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79-02-25-200-008.000-022

**FIRST AMENDMENT TO**  
**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
**OF**  
**THE MEADOWS AT TIMBERBROOK OF LAFAYETTE SUBDIVISION**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE MEADOWS AT TIMBERBROOK OF LAFAYETTE SUBDIVISION ("First Amendment"), made on the 30<sup>th</sup> day of November, 2023.

**RECITALS**

WHEREAS, Tempest Homes LLC previously entered into a Declaration of Covenants, Conditions and Restrictions of The Meadows at Timberbrook of Lafayette Subdivision dated September 7, 2022, and recorded in the Office of the Recorder of Tippecanoe County, Indiana on September 16, 2022 as Document No. 202222016813 ("Declaration"), restricting the property as may be made subject to the Declaration.

WHEREAS, this First Amendment has been approved and adopted by Tempest Homes LLC in accordance with Section 10.3 of the Declaration and all subparts thereof, for the purpose of amending the Declaration as herein set forth.

WHEREAS, all acts and things have been done and performed which are necessary to amend the Declaration that, when executed and recorded in the Records of Tippecanoe County, Indiana, are enforceable with their respective terms to make this First Amendment a valid and binding agreement.

NOW, THEREFORE, this First Amendment is created by amending the Declaration as follows:

1. The foregoing recitals are true, accurate, and complete statements of fact and are hereby incorporated into and made a part of this First Amendment as set forth verbatim.
2. Capitalized terms used herein and not otherwise defined herein shall have the meanings given to them in the Declaration.

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

DEC 05 2023

*Jennifer Weston*  
AUDITOR OF TIPPECANOE CO.

3. The Meadows at Timberbrook of Lafayette Subdivision shall continue to be subject to the Declaration as amended by this Amendment and any subsequent amendments thereto.

4. The term "Association" as defined in Section 2.2 is hereby amended to mean, where applicable, The Meadows at Timberbrook Homeowners Association, Inc., a non-profit corporation, its successors and assigns. The Association's membership shall consist of Owners who pay mandatory assessments for liability insurance, project sign maintenance, storm water detention area maintenance, maintenance of landscaped areas in landscape easements, management fees, and other expenses as determined by the Association.

5. Section 6.18 is hereby deleted in its entirety and replaced with the following:

*Section 6.18 Fencing.* Six foot privacy fences of the "shadow box" variety made from treated wood will be allowed on all lots except Lots # 1-4, 23-39, in which case, only four foot aluminum fences using Series C material in the color of black or bronze as shown on Exhibit B, attached hereto and by this reference made a part hereof, shall be permitted in the Subdivision. No other fencing material or styles shall be permitted. All fencing shall be approved by the Declarant until the end of the Development Period unless sooner authorized by the Declarant and thereafter by the Board of Directors of the Association or the Architectural Committee if so appointed. Fencing shall also meet all requirements of Tippecanoe County, Indiana, if any.

6. Section 6.22 is hereby deleted in its entirety and replaced with the following:

*Section 6.22 Storage Sheds.* All accessory buildings shall be placed on a permanent foundation, shall be constructed of new materials, shall be architecturally compatible with the single-family Dwelling Unit, shall be constructed with the same or equivalent materials as the single-family Dwelling Unit and shall be subject to the approval of the Declarant or the Association. Accessory buildings shall not exceed ten (10) feet in width, ten (10) feet in height, and twelve (12) feet in length. Only one accessory building shall be permitted per Lot. No accessory building shall be permitted on Lots # 1- 4, 23 - 39.

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

8. In the event of any conflict between the terms of the Declaration and the terms of this First Amendment, the terms of the First Amendment shall control.

IN WITNESS WHEREOF, Tempest Homes LLC, by its Member, has caused this First Amendment to be executed as of the day first written above.

TEMPEST HOMES LLC

By:

*John B Scheumann* Member  
(Printed)

STATE OF INDIANA )  
 ) SS:  
TIPPECANOE COUNTY )

Before me, a Notary Public in and for said County and State, personally appeared Tempest Homes LLC ("Company") by *John B Scheumann* its Member, who acknowledged the execution of the foregoing document on behalf of the Company.

WITNESS my hand and Notarial Seal this *30<sup>th</sup>* day of *November*, 2023.



TERRY L. KING  
NOTARY PUBLIC - OFFICIAL SEAL  
Commission # 695281  
State of Indiana, Carroll County  
My Commission Expires January 17, 2026

*Terry L King*  
(written)  
TERRY L KING  
(printed) NOTARY PUBLIC  
Resident of *Carroll* County  
Commission # *695281*

My Commission expires:  
*1/17/2025*

This instrument prepared by: Ryan C. Munden of the firm of REILING TEDER & SCHRIER, LLC, 250 Main St., Suite 601, P.O. Box 280, Lafayette, Indiana 47902-0208. Telephone: (765) 423-5333. E-Mail Address: rcm@rtslawfirm.com

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. Ryan C. Munden