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ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN

Recording Cover Page

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

OCT -1 2019


AUDITOR OF ALLEN COUNTY

**FIRST AMENDMENT OF MASTER DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR THE COMMUNITIES OF COPPER CREEK TO ADD
"HIGHLANDS AT COPPER CREEK, SECTION 1" AS A SUBDIVISION TO THE COMMUNITIES
OF COPPER CREEK IN PERRY TOWNSHIP, ALLEN COUNTY, INDIANA**

WHEREAS, North Eastern Development Corp. ("Declarant") has caused to be executed and recorded the Master Declaration of Covenants, Conditions, Restrictions and Easements for the Communities of Copper Creek at Document No. 20190_____ in the Allen County Recorder's Office (the "Master Declaration"); and
2019049664

WHEREAS, the Declarant has recorded in the Allen County Recorder's office, as shown at Plat Cabinet H, Page 43 and at Document No 2019048522 the recorded plat for Highlands at Copper Creek, Section 1, a Subdivision within the Communities of Copper Creek; and

WHEREAS, through error and inadvertence, there were attached to the recorded plat for the Highlands at Copper Creek, Section 1 recorded at Document No 2019048522 thirty five (35) pages of covenants, conditions, restrictions and easements which thirty five (35) (plus exhibits) are identical to the now said recorded Master Declaration, and the said Master Declaration was intended to and now have been recorded first as a separate document known as the Master Covenants containing the covenants, conditions, restrictions and easements applying to all of the platted and future platted subdivisions within the Communities of Copper Creek, including the Highlands at Copper Creek, Section 1 Subdivision that is being added as a Subdivision pursuant to this First Amendment;

WHEREAS, pursuant to the covenants, conditions, restrictions and easements recorded at Document No 2019048522 and the Master Declaration including Section 12.02, the Declarant currently has the right to amend the Master Declaration to add the Highlands at Copper Creek, Section 1 as a Subdivision; and

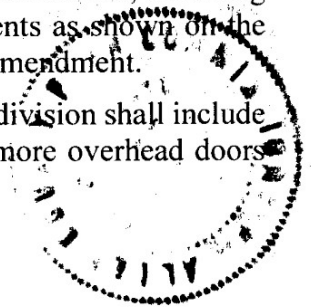
WHEREAS, capitalized terms as used herein shall have the same meaning ascribed to them or defined in the Master Declaration unless otherwise specifically defined herein.

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

1. SUBDIVISION ADDED TO COPPER CREEK. The Subdivision known as the Highlands at Copper Creek, Section 1, is made a Subdivision in the Communities of Copper Creek and is subject to all of the terms and conditions of the Master Declaration and this First Amendment. The legal description of this Subdivision is set forth on Exhibit A attached hereto. The term "Subdivision" as used in this First Amendment shall refer to and only mean the Highlands of Copper Creek, Section 1 Subdivision and any additional platted Sections of the Highlands at Copper Creek. The thirty five (35) pages of the covenants, conditions, restrictions and easements attached to the recorded plat of the Highlands at Copper Creek at Document No 201904522 are revoked and rescinded in their entirety, as they are restated in their entirety in the Master Declaration which is incorporated herein.

2. LEGAL DESCRIPTION OF SUBDIVISION. The Real Estate described on Exhibit A, including all Lots in the Highlands at Copper Creek, Section 1 and any Common Area and easements as shown on the recorded plat are subjected and impressed with both the Master Declaration and this First Amendment.

3. GARAGE STANDARDS. Each Dwelling constructed on any Lot in the Subdivision shall include an attached garage to accommodate at least two (2) passenger vehicles and have one or more overhead doors.



located on the exterior wall of the garage facing the driveway, and having an aggregate width of not less than sixteen (16) feet.

4. DWELLING STANDARDS. Each Dwelling constructed on any Lot in the Subdivision shall have a ground floor area upon the foundation of not less than twelve hundred (1,200) square feet for a one-story Dwelling and not less than seventeen hundred (1,700) square feet for a two-story Dwelling, exclusive of garages, open porches and breezeways.

5. EXTERIOR FAÇADE. The exterior façade of any Dwelling directly facing a public street shall have brick, stone, masonry, vinyl or such other materials as may be approved by the Architectural Control Committee.

