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**FIRST AMENDMENT OF DEDICATION AND DECLARATION OF PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS, AND EASEMENTS FOR MAJESTIC WATER VILLAS, SECTION TWO A VILLAMINIUM RESIDENTIAL SUBDIVISION ADDITION IN WASHINGTON TOWNSHIP, ALLEN COUNTY, INDIANA**

This Amendment of the Dedication and Declaration of Protective Restrictions, Covenants, Limitations, and Easements for Majestic Water Villas, Section Two, a Villaminium Residential Subdivision Addition in Washington Township, Allen County, Indiana ("Amendment") is made effective as of the 14<sup>th</sup> day of July, 2016 ("Effective Date"), by PERFORMANCE PROPERTY GROUP, LLC, an Indiana limited liability company ("Developer"), and the undersigned Owners of Lots (collectively "Owners") in Majestic Water Villas, Section One (the "Subdivision").

**RECITALS**

A. Developer executed that certain Dedication and Declaration of Protective Restrictions, Covenants, Limitations, and Easements for Majestic Water Villas, Section Two, dated July 17, 2015, and recorded on August 4, 2015 as Document Number 2015040411, in the Office of the Recorder of Allen County, Indiana (the "Covenants"). ✓

B. Capitalized terms not otherwise defined in this Amendment shall have the same meanings given to them in the Covenants.

C. Article, VIII, Section 29 of the Covenants provides that an amendment to the Declaration of Covenants must be approved by a vote of not less than sixty-five percent (65%) of Owners. This Amendment shall be executed by the Developer with consents from all other current Owners.

D. Developer is the Owner of Lots 35 through 39, inclusive, 41, and 43 through 48, inclusive.

E. Developer and the other Owners who have signed this Amendment collectively comprise of more than sixty-five percent (65%) of the Lots in the Subdivision.

F. Developer and the Owners desire to amend the Covenants to correct a scrivener's error in Article VIII, Section 29 and to make these Covenants consistent with the covenants of Majestic Water Villas, Section One, and to amend Article VIII, Section 3(B) and Section 3(C), to the maximum allowed setback under the current zoning ordinance of Allen County, Indiana.

**AMENDMENTS**

Developer and the Owners amend the Covenants as follows:

Notarized and filed July, entered for the record, Subject to final acceptance of the title

JUL 20 2016

*Jera K. [Signature]*  
Notary Public

2016038375

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ANITA MATHER

ALLEN COUNTY RECORDER

FORT WAYNE, IN

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1. Article VIII, Section 3 (B) of the Covenants is deleted in its entirety and is replaced with the following new Section 3(B):

A minimum rear yard setback of twenty percent (20%) of the lot depth or 25 feet, whichever is less, shall be provided for all Lots.

2. Article VIII, Section 3 (C) of the Covenants is deleted in its entirety and is replaced with the following new Section 3(C):

A minimum side yard setback of 5 feet shall be provided for all Lots.

3. Article VIII, Section 29 of the Covenants is deleted in its entirety and is replaced with the following new Section 29:

Section 29. Amendment. This Declaration shall run with and bind the Subdivision for a term commencing on the date this Declaration is recorded in the Office of the Recorder of Allen County, Indiana and expiring January 1, 2024, after which time this Declaration shall be automatically extended for successive periods of ten (10) years each, unless by vote of sixty-five percent (65%) of the then Lot Owners it is agreed to change or amend this Declaration in whole or in part, or to terminate it. Amendments to this Declaration shall be proposed and adopted in the following manner:

- (a) *Notice.* Notice of the subject matter of any proposed amendment shall be included in the notice of the meeting of the Lot Owners at which the proposed amendment is to be considered.
  - (b) *Resolution.* A resolution to adopt a proposed amendment may be proposed by the Board or a majority of the Lot Owners.
  - (c) *Meeting.* The resolution concerning a proposed amendment must be adopted by not less than sixty-five percent (65%) of both Classes of the Lot Owners at a meeting duly called and held in accordance with the provisions of the By-Laws.
  - (d) *Adoption.* Any proposed amendment to this Declaration must be approved by a vote of not less than sixty-five percent (65%) of both Classes of Lot Owners.
  - (e) *Recording.* Each amendment to this Declaration shall be executed by the President and Secretary of the Association and shall be recorded in the office of the Recorder of Allen County, Indiana, and such amendment shall not become effective as to bona fide purchasers without actual notice thereof until so recorded.
4. *Full Force and Effect.* All other provisions of the Covenants not amended by this Amendment shall continue in full force and effect.

5. *Plan Commission Approval.* The Plan Commission approved this Amendment on May 22, 2016.
6. *Approval by Required Percentage of Lot Owners.* This Amendment has been approved by all Owners of the Lots in Section Two of the Subdivision.
7. *Authority to Sign.* Each person signing this Amendment in a representative capacity on behalf of an entity warrants and represents that, (i) the person executing this Amendment has the actual authority and power to so sign, and to bind the person's respective principal to the provisions of this Amendment, and (ii) all corporate or other entity action necessary for the making of this Amendment has been duly taken.
8. *Effective Upon Recording.* This Amendment shall be effective upon its recordation in the Office of the Recorder of Allen County, Indiana.

IN WITNESS WHEREOF, this Amendment has been signed as of the Effective Date.

"DEVELOPER"

Performance Property Group, LLC  
an Indiana Limited Liability Company

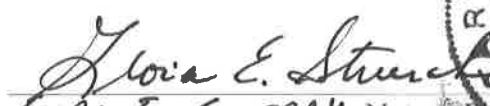
BY:   
CHRISTOPHER BARTKUS


STATE OF INDIANA        )  
  )SS:  
COUNTY OF ALLEN        )

Before me, a Notary Public, in and for said State and County, personally appeared Performance Property Group, LLC, by Christopher Bartkus, its Member Manager, who being first duly sworn and upon his oath, deposes and says that he has read the above and foregoing and affirms the truth of its contents.

Dated: July 14, 2016

My Commission Expires:  
2/7/20

  
GLORIA E. STVERAK, Notary Public  
Resident of Allen County



This instrument prepared by W. Randall Kammeyer, Attorney No. 16439-49, Hawk, Haynie, Kammeyer & Smith, LLP, 116 East Berry Street, Lincoln Tower Suite 302, Fort Wayne, IN 46802, (260) 422-1515. 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. W. Randall Kammeyer.

CONSENT OF LOT OWNERS

We, Terry J. Clem and Sally S. Clem, husband and wife, and the owners of Lot 40 in Majestic Water Villas, Section Two, consent to this Amendment.

*Terry J. Clem*  
Terry J. Clem  
*Sally S. Clem*  
Sally S. Clem

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, a Notary Public in and for said County and State, this 17<sup>th</sup> day of July, 2016, personally appeared Terry J. Clem, and acknowledged the execution of the above and foregoing document as their voluntary act and deed for the purposes and uses set forth in this document.

*Gloria E. Stuerck*  
GLORIA E. STUERCK, Notary Public  
Resident of Allen County, Indiana

My Commission Expires:  
2/7/20

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, a Notary Public in and for said County and State, this 14<sup>th</sup> day of July, 2016, personally appeared Sally S. Clem, and acknowledged the execution of the above and foregoing document as their voluntary act and deed for the purposes and uses set forth in this document.

*Gloria E. Stuerck*  
GLORIA E. STUERCK, Notary Public  
Resident of Allen County, Indiana

My Commission Expires:  
2/7/20