot 185:	the undersigned has executed this instrument this 15 day of David R. Typer  Marelus Junes
	Marilyn Tyner
STATE OF INDIANA	) ) SS:
COUNTY OF ALLEN	)
•	Public in and for said County and State, personally appeared David R. sband and wife, who acknowledged the execution of the foregoing
WITNESS my h	nand and notarial seal this <u>/</u> 5 day of <u>Nov.</u> , 2022.
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indian

Sally Ann Thomas
Notary Public Seal State of Indiana
Allen County
Commission Number NP0743610
My Commission Expires 9/11/2030

SALLY AND THOMAS Printed Name

IN WITNESS WHEREOF MOVEMBEY, 2022. Lot 186:	the undersigned has executed this instrument this day  Martha A. Filloff	of
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
,	Public in and for said County and State, personally appeared Martha execution of the foregoing instrument.	ı A.
WITNESS my l	and and notarial seal this // day of // Nov., 2022.	
County of Residence: Commission Expires: Commission No.:	Saily Ann Thomas Notary Public Saal State of Indiana Allen County Commission Number NP9743810 My Commission Expires 9/11/2030  SALLY RUN THOMA Printed Name	<u></u> 25

IN WITNESS WHEREC November, 2022.  Lot 187:	Dan Dan	and this instrument this 10 day of the Third of the F. Nichols  Lane M. Michols  The Manne of th
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
•	•	y and State, personally appeared Dan F. nowledged the execution of the foregoing
WITNESS m	y hand and notarial seal this _/c	oday of <u>No V·</u> , 2022.
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indiana Allen County Commission Number NP0743810 My Commission Expires 9/11/2030	Notary Public  SALLY AND THOMAS  Printed Name

RECITAL: The Grantor herein certifies that she is the widow and surviving spouse of James G. Mills, with whom she acquired title to the above-described real estate (by deed recorded on May 24, 2012, as Document No. 2012028429, in the Office of the Recorder of Allen County, Indiana) and that the marital relationship between the Grantor herein and James G. Mills continued unbroken from the date they so acquired title until the death of James G. Mills on December 12, 2016. Kay M. Mills Lot 188: STATE OF INDIANA ) SS: COUNTY OF ALLEN Before me, a Notary Public in and for said County and State, personally appeared Kay M. Mills, an individual over the age of eighteen (18), who acknowledged the execution of the foregoing instrument. WITNESS my hand and notarial seal this \_/5 day of \_\tov., 2022. Notary Public

SALLY AND THOMAS

Printed Name County of Residence: Commission Expires: Sally Ann Thomas Notary Public Seal State of Indiana Commission No.:

Allen County Commission Number HP0743610 My Commission Expires 9/11/2030

IN WITNESS WHEREOF, NOVEMBER, 2022.  Lot 189:	the undersigned has executed this instrument this 15 day of  Lisa A. Garman  Lisa A. Garman
STATE OF INDIANA	) ) SS:
COUNTY OF ALLEN	)
Garman and Lisa A. Garman instrument.	Public in and for said County and State, personally appeared Daniel A., husband and wife, who acknowledged the execution of the foregoing
WITNESS my f	nand and notarial seal this <u>15</u> day of <u>Nov.</u> , 2022.
County of Residence: Commission Expires: Commission No.:	Notary Public  SALLY ANN THOMAS  Printed Name
	Sally Ann Thomas Notary Public Seal State of Indiana Allen County Commission Number NP0743610 My Commission Expires 9/11/2030

IN WITNESS WHERE	OF, the undersigned has e	executed this instrument this 15 day of
Lot 190:		Franklin D. Gongwer  Nancy A. Gongwer  Mancy A. Gongwer
STATE OF INDIANA	) ) SS:	
COUNTY OF ALLEN	)	
	=	nty and State, personally appeared Franklin D. Fe, who acknowledged the execution of the
WITNESS 1	my hand and notarial seal this	s_15_ day of Nov., 2022.
County of Residence: Commission Expires: Commission No.:	Sally Ann Thomas Notary Public Seal State of Indiana	Notary Public
	Allen County Commission Number NP0743610 My Commission Expires 9/11/2030	SALLY (AUD (HOMAS Printed Name

