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RECORDED ON
05/14/2008 11:07:12AM
JOHN MCGAULEY
ALLEN COUNTY RECORDER
FORT WAYNE, IN

REC FEE: 25.00
TRANS # 29262

State of Indiana)
) SS
County of Allen)

AFFIDAVIT REGARDING THE RESTRICTIVE COVENANTS
APPLICABLE TO WILDWOOD PARK

Comes now Grant F. Shipley, over the age of eighteen, and first being duly sworn upon his oath deposes and says:

1. I am Grant F. Shipley, president of Wildwood Park Community Association, Inc. and a resident of "Wildwood Park," a neighborhood in Fort Wayne, Indiana. I have personal knowledge of the matters herein set forth.
2. "Wildwood Park" was platted May 25, 1916 by Deed recorded in Deed Record 241, pages 441-449 in the Office of the Allen County Recorder, wherein the Wildwood Park Company, a corporation, was Seller and Lee J. Ninde, of Allen County, Indiana, was Buyer. This indenture sets forth various restrictive covenants applicable to certain lots described therein, namely, lots 1-95 (excepting lot 58) of the Wildwood Park Addition. Certain general restrictions were placed on the remaining lots, that being lots 58 and 96 through 99 inclusive; these additional lots were intended for further subdivision. The plat of Wildwood Park Addition was recorded in Plat Book 7C, page 142.

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

50562
MAY 14 2008

Elizabeth H. Glass
AUDITOR OF ALLEN COUNTY

3. The original lots 97 and 98 were thereafter subdivided and the restrictive covenants applicable thereto were recorded in Deed Record 266, pages 137-144, in the Office of the Allen County Recorder. This further subdivision was called Wildwood Park Second Addition, and included lots 101 through 187, except for lots 157 and 158. This Deed also contains restrictive covenants, many of which are similar to though not identical to the restrictive covenants set forth in original plat of Wildwood Park Addition. The plat of Wildwood Park Second Addition was recorded in Plat Book 9A, page 32.
4. On February 5, 1938, Margaret Coe Ninde, the owner of the original Lot 96 in Wildwood Park Addition, subdivided that lot by plat recorded February 19, 1938 in Plat Book 14C, page 141 in the Office of the Allen County Recorder. This subdivision was called Wildwood Park 2nd Addition Extended, and contained no restrictive covenants.
5. On January 11, 1940, Wildwood Park, Inc. recorded restrictive covenants applicable to part of the original Wildwood Park Addition together with part of Lot 58 and Lot 99 of Wildwood Park Addition, by Deed to Daniel M. Ninde recorded in Deed Record 363, pages 428-429 on January 30, 1940. This subdivision was called Wildwood Park Addition Amended. The plat of Wildwood Park Addition Amended was recorded in Plat Record 14C, page 142. This subdivision included restrictive covenants which in certain respects are different from those set forth in the original plat of Wildwood Park Addition.
6. The restrictive covenants set forth in the original plat of Wildwood Park Addition called for the creation of an improvement association, see paragraphs 40 through 42.

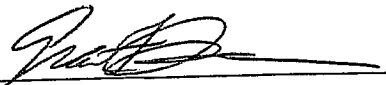
Under paragraph 45 of said restrictive covenants, the Association would take over and assume the duties of the developer of Wildwood Park.

7. Wildwood Park Community Association, Inc., an Indiana non-profit domestic corporation, was formed January 29, 1942 as the improvement association referred to in the restrictive covenants of Wildwood Park Addition.
8. On January 30, 1946, the owners of the lots in Wildwood Park Addition, Wildwood Park Second Addition, Wildwood Park 2nd Addition Extended and Wildwood Park Addition Amended joined in amending the restrictive covenants applicable to all of Wildwood Park, and declared that those restrictions, easements, covenants, and conditions as set forth in that certain Indenture made the 25th day of May, 1916 and recorded in Deed Record 241, pages 441 through 449 (as amended by the 1946 Declaration) constitute the restrictive covenants which govern all of Wildwood Park. Said Declaration was acknowledged March 19, 1946, and was joined in by Wildwood Park Community Association, Inc. on March 19, 1946; and was recorded in Miscellaneous Record 112, pages 423-424 on March 20, 1946 in the Office of the Allen County Recorder.
9. Accordingly, it is my opinion that the restrictive covenants applicable to "Wildwood Park," which includes those portions of Wildwood Park originally subdivided separately as Wildwood Park Addition, Wildwood Park Second Addition, Wildwood Park 2nd Addition Extended and Wildwood Park Addition Amended, are those restrictive covenants adopted in 1916 as amended by the Declaration of March 19, 1946.
10. That certain subdivision called Wildwood Park 3rd Addition, consisting on five lots

on the south side of South Washington Road in Fort Wayne, Indiana, was and is not part of the platted area of Wildwood Park, and the lands in that subdivision are not subject to the restrictive covenants of Wildwood Park set forth above. The plat of Wildwood Park 3rd Addition is found in Plat Book 15B, page 94.

I swear or affirm under the penalties of perjury that the above and foregoing statements are true.

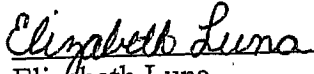
Further affiant sayeth nought.



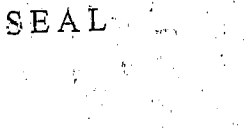
Grant F. Shipley

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Subscribed and sworn to before me, a Notary Public in and for said County and State, this 14th day of May, 2008.



Elizabeth Luna, Notary Public
Elizabeth Luna



I am a resident of Allen County, Indiana;

My commission expires: March 25, 2015