

264 124

RECEIVED DEED RECORD  
At 12:35  
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DEC 2 1986  
Madison County Recorder

16-000  
Only record for taxation  
December 2 1986  
Sandra S. Brantzen  
Andover, Madison County,  
Indiana

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

8890

ANDERSON, INDIANA

This Fourth Amendment to Enabling Declaration made this 2nd day of December, 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".

RECITALS:

WHEREAS, College Park Condominiums, a horizontal property regime consisting of eighteen (18) 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; first amended in Deed Record Book 255 at page 658 on November 25, 1985; and secondly amended in Deed Record Book 261 at page 642; and thirdly amended in Deed Record Book 263 at page 644; 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 two (2) 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 eighteen (18) Units are hereby changed to twenty (20) 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 11.C. of the Enabling Declaration shall hereafter read as follows:

C. Designation and Description of Units. The twenty (20) 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.

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

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

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.

4. 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 68-69, records of Madison County, State of Indiana.

5. The Units shall be contained in a building designated as Building 5 without basement and as follows:

a. Unit A is located in Building 5 and is a three-bedroom, one-story Unit without basement.

b. Unit B is located in Building 5 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 5 are more particularly described in documents filed in Plat Book 17, pages 72-73, 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	\$5,000%
9-B	\$5,000%
9-C	\$5,000%
9-D	\$5,000%
8-A	\$5,000%
8-B	\$5,000%
8-C	\$5,000%
8-D	\$5,000%
8-E	\$5,000%
8-F	\$5,000%
4-A	\$5,000%
4-B	\$5,000%
4-C	\$5,000%
4-D	\$5,000%
3-A	\$5,000%
3-B	\$5,000%
3-C	\$5,000%
3-D	\$5,000%
5-A	\$5,000%
5-B	\$5,000%

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 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; further amended by a Third Amendment to the Enabling Declaration recorded in said office on the 14th day of October, 1986, in Book 263 at pages 144-152; and further amended by a Fourth Amendment to Enabling Declaration recorded in said office on the 2nd day of December, 1986, in Book 264 at pages 121-132.

7. Attached hereto as Exhibit "D" 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 December, 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, Exhibit "C" to the Third Amendment to Enabling Declaration, and Exhibit "C" to this Fourth Amendment to Enabling Declaration.

8. All references to Exhibit "A" in the Enabling Declaration shall not 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 Fourth 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 2nd day of December, 1986.

My Commission Expires:  
8-4-89

*Chaire E. Brudewiser*  
Chaire E. Brudewiser  
Notary Public,  
Resident of Madison County.

PREPARED BY:

John M. Blevins  
Attorney at Law  
205 West 6th 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 858.34 feet along the West line of said East half of said Northwest Quarter; thence south 89 degrees 31 minutes 19 seconds east 203.75 feet to the place of beginning of this description; thence continue south 89 degrees 31 minutes 19 seconds east 125.00 feet; thence south 00 degrees 00 minutes 00 seconds 24.12 feet; thence south 90 degrees 00 minutes 00 seconds east 34.24 feet to a point on the centerline of College Parkway (a private drive); thence south 00 degrees 00 minutes 00 seconds 96.77 feet along the centerline of said College Parkway; thence north 89 degrees 35 minutes 33 seconds west 71.12 feet to a point on the centerline of Meramec Drive (a private drive); thence south 84 degrees 30 minutes 00 seconds west 88.52 feet along the centerline of said Meramec Drive; thence north 00 degrees 00 minutes 00 seconds 129.91 feet back to the point of beginning, containing 0.432 of an acre, more or less.



EXHIBIT "B"

LOT 264-132

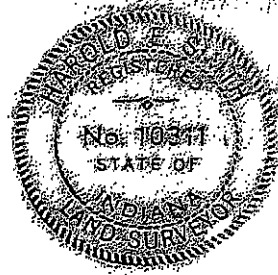
COLLEGE PARK CONDOMINIUMS  
COMBINED DESCRIPTION OF LAND INCLUDED WITH BUILDINGS, ETC., 1953, 1954 AND 1955

