

LIQ: 205-1158

2258

FIRST AMENDMENT
TO
ENABLING DECLARATION
ESTABLISHING A PLAN FOR
HORIZONTAL PROPERTY REGIME
OF
COLLEGE PARK CONDOMINIUMS
ANDERSON, INDIANA

Only valid for taxation

November 25 1985

Sandra J. Hartman
Auditor, Madison County
Indiana # 9849

RECEIVED FOR RECORD

At 1:50 o'clock PM

Recorded in Book 225 Page 658-666

NOV 25 1985

North Hamilton
MADISON COUNTY RECORDER

This First Amendment to Enabling Declaration made this 25th day of November, 1985, by College Park Condominiums, Ltd., an Indiana Limited Partnership, hereinafter referred to as "Declarant", the sole owner in fee simple of certain real property hereafter described, which property is referred to as the "Annexed Property",

R E C I T A L S:

WHEREAS, College Park Condominiums, a horizontal property regime consisting of four (4) units, was created on the 16th day of July, 1985, with College Park Condominiums, Ltd., the Declarant herein, as Grantor, by an Enabling Declaration filed in the Office of the Recorder of Madison County, Indiana, in Deed Record 625 at pages 627 through 703 inclusive, with Exhibit "A" thereto recorded in Plat Book 17 at pages 26 and 27; and

WHEREAS, in Item IX of such Enabling Declaration, the Declarant retained the right to amend said Enabling Declaration to increase the number of units in the Condominium by construction upon any part or all of certain real estate described in said Item IX and designated "Future Development"; and

WHEREAS, the Annexed Property above referred to is a part of and is situated within the Future Development, and the Declarant has constructed on said Annexed Property six (6) additional units in one (1) building which harmonize with the development of the original Condominium; and

WHEREAS, the Declarant desires to submit the Annexed Property to Condominium Ownership,

NOW, THEREFORE, the said Declarant hereby makes the following amendments to said Enabling Declaration:

1. The Annexed Property, the description of which appears on Exhibit "A" attached hereto and made a part hereof, is hereby incorporated into and made a part of the real property subject to said Enabling Declaration. All provisions of said Enabling Declaration as herein amended shall constitute covenants running with the land and shall be binding on this Declarant, its successors and assigns and all subsequent Owners of all or any part of said Annexed Property and the improvements thereon, their grantees, successors, heirs, devisees, personal representatives and assigns.

2. All references in the Enabling Declaration to four (4) Units are hereby changed to ten (10) Units.

3. Exhibit "B" attached hereto is a perimeter description of the total area of the land now included in this Condominium, both the original real property and the Annexed Property. The legal description of real property as contained on page one and page two of said Enabling Declaration is hereby amended to that as described in Exhibit "B" attached hereto.

255-653

4. Item II C. of the Enabling Declaration shall hereafter read as follows:

C. Designation and Description of Units. The ten (10) individual Units hereby established are described as follows:

1. The Units shall be contained in a building designated as Building 9 without basement and as follows:

a. Unit A is located in Building 9 and is a two-bedroom, one-story Unit without basement.

b. Unit B is located in Building 9 and is a two-bedroom, one and one-half story Unit without basement.

c. Unit C is located in Building 9 and is a three-bedroom, one and one-half story Unit without basement.

d. Unit D is located in Building 9 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 9 are more particularly described in documents filed in Plat Book 17, pages 26 and 27, records of Madison County, State of Indiana.

2. The Units shall be contained in a building designated as Building 8 without basement and as follows:

a. Unit A is located in Building 8 and is a three-bedroom, one-story Unit without basement.

b. Unit B is located in Building 8 and is a two-bedroom, one-story Unit without basement.

c. Unit C is located in Building 8 and is a two-bedroom, one-story Unit without basement.

d. Unit D is located in Building 8 and is a two-bedroom, one-story Unit without basement.

e. Unit E is located in Building 8 and is a two-bedroom, one-story Unit without basement.

f. Unit F is located in Building 8 and is a three-bedroom, one-story Unit without basement.

The additional Unit locations and dimensions are more particularly described in Exhibit "A".

