

**FIRST AMENDMENT TO THE**  
**DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS & EASEMENTS AS**  
**PART OF THE PLAT OF**  
**LINCLON POINTE, SECTION 5,**  
**AN ADDITION TO WHITLEY COUNTY, INDIANA**

THIS FIRST AMENDMENT TO THE DEDICATION, PROTECTIVE RESTRICTIONS, COVENANTS & EASEMENTS AS A PART OF THE PLAT OF LINCOLN POINTE, SECTION 5 (“First Amendment”) is made on the day hereinafter set forth by BIGGS, INC., an Indiana corporation, in its capacity as the Developer of Lincoln Pointe, Section 5, an Addition to Whitley County, Indiana, according to the Plat thereof recorded on December 31, 2020, in the Office of the Whitley County, Indiana, Recorder as Instrument Number 2020120800.

WHEREAS, on August 6, 2021, the Dedication, Protective Restrictions, Covenants & Easements as a Part of the Plat of Lincoln Pointe, Section 5, an Addition to Whitley County, Indiana, was recorded in the Office of Whitley County, Indiana, as Instrument Number 2021080134 (“Dedication”);

WHEREAS, by the terms of Article XI, Section 2d of the Dedication, “[a]ny part of this Dedication may be amended by the Developer acting alone at any time within thirty (30) months from the date of the recordation of the Dedication – provided Developer has an ownership interest in any Lot at the time the amending instrument is recorded”;

WHEREAS, Biggs, Inc., is both the Developer of Lincoln Pointe, Section 5, and the current owner in fee simple of Lots Numbered 110, 111A, 111B, 112, 115, 116, 167-170, 172-178, 180- 185 and 187 in Lincoln Pointe, Section 5; and

WHEREAS, Biggs, Inc., in its capacity as the Developer and the owner of the Lots set forth above, desires to exercise its right to amend the Dedication in accordance with this First Amendment.

NOW THEREFORE, Biggs, Inc., hereby declares that the Dedication is hereby amended as follows:

