

2015023629

RECORDED: 05/14/2015 9:23:40 AM

ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

TITAN TITLE SERVICES, LLC

C2015-40

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

WHEREAS, NPT DEVELOPMENT CORP., an Indiana corporation, executed and placed of record that certain Dedication, Protective Restrictions, Covenants, Limitations, Easements And Approvals Appended To The Plat of Hawthorne Park Estates, Section III, in Perry Township, Allen County, Indiana, recorded at Document Number 2013071182 in the Office of the Recorder of Allen County, Indiana, as amended by a First Amendment recorded at Document Number 2015014192 (collectively the "Declaration"); and

WHEREAS, pursuant to Article 7.27.2 of the Declaration, the Declarant currently has the right to amend the Declaration; and

WHEREAS, capitalized terms used herein shall have the same meaning ascribed to them in the Declaration.

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

1. Section 2.1.4 is revoked in its entirety, and is amended and restated in its entirety and shall now read and be as follows:

2.1.4 To dedicate or transfer all or any part of the Common Area or any interest or easement therein to any public agency, authority or utility upon the vote and approval of at least two-thirds (2/3) of each class of Association members, provided, however, that Developer, without such vote and approval, may, prior to the time when fee simple title to all Lots have been conveyed by Developer, transfer, dedicate or convey such portions of the Common Area to adjoining Lot Owners as may be necessary to allow such adjoining Lot Owners to comply with the requirements of the Zoning Authority, permit requirements, or with provisions of Section 7, and the Developer may also grant and convey utility or drainage easements in, on and over any Common Area, before the Authority Transfer Date (collectively a "Developer Permitted Transfer), but no such easement shall be granted over areas on which structures or buildings then exist. The Association shall further have the unrestricted right, without the vote and approval of Association members, to transfer by Quitclaim Deed portions of the Common Area that are inaccessible or impractical or difficult to maintain to an adjacent Lot, provided, however, no such transfer shall be made

{11856/006/00396544-2JB}

AUDITOR'S OFFICE

Duly entered for taxation. Subject
to final acceptance for transfer.

May 14 2015

TERA K. KLUTZ

AUDITOR OF ALLEN COUNTY

by the Association which will cause any portion of the Common Area to become landlocked (hereinafter a "Association Permitted Transfer"). No such dedication or transfer, except a Developer Permitted Transfer or an Association Permitted Transfer shall be effective unless an instrument confirms at least two-thirds vote and approval of each class of members of the Association agreeing to such dedication or transfer is also recorded.

2. Except as expressly modified or amended by this Second Amendment, all other terms and provisions of the Declaration remain unchanged and shall remain in full force and effect.

LMH IN WITNESS WHEREOF, the Declarant has executed this Second Amendment effective as of this day of May, 2015.

NPT DEVELOPMENT CORP.
an Indiana corporation

By: _____

Its: _____


Printed Name: _____

Joseph L Zehr
President

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, the undersigned Notary Public in and for said County and State, personally appeared Joseph L Zehr, the President of NPT DEVELOPMENT CORP. and acknowledged execution of the above and foregoing this LMH day of May, 2015.

My Commission Expires:

 **LISA A DOWNEY, Notary Public**
Resident of **Allen County, State of Indiana**
My Commission Expires 10-17-2019

Lisa A Downey
Signature of Notary Public
Lisa A Downey
Printed Name of Notary Public

This instrument prepared by VINCENT J. HEINY, Attorney at Law, Haller & Colvin, P.C., 444 East Main Street, Fort Wayne, Indiana 46802, Telephone: (260) 426-0444. 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. /s/ Vincent J. Heiny