5. Item II D. of the Enabling Declaration shall hereafter read as follows:

D. Percentage Interest in Common Elements and Share of Common Expenses. The undivided interest in the Common Elements hereby established, which shall be conveyed with each respective Unit, and which is also the proportional voting right of each Unit Owner and the Unit Owner's share of common expenses and common surplus, is based on the ratio of the Unit to the total number of all Units of the Condominium and reflecting a continuing total interest of one hundred percent (100%) for the entire Condominium. The individual Units have the following undivided interests:

TABLE OF UNIT SHARES

<u>Unit Identification</u>	<u>Share</u>
9-1	10%
9-B	10%
9-C	10%
9-D	10%
8-A	10%
8-B	10%
8-C	10%
8-D	10%
8-E	10%
8-F	10%

The above respective undivided interests established and to be conveyed with the respective Units as indicated above cannot be changed, except by amendment of this Declaration as hereafter provided, and the Grantor, its successors and assigns, and its grantees, covenant and agree that the undivided interests in the Common Elements and the fee titles to the respective Units conveyed therewith, shall not be separated nor separately conveyed, and each said undivided interest shall be deemed to be conveyed or encumbered with its respective Unit, even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to the Unit.

6. Section II E. of the Enabling Declaration shall hereafter read as follows:

E. Legal Description of Unit. The following shall be an adequate legal description of each Unit:

Unit _____ contained in Building _____ and all appurtenances thereto in College Park Condominiums Horizontal Property Regime as delineated in the Declaration recorded in the Office of the Madison County Recorder on July 26, 1985, in Book 625, pages 627 through 703 as amended by a First Amendment to Enabling Declaration recorded in said office on the 25th day of November, 1985, in Book _____ at page 658.

7. Attached hereto as Exhibit "C" and made a part hereof is a survey consisting of two (2) sheets as prepared by Harold E. Smith & Associates, such sheets being dated the 13th day of November, 1985. The Condominium Survey for College Park Condominiums Horizontal Property Regime shall hereafter consist of Exhibit "A" to the original Enabling Declaration and of Exhibit " " to this First Amendment to Enabling Declaration.

255-661

EXHIBIT 'A'

A tract of land located in the East half of the Northeast Quarter of Section 7, Township 19 North, Range 8 East and the City of Anderson, Anderson Township, Madison County, Indiana, described as follows:

Beginning at a point on the West line of the East half of the Northeast Quarter of Section 7, Township 19 North, Range 8 East, which is 338.34 feet north 00 degrees 00 minutes 00 seconds (assumed bearing) from the Southwest corner of said East half of the Northeast Quarter, thence continue north 00 degrees 00 minutes 00 seconds 118 feet, thence north 89 degrees 38 minutes 00 seconds east 238.05 feet to the point of beginning of a curve concave to this north, said curve having a radius of 116.39 feet and a central angle of 19 degrees 30 minutes 00 seconds, thence easterly along said curve an arc distance of 30.61 feet to the point of tangency of said curve, thence north 03 degrees 00 minutes 00 seconds east 11.49 feet to the point of intersection of the center line of College Parkway and the center line of St. James Place (both private drives), thence south 00 degrees 00 minutes 00 seconds east 74.52 feet along the center line of College Parkway, thence south 00 degrees 00 minutes 00 seconds 95.19 feet, thence north 89 degrees 31 minutes 19 seconds west 328.75 feet back to the point of beginning, containing 0.987 of an acre, more or less, subject to the legal right of way of 75 feet off the entire West side thereof for Nursery Road.

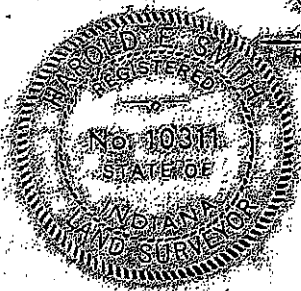
EXHIBIT "B"

COMBINED DESCRIPTION OF LAND INCLUDED WITH BUILDINGS 8 AND 9

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 8 EAST IN THE CITY OF ANDERSON, ANDERSON TOWNSHIP, MADISON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 8 EAST, WHICH IS 858.34 FEET NORTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE SOUTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER; THENCE CONTINUE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 265.00 FEET ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 51 MINUTES 19 SECONDS EAST 230.69 FEET TO A NON-TANGENT POINT ON A CURVE WHOSE RADIUS IS 223.92 FEET AND CENTRAL ANGLE IS 03 DEGREES 24 MINUTES 25 SECONDS, SAID POINT ALSO BEING ON THE CENTER LINE OF COLLEGE PARKWAY, A PRIVATE STREET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND CENTER LINE OF COLLEGE PARKWAY AN ARC DISTANCE OF 13.81 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS EAST 183.49 FEET ALONG THE CENTER LINE OF SAID COLLEGE PARKWAY; THENCE NORTH 89 DEGREES 31 MINUTES 19 SECONDS WEST 328.75 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 1.200 ACRE, MORE OR LESS, SUBJECT TO THE LEGAL RIGHT OF WAY OF 25 FEET OF THE ENTIRE WEST SIDE THEREOF FOR NURSERY ROAD AND ALL OTHER EASEMENTS OF RECORD.

