

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
7th day of April, 2004
Robin McMillan Auditor of Hamilton County
Parcel # _____

200400022008
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
04-07-2004 At 09:52 am.
DEC COV RES 39.00

3900
15

Cross Reference

BEST POSSIBLE IMAGE
ALL PAGES

Instrument Nos. 200200085155 and
200400022007

**EIGHTH
SUPPLEMENTAL
DECLARATION OF HORIZONTAL
PROPERTY REGIME**

**Eller Creek
Horizontal Property Regime
Building Nine**

This Eighth Supplemental Declaration made this 23rd day of March, 2004, by
Bruce Gunstra Builders, Inc., an Indiana Corporation (the Declarant);

WITNESSETH:

WHEREAS, the following facts are true:

- A. Declarant, on November 12, 2002, recorded in the office of the Recorder of Hamilton County, Indiana, a Declaration of Horizontal Property Ownership (Declaration) and a Plat as Instrument Nos. 200200085155 and 200200085154 respectively; and
- B. Declarant reserved in Paragraph 22 of the Declaration the power to expand the Horizontal Property Regime by filing amendments or supplements to the Declaration; and
- C. Declarant wishes to expand the Horizontal Property Regime by subjecting an additional portion of the Real Estate (as defined in the Declaration) to the Declaration.

CHICAGO TITLE

NOW, THEREFORE, the Declarant hereby amends the Declaration and declares as follows:

1. The definition of "Tract" (as defined in the Declaration) is hereby amended to include the real estate described in "Exhibit A" ("Building Nine") attached hereto and hereby made a part hereof by this reference.
2. The definition of "Plans" (as defined in the Declaration) is hereby amended by adding thereto the floor and building plans and elevations of the Buildings and Condominium Units prepared by Stoepelwerth & Associates, Inc., certified by David J. Stoepelwerth, a Professional Engineer, under the date of February 4, 2004, and a site plan of the Tract and Buildings prepared by David J. Stoepelwerth, a Professional Engineer, under date of February 4, 2004, all of which are incorporated herein by reference.
3. The Floor Plans (as described in Paragraph 32 of the Declaration) setting forth the layout, location, identification numbers and dimensions of the Condominium Units and the Property for Building Nine are incorporated into this Supplemental Declaration by reference and have been filed in the office of the Recorder of Hamilton County, Indiana as of APRIL 7th, 2004, as Instrument No. # 200400022007.
4. Paragraph 3 of the Declaration is amended to read as follows:

"There are nine (9) Buildings containing thirty-six (36) Condominium Units on the Tract as of the date hereof, as shown on the Plans. A description of the Buildings and the Condominium Units contained therein is set forth in "Amended Exhibit B" attached hereto and made a part hereof by this reference."
5. Exhibit "C" to the Declaration is amended as set forth on "Amended Exhibit C" attached hereto and made a part hereof by this reference.

IN WITNESS WHEREOF, the undersigned has caused this Eighth Supplemental Declaration to be executed the day and year first above written.

BRUCE GUNSTRA BUILDERS, INC.

CHICAGO TITLE

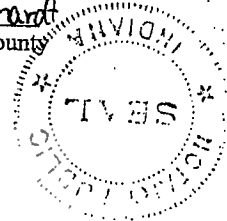
By Pamela J. Smith
Pamela J. Smith, Assistant Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Pamela J. Smith, the Assistant Secretary of Bruce Gunstra Builders, Inc., an Indiana corporation, who acknowledged the execution of the above and foregoing Eighth Supplemental Declaration of Horizontal Property Ownership for and on behalf of said corporation.

WITNESS my hand and Notarial Seal this 23rd day of March, 2004.

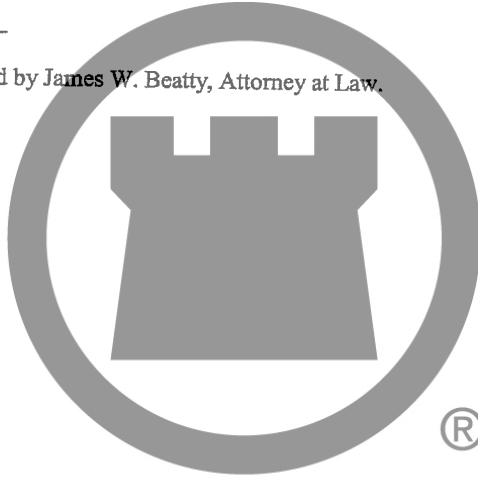
Mariann J Reinhardt
Notary Public
Printed Mariann J Reinhardt
Resident of Marion County



My Commission Expires:

June 17, 2011

This instrument prepared by James W. Beatty, Attorney at Law.



CHICAGO TITLE

EXHIBIT "A"

ELLER CREEK

BUILDING NINE, PHASE NINE

A part of the Southwest Quarter of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Delaware Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Quarter, Quarter Section; thence North 89 degrees 22 minutes 36 seconds East along the North line of said Quarter, Quarter Section 658.25 feet; thence South 00 degrees 00 minutes 23 seconds East 545.23 feet; thence South 89 degrees 59 minutes 38 seconds West 87.34 feet; thence North 52 degrees 09 minutes 04 seconds West 51.13 feet; thence North 57 degrees 23 minutes 05 seconds West 24.08 feet to the POINT OF BEGINNING of this description; thence South 47 degrees 36 minutes 59 seconds West 29.70 feet; thence South 65 degrees 06 minutes 45 seconds West 23.83 feet; thence South 83 degrees 42 minutes 03 seconds West 33.00 feet; thence North 85 degrees 29 minutes 34 seconds West 18.29 feet; thence South 00 degrees 30 minutes 26 seconds East 24.09 feet; thence North 85 degrees 29 minutes 34 seconds West 66.75 feet; thence North 79 degrees 00 minutes 01 seconds West 25.33 feet; thence North 66 degrees 24 minutes 05 seconds West 23.83 feet; thence North 55 degrees 07 minutes 00 seconds West 20.22 feet; thence North 43 degrees 53 minutes 51 seconds West 23.57 feet; thence South 52 degrees 08 minutes 37 seconds West 20.00 feet; thence North 33 degrees 15 minutes 04 seconds West 21.20 feet; thence North 61 degrees 21 minutes 15 seconds East 20.00 feet; thence North 46 degrees 25 minutes 23 seconds East 25.08 feet; thence North 24 degrees 26 minutes 01 seconds West 17.34 feet; thence North 63 degrees 37 minutes 45 seconds East 68.58 feet; thence North 51 degrees 05 minutes 10 seconds East 28.10 feet; thence North 38 degrees 16 minutes 45 seconds East 23.37 feet; thence South 57 degrees 23 minutes 15 seconds East 69.81 feet; thence South 85 degrees 58 minutes 02 seconds East 81.59 feet; thence South 00 degrees 00 minutes 22 seconds East 9.00 feet; thence South 18 degrees 56 minutes 54 seconds West 44.17 feet; thence South 52 degrees 05 minutes 50 seconds East 20.00 feet to the place of beginning, containing 0.60 acres, more or less. Subject to all legal highways, rights-of-ways, easements, and restrictions of record.

