



FIRST AMENDMENT TO AMENDED AND RESTATED DEDICATION,  
PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS  
AND APPROVALS APPENDED TO THE PLAT OF CHAPMAN'S BRIDGE, SECTION I, A  
SUBDIVISION IN ST. JOSEPH TOWNSHIP, ALLEN COUNTY, INDIANA

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SJ Development Corp., an Indiana corporation (the "Developer") is the Developer of the recorded Plat of Chapman's Bridge, Section I which original plat was recorded in Plat Cabinet F, page 36 at Document No. 204083644, amended by Document No. 205023991, with an Amended And Restated Dedication, Protective Restrictions, Covenants, Limitations, Easements And Approvals Appended To The Plat Of Chapman's Bridge, Section I being recorded February 7, 2006 at Document No. 206006207 (the "Amended Declaration").

Pursuant to Section 7.26.2 of the Amended Declaration the Developer and its successor has the exclusive right for a period of four (4) years to amend the Plat or any of its Covenants. SJ Development Corp. as the successor Developer hereby revokes Section 12 and Section 12.1 of the Amended Declaration, and in lieu and substitution thereof now adopts and provides that Section 12 and Section 12.1 shall henceforth be as follows:

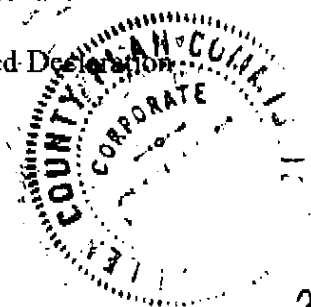
**Section 12. CLUB MEMBERSHIP, OPERATING FUND ASSESSMENT.**

The Developer plans to construct a bathhouse and swimming pool within Foxwood, which facilities will be owned and operated by The Communities of Foxwood Association, Inc., and which will be available (except as set forth in 12.1 thereof) for use by the Members of the Association. Upon the substantial completion and issuance of a certificate of occupancy for the bathhouse and swimming pool the Communities of Foxwood Association, Inc., through its Board of Directors, shall establish a Club Operating Fund.

12.1 All Lot Owners in the Villas of Foxwood and all Lot Owners in Chapman's Bridge shall be entitled, at their option, to membership and usage of the bathhouse and swimming pool, and shall pay as a part of such membership the same Club Assessment as the Association Members. Such Club Assessment shall bear interest, shall become a lien upon the Lot against which it is assessed, shall become the personal obligation of Owner of such Lot, and may be collected in accordance with the provisions of this section. The Board of Directors of The Communities of Foxwood Association, Inc. shall have the authority and discretion to sell Seasonal Passes ("Seasonal Passes") to the public for the use of the bathhouse and swimming pool at any time and from time to time that the Board of Directors determines there is excess unused capacity for the bathhouse and swimming pool. The Board of Directors shall also have the authority to establish reasonable rules and regulations concerning the use of the bathhouse and swimming pool by Members, those persons purchasing Seasonal Passes and guests of Members and Seasonal Pass holders.

Except as expressly modified herein, all other terms and conditions of the Amended Declaration shall remain in full force and effect.

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NOTOR (C) ALLEN C  
21 MAY 11 11:21 AM  
Allen County Recorder



Dated: April 30, 2007.

SJ Development Corp.

By: [Signature]  
Joseph L. Zehr, President

STATE OF INDIANA     )  
                                  ) SS;  
COUNTY OF ALLEN     )

Before me, a Notary Public in and for said County and State, this 30<sup>th</sup> day of April, 2007, appeared Joseph L. Zehr, known to me to be the duly authorized President of SJ Development Corp. who acknowledged the execution of the above and foregoing as his voluntary act and deed and on behalf of said corporation for the purposes and uses set forth in this document.

My Commission Expires:

11-04-2011

Resident of:

Allen County

[Signature]



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. Vincent J. Heiny.

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