IN WITNESS WHEREOF,	the undersigned has executed this instrument this $\frac{30}{}$ day of
January, 202 <b>3</b> . Lot 192:	Jane D. Thomas
STATE OF INDIANA	)
	) SS:
COUNTY OF ALLEN	)
Thomas, and individual over foregoing instrument.	Public in and for said County and State, personally appeared Jane D. the age of eighteen (18), who acknowledged the execution of the and and notarial seal this 30 day of 1024.3
County of Residence: Commission Expires:	ANNE S CASTEEN, Notary Public Allen County, State of Indiana Commission Number NP0743491 My Commission Expires September 06, 2030 Printed Name

IN WITNESS WHER JANUARY, 2022. Lot 193:	EOF, the undersigned has executed this instrument this $\frac{28}{\text{day}}$ of  Lawrence H. Kuhn  Barbara A. Kuhn
STATE OF INDIANA	) ) SS:
COUNTY OF ALLEN	)
	stary Public in and for said County and State, personally appeared Lawrence Kuhn, husband and wife, who acknowledged the execution of the foregoing
WITNESS	my hand and notarial seal this Edday of Milling 2021.3
County of Residence: Commission Expires: Commission No.:	ANNE S CASTEEN, Notary Public Allen County, State of Indiana Commission Number NP0743491 My Commission Expires September 06, 2030 Printed Name

IN WITNESS WHEREOF,	the undersigned has	executed this	instrument this 30 day of
January, 2 <del>022.</del> 200	13		and a
Lot 194:		Villet	C. Mhiller In
			Vhittington, as Trustee of the
			Levocable Trust of Edwin Myers
		Whittington	& Violet Ann Whittington
STATE OF INDIANA	)		
	) SS:		
COUNTY OF ALLEN	)		
			e, personally appeared Violet L.
Whittington, as Trustee of the	: 1994 Joint Revocable 7	Trust of Edwin 1	Myers Whittington & Violet Ann
Whittington, who acknowledge	ged the execution of the	foregoing instru	ument.
_	-	2-th	1
WITNESS my l	nand and notarial seal t	his <i>[]()</i> '` day c	of anucy 20223
•		<u> </u>	Tara CA di NAON
County of Residence:	ANNE S CASTEEN	Notary Public	HIWL MUSICIA
Commission Expires:	ANNE S CASTEEN Allen County, St	n notary rabino	Notary Public
	SEAL) Commission Num	her ND0743491	A CALLERY
\ <b>*</b> /	The action Combra	s Sentember 06, 2030	ANNIE S CHSTEEN
~	WDIANA My Commission Expire	a ouptoiniber co, zees	Printed Name

IN WITNESS WHEI 2022 Lot 195:	REOF, the undersigned ha	H. Sayler Daugherty, C	Daugherty and Tamara L. o-Trustee of the H. Sayler & Daugherty Revocable Trust
STATE OF INDIANA	) ) <b>S</b> S:		,
COUNTY OF ALLEN	· · · · · · · · · · · · · · · · · · ·		
Daugherty and Tamara Trust dated December		f the H. <u>Sayler</u> & T the execution of the	
County of Residence: Commission Expires: Commission No.:	ANNE S CASTEEN Allen County, Sta Commission Num My Commission Expires	Notary Public ate of Indiana ber NP0743491	Notary Public ANNE S CASTEEN Printed Name