CHICAGO TITLE

EXHIBIT B

DESCRIPTION OF BUILDINGS AND
CONDOMINIUM UNITS

The Buildings on the Tract as of the date of this Declaration are identified and referred to in the Plans as BUILDING NUMBER ONE, NUMBER TWO, NUMBER THREE, NUMBER FOUR, NUMBER FIVE, NUMBER SIX, NUMBER SEVEN, NUMBER EIGHT, and NUMBER NINE

BUILDING NUMBER ONE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 1-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 1-B (Hawk)

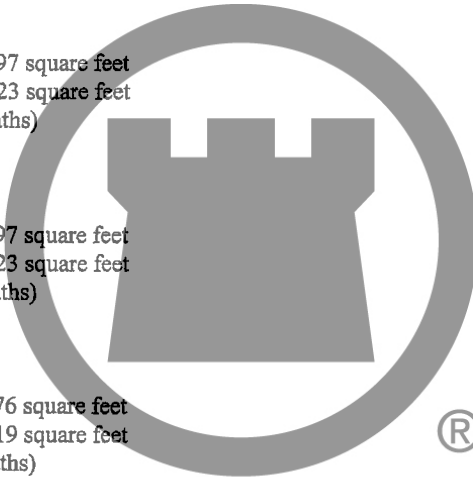
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER TWO contains a total of four (4) separate condominium Units, which consist of the following:

Unit 2-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 2-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

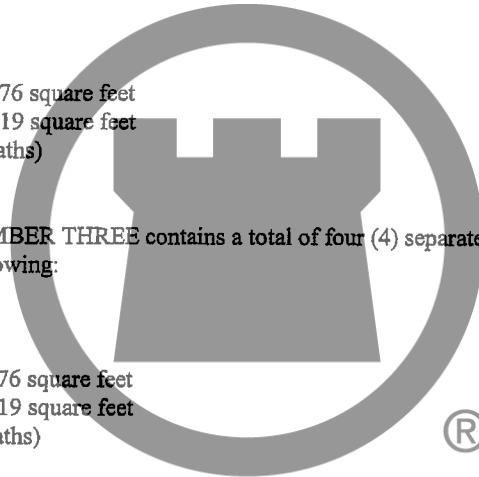
BUILDING NUMBER THREE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 3-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 3-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 3-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 3-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER FOUR contains a total of four (4) separate condominium Units,
which consist of the following:

Unit 4-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 4-B (Hawk)

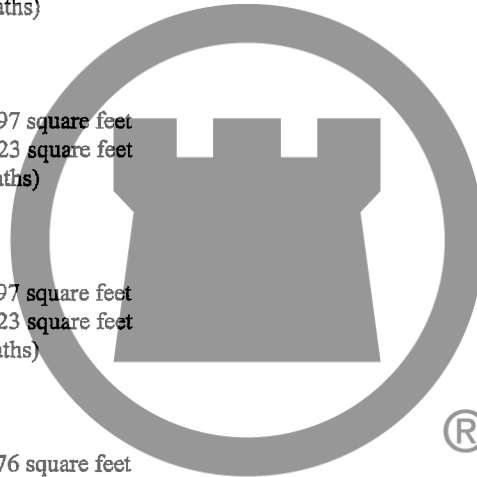
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER FIVE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 5-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 5-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

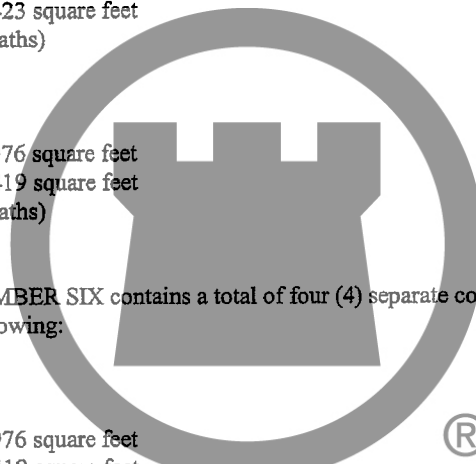
BUILDING NUMBER SIX contains a total of four (4) separate condominium Units, which consist of the following:

Unit 6-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 6-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 6-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 6-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER SEVEN contains a total of four (4) separate condominium Units, which consist of the following:

Unit 7-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 7-B (Hawk)

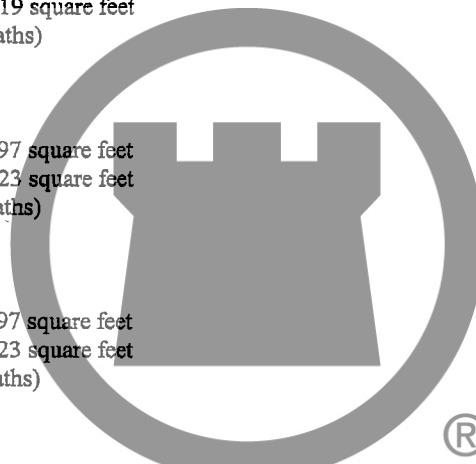
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER EIGHT contains a total of four (4) separate condominium Units, which consist of the following:

Unit 8-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 8-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

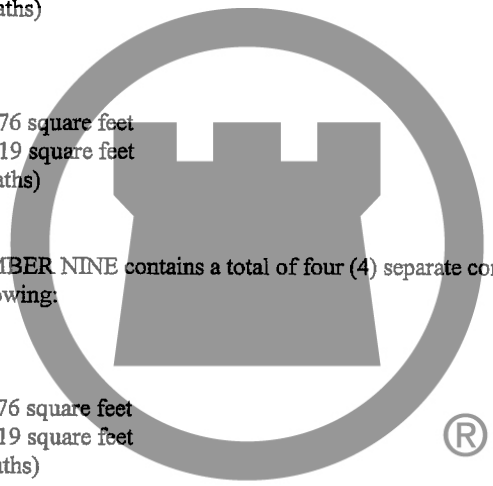
BUILDING NUMBER NINE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 9-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 9-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 9-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 9-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

AMENDED EXHIBIT C

DESCRIPTION OF PERCENTAGE
INTERESTS OF CONDOMINIUM UNITS

The Percentage Interests of the Owners of the respective Condominium Units in the Common Areas and Limited Areas are now as follows:

<u>Condominium Unit</u>	<u>Percentage Interest</u>
1-A	2.777%
1-B	2.777%
1-C	2.777%
1-D	2.777%
2-A	2.777%
2-B	2.777%
2-C	2.777%
2-D	2.777%
3-A	2.777%
3-B	2.777%
3-C	2.777%
3-D	2.777%
4-A	2.777%
4-B	2.777%
4-C	2.777%
4-D	2.777%



®

CHICAGO TITLE

5-A	2.777%
5-B	2.777%
5-C	2.777%
5-D	2.777%
6-A	2.777%
6-B	2.777%
6-C	2.777%
6-D	2.777%
7-A	2.777%
7-B	2.777%
7-C	2.777%
7-D	2.777%
8-A	2.777%
8-B	2.777%
8-C	2.777%
8-D	2.777%
9-A	2.777%
9-B	® 2.777%
9-C	2.777%
9-D	2.805%



CHICAGO TITLE

Such Percentage Interests are subject to adjustment and alteration, upon expansion of Eller Creek, as provided in this Declaration.