DATED: NOVEMBER 14, 1985



Paul S. Reed
REGISTERED LAND SURVEYOR No. 10311

UNR 255 AUG 865

14.50
K.A.V

BOOK 261 PAGE 642

Only entered for taxation
July 29 1986
Lance D. Hartinger
Auditor Madison County,
Indiana

SECOND AMENDMENT
TO
ENABLING DECLARATION
ESTABLISHING A PLAN FOR
HORIZONTAL PROPERTY REGIME
OF
COLLEGE PARK CONDOMINIUMS
ANDERSON, INDIANA

This Second Amendment to Enabling Declaration made this 29th day of July, 1986, by College Park Condominiums, Ltd., an Indiana Limited Partnership, hereinafter referred to as "Declarant", the sole owner in fee simple of certain real property hereafter described, which property is referred to as the "Annexed Property".

R E C I T A L S:

WHEREAS, College Park Condominiums, a horizontal property regime consisting of ten (10) units, was created on the 16th day of July, 1985, with College Park Condominiums, Ltd., the Declarant herein, as Grantor, by an Enabling Declaration filed in the Office of the Recorder of Madison County, Indiana, in Deed Record 625 at pages 627 through 703 inclusive, with Exhibit "A" thereto recorded in Plat Book 17 at pages 26 and 27 and amended in Deed Record Book 255 at page 658 on November 25, 1985; and

WHEREAS, in Item IX of such Enabling Declaration, the Declarant retained the right to amend said Enabling Declaration to increase the number of units in the Condominium by construction upon any part or all of certain real estate described in said Item IX and designated "Future Development"; and

WHEREAS, the Annexed Property above referred to is a part of and is situated within the Future Development, and the Declarant has constructed on said Annexed Property four (4) additional units in one (1) building which harmonize with the development of the original Condominium; and

Jessie Tolwens

WHEREAS, the Declarant desires to submit the Annexed Property to Condominium Ownership.

NOW, THEREFORE, the said Declarant hereby makes the following amendments to said Enabling Declaration:

1. The Annexed Property, the description of which appears on Exhibit "A" attached hereto and made a part hereof, is hereby incorporated into and made a part of the real property subject to said Enabling Declaration. All provisions of said Enabling Declaration as herein amended shall constitute covenants running with the land and shall be binding on this Declarant, its successors and assigns, and all subsequent Owners of all or any part of said Annexed Property and the improvements thereon, their grantees, successors, heirs, devisees, personal representatives, and assigns.

2. All references in the Enabling Declaration to ten (10) Units are hereby changed to fourteen (14) Units.

3. Exhibit "B" attached hereto is a perimeter description of the total area of the land now included in this Condominium, both the original real property and the Annexed Property. The legal description of real property as contained on page one and page two of said Enabling Declaration is hereby amended to that as described in Exhibit "B" attached hereto.

4. Item II C. of the Enabling Declaration shall hereafter read as follows:

C. Designation and Description of Units. The fourteen (14) individual Units hereby established are described as follows:

1. The Units shall be contained in a building designated as Building 9 without basement and as follows:

a. Unit A is located in Building 9 and is a two-bedroom, one-story Unit without basement.

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b. Unit B is located in Building 9 and is a two-bedroom, one and one-half story Unit without basement.

c. Unit C is located in Building 9 and is a three-bedroom, one and one-half story Unit without basement.

d. Unit D is located in Building 9 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 9 are more particularly described in documents filed in Plat Book 17, pages 26 and 27, records of Madison County, State of Indiana.

2. The Units shall be contained in a building designated as Building 8 without basement and as follows:

a. Unit A is located in Building 8 and is a three-bedroom, one-story Unit without basement.

b. Unit B is located in Building 8 and is a two-bedroom, one-story Unit without basement.

c. Unit C is located in Building 8 and is a two-bedroom, one-story Unit without basement.

d. Unit D is located in Building 8 and is a two-bedroom, one-story Unit without basement.

e. Unit E is located in Building 8 and is a two-bedroom, one-story Unit without basement.

f. Unit F is located in Building 8 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 8 are more particularly described in documents filed in Plat Book 17, page 12-13, records of Madison County, State of Indiana.