IN WITNESS WHEREOF, the undersigned has e	executed this instrument this May of
Lot 196:	Susan M. Meese, Trustee of the James E. Meese Revocable Living Trust dated November 4, 2005, and Trustee of the Susan M. Meese Revocable Living Trust dated
Florida STATE OF INDIANA )	November 4, 2005
) SS:	
) SS: COUNTY OF ALLEN  HERWAD	
Hermad	
Before me, a Notary Public in and for said Co	
Meese, as Trustee of the James E. Meese Revocable I	
Trustee of the Susan M. Meese Revocable Living Trust	dated November 4, 2005, who acknowledged
the execution of the foregoing instrument.	3 411)
WITNESS my hand and notarial seal this	s 8 day of 40, 2022. XXX
County of Residence: Hernando	the metal
Commission Expires: MAY, 16, 2006	Notary Public
Commission No.: HHQU3034	MARY ZARVALAS
anula.	Printed Name
MARY ANN ZARVALAS MY COMMISSION # HH 263034 EXPIRES: May 16, 2028	

		gned has executed	this instrument this $12$ day of	:
FEBRUARY, 2022	t. 2033	<u> </u>	- A	
Lot 198:		Ju	*/ \	
			Trustee of the Jerry Ide Revocable	
		Trust (dat	ted May 26, 2004	
			elly 169	
		Sally I	de, Trustee of the Sally Ide	
		Revocab	ole Trust dated May 26, 2004	
STATE OF INDIANA	,			
	) SS:			
COUNTY OF ALLEN	)			
•	•		State, personally appeared Jerry Ide,	
Trustee of the Jerry Ide	e Revocable Trust da	ted May 26, 2004, an	nd Sally Ide, Trustee of the Sally Ide	;
Revocable Trust dated	May 26, 2004, who a	cknowledged the exe	ecution of the foregoing instrument.	
		Mrs	A Someone Ca	
WITNES	S my hand and notar	rial seal this $\mathcal{L}^{\prime\prime}$ d	lay of 1/2 1/1 1/1/1/1/1/2022.7	
County of Residence:		CASTEEN, Notary Public	Valle Grafteer	Ì
Commission Expires:	Allan C	County, State of Indiana	Notary Public	
Commission No.:	SEAL Commis	sion Number NP0743491	. ANNE GRAMMA	ĺ

THIS INSTRUMENT prepared by Thomas M. Niezer, Attorney No. 11274-02, Barrett McNagny LLP, 215 East Berry Street, P.O. Box 2263, Fort Wayne, Indiana 46802-2263.

Commission Number NP0743491 My Commission Expires September 06, 2030

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. Thomas M. Niezer.

When Recorded, mail to: Thomas M. Niezer, Esq., 215 East Berry Street, Fort Wayne, IN 46802

# Exhibit "A" Plat of the Preserve at Twin Eagles

LEGEND

UT ESMT = UTILITY EASEMENT

SD ESMT = SURFACE DRAINAGE EASEMENT 858.1 = MINIMUM FLOOD PROTECTION GRADE

BENCHMARK INFORMATION
BENCHMARK IS BRONZE PLAQUE IN CONCRETE BASE BEHIND PROJECT
STONE WALL NORTH OF LOT 168. ELEV. 853.15

THE BENCHMARK IS AN IRON PIN IN A CONCRETE PIER LOCATED

APPROXIMATELY 22 FEET WEST OF THE WEST LINE OF LOT 18 AND 87 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY OF TWIN EAGLES BOULEVARD. THE ELEVATION EQUALS 874.98 BASED ON THE BENCHMARK SET BY THE USCAIGS LABELED T-197, LOCATED ON GUMP ROAD NEAR THE OLD RAILROAD. THE ELEVATION IS BASED ON 1929

AREA BENCHMARK INFORMATION

5812 INDUSTRIAL ROAD FORT WAYNE, IN 46825 (260) 484-2748

THE PRESERVE AT TWIN EAGLES **SECTION I** 

## NOTES:

ALL RADII ON STREET R/W INTERSECTIONS ARE 20'.

ALL BUILDING LINES ARE 25'.

ALL BURIED UTILITIES MUST ALLOW FOR DRAINAGE SWALE GRADE ELEVATIONS AS FOUND ON THE PLANS

ALL BLOCKS AND OPEN SPACES ARE TO HAVE BLANKET UTILITY AND SURFACE DRAINAGE EASEMENTS

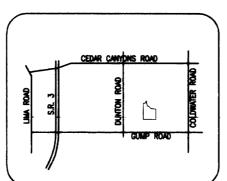
5/8" IRON PIN SET AT ALL LOT CORNERS.