6. DUES. The initial annual dues payable to the Association for each Lot in the Subdivision shall be Six Hundred Dollars (\$600.00).

7. MISCELLANEOUS. Except as modified herein, the Master Declaration as amended by this First Amendment remains in full force and effect. This First Amendment pertains to, affects and impresses only the Highlands at Copper Creek, Section 1 Subdivision described on Exhibit A, and the Lots, Common Areas, easements and public rights of way shown on the recorded plat thereon, and no other Property or Additional Property. This First Amendment may be amended as provided in the Master Declaration, including Sections 12.02 and 12.03.

IN WITNESS WHEREOF, the Declarant has executed this First Amendment to the Master Declaration effective as of this 1st of October, 2019.

NORTH EASTERN DEVELOPMENT CORP.

By: [Signature]
Joseph L. Zehr, its President

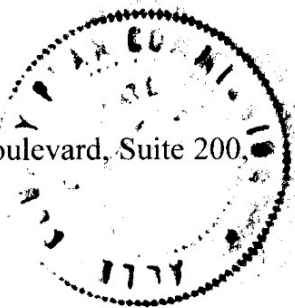
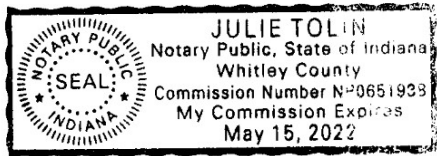
STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, do hereby certify that Joseph L. Zehr, the President of North Eastern Development Corp., personally appeared before me this day and acknowledged that by authority duly given as the acts of North Eastern Development Corp., the foregoing instrument was signed in its name by its President.

WITNESS my hand and official seal, this 1st day of October, 2019.
[Signature]

, Notary Public

My Commission Expires: _____
My County of Residence: _____
My Commission No.: _____



This First Amendment prepared by Vincent J. Heiny, Carson LLP, 301 W. Jefferson Boulevard, Suite 200,

Fort Wayne, IN 46802.

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



HIGHLANDS AT COPPER CREEK, SECTION I:

Part of the West Half of the Southeast Quarter of Section 20, Township 32 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 20, being marked by a railroad spike; thence North 87 degrees 44 minutes 09 seconds East (GPS grid bearing and basis of all bearings in this description), on and along the South line of said Southeast Quarter, being within the right-of-way of Hathaway Road, a distance of 917.67 feet to a survey nail at the true point of beginning; thence North 87 degrees 44 minutes 09 seconds East, continuing on and along said South line and within said right-of-way, a distance of 310.00 feet to a survey nail; thence North 02 degrees 15 minutes 51 seconds West, a distance of 222.50 feet to a #5 rebar; thence North 87 degrees 44 minutes 09 seconds East and parallel with the South line of said Southeast Quarter, a distance of 121.92 feet to a #5 rebar on the East line of the West Half of said Southeast Quarter; thence North 01 degrees 40 minutes 15 seconds West, on and along said East line, a distance of 611.72 feet to a #5 rebar at the point of intersection of said East line with the Southwesterly line of a Supplemental Easement and Right-of-Way between Finkhousen Place, LLC, and Indiana Michigan Power Company, in Document Number 2017005400 in the Office of the Recorder of Allen County, Indiana; thence North 52 degrees 42 minutes 49 seconds West, on and along said Southwesterly line, a distance of 791.10 feet to a #5 rebar; thence South 37 degrees 17 minutes 11 seconds West, a distance of 103.24 feet to a #5 rebar; thence South 00 degrees 44 minutes 32 seconds East, a distance of 369.72 feet to a #5 rebar; thence South 13 degrees 22 minutes 50 seconds East, a distance of 286.70 feet to a #5 rebar; thence South 02 degrees 15 minutes 51 seconds East, a distance of 382.41 feet to a #5 rebar; thence North 87 degrees 44 minutes 09 seconds East and parallel with the South line of said Southeast Quarter, a distance of 192.02 feet to a #5 rebar; thence South 02 degrees 15 minutes 51 seconds East, a distance of 225.00 feet to the true point of beginning, containing 14.769 acres of land, subject to legal right-of-way for Hathaway Road, and subject to all easements of record.