3. The Units shall be contained in a building designated as Building 4 without basement and as follows:

a. Unit A is located in Building 4 and is a three-bedroom, one story Unit without basement.

b. Unit B is located in Building 4 and is a two-bedroom, one and one-half story unit without basement.

c. Unit C is located in Building 4 and is a two-bedroom, one-story Unit without basement.

d. Unit D is located in Building 4 and is a two-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 4 are more particularly described in documents filed in Plat Book 17, page 60-61, records of Madison County, State of Indiana.

5. Item II D. of the Enabling Declaration shall hereafter read as follows:

D. Percentage Interest in Common Elements and Share of Common Expenses

The undivided interest in the Common Elements hereby established, which shall be conveyed with each respective Unit, and which is also the proportional voting right of each Unit Owner and the Unit Owner's share of common expenses and common surplus, is based on the ratio of the Unit to the total number of all Units of the Condominium and reflecting a continuing total interest of one hundred percent (100%) for the entire Condominium. The individual Units have the following undivided interests:

TABLE OF UNIT SHARES

<u>Unit Identification</u>	<u>Share</u>
9-A	7.14286%
9-B	7.14286%
9-C	7.14286%
9-D	7.14286%
8-A	7.14286%
8-B	7.14286%
8-C	7.14286%
8-D	7.14286%
8-E	7.14286%
8-F	7.14286%
4-A	7.14286%
4-B	7.14286%
4-C	7.14286%
4-D	7.14286%

Book 261 Page 645

The above respective undivided interests established and to be conveyed with the respective Units as indicated above cannot be changed, except by amendment of this Declaration as hereafter provided, and the Grantor, its successors and assigns, and its grantees covenant and agree that the undivided interests in the Common Elements and the fee titles to the respective Units conveyed therewith, shall not be separated nor separately conveyed, and each said undivided interest shall be deemed to be conveyed or encumbered with its respective Unit, even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to the Unit.

6. Section II E. of the Enabling Declaration shall hereafter read as follows:

E. Legal Description of Unit. The following shall be an adequate legal description of each Unit:

Unit contained in Building _____ and all appurtenances thereto in College Park Condominiums Horizontal Property Regime as delineated in the Declaration recorded in the Office of the Madison County Recorder on July 16, 1985, in Book 625, pages 627 through 703 as amended by a First Amendment to Enabling Declaration recorded in said office on the 25th day of November, 1985, in Book 755 at page 658 and further amended by a Second Amendment to the Enabling Declaration recorded in said office on the 29th day of July, 1986, in Book 261 at page 642.

7. Attached hereto as Exhibit "C" and made a part hereof is a survey consisting of _____ sheets as prepared by Harold B. Smith & Associates, such sheets being dated the _____ day of July, 1986. The Condominium Survey for College Park Condominiums Horizontal Property Regime shall hereafter consist of Exhibit "A" to the original Enabling Declaration, Exhibit "C" to the First Amendment to Enabling Declaration, and Exhibit "C" to this Second Amendment to Enabling Declaration.

8. All references to Exhibit "A" in the Enabling Declaration shall now include all documents comprising the Condominium Survey as above defined.

9. Except as above amended, all provisions of said original Enabling Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the said Declarant has executed this Second Amendment the day and year first above written.

COLLEGE PARK CONDOMINIUMS, LTD.
By Blevins Development Company, Inc.
General Partner

John M. Blevins
By John M. Blevins
President

ATTEST:

John M. Blevins
John M. Blevins
Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MADISON)

Before me, a Notary Public in and for said County and State, personally appeared John M. Blevins, the President and Secretary, who acknowledged the execution of the foregoing instrument for and on behalf of said corporation.

WITNESS my hand and notarial seal this 29th day of July, 1986.

My Commission Expires
8-4-89

Glaire L. Bridgewater
Glaire L. Bridgewater
Notary Public
Resident of Madison County

PREPARED BY
John M. Blevins
Attorney at Law
205 West 10th Street
Anderson, Indiana 46016
(317) 649-9281

261-114649

BOOK 261 PAGE 698

EXHIBIT "A"

A tract of land located in the East half of the Northeast Quarter of Section 7, Township 19 North, Range 8 East in the City of Anderson, Anderson Township, Madison County, Indiana, described as follows:

