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ENABLING DECLARATION
ESTABLISHING A PLAN FOR
HORIZONTAL PROPERTY REGIME
OF
COLLEGE PARK CONDOMINIUMS

ANDERSON, INDIANA

10739

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ANDERSON, INDIANA

WHEREAS, College Park Condominiums, Ltd., an Indiana Limited Partnership (hereinafter referred to as "Grantor") owns certain property herein described, and

WHEREAS, said Grantor is the sole owner in fee simple title to said property consisting of a four (4) unit multi-family project known as College Park Condominiums, also known as College Park Horizontal Regime, and

WHEREAS, said Grantor hereby establishes by this Declaration a plan for the individual ownership of the real property estates consisting of the area or space contained in each of the units in said multi-family project, and the co-ownership by the individual and separate owners thereof, as tenants in common, of all of the remaining real property, which is hereinafter defined and referred to as the "Common Elements."

NOW, THEREFORE, said Grantor, the fee owner of the following described real property in Madison County, Indiana, to-wit:

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 973.54 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 150.00 feet; 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 south 65 degrees 00 minutes 00 seconds west 21.49 feet along the centerline of St. James Place to the point of beginning of a curve to the right concave to the north, said curve having a radius of 116.39 feet and a central angle of 19 degrees 30 minutes 00 seconds; thence westerly along said curve an arc distance of 39.61 feet to the point of tangency of said curve; thence south 80 degrees 30 minutes 00 seconds west 235.05 feet back to the point of beginning, containing 0.821 of an acre, more or less, subject to the legal right of way of 25 feet off the entire West side thereof for Nursery Road.

hereby makes the following Declaration as to divisions, covenants, restrictions, limitations, conditions, and uses to which the above-described real estate and improvements thereon, consisting of a four (4) unit multi-family project and appurtenances, may be put, hereby specifying that said Declaration shall constitute covenants to run with the land and shall be binding on said Grantor, its successors and assigns, and all subsequent owners of all or any part of said real property and improvements, together with their grantees, successors, heirs, executors, administrators, devisees, or assigns:

ITEM 1 DEFINITIONS

Certain terms are utilized, not only in this Enabling Declaration, but are or may be used in various other instruments, including, by way of example and not of limitation, the Condominium By-Laws, the Articles of Incorporation, and the Rules

and Regulations of the Corporation, and deeds, mortgages, liens, land contracts, easements, and other instruments affecting the establishment of or transfer of interests in College Park as a Condominium. Whenever used in such documents or other pertinent instruments, the terms set forth below shall be defined as follows:

A. The "Code" means the Indiana Horizontal Property Act, being IC 32-1-1 et seq., known as the Indiana "Horizontal Property Law," as amended.

B. "Unit" each mean the enclosed space constituting a single complete residential unit in College Park Condominiums and shall have the same meaning as the term "Unit" as defined in the Code.

C. "Association" and/or "Corporation" shall mean the not-for-profit corporation to be organized under Indiana Law of which all co-owners shall be members and which corporation shall administer, operate, manage, and maintain the Condominium. Any action required or permitted by the Corporation shall be exercisable by its Board of Directors unless specifically reserved to its members by the Condominium documents or the laws of the State of Indiana.

D. "Building," where used without modification, shall mean a brick and cedar siding structure containing both single story Units and one and one-half story Units with a designated number of bedrooms as described in the condominium survey referenced in Item III hereof and officially recorded in the records of Madison County, State of Indiana.

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E. "Common Elements," where used without modification, shall mean both the General and Limited Common elements described in Item II hereof.

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F. "Condominium" means College Park Condominiums Horizontal Property Regime.

G. "Condominium By-Laws" or "Corporation By-Laws" means Exhibit "B" hereto, being the By-Laws setting for the substantive rights and obligations of the Co-Owners as provided in the Code.

H. "Condominium Documents," wherever used, means and includes this Enabling Declaration and Exhibits "A" and "B" hereto, the Articles of Incorporation, and the Rules and Regulations, if any, of the Corporation.

I. "Condominium Premises" or "Project" means and includes the land and the buildings, all improvements and structures thereof, and all easements, rights, and appurtenances belonging to College Park Condominiums as described herein.

J. "Condominium Survey" means Exhibit "A" hereto.

K. "Co-Owner" means a person, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof, who or which owns one or more units in the Condominium. The term "Owner," wherever used, shall be synonymous with the term "Co-Owner."

L. "Enabling Declaration" or "Declaration" is this instrument, which is required by Section 3 of the Code.

M. "Garage" shall mean the enclosed area appurtenant to each Unit specifically identified as "garage" on those documents as recorded in Plat Book 17, page 36/37, and as certified by