

DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER.

MAR 07 2006

06004192 03/07/2006 11:04am
PAMELA K BERGLUND, TIPPECANOE COUNTY RECORDER


AUDITOR OF TIPPECANOE CO.

Key Numbers: 162-16607-0011 thru
162-16607-0990

**FIRST SUPPLEMENTAL DECLARATION of COVENANTS,
CONDITIONS and RESTRICTIONS
of COBBLESTONE SUBDIVISION**

This First Supplemental Declaration of Covenants, Conditions and Restrictions of Cobblestone Subdivision ("First Supplemental Declaration"), has been executed as of the 13th day of February, 2006, by Double Down Development LLC, an Indiana Limited Liability Company ("Declarant").

RECITALS

1. Declarant has previously entered into a Declaration Agreement ("Declaration") dated October 27, 2005 and recorded November 28, 2005, as Document Number 05028441 in the Office of the Recorder of Tippecanoe County, Indiana, restricting all Lots in the Property and Additional Real Estate as may be made subject to the Declaration.
2. The Declaration contemplated that the Declarant, as long as Declarant has an ownership interest in the Property, reserves the right to make amendments to the Declaration as Declarant may deem necessary or appropriate without the approval of any other person or entity, provided the amendment is not prohibited by Section 10.3, Amendment, and is not made subsequent to four (4) years after the recordation of the Declaration.
3. This First Supplemental Declaration is entered into by the Declarant affirming its ownership interest in the Property, for the purpose of amending Article VI, Use, Restrictions, and

Architectural Control, Section 6.30, Fencing, which is subject, in all respects, to this Declaration and all rights, obligations and privileges hereunder.

4. Declarant has sold Lots numbered 19 and 23 in the Subdivision to Citation Homes, Inc., an Indiana corporation ("Citation"), and Lots numbered 17 and 22 in the Subdivision to Tempest Homes, LLC, an Indiana limited liability company ("Tempest"). Citation and Tempest agree in all respects to this First Supplemental Declaration.
5. All acts and things have been done and performed which are necessary by the Declarant that when executed and recorded in the Records of Tippecanoe County, Indiana, are enforceable with their respective terms and to make this First Supplemental Declaration a valid and binding agreement.

NOW, THEREFORE, THIS FIRST SUPPLEMENTAL DECLARATION WITNESSETH,
THAT:

Article I. Definitions

Section 1.01 Definitions

(A) Unless otherwise provided herein, the terms defined in Article II of the Declaration shall, for all purposes, have the same meaning specified in the First Supplemental Declaration.

(B) In addition, the terms defined in this Section 1.01(B) shall, for all purposes of this First Supplemental Declaration, have the meanings specified in this Section 1.01(B).

“First Supplemental Declaration” means this First Supplemental Declaration authorizing the right to make amendments to the Declaration as Declarant is permitted to do so, provided the amendments do not violate Section 10.3 Amendment of Declaration, Declarant has ownership interest in the Property and the amendment has occurred within four (4) years of the recordation and the amendment is recorded. Further, Citation and Tempest consent in all respects to this First Supplemental Declaration.

Article II. Amendment of Article VI, Use, Restrictions, and Architectural Control

Section 2.01 Amends Section 6.30, Fencing, Article VI, Use, Restrictions, and Architectural Control

Article VI, Section 6.30 Fencing, shall be amended by the deletion of this Section in its entirety and replaced with the following:

“Section 6.30 Fencing. A privacy fence of not more than six (6) feet in height around an immediate patio or pool, a split rail fence not to exceed four (4) feet in height, and a privacy fence of six (6) feet in height and constructed in wood or vinyl installed in a rear yard of Lot and in accordance with any ordinances of the City of Lafayette, Indiana, shall be permitted. In any event, all proposed fencing must be approved by the Declarant, the Board of Directors, or the Architectural Committee in writing.”

Article III. Miscellaneous

Section 3.01 Miscellaneous

Except to the extent modified, amended, or supplemented by this First Supplemental Declaration, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Double Down Development, LLC, an Indiana limited liability company, Tempest Homes, LLC, an Indiana limited liability company, and Citation Homes, Inc., an Indiana corporation, have caused this First Supplemental Declaration to be executed as of the date first written above.

DOUBLE DOWN DEVELOPMENT, LLC,
an Indiana Limited Liability Company

by: [Signature]
(written)
Alan White - member
(printed) (title)

The undersigned Lot owners of the Subdivision hereby consent to this First Supplemental Declaration of Covenants, Conditions, and Restrictions of Cobblestone Subdivision this 13th day of February, 2006.

CITATION HOMES, INC.,
an Indiana corporation

by: [Signature]
(written)
Steven Schrakas PRESIDENT
(printed) (title)
Owner of Lots 19 and 23

TEMPEST HOMES, LLC,
an Indiana limited liability company

by: [Signature]
(written)
John B. Sheehan, Jr.
(printed) (title)
Owner of Lots 17 and 22
General Manager

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Double Down Development, LLC, by Alan White, its _____, who acknowledged the execution of the foregoing, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 13th day of February, 2006.

Debra J. Irwin
(written)
Debra J. Irwin
(printed)

NOTARY PUBLIC

Resident of Tippecanoe, IN.

My Commission Expires:

March 15, 2013

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Citation Homes, Inc., by Steven Schrekengast, its _____, who acknowledged the execution of the foregoing, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 13th day of February, 2006.

Debra J. Irwin
(written)
Debra J. Irwin
(printed)

NOTARY PUBLIC

Resident of Tippecanoe, IN.

My Commission Expires:

3-15-2013

STATE OF INDIANA)
) SS:
TIPPECANOE COUNTY)

Before me, a Notary Public in and for said County and State, personally appeared Tempest Homes, LLC, by John B. Scheumann, its general manager, who acknowledged the execution of the foregoing, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 13th day of February 2006.

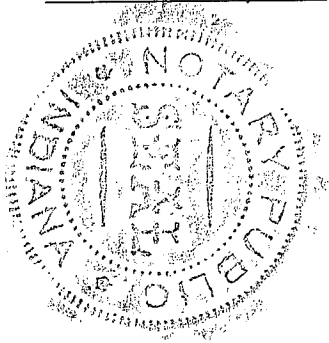
Debra J. Irwin
(written)
Debra J Irwin
(printed)

NOTARY PUBLIC

My Commission Expires:

March 15, 2013

Resident of Tippecanoe, IN.



This instrument prepared by: Daniel A. Teder of the firm of Reiling Teder & Schrier, LLC, 415 Columbia Street, Suite 3000, P. O. Box 280, Lafayette, IN 47902-0280; Telephone: (765) 423-5333; Facsimile: (765) 423-4564; E-mail: dat@rtslawfirm.com

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers;
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, the undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.

Debra J. Irwin
Signature of Declarant
Debra J. Irwin
Printed Name of Declarant