Commencing at the Southwest corner of the East half of the Northeast Quarter of Section 7, Township 19 North, Range 8 East; thence north 00 degrees 00 minutes 00 seconds (assumed bearing) 903.53 feet along the West line of said East half of the Northeast Quarter; thence north 89 degrees 31 minutes 19 seconds east 328.75 feet to the centerline of College Parkway (a private street); thence north 30 degrees 00 minutes 00 seconds west 74.52 feet to the point of intersection of the centerlines of College Parkway and St. James Place (a private drive); thence north 65 degrees 00 minutes 00 seconds east 27.85 feet along the centerline of St. James Place to the point of beginning of a curve concave to the south, said curve having a radius of 88.466 feet and a central angle of 25 degrees 28 minutes 41 seconds; thence easterly along said curve and centerline of St. James Place an arc distance of 39.34 feet to the point of tangency of said curve; thence south 89 degrees 31 minutes 19 seconds east 106.25 feet along the centerline of St. James Place to the point of beginning of a curve concave to the north, said curve having a radius of 73.415 feet and a central angle of 30 degrees 28 minutes 41 seconds; thence northeasterly along said curve and centerline of St. James Place an arc distance of 39.05 feet to the point of tangency of said curve; thence north 60 degrees 00 minutes 00 seconds east 48.71 feet along the centerline of St. James Place; thence south 30 degrees 00 minutes 00 seconds east 73.41 feet; thence south 00 degrees 28 minutes 41 seconds west 179.80 feet; thence north 89 degrees 31 minutes 19 seconds west 247.08 feet back to the point of beginning. Containing 0.829 of an acre, more or less.

EXHIBIT "B"
COLLEGE PARK CONDOMINIUMS

COMBINED DESCRIPTION OF LAND INCLUDED WITH BUILDINGS 8, 9 AND 4

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 8 EAST IN THE CITY OF ANDERSON, ANDERSON TOWNSHIP, MADISON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

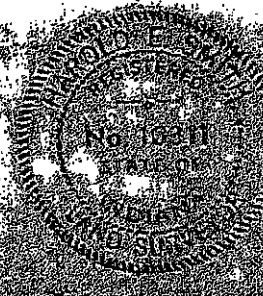
BEGINNING AT A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 8 EAST WHICH IS 858.34 FEET NORTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE SOUTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER; THENCE CONTINUE NORTH 00 DEGREE 00 MINUTES 00 SECONDS 265.00 FEET ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 31 MINUTES 19 SECONDS EAST 230.69 FEET TO A NON-TANGENT POINT ON A CURVE WHOSE RADIUS IS 223.92 FEET AND CENTRAL ANGLE IS 03 DEGREES 24 MINUTES 24 SECONDS; SAID POINT ALSO BEING ON THE CENTERLINE OF COLLEGE PARKWAY (A PRIVATE STREET); THENCE SOUTHEASTERLY ALONG SAID CURVE AND CENTERLINE OF COLLEGE PARKWAY AN ARC DISTANCE OF 13.31 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS EAST 108.97 FEET TO THE POINT OF INTERSECTION OF THE CENTERLINE OF COLLEGE PARKWAY AND THE CENTERLINE OF ST. JAMES PLACE (A PRIVATE DRIVE); THENCE NORTH 65 DEGREES 00 MINUTES 00 SECONDS EAST 27.35 FEET ALONG THE CENTERLINE OF ST. JAMES PLACE TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 38.466 FEET AND A CENTRAL ANGLE OF 25 DEGREES 28 MINUTES 43 SECONDS; THENCE EASTERLY ALONG SAID CURVE AND CENTERLINE OF ST. JAMES PLACE AN ARC DISTANCE OF 39.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 89 DEGREES 31 MINUTES 19 SECONDS EAST 106.25 FEET ALONG THE CENTERLINE OF ST. JAMES PLACE TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 73.415 FEET AND A CENTRAL ANGLE OF 30 DEGREES 28 MINUTES 41 SECONDS; THENCE NORTHEASTERLY ALONG SAID CURVE AND CENTERLINE OF ST. JAMES PLACE AN ARC DISTANCE OF 39.05 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 60 DEGREES 00 MINUTES 00 SECONDS EAST 48.71 FEET ALONG THE CENTERLINE OF ST. JAMES PLACE; THENCE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS EAST 73.41 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 41 SECONDS WEST 179.80 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 19 SECONDS WEST 247.68 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 45.19 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 19 SECONDS WEST 328.75 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 2.697 ACRES, MORE OR LESS, SUBJECT TO THE LEGAL RIGHT OF WAY OF 25 FEET OFF THE ENTIRE WEST SIDE THEREOF, FOR HURSTERY ROAD.