March 23, 2004

Pamela Smith
c/o Gunstra Builders, Inc.
8383 Craig Street, Suite 100
Indianapolis, Indiana 46250

Re: Eller Creek
Building Nine

Dear Pam:

Enclosed is original of Eighth Supplemental Declaration of Horizontal Property Regime for Eller Creek, Building Nine (Eighth Supplemental Declaration).

Our invoice for services rendered in connection with the preparation of the item described above will be mailed to you.

After the Eighth Supplemental Declaration has been executed and notarized it should be delivered to Stoepelwerth & Associates, Inc. for recording along with the Floor Plans in the office of the Hamilton County Recorder. The instrument number of the appropriate floor plans should be inserted on the first page at the top in the area designated for cross references and also along with the date on the second page of the Eighth Supplemental Declaration in paragraph 3.

Please furnish this office with file-marked copies of the recorded Eighth Supplemental Declaration.

CHICAGO TITLE

Pamela Smith
March 23, 2004
Page Two

Also please remember that this section must be conveyed by Crawfordsville Partners, LLC to Bruce Gunstra Builders, Inc. prior to recording the Eighth Supplemental Declaration and Floor Plans.

I also recommend that you check all information in the Eighth Supplemental Declaration and Exhibits.

If you have questions, do not hesitate to call me at 236-1040.

Very truly yours,

James W. Beatty

JWB:bjd
Enclosures

cc: Bob Ellis



CHICAGO TITLE

200400051081
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
07-21-2004 At 03:45 pm.
DEC COV RES 35.00

35⁰⁰
⑬

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
21st day of July, 2004
Robin McMillen Auditor of Hamilton County
Parcel # _____

Cross Reference

Instrument Nos. 200200085155 and
200400051080

**NINTH
SUPPLEMENTAL
DECLARATION OF HORIZONTAL
PROPERTY REGIME**

**Eller Creek
Horizontal Property Regime
Building Ten**

This Ninth Supplemental Declaration made this 21st day of July, 2004,
by Bruce Gunstra Builders, Inc., an Indiana Corporation (the Declarant);

WITNESSETH:

WHEREAS, the following facts are true:

- A. Declarant, on November 12, 2002, recorded in the office of the Recorder of Hamilton County, Indiana, a Declaration of Horizontal Property Ownership (Declaration) and a Plat as Instrument Nos. 200200085155 and 200200085154 respectively; and
- B. Declarant reserved in Paragraph 22 of the Declaration the power to expand the Horizontal Property Regime by filing amendments or supplements to the Declaration; and
- C. Declarant wishes to expand the Horizontal Property Regime by subjecting an additional portion of the Real Estate (as defined in the Declaration) to the Declaration.

CHICAGO TITLE

NOW, THEREFORE, the Declarant hereby amends the Declaration and declares as follows:

1. The definition of "Tract" (as defined in the Declaration) is hereby amended to include the real estate described in "Exhibit A" ("Building Ten") attached hereto and hereby made a part hereof by this reference.
2. The definition of "Plans" (as defined in the Declaration) is hereby amended by adding thereto the floor and building plans and elevations of the Buildings and Condominium Units prepared by Stoepelwerth & Associates, Inc., certified by David J. Stoepelwerth, a Professional Engineer, under the date of July 7, 2004, and a site plan of the Tract and Buildings prepared by Dennis D. Olmstead, a Professional Land Surveyor, under date of July 7, 2004, all of which are incorporated herein by reference.
3. The Floor Plans (as described in Paragraph 32 of the Declaration) setting forth the layout, location, identification numbers and dimensions of the Condominium Units and the Property for Building Ten are incorporated into this Supplemental Declaration by reference and have been filed in the office of the Recorder of Hamilton County, Indiana as of July 21, 2004, as Instrument No. 200400051080.
4. Paragraph 3 of the Declaration is amended to read as follows:

"There are ten (10) Buildings containing forth (40) Condominium Units on the Tract as of the date hereof, as shown on the Plans. A description of the Buildings and the Condominium Units contained therein is set forth in "Amended Exhibit B" attached hereto and made a part hereof by this reference."
5. Exhibit "C" to the Declaration is amended as set forth on "Amended Exhibit C" attached hereto and made a part hereof by this reference.

IN WITNESS WHEREOF, the undersigned has caused this Ninth Supplemental Declaration to be executed the day and year first above written.

BRUCE GUNSTRA BUILDERS, INC.

CHICAGO TITLE

By

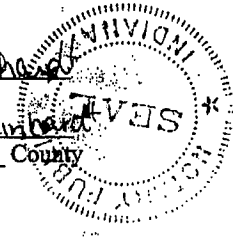

John Swinehart, Chief Financial Officer

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared John Swinehart, the Chief Financial Officer of Bruce Gunstra Builders, Inc., an Indiana corporation, who acknowledged the execution of the above and foregoing Ninth Supplemental Declaration of Horizontal Property Ownership for and on behalf of said corporation.

WITNESS my hand and Notarial Seal this 21st day of July, 2004.

Marriam J. Reinhard
Notary Public
Printed Marriam J. Reinhard
Resident of Marion County



My Commission Expires:

June 17, 2011

This instrument prepared by James W. Beatty, Attorney at Law.



CHICAGO TITLE

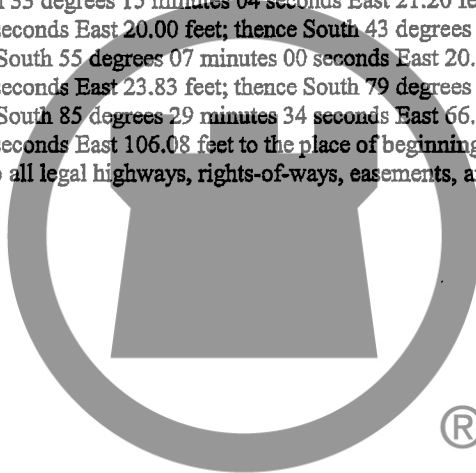
EXHIBIT "A"

ELLER CREEK

BUILDING 10, PHASE 10

A part of the Southwest Quarter of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Delaware Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Quarter, Quarter Section; thence North 89 degrees 22 minutes 36 seconds East along the North line of said Quarter, Quarter Section 658.25 feet; thence South 00 degrees 00 minutes 23 seconds East 661.15 feet; thence South 89 degrees 29 minutes 34 seconds West 241.46 feet to the POINT OF BEGINNING of this description; thence continuing South 89 degrees 29 minutes 34 seconds West 211.78 feet; thence North 00 degrees 00 minutes 23 seconds West 135.00 feet; thence North 54 degrees 30 minutes 27 seconds East 45.77 feet; thence South 33 degrees 15 minutes 04 seconds East 21.20 feet; thence North 52 degrees 08 minutes 37 seconds East 20.00 feet; thence South 43 degrees 53 minutes 51 seconds East 23.57 feet; thence South 55 degrees 07 minutes 00 seconds East 20.22 feet; thence South 66 degrees 24 minutes 05 seconds East 23.83 feet; thence South 79 degrees 00 minutes 01 seconds East 25.33 feet; thence South 85 degrees 29 minutes 34 seconds East 66.75 feet; thence South 00 degrees 30 minutes 26 seconds East 106.08 feet to the place of beginning, containing 0.621 acres, more or less. Subject to all legal highways, rights-of-ways, easements, and restrictions of record.