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 858.31 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 260.59 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 113.34 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 88,486 FEET AND A CENTRAL ANGLE OF 25 DEGREES 24 MINUTES 32 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 73,445 FEET AND A CENTRAL ANGLE OF 30 DEGREES 28 MINUTES 41 SECONDS; THENCE NORTH ALONG SAID CURVE AND CENTERLINE OF ST. JAMES PLACE AN ARC DISTANCE OF 39.08 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 73.44 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 41 SECONDS WEST 106.25 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 09 DEGREES 05 MINUTES 39 SECONDS WEST 310.77 FEET TO A POINT ON THE CENTERLINE OF HERABEE DRIVE (A PRIVATE STREET); THENCE SOUTH 04 DEGREES 30 MINUTES 00 SECONDS WEST 88.52 FEET ALONG THE CENTERLINE OF SAID HERABEE DRIVE; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 129.91 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 19 SECONDS WEST 205.75 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 31.735 ACRES, MORE OR LESS, SUBJECT TO THE LEGAL RIGHT OF 25 FEET OFF THE WESTERNMOST SIDE THEREOF FOR NURSERY ROAD.

Dated: October 16, 1986

*Harold E. ...*  
REGISTERED LAND SURVEYOR, No. 10341



17-  
p. 2

Duly ordered for taxation  
April 10, 1987  
Sandra S. Huntzinger  
Madison County,  
Indiana

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

LIBER 266 PAGE 544

This Fifth Amendment to Enabling Declaration made this 9<sup>th</sup> day of April, 1987, 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".

RECITALS:

WHEREAS, College Park Condominiums, a horizontal property regime consisting of twenty (20) 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 625 at pages 627 through 703 inclusive, with Exhibit "A" thereto recorded in Plat Book 17 at pages 26 and 27; first amended in Deed Record Book 255 at page 658 on November 25, 1985; secondly amended in Deed Record Book 261 at page 642; thirdly amended in Deed Record Book 263 at page 147; and fourthly amended in Deed Record Book 264 at pages 124-132; 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 two (2) additional units in one (1) building which harmonize with the development of the original Condominium; and

Noted for John B. Green

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 twenty (20) Units are hereby changed to twenty-two (22) 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 so that as described in Exhibit "B" attached hereto.

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

C. Designation and Description of Units. The twenty-two (22) individual Units hereby established are described as follows:

I. 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.

266-545

- 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 and one-half 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, 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.

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.

4. 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 3 are more particularly described in documents filed in Plat Book 17, pages 68-69, records of Madison County, State of Indiana.

266-1547

5. The Units shall be contained in a building designated as Building 5 without basement and as follows:
  - a. Unit A is located in Building 5 and is a three-bedroom, one-story Unit without basement.
  - b. Unit B is located in Building 5 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 5 are more particularly described in documents filed in Plat Book 17, pages 72-73, records of Madison County, State of Indiana.

6. The Units shall be contained in a building designated as Building 2 without basement and as follows:
  - a. Unit A is located in Building 2 and is a two-bedroom, one-story Unit without basement.
  - b. Unit B is located in Building 2 and is a two-bedroom, one-story unit without basement.

The Unit locations and dimensions in Building 2 are more particularly described in documents filed in Plat Book 17, pages 72-73, 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	4.545454
9-B	4.545454
9-C	4.545454
9-D	4.545454
8-A	4.545454
8-B	4.545454
8-C	4.545454
8-D	4.545454
8-E	4.545454
8-F	4.545454
4-A	4.545454
4-B	4.545454
4-C	4.545454
4-D	4.545454
3-A	4.545454
3-B	4.545454
3-C	4.545454
3-D	4.545454
5-A	4.545454
5-B	4.545454
2-A	4.545454
2-B	4.545454

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.F. of the Enabling Declaration shall hereafter read as follows:

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

266-549

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 Enabling Declaration recorded in said office on the 29th day of July, 1986, in Book 261 at page 642; further amended by a Third Amendment to Enabling Declaration recorded in said office on the 14th day of October, 1986, in Book 263 at pages 144-152; further amended by a Fourth Amendment to Enabling Declaration recorded in said office on the 2nd day of December, 1986, in Book 264 at pages 124-132; and further amended by a Fifth Amendment to Enabling Declaration recorded in said office on the 10th day of April, 1987, in Book 266 at pages 544.

