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ALLEN COUNTY RECORDER



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**FIRST AMENDMENT TO THE AMENDED AND RESTATED DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS, AND APPROVALS OF THE PLAT OF LOFTON WOODS, SECTION II AND LOFTON WOODS, SECTION III, SUBDIVISIONS IN ALLEN COUNTY, INDIANA**

[Cross Reference to 98009021]

The undersigned, being the owners of at least 60% of the lots in Lofton Woods, Sections II and III, according to the plats thereof, consent to and approve the following First Amendment to the Amended and Restated Dedication, Protective Restrictions, Covenants, Limitations, Easements, and Approvals of Lofton Woods, Section II, and Lofton Woods, Section III, Subdivisions in Allen County, Indiana ("Amendment"). This Second Amendment amends the previously recorded Amended and Restated, Protective Restrictions, Covenants, Limitations, Easements, and Approvals of the Plat of Lofton Woods, Section II and Lofton Woods, Section III, Subdivisions in Allen County, Indiana (the "Amended and Restated Covenants"), recorded as Document No. 980009021 in the Office of the Recorder of Allen County. The Amended and Restated Covenants amended and restated the Covenants previously recorded for Lofton Woods, Sections II and III.

1. Section 6.8, *Temporary Structures*, of the Amended and Restated Covenants shall be deleted, and shall be replaced with the following new Section 6.8, which shall read as follows:

6.8 *Temporary Structures and Other Items.* No structure of a temporary character, trailer, boat trailer, camper or camping trailer, basement, detached garage, barn, or other outbuilding shall be constructed, erected, located, or used on any Lot for any purpose (including use as a residence), either temporarily or permanently, except as provided herein; and provided, however, that basements may be constructed in connection with the construction and use of a single-family residence.

Detached sheds not to exceed 100 square feet and 10 feet in height (from ground to roof peak) shall be permitted for storage use. Sheds must be supported and/or placed on a cement foundation (either poured concrete or cement blocks) to prevent direct contact with the ground. Sheds must be constructed of quality materials and workmanship and must match the facade of the residence and/or surroundings. Sheds must be concealed from view from the street by a fence (in compliance with Section 6.27 Fences) and/or landscaping. All metal sheds are expressly prohibited. Sheds must at all times be kept in good condition and repair and adequately painted or otherwise maintained by the owner. The location of the shed must adhere to said set-back restrictions as defined in Section 6.3 of the Covenants and in accordance with setbacks imposed under the Fort Wayne Zoning Ordinance, and shall not be placed within any utility or surface drainage easements. No shed of any kind shall be constructed upon any lot until after the Architectural Control Committee has approved the dimensions, design, materials and location in writing.

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ALLEN COUNTY RECORDER



**SECOND AMENDMENT TO THE AMENDED AND RESTATED DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS, AND APPROVALS OF THE PLAT OF LOFTON WOODS, SECTION II AND LOFTON WOODS, SECTION III, SUBDIVISIONS IN ALLEN COUNTY, INDIANA**

[Cross Reference to 98009021]

The undersigned, being the owners of at least 60% of the lots in Lofton Woods, Sections II and III, according to the plats thereof, consent to and approve the following Second Amendment to the Amended and Restated Dedication, Protective Restrictions, Covenants, Limitations, Easements, and Approvals of Lofton Woods, Section II, and Lofton Woods, Section III, Subdivisions in Allen County, Indiana ("Amendment"). This Fourth Amendment amends the previously recorded Amended and Restated, Protective Restrictions, Covenants, Limitations, Easements, and Approvals of the Plat of Lofton Woods, Section II and Lofton Woods, Section III, Subdivisions in Allen County, Indiana (the "Amended and Restated Covenants"), recorded as Document No. 98009021 in the Office of the Recorder of Allen County. The Amended and Restated Covenants amended and restated the Covenants previously recorded for Lofton Woods, Sections II and III.

1. Section 6, *General Provisions*, of the Amended and Restated Covenants shall be amended by adding the following Section 6.27, *Fences*, which shall read as follows:

**6.27 Fences.** Fences shall be of wood, ornamental iron, vinyl or composite material only. Fences made of any other type of material such as chain link, barbed wire or wire mesh, are prohibited. Wood fencing must be of natural wood or natural wood stain in color, or match the exterior of the home, or be compatible with the character of the surrounding area. Walls must consist of masonry. No fence or wall shall exceed 6 feet in height. No fence or wall of any height shall be constructed upon any lot until after the Architectural Control Committee has approved the height, type, design, and location in writing. Existing fences as of the effective date of this Amendment that do not meet the above criteria will be allowed to remain only until they are in need of repair, at which time they must be removed or replaced with an approved fence.

*Fences* →

The Owner is responsible for obtaining any required governmental permits for such fence or wall.

2. This Amendment shall be effective upon recordation of same in the Office of the Recorder for Allen County, Indiana.

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ALLEN COUNTY RECORDER



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**THIRD AMENDMENT TO THE AMENDED AND RESTATED DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, EASEMENTS, AND APPROVALS OF THE PLAT OF LOFTON WOODS, SECTION II AND LOFTON WOODS, SECTION III, SUBDIVISIONS IN ALLEN COUNTY, INDIANA**

[Cross Reference to 98009021]

The undersigned, being the owners of at least 60% of the lots in Lofton Woods, Sections II and III, according to the plats thereof, consent to and approve the following Third Amendment to the Amended and Restated Dedication, Protective Restrictions, Covenants, Limitations, Easements, and Approvals of Lofton Woods, Section II, and Lofton Woods, Section III, Subdivisions in Allen County, Indiana ("Amendment"). This First Amendment amends the previously recorded Amended and Restated, Protective Restrictions, Covenants, Limitations, Easements, and Approvals of the Plat of Lofton Woods, Section II and Lofton Woods, Section III, Subdivisions in Allen County, Indiana (the "Amended and Restated Covenants"), recorded as Document No. 980009021 in the Office of the Recorder of Allen County. The Amended and Restated Covenants amended and restated the Covenants previously recorded for Lofton Woods, Sections II and III.

1. Section 4.3.2 of the Amended and Restated Covenants shall be deleted, and shall be replaced with the following new Section 4.3.2, which shall read as follows:

4.3.2 The minimum Annual Assessment may be increased each year by the Board of Directors by a percentage not more than 10% (rounded up to the nearest dollar) above the Annual Assessment for the previous year, without a vote of the membership of the Association.

5. This Amendment shall be effective upon recordation of same in the Office of the Recorder for Allen County, Indiana.

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