CHICAGO TITLE

EXHIBIT B

DESCRIPTION OF BUILDINGS AND
CONDOMINIUM UNITS

The Buildings on the Tract as of the date of this Declaration are identified and referred to in the Plans as BUILDING NUMBER ONE, NUMBER TWO, NUMBER THREE, NUMBER FOUR, NUMBER FIVE, NUMBER SIX, NUMBER SEVEN, NUMBER EIGHT, NUMBER NINE and NUMBER TEN

BUILDING NUMBER ONE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 1-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 1-B (Hawk)

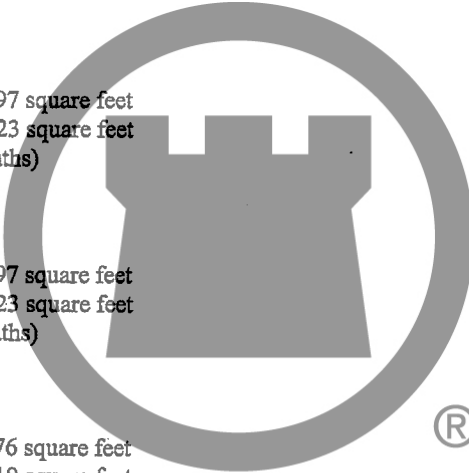
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER TWO contains a total of four (4) separate condominium Units, which consist of the following:

Unit 2-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 2-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

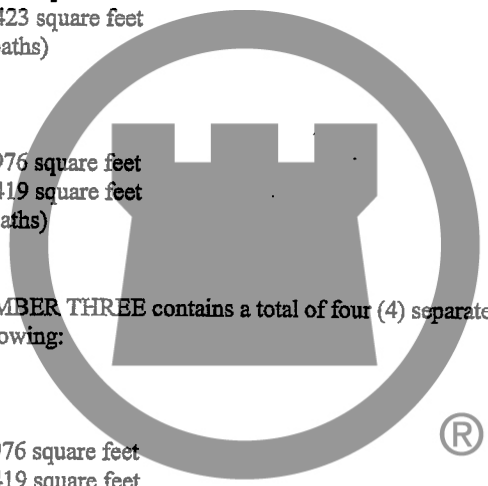
BUILDING NUMBER THREE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 3-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 3-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 3-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 3-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER FOUR contains a total of four (4) separate condominium Units, which consist of the following:

Unit 4-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 4-B (Hawk)

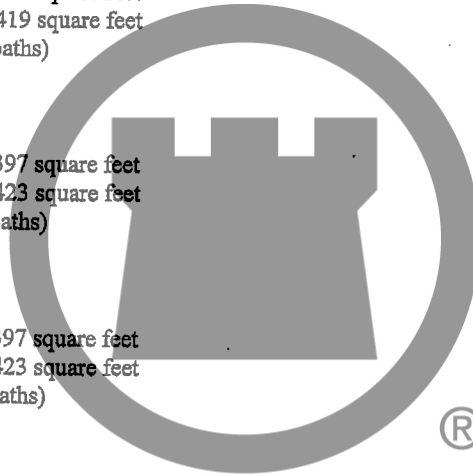
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER FIVE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 5-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 5-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

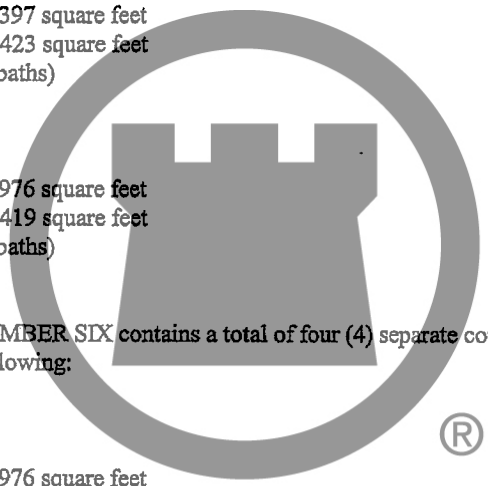
BUILDING NUMBER SIX contains a total of four (4) separate condominium Units, which consist of the following:

Unit 6-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 6-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 6-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 6-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER SEVEN contains a total of four (4) separate condominium Units, which consist of the following:

Unit 7-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 7-B (Hawk)

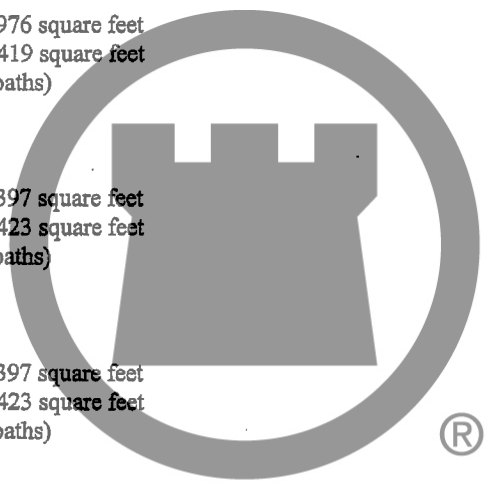
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER EIGHT contains a total of four (4) separate condominium Units,
which consist of the following:

Unit 8-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 8-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

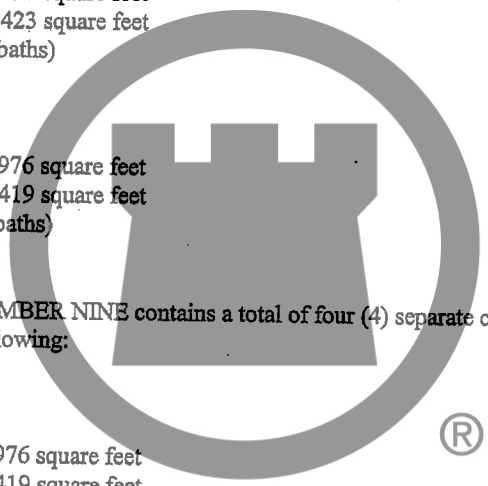
BUILDING NUMBER NINE contains a total of four (4) separate condominium Units,
which consist of the following:

Unit 9-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 9-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 9-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 9-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER TEN contains a total of four (4) separate condominium Units, which consist of the following:

Unit 10-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 10-B (Hawk)

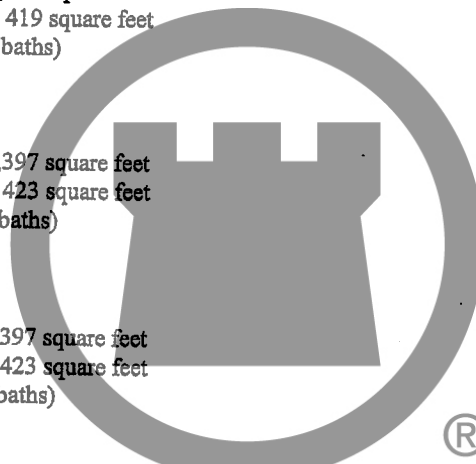
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 10-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 10-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