DATE: JUNE 9, 1986

[Signature]
REGISTERED LAND SURVEYOR NO. 10211

1729

RECORDED FOR RECORD
At 2:45 pm
Recorded in Book 261-649
JUL 29 1986
Madison County Recorder



BOOK 261 PAGE 649

October 19 1986
Sandra S. Hooper
Madison County
Indiana # 13815

263-144

THIRD AMENDMENT
TO
ENABLING DECLARATION
ESTABLISHING A PLAN FOR
HORIZONTAL PROPERTY REGIME
OF
COLLEGE PARK CONDOMINIUMS
ANDERSON, INDIANA

This Third Amendment to Enabling Declaration made this 14th day of October, 1986, by College Park Condominiums, Ltd., an Indiana Limited Partnership hereinafter referred to as "Declarant", the sole owner in fee simple of certain real property hereafter described, which property is referred to as the "Annexed Property".

R E C I T A I T S

WHEREAS, College Park Condominiums, a horizontal property regime consisting of fourteen (14) units, was created on the 16th day of July, 1985, with College Park Condominiums, Ltd., the Declarant herein, as Grantor, by an Enabling Declaration filed in the Office of the Recorder of Madison County, Indiana, in Deed Record Book 63 at pages 627 through 703 inclusive, with Exhibit "A" thereto attached in Plat Book 17 at pages 26 and 27, first amended in Deed Record Book 55 at page 658 on November 25, 1985, and secondly amended in Deed Record Book 51 at page 642; and

WHEREAS, in terms of such Enabling Declaration, the Declarant retained the right to amend said Enabling Declaration to increase the number of units in the Condominium by construction upon any part or all of certain real estate described in said Declaration and designated "Future Development"; and

WHEREAS, the Annexed Property above referred to is a part of and is situated within the Future Development, and the Declarant has constructed on said Annexed Property four (4) additional units in one (1) building which harmonizes with the development of the original Condominium; and

WHEREAS, the Declarant desires to submit the Annexed Property to Condominium Ownership.

NOW, THEREFORE, the said Declarant hereby makes the following amendments to said Enabling Declaration:

1. The Annexed Property, the description of which appears on Exhibit "A" attached hereto and made a part hereof, is hereby incorporated into and made a part of the real property subject to said Enabling Declaration. All provisions of said Enabling Declaration as herein amended shall constitute covenants running with the land and shall be binding on this Declarant, its successors and assigns, and all subsequent Owners of all or any part of said Annexed Property and the improvements thereon, their grantees, successors, heirs, devisees, personal representatives, and assigns.

2. All references in the Enabling Declaration to fourteen (14) Units are hereby changed to eighteen (18) Units.

3. Exhibit "B" attached hereto is a perimeter description of the total area of the land now included in this Condominium, both the original real property and the Annexed Property. The legal description of real property as contained on page one and page two of said Enabling Declaration is hereby amended to that as described in Exhibit "B" attached hereto.

4. Item "C" of the Enabling Declaration shall hereafter read as follows:

C. Designation and Description of Units. The eighteen (18) individual Units hereby established are described as follows:

a. The Units shall be contained in a building designated as Building 9 without basement and as follows:

1. Unit A is located in Building 9 and is a two-bedroom, one-story Unit without basement.

b. Unit B is located in Building 9 and is a two-bedroom, one and one-half story Unit without basement.

c. Unit C is located in Building 9 and is a three-bedroom, one and one-half story Unit without basement.

d. Unit D is located in Building 9 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 9 are more particularly described in documents filed in Plat Book 17, pages 26 and 27, records of Madison County, State of Indiana.

2. The Units shall be contained in a building designated as Building 8 without basement and as follows:

a. Unit A is located in Building 8 and is a three-bedroom, one-story Unit without basement.

b. Unit B is located in Building 8 and is a two-bedroom, one-story Unit without basement.

c. Unit C is located in Building 8 and is a two-bedroom, one-story Unit without basement.

d. Unit D is located in Building 8 and is a two-bedroom, one-story Unit without basement.

e. Unit E is located in Building 8 and is a two-bedroom, one-story Unit without basement.

f. Unit F is located in Building 8 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 8 are more particularly described in documents filed in Plat Book 17, pages 42-43, records of Madison County, State of Indiana.

3. The Units shall be contained in a building designated as Building 4 without basement and as follows:

a. Unit A is located in Building 4 and is a three-bedroom, one story Unit without basement.

b. Unit B is located in Building 4 and is a two-bedroom, one and one-half story unit without basement.

c. Unit C is located in Building 4 and is a two-bedroom, one-story Unit without basement.

d. Unit D is located in Building 4 and is a two-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 4 are more particularly described in documents filed in Plat Book 17, pages 60-61, records of Madison County, State of Indiana.