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 20th day of February, 1987. 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; Exhibit "C" to the Third Amendment to Enabling Declaration; and Exhibit "C" to the Fourth Amendment to Enabling Declaration; and Exhibit "C" to this Fifth 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 Fifth Amendment to Enabling Declaration this 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



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 707.11 feet along the West line of said East half of said Northeast Quarter; thence north 84 degrees 30 minutes 00 seconds east 293.21 feet; thence south 89 degrees 35 minutes 33 seconds east 49.12 feet to the point of beginning of this description; thence continue north 89 degrees 35 minutes 33 seconds east 150.84 feet; thence south 00 degrees 00 minutes 00 seconds 110.00 feet; thence north 89 degrees 35 minutes 33 seconds west 150.84 feet; thence north 00 degrees 00 minutes 00 seconds 110.00 feet; thence north 89 degrees 35 minutes 33 seconds west 150.84 feet; thence north 00 degrees 00 minutes 00 seconds 110.00 feet back to the point of beginning. Containing 0.381 of an acre, more or less.

256-551

COLLEGE PARK CONDOMINIUMS  
COMBINED DESCRIPTION OF LAND INCLUDED WITH BUILDINGS 8, 9, 3, 4, 5 AND 2

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-TANGENCY 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 106.38 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 110.81 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 110.00 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS WEST 150.84 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 110.00 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS WEST 49.12 FEET; THENCE SOUTH 84 DEGREES 30 MINUTES 00 SECONDS WEST 88.52 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 129.91 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 19 SECONDS WEST 203.75 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 4.116 ACRES, MORE OR LESS, SUBJECT TO THE LEGAL RIGHT OF WAY OF 25 FEET OFF THE WESTERMOST SIDE THEREOF FOR NURSERY ROAD.

DATED: FEBRUARY 20, 1987

*Harold E. Smith*  
 REGISTERED LAND SURVEYOR No. 10311



1750  
Dm ✓

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

This Sixth Amendment to Enabling Declaration made this 28th day of May, 1987, 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 twenty-two (22) 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, first amended in Deed Record Book 253 at page 658 on November 25, 1985; amended in Deed Record Book 261 at page 642; amended in Deed Record Book 263 at page 144; amended in Deed Record Book 264 at pages 124-132; and amended in Deed Record Book 266 at pages 544-553; and

WHEREAS, an 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

WITNESSED my hand and seal of the Office of the Recorder of Madison County, Indiana, this 26th day of May, 1987.  
John Slemons  
Recorder of Madison County, Indiana

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 five (5) 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 twenty-two (22) Units are hereby changed to twenty-seven (27) 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 twenty-seven (27) individual units hereby established are described as follows:

1. The Units shall be contained in a building designated as



Building 1 without basement and as follows:

- a. Unit A is located in Building 1 and is a three-bedroom, one-story unit without basement.
- b. Unit B is located in Building 1 and is a three-bedroom, one-story unit without basement.
- c. Unit C is located in Building 1 and is a three-bedroom, one-story unit without basement.
- d. Unit D is located in Building 1 and is a three-bedroom, one-story unit without basement.
- e. Unit E is located in Building 1 and is a three-bedroom, one-story unit without basement.

The Unit locations and dimensions in Building 1 are more particularly described in documents filed in Plat Book 17, pages 85-87, records of Madison County, State of Indiana.

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

- a. Unit A is located in Building 2 and is a two-bedroom, one-story unit without basement.
- b. Unit B is located in Building 2 and is a two-bedroom, one-story unit without basement.

The Unit locations and dimensions in Building 2 are more particularly described in documents filed in Plat Book 17, pages 86-87, 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.

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- 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 3 are more particularly described in documents filed in Plat Book 17, pages 68-69, records of Madison County, State of Indiana.

- 4. 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.

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. The units shall be contained in a building designated as Building 5 without basement and as follows:

- a. Unit A is located in Building 5 and is a three-bedroom, one-story unit without basement.

b. Unit B is located in Building 5 and is a three-bedroom, one-story Unit without basement.

The Unit locations and dimensions in Building 5 are more particularly described in documents filed in Plat Book 17, pages 72-73, records of Madison County, State of Indiana.

6. 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 47-48, records of Madison County, Indiana.

7. 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 and one-half 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.