AMENDED EXHIBIT C

DESCRIPTION OF PERCENTAGE
INTERESTS OF CONDOMINIUM UNITS

The Percentage Interests of the Owners of the respective Condominium Units in the Common Areas and Limited Areas are now as follows:

<u>Condominium Unit</u>	<u>Percentage Interest</u>
1-A	2.5%
1-B	2.5%
1-C	2.5%
1-D	2.5%
2-A	2.5%
2-B	2.5%
2-C	2.5%
2-D	2.5%
3-A	2.5%
3-B	2.5%
3-C	2.5%
3-D	2.5%
4-A	2.5%
4-B	2.5%
4-C	2.5%
4-D	2.5%
5-A	2.5%
5-B	2.5%
5-C	2.5%
5-D	2.5%
6-A	2.5%
6-B	2.5%
6-C	2.5%
6-D	2.5%
7-A	2.5%
7-B	2.5%
7-C	2.5%
7-D	2.5%



CHICAGO TITLE

8-A	2.5%
8-B	2.5%
8-C	2.5%
8-D	2.5%
9-A	2.5%
9-B	2.5%
9-C	2.5%
9-D	2.5%
10-A	2.5%
10-B	2.5%
10-C	2.5%
10-D	2.5%

Such Percentage Interests are subject to adjustment and alteration, upon expansion of Eller Creek, as provided in this Declaration.



CHICAGO TITLE

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

20 day of Aug, 2004

Robin Mills Auditor of Hamilton County

Parcel # _____

200400058904
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
08-20-2004 At 11:07 am.
DEC CGV RES 37.00

Cross Reference

Instrument Nos. 200200085155 and
200400058903

37.00
(14)

TENTH
SUPPLEMENTAL
DECLARATION OF HORIZONTAL
PROPERTY REGIME

Eller Creek
Horizontal Property Regime
Building Eleven

This Tenth Supplemental Declaration made this 20th day of August, 2004,
by Bruce Gunstra Builders, Inc., an Indiana Corporation (the Declarant);

WITNESSETH:

WHEREAS, the following facts are true:

- A. Declarant, on November 12, 2002, recorded in the office of the Recorder of Hamilton County, Indiana, a Declaration of Horizontal Property Ownership (Declaration) and a Plat as Instrument Nos. 200200085155 and 200200085154 respectively; and
- B. Declarant reserved in Paragraph 22 of the Declaration the power to expand the Horizontal Property Regime by filing amendments or supplements to the Declaration; and
- C. Declarant wishes to expand the Horizontal Property Regime by subjecting an additional portion of the Real Estate (as defined in the Declaration) to the Declaration.

CHICAGO TITLE

BEST POSSIBLE IMAGE
ALL PAGES

NOW, THEREFORE, the Declarant hereby amends the Declaration and declares as follows:


1. The definition of "Tract" (as defined in the Declaration) is hereby amended to include the real estate described in "Exhibit A" ("Building Eleven") attached hereto and hereby made a part hereof by this reference.
2. The definition of "Plans" (as defined in the Declaration) is hereby amended by adding thereto the floor and building plans and elevations of the Buildings and Condominium Units prepared by Stoepfelwerth & Associates, Inc., certified by David J. Stoepfelwerth, a Professional Engineer, under the date of August 10, 2004, and a site plan of the Tract and Buildings prepared by Dennis D. Olmstead, a Professional Land Surveyor, under date of August 10, 2004, all of which are incorporated herein by reference.
3. The Floor Plans (as described in Paragraph 32 of the Declaration) setting forth the layout, location, identification numbers and dimensions of the Condominium Units and the Property for Building Eleven are incorporated into this Supplemental Declaration by reference and have been filed in the office of the Recorder of Hamilton County, Indiana as of August 20th, 2004, as Instrument No. 200400058904.
4. Paragraph 3 of the Declaration is amended to read as follows:

"There are eleven (11) Buildings containing forty-four (44) Condominium Units on the Tract as of the date hereof, as shown on the Plans. A description of the Buildings and the Condominium Units contained therein is set forth in "Amended Exhibit B" attached hereto and made a part hereof by this reference."
5. Exhibit "C" to the Declaration is amended as set forth on "Amended Exhibit C" attached hereto and made a part hereof by this reference.

IN WITNESS WHEREOF, the undersigned has caused this Tenth Supplemental Declaration to be executed the day and year first above written.

BRUCE GUNSTRA BUILDERS, INC.

CHICAGO TITLE

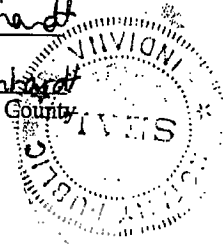
By 
John Swinehart, Chief Financial Officer

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared John Swinehart, the Chief Financial Officer of Bruce Gunstra Builders, Inc., an Indiana corporation, who acknowledged the execution of the above and foregoing Tenth Supplemental Declaration of Horizontal Property Ownership for and on behalf of said corporation.

WITNESS my hand and Notarial Seal this 20th day of August, 2004.

Mariann J. Reinhardt
Notary Public
Printed Mariann J. Reinhardt
Resident of Marion County



My Commission Expires:

June 17, 2011

This instrument prepared by James W. Beatty, Attorney at Law.



CHICAGO TITLE

EXHIBIT "A"

ELLER CREEK

BUILDING 11, PHASE 11

A part of the Southwest Quarter of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Delaware Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Quarter, Quarter Section; thence North 89 degrees 22 minutes 36 seconds East along the North line of said Quarter, Quarter Section 237.69 feet; thence South 00 degrees 37 minutes 24 seconds East 129.50 feet; thence South 89 degrees 22 minutes 36 seconds West 2.86 feet; thence South 00 degrees 37 minutes 24 seconds East 20.00 feet; thence South 27 degrees 10 minutes 04 seconds West 84.14 feet to the POINT OF BEGINNING of this description; thence South 55 degrees 25 minutes 49 seconds East 232.23 feet; thence South 31 degrees 25 minutes 18 seconds West 39.53 feet; thence South 38 degrees 16 minutes 45 seconds West 23.37 feet; thence South 51 degrees 05 minutes 10 seconds West 28.10 feet; thence South 63 degrees 37 minutes 45 seconds West 68.58 feet; thence South 24 degrees 26 minutes 01 seconds East 17.34 feet; thence South 46 degrees 25 minutes 23 seconds West 25.08 feet; thence South 61 degrees 21 minutes 15 seconds West 20.00 feet; thence North 25 degrees 28 minutes 59 seconds West 19.47 feet; thence North 65 degrees 33 minutes 59 seconds East 20.00 feet; thence North 24 degrees 26 minutes 01 seconds West 9.77 feet; thence North 30 degrees 41 minutes 01 seconds West 19.16 feet; thence North 43 degrees 11 minutes 01 seconds West 19.16 feet; thence North 49 degrees 26 minutes 01 seconds West 118.86 feet; thence North 45 degrees 50 minutes 43 seconds West 14.02 feet; thence North 39 degrees 22 minutes 48 seconds West 11.24 feet; thence North 32 degrees 57 minutes 23 seconds West 13.86 feet; thence North 24 degrees 42 minutes 04 seconds West 18.39 feet; thence North 15 degrees 43 minutes 24 seconds West 16.68 feet; thence North 19 degrees 22 minutes 36 seconds West 5.51 feet; thence North 35 degrees 44 minutes 00 seconds West 5.87 feet; thence North 54 degrees 09 minutes 56 seconds West 6.94 feet; thence North 77 degrees 05 minutes 07 seconds West 8.94 feet; thence North 89 degrees 59 minutes 38 seconds East 92.31 feet; thence North 27 degrees 10 minutes 04 seconds East 59.86 feet to the place of beginning, containing 0.85 acres, more or less. Subject to all legal highways, rights-of-ways, easements, and restrictions of record.