3. The Units shall be contained in a building designated as Building 3 without basement and as follows:

a. Unit A is located in Building 3 and is a three-bedroom, one story Unit without basement.

b. Unit B is located in Building 3 and is a two-bedroom, one story Unit without basement.

c. Unit C is located in Building 3 and is a three-bedroom, one-story Unit without basement.

d. Unit D is located in Building 3 and is a three-bedroom, one story Unit without basement.

The Unit locations and dimensions in Building 4 are more particularly described in documents filed in Plat Book 17, pages 60-61, records of Madison County, State of Indiana.

5. Item (D) of the Habiling Declaration shall hereafter read as follows:

(D) Percentage Interest in Common Elements and Share of Common Expenses:
The individual interest in the Common Elements hereby established, which

shall be conveyed with each respective Unit, and which is also the proportional voting right of each Unit Owner and the Unit Owner's share of common expenses and common surplus, is based on the ratio of the Unit to the total number of all Units of the condominium and reflecting a continuing total interest of one hundred percent (100%) for the entire Condominium. The individual Units have the following undivided interests:

TABLE OF UNIT SHARES

<u>Unit Identification</u>	<u>Share</u>
9-A	5.5555%
9-B	5.5555%
9-C	5.5555%
9-D	5.5555%
8-A	5.5555%
8-B	5.5555%
8-C	5.5555%
8-D	5.5555%
8-E	5.5555%
8-F	5.5555%
4-A	5.5555%
4-B	5.5555%
4-C	5.5555%
4-D	5.5555%
3-A	5.5555%
3-B	5.5555%
3-C	5.5555%
3-D	5.5555%

The above respective undivided interests established and to be conveyed with the respective units as indicated above cannot be changed, except by amendment of this Declaration as hereafter provided, and the Grantor, its successors and assigns, and its grantees covenant and agree that the undivided interests in the Common Elements and the fee titles to the respective units conveyed therewith, shall not be separated nor separately conveyed, and each said undivided interest shall be deemed to be conveyed or encumbered with its respective unit, even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to the unit.

6. Section 11. B. of the enabling Declaration shall hereafter read as follows:

E. Legal Description of Unit. The following shall be an adequate legal description of each Unit:

Unit _____ contained in Building _____ and all appurtenances thereto in College Park Condominiums Horizontal Property Regime as delineated in the Declaration recorded in the Office of the Madison County Recorder on July 16, 1985, in Book 625, paged 627 through 703 as amended by a First Amendment to Enabling Declaration recorded in said office on the 25th day of November, 1985, in Book 255 at page 658; further amended by a Second Amendment to the Enabling Declaration recorded in said office on the 29th day of July, 1986, in Book 261 at page 642; and further amended by a Third Amendment to the Enabling Declaration recorded in said office on the _____ day of October, 1986, in Book _____ at page _____.

7. Attached hereto as Exhibit "C" and made a part hereof is a survey consisting of _____ (____) sheets as prepared by Harold E. Smith & Associates, such sheets being dated the 23rd day of September, 1986. The Condominium Survey for College Park Condominiums Horizontal Property Regime shall hereafter consist of Exhibit "A" to the original Enabling Declaration; Exhibit "C" to the First Amendment to Enabling Declaration; Exhibit "C" to the Second Amendment to Enabling Declaration; and Exhibit "C" to this Third Amendment to Enabling Declaration.

8. All references to Exhibit "A" in the Enabling Declaration shall now include all documents comprising the Condominium Survey as above defined.

9. Except as above amended, all provisions of said original Enabling Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the said Declarant has executed this Second Amendment the day and year first above written.

COLLEGE PARK CONDOMINIUMS, LTD.
By: Blevins Development Company, Inc.
General Partner

By: 
John M. Blevins
President

WITNESSES:


John M. Blevins
Secretary

BOOK 263 PAGE 149

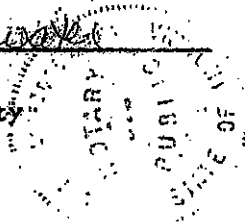
STATE OF INDIANA)
) SS:
COUNTY OF MADISON)

Before me, a Notary Public in and for said County and State, personally appeared John M. Blevins, the President and Secretary, who acknowledged the execution of the foregoing instrument for and on behalf of said corporation.

WITNESS my hand and notarial seal this 14th day of October, 1986.