5. Item H 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>
1-A	3.7037%
1-B	3.7037%
1-C	3.7037%
1-D	3.7037%
1-E	3.7037%
2-A	3.7037%
2-B	3.7037%
3-A	3.7037%
3-B	3.7037%
3-C	3.7037%
3-D	3.7037%



4-A  
4-B  
4-C  
4-D  
5-A  
5-B  
8-A  
8-B  
8-C  
8-D  
8-E  
8-F  
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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 III.F. of the Enabling Declaration shall hereafter read as follows:

F. 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 255 at page 658; further amended by a Second Amendment to Enabling Declaration recorded in said office on the 29th day of July, 1986, in Book 261 at page 642; further amended by a Third Amendment to Enabling Declaration recorded in said office on the 14th day of October,

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1986, in Book 263 at pages 144-152; further amended by a Fourth Amendment to Enabling Declaration recorded in said office on the 2nd day of December, 1986, in Book 264 at pages 124-132; further amended by a Fifth Amendment to Enabling Declaration recorded in said office on the 10th day of April, 1987, in Book 266 at pages 544-553; and further amended by a Sixth Amendment to Enabling Declaration recorded in said office on the 4<sup>th</sup> day of May, 1987, in Book 267 at pages 647-657.  
June

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 28<sup>th</sup> day of MAY, 1987. 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; Exhibit "C" to the Third Amendment to Enabling Declaration; and Exhibit "C" to the Fourth Amendment to Enabling Declaration; Exhibit "C" to the Fifth Amendment to Enabling Declaration; and Exhibit "C" to this Sixth 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 Sixth Amendment to Enabling Declaration this 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 28th day of May, 1987.

My Commission Expires:  
8-4-89

*Clairne L. Bridgewater*  
Clairne L. Bridgewater  
Notary Public  
Resident of Madison County

PREPARED BY:

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

BOOK 267 PAGE 655

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 707.11 feet along the West line of the East half of said Northeast Quarter; thence north 84 degrees 30 minutes 00 seconds east 293.21 feet; thence south 89 degrees 35 minutes 33 seconds east 49.12 feet; thence south 00 degrees 00 minutes 00 seconds 110.00 feet to the point of beginning of this description; thence south 89 degrees 35 minutes 33 seconds east 150.84 feet; thence south 00 degrees 00 minutes 00 seconds 290.00 feet; thence north 89 degrees 35 minutes 33 seconds west 150.84 feet; thence north 00 degrees 00 minutes 00 seconds 290.00 feet back to the point of beginning. Containing 1.004 acre, more or less.



EXHIBIT "B"

COLLEGE PARK CONDOMINIUMS  
COMBINED DESCRIPTION OF LAND INCLUDED WITH BUILDINGS 1, 2, 3, 4, 5, 8, 9, AND 10

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 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 180.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 40.00 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 19 SECONDS EAST 40.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 01 SECOND EAST 50.23 FEET TO A POINT ON THE CENTERLINE OF ST. JAMES PLACE (A PRIVATE DRIVE); THENCE SOUTH 30 DEGREES 00 MINUTES 00 SECONDS EAST 73.41 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 41 SECONDS WEST 106.38 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 110.81 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 400.00 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS WEST 150.84 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 400.00 FEET; THENCE NORTH 89 DEGREES 35 MINUTES 33 SECONDS WEST 49.12 FEET; THENCE SOUTH 84 DEGREES 30 MINUTES 00 SECONDS WEST 88.52 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 129.91 FEET; THENCE NORTH 89 DEGREES 31 MINUTES 19 SECONDS WEST 203.75 FEET BACK TO THE POINT OF BEGINNING. CONTAINING 6.294 ACRES, MORE OR LESS, SUBJECT TO THE LEGAL RIGHT OF WAY OF 25 FEET OFF THE WESTERNMOST SIDE THEREOF FOR NURSERY ROAD.

DATED: MAY 28, 1987

*James B. Smith*  
REGISTERED LAND SURVEYOR NO. 10311



BOOK 267 PAGE 657  
018923

RECORDED FOR RECORD  
At 1:15 o'clock P.M.  
Recorded in Book 267 Page 657  
JUN 4 1987  
MADISON COUNTY RECORDER