NOVEMBER 22, 2005 REVISION: MAY 22, 2006

Plat Cab F Pg. 134

### LEGAL DESCRIPTION

PART OF SECTION 16 TOWNSHIP 32 NORTH RANGE 12 EAST, ALLEN COUNTY INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



LOCATION MAP

AUDITOR'S OFFICE 11503 JUL 14 2006

RECEIVED JUL 1 2 2006

**BLOCK Y** 

RUSSELL

DOC# 79-22111

APPROVED THIS 12 DAY OF JULY ALLEN COUNTY BOARD OF COMMISSIONERS

MARLA J. IRVING, VICE RESIDENT

F. NELSON PETERS, SECRETARY

LISABETH A. BLOSSER, AUDITOR ALLEN COUNTY, INDIANA

APPROVED THIS 13 TDAY OF JULY ALLEN COUNTY PLAN COMMISSION

0126 1 11 CHARLES J. BODENHAFER, PRESIDENT

ALLAN D. FRISINGER, VICE PRESIDENT

APPROVED THIS 12 DAY OF \_\_\_

ALLAN D. FRISINGER, P.L/S ALLEN COUNTY SURVEYOR

CONFIRMED THIS 13th DAY OF JULY .2006 ALLEN COUNTY DEPARTMENT OF PLANNING SERVICES

fumberly Downa KIMBERLY BOWMAN, AICH EXECUTIVE DIRECTOR

TWIN EAGLES DEVELOPMENT, L.L.C., BY ITS MEMBER, JEFFREY M. THOMAS, OWNER BY VIRTUE OF THAT CERTAIN DEED SHOWN IN DOCUMENT NO. 203045517 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE INFORMATION SHOWN ON THE FINAL PLAT. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS THE PRESERVE AT TWIN EAGLES SECTION 1, AN ADDITION TO ALLEN COUNTY, INDIANA.

JEFFREY M . THOMAS, MEMBER

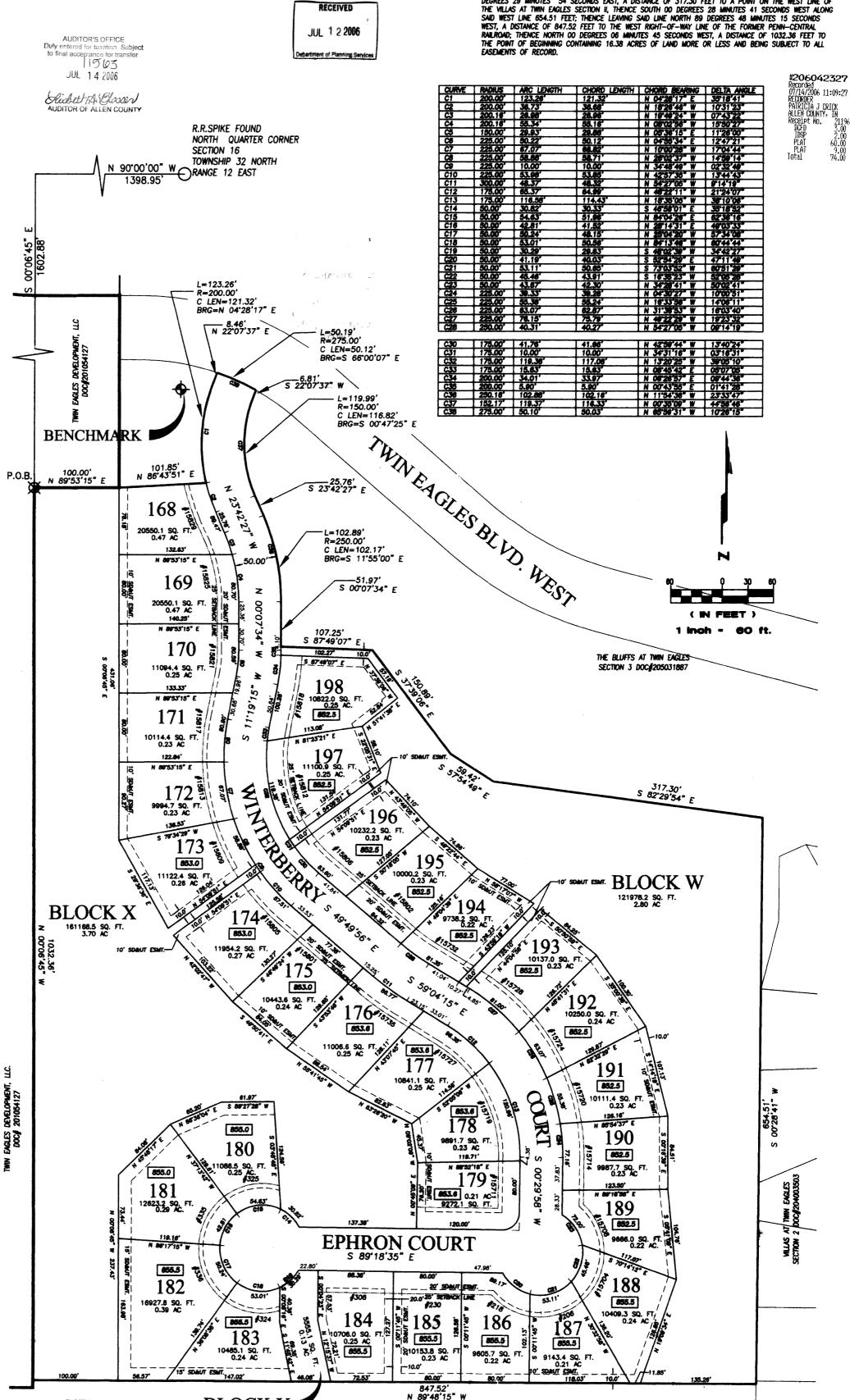
THE UNDERSIGNED HAS DETERMINED THAT ALL OF THE LOTS IN THE ABOVE DESCRIBED PROPERTY LIE OUTSIDE THE FLOOD PLAIN OF THE FEMA FLOOD INS RATE MAP **#18003C0055**F NOVEMBER 5, 2003