My Commission Expires:
8-4-89

Claire L. Bridgewater
Claire L. Bridgewater
Notary Public
Resident of Madison County



PREPARED BY:

*Call
When
Done*

John M. Blevins
Attorney at Law
205 West 8th Street
Anderson, Indiana 46016
(317) 649-9201

EXHIBIT "A"

A tract of land located in the East half of the Northeast Quarter of Section 7, Township 19 North, Range 8 East in the City of Anderson, Anderson Township, Madison County, Indiana, described as follows:

Commencing at the Southwest corner of the East half of the Northeast Quarter of Section 7, Township 19 North, Range 8 East; thence north 00 degrees 00 minutes 00 seconds (assumed bearing) 658.34 feet along the West line of said East half of the Northeast Quarter; thence south 89 degrees 51 minutes 19 seconds east 328.75 feet to the point of beginning of this description; thence north 00 degrees 00 minutes 00 seconds 45.19 feet; thence south 89 degrees 51 minutes 19 seconds east 275.89 feet; thence south 00 degrees 00 minutes 00 seconds 165.49 feet; thence north 89 degrees 55 minutes 33 seconds west 239.65 feet to a point on the centerline of College Parkway (a private drive); thence north 00 degrees 00 minutes 00 seconds 06.76 feet along the centerline of said College Parkway; thence north 90 degrees 00 minutes 00 seconds west 54.24 feet; thence north 00 degrees 00 minutes 00 seconds 24.12 feet back to the point of beginning, containing 0.966 of an acre, more or less.

COMBINED DESCRIPTION OF LAND INCLUDED WITH BUILDINGS B, 2, 3 AND 4

A TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 8 EAST IN THE CITY OF ANDERSON, ANDERSON TOWNSHIP, MADISON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 19 NORTH, RANGE 8 EAST WHICH IS 858.34 FEET NORTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE SOUTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER; THENCE CONTINUE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 265.00 FEET ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 31 MINUTES 19 SECONDS EAST 230.69 FEET TO A NON-TANGENT POINT ON A CURVE WHOSE RADIUS IS 223.92 FEET AND CENTRAL ANGLE IS 03 DEGREES 24 MINUTES 24 SECONDS, SAID POINT ALSO BEING ON THE CENTERLINE OF COLLEGE PARKWAY (A PRIVATE STREET); THENCE SOUTHEASTERLY ALONG SAID CURVE AND CENTERLINE OF COLLEGE PARKWAY AN ARC DISTANCE OF 13.31 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS EAST 108.97 FEET TO THE POINT OF INTERSECTION OF THE CENTERLINE OF COLLEGE PARKWAY AND THE CENTERLINE OF ST. JAMES PLACE (A PRIVATE DRIVE); THENCE NORTH 65 DEGREES 00 MINUTES 00 SECONDS EAST 27.85 FEET ALONG THE CENTERLINE OF ST. JAMES PLACE TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 88.466 FEET AND A CENTRAL ANGLE OF 25 DEGREES 28 MINUTES 41 SECONDS; THENCE EASTERLY ALONG SAID CURVE AND CENTERLINE OF ST. JAMES PLACE AN ARC DISTANCE OF 39.34 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 89 DEGREES 31 MINUTES 19 SECONDS EAST 106.25 FEET ALONG THE CENTERLINE OF ST. JAMES PLACE TO THE POINT OF BEGINNING OF A CURVE CONCAVE TO THE NORTH, SAID CURVE HAVING A RADIUS OF 73.415 FEET AND A CENTRAL ANGLE OF 30 DEGREES 28 MINUTES 41 SECONDS; THENCE NORTHEASTERLY ALONG SAID CURVE AND CENTERLINE OF ST. JAMES PLACE AN ARC DISTANCE OF 39.05 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 60 DEGREES 00 MINUTES 00 SECONDS EAST 48.71 FEET ALONG THE CENTERLINE OF ST. JAMES PLACE; THENCE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS EAST 73.41 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 41 SECONDS WEST 106.88 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 19 SECONDS EAST 26.21 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 165.49 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS WEST 239.65 FEET TO A POINT ON THE CENTERLINE OF COLLEGE PARKWAY (A PRIVATE STREET); THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 96.76 FEET ALONG THE CENTERLINE OF COLLEGE PARKWAY; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 34.24 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 24.12 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 19 SECONDS WEST 328.75 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 3.008 ACRES, MORE OR LESS, SUBJECT TO THE LEGAL RIGHT OF WAY OF 25 FEET OFF THE ENTIRE WEST SIDE THEREOF FOR NURSERY ROAD.

DATED: SEPTEMBER 25, 1986

Harold E. Smith
REGISTERED LAND SURVEYOR No. 10311

6208

RECEIVED FOR RECORD
At 10:25 o'clock AM.
Recorded in Book 263 Page 144-152
OCT 14 1986
Martha Handwerker
MADISON COUNTY RECORDER