CHICAGO TITLE

EXHIBIT B

DESCRIPTION OF BUILDINGS AND
CONDOMINIUM UNITS

The Buildings on the Tract as of the date of this Declaration are identified and referred to in the Plans as BUILDING NUMBER ONE, NUMBER TWO, NUMBER THREE, NUMBER FOUR, NUMBER FIVE, NUMBER SIX, NUMBER SEVEN, NUMBER EIGHT, NUMBER NINE, NUMBER TEN, and NUMBER ELEVEN

BUILDING NUMBER ONE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 1-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 1-B (Hawk)

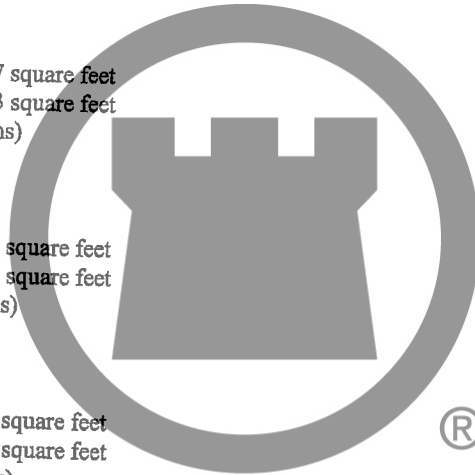
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER TWO contains a total of four (4) separate condominium Units, which consist of the following:

Unit 2-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 2-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

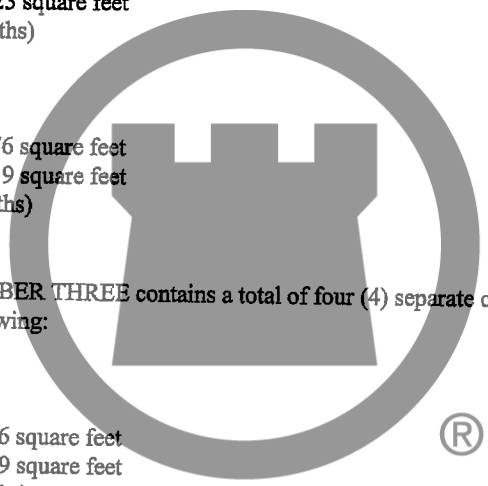
BUILDING NUMBER THREE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 3-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 3-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 3-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 3-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER FOUR contains a total of four (4) separate condominium Units,
which consist of the following:

Unit 4-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 4-B (Hawk)

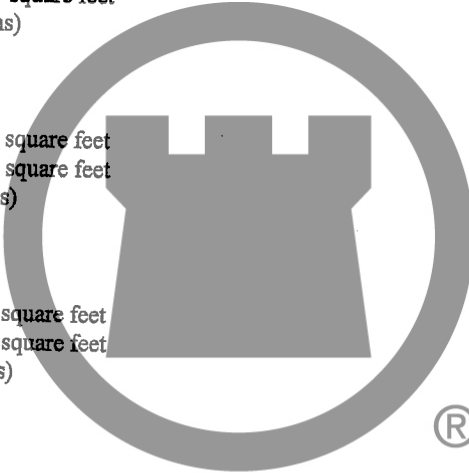
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER FIVE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 5-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 5-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

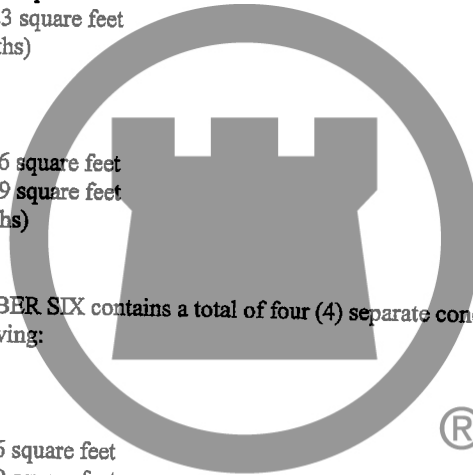
BUILDING NUMBER SIX contains a total of four (4) separate condominium Units, which consist of the following:

Unit 6-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 6-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 6-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 6-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER SEVEN contains a total of four (4) separate condominium Units, which consist of the following:

Unit 7-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 7-B (Hawk)

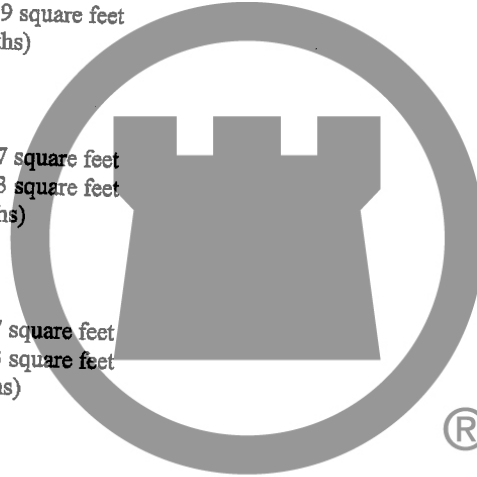
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER EIGHT contains a total of four (4) separate condominium Units, which consist of the following:

Unit 8-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 8-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

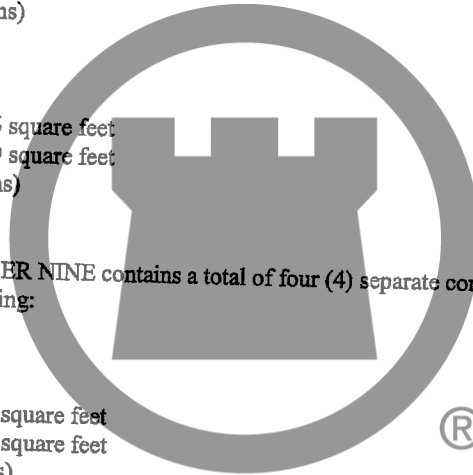
BUILDING NUMBER NINE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 9-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 9-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 9-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 9-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER TEN contains a total of four (4) separate condominium Units, which consist of the following:

Unit 10-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 10-B (Hawk)

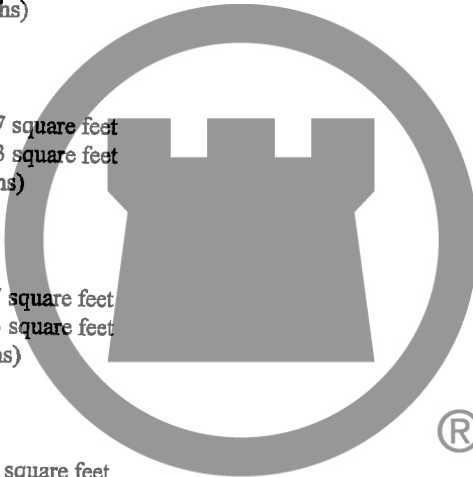
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 10-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 10-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER ELEVEN contains a total of four (4) separate condominium Units, which consist of the following:

Unit 11-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 11-B (Hawk)

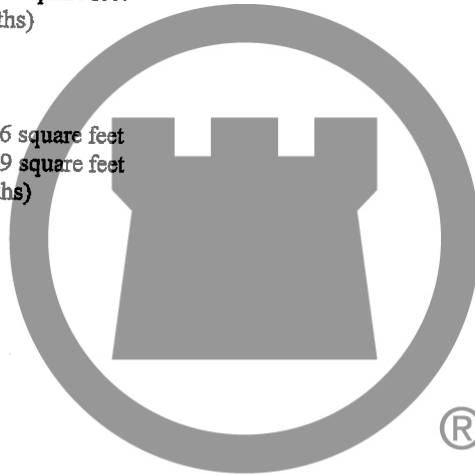
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 11-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 11-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



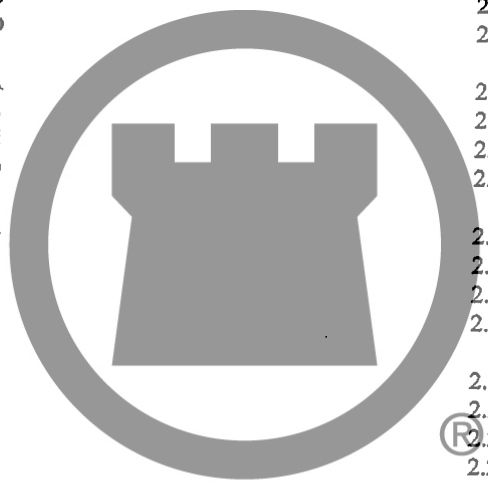
CHICAGO TITLE

AMENDED EXHIBIT C

DESCRIPTION OF PERCENTAGE
INTERESTS OF CONDOMINIUM UNITS

The Percentage Interests of the Owners of the respective Condominium Units in the Common Areas and Limited Areas are now as follows:

<u>Condominium Unit</u>	<u>Percentage Interest</u>
1-A	2.272%
1-B	2.272%
1-C	2.272%
1-D	2.272%
2-A	2.272%
2-B	2.272%
2-C	2.272%
2-D	2.272%
3-A	2.272%
3-B	2.272%
3-C	2.272%
3-D	2.272%
4-A	2.272%
4-B	2.272%
4-C	2.272%
4-D	2.272%
5-A	2.272%
5-B	2.272%
5-C	2.272%
5-D	2.272%
6-A	2.272%
6-B	2.272%
6-C	2.272%
6-D	2.272%
7-A	2.272%
7-B	2.272%
7-C	2.272%
7-D	2.272%



CHICAGO TITLE

8-A	2.272%
8-B	2.272%
8-C	2.272%
8-D	2.272%
9-A	2.272%
9-B	2.272%
9-C	2.272%
9-D	2.272%
10-A	2.272%
10-B	2.272%
10-C	2.272%
10-D	2.272%
11-A	2.272%
11-B	2.272%
11-C	2.272%
11-D	2.304%

Such Percentage Interests are subject to adjustment and alteration, upon expansion of Eller Creek, as provided in this Declaration.



CHICAGO TITLE

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
9th day of September, 2004

Robin McMillen Auditor of Hamilton County

Parcel # _____

39.00
(15)

200400063050
Filed for Record in
HAMILTON COUNTY, INDIANA
JENNIFER J HAYDEN
09-09-2004 At 09:44 a.m.
DEC COV RES 39.00

Cross Reference

Instrument Nos. 200200085155 and
200400063049

**ELEVENTH
SUPPLEMENTAL
DECLARATION OF HORIZONTAL
PROPERTY REGIME**

**Eller Creek
Horizontal Property Regime
Building Twelve**

This Eleventh Supplemental Declaration made this 9th day of September,
2004, by Bruce Gunstra Builders, Inc., an Indiana Corporation (the Declarant);

WITNESSETH:

WHEREAS, the following facts are true:

- A. Declarant, on November 12, 2002, recorded in the office of the Recorder of Hamilton County, Indiana, a Declaration of Horizontal Property Ownership (Declaration) and a Plat as Instrument Nos. 200200085155 and 200200085154 respectively; and
- B. Declarant reserved in Paragraph 22 of the Declaration the power to expand the Horizontal Property Regime by filing amendments or supplements to the Declaration; and
- C. Declarant wishes to expand the Horizontal Property Regime by subjecting an additional portion of the Real Estate (as defined in the Declaration) to the Declaration.

CHICAGO TITLE

NOW, THEREFORE, the Declarant hereby amends the Declaration and declares as follows:

1. The definition of "Tract" (as defined in the Declaration) is hereby amended to include the real estate described in "Exhibit A" ("Building Twelve") attached hereto and hereby made a part hereof by this reference.
2. The definition of "Plans" (as defined in the Declaration) is hereby amended by adding thereto the floor and building plans and elevations of the Buildings and Condominium Units prepared by Stoepelwerth & Associates, Inc., certified by David J. Stoepelwerth, a Professional Engineer, under the date of August 23, 2004, and a site plan of the Tract and Buildings prepared by Dennis D. Olmstead, a Professional Land Surveyor, under date of August 23, 2004, all of which are incorporated herein by reference.
3. The Floor Plans (as described in Paragraph 32 of the Declaration) setting forth the layout, location, identification numbers and dimensions of the Condominium Units and the Property for Building Twelve are incorporated into this Supplemental Declaration by reference and have been filed in the office of the Recorder of Hamilton County, Indiana as of September 9th, 2004, as Instrument No. _____.
4. Paragraph 3 of the Declaration is amended to read as follows:

"There are twelve (12) Buildings containing forty-eight (48) Condominium Units on the Tract as of the date hereof, as shown on the Plans. A description of the Buildings and the Condominium Units contained therein is set forth in "Amended Exhibit B" attached hereto and made a part hereof by this reference."
5. Exhibit "C" to the Declaration is amended as set forth on "Amended Exhibit C" attached hereto and made a part hereof by this reference.

IN WITNESS WHEREOF, the undersigned has caused this Eleventh Supplemental Declaration to be executed the day and year first above written.

BRUCE GUNSTRA BUILDERS, INC.

CHICAGO TITLE

By 
John Swinehart, Chief Financial Officer

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared John Swinehart, the Chief Financial Officer of Bruce Gunstra Builders, Inc., an Indiana corporation, who acknowledged the execution of the above and foregoing Eleventh Supplemental Declaration of Horizontal Property Ownership for and on behalf of said corporation.

WITNESS my hand and Notarial Seal this 9 day of Sept, 2004.