I, MARK L. STRONG, HEREBY CERTIFY THAT I AM A LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE IF INDIANA; THAT BASED ON MY KNOWLEDGE, EXPERIENCE AND BELIEF THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION ACCURATELY DEPICIT A SUBDIVISION OF REAL ESTATE DESCRIBED BY DOC#205041994 IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA; THAT ALL MARKERS SHOWN HEREON ACTUALLY EXIST, AND THAT THEIR LOCATIONS, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN, THAT THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE SURVEY REFERENCED HEREON, OR ANY PRIOR SUBDIVISION PLATS CONTAINED THEREIN, ON ANY LINES THAT ARE COMMON WITH THIS NEW SUBDIMISION.

MARK L. STRONG, LS # S0295 SURVE!

A "PETITION FOR CONSENT TO ALLOW PERMANENT STRUCTURE IN LEGAL DRAIN PURSUANT OF I.C. 36-9-27-72" WAS APPROVED BY THE ALLEN COUNTY DRAINAGE BOARD 1-12-06 RE: DRAINAGE BOARD PETITION NO. 06-045, FOR THE REGULATED STORM SEWER SYSTEM AND BY THE ALLEN COUNTY DRAINAGE BOARD 1-26-06 RE: DRAINAGE BOARD PETITION NO.\_\_\_\_\_\_, FOR DUNDRAIN. FOR DUNTEN

THIS NEW SUBDIVISION PLAT IS CROSS REFERENCED TO A RETRACEMENT AND ORIGINAL SURVEY OF THE PARCEL PERFORMED BY ENGINEERING VISION INC. RECORDED AS DOCUMENT #202016319, IN THE OFFICE OF THE RECORDER OF ALLEN COUNTY, INDIANA, AS REQUIRED BY TITLE 865, ARTICLE 1, RULE 12, SECTION 13 OF THE INDIANA ADMINISTRATIVE CODE. AND A SURVEY BY JL RUSSELL RECORDED AS DOCUMENT #205075747.



RUSSELL DOC# 88-9568