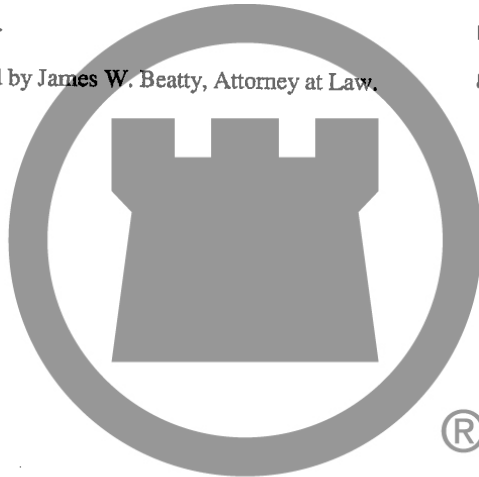
Edward J Ranz
Notary Public
Printed Edward J Ranz
Resident of Hamilton County

My Commission Expires:

2-12-2011

This instrument prepared by James W. Beatty, Attorney at Law.

EDWARD J. RANZ
HAMILTON COUNTY
COMM # 522661
MY COMMISSION EXPIRES 2-12-2011



CHICAGO TITLE

EXHIBIT "A"

ELLER CREEK

BUILDING 12, PHASE 12

A part of the Southwest Quarter of the Northeast Quarter of Section 10, Township 17 North, Range 4 East, in Delaware Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of said Quarter, Quarter Section; thence North 89 degrees 22 minutes 36 seconds East along the North line of said Quarter, Quarter Section 40.00 feet; thence South 00 degrees 00 minutes 22 seconds East 275.51 feet to the POINT OF BEGINNING of this description; thence North 89 degrees 59 minutes 38 seconds East 38.35 feet; thence South 77 degrees 05 minutes 07 seconds East 8.94 feet; thence South 54 degrees 09 minutes 56 seconds East 6.94 feet; thence South 35 degrees 44 minutes 00 seconds East 5.87 feet; thence South 19 degrees 22 minutes 36 seconds East 5.51 feet; thence South 15 degrees 43 minutes 24 seconds East 16.68 feet; thence South 24 degrees 42 minutes 04 seconds East 18.39 feet; thence South 32 degrees 57 minutes 23 seconds East 13.86 feet; thence South 39 degrees 22 minutes 48 seconds East 11.24 feet; thence South 45 degrees 50 minutes 43 seconds East 14.02 feet; thence South 49 degrees 26 minutes 01 seconds East 118.86 feet; thence South 43 degrees 11 minutes 01 seconds East 19.16 feet; thence South 30 degrees 41 minutes 01 seconds East 19.16 feet; thence South 24 degrees 26 minutes 01 seconds East 9.77 feet; thence South 65 degrees 33 minutes 59 seconds West 20.00 feet; thence South 25 degrees 28 minutes 59 seconds East 19.47 feet; thence South 54 degrees 30 minutes 27 seconds West 45.77 feet; thence South 89 degrees 29 minutes 34 seconds West 165.00 feet; thence North 00 degrees 00 minutes 22 seconds West 249.39 feet to the place of beginning, containing 0.786 acres, more or less. Subject to all legal highways, rights-of-ways, easements, and restrictions of record.



CHICAGO TITLE

EXHIBIT B

DESCRIPTION OF BUILDINGS AND
CONDOMINIUM UNITS

The Buildings on the Tract as of the date of this Declaration are identified and referred to in the Plans as BUILDING NUMBER ONE, NUMBER TWO, NUMBER THREE, NUMBER FOUR, NUMBER FIVE, NUMBER SIX, NUMBER SEVEN, NUMBER EIGHT, NUMBER NINE, NUMBER TEN, NUMBER ELEVEN and NUMBER TWELVE.

BUILDING NUMBER ONE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 1-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 1-B (Hawk)

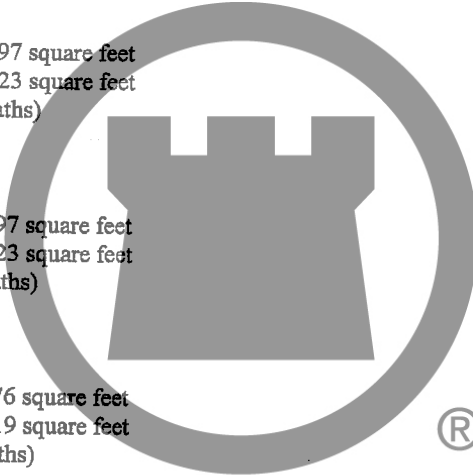
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 1-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER TWO contains a total of four (4) separate condominium Units, which consist of the following:

Unit 2-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 2-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 2-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

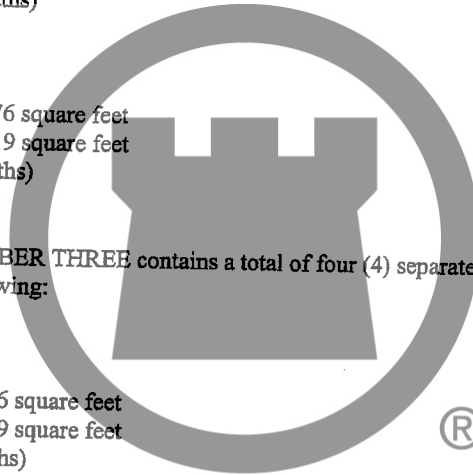
BUILDING NUMBER THREE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 3-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 3-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 3-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 3-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER FOUR contains a total of four (4) separate condominium Units, which consist of the following:

Unit 4-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 4-B (Hawk)

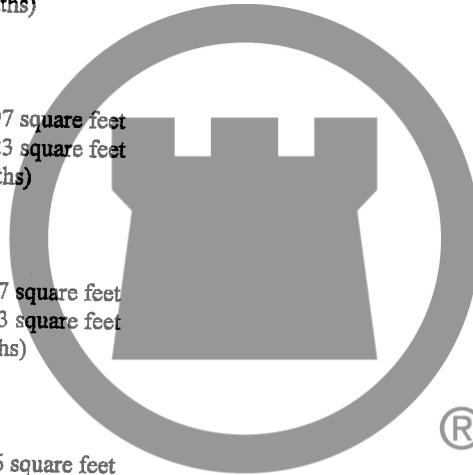
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 4-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER FIVE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 5-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 5-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 5-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

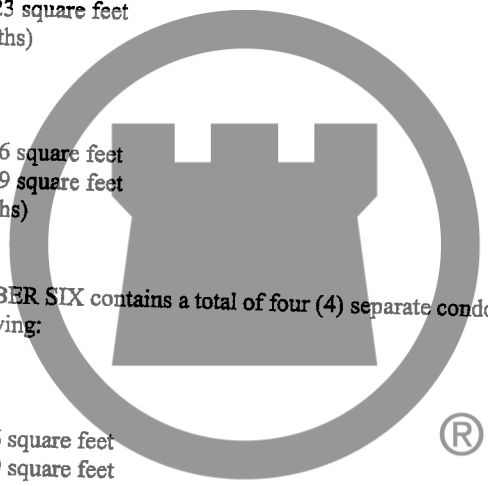
BUILDING NUMBER SIX contains a total of four (4) separate condominium Units, which consist of the following:

Unit 6-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 6-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 6-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 6-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER SEVEN contains a total of four (4) separate condominium Units,
which consist of the following:

Unit 7-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 7-B (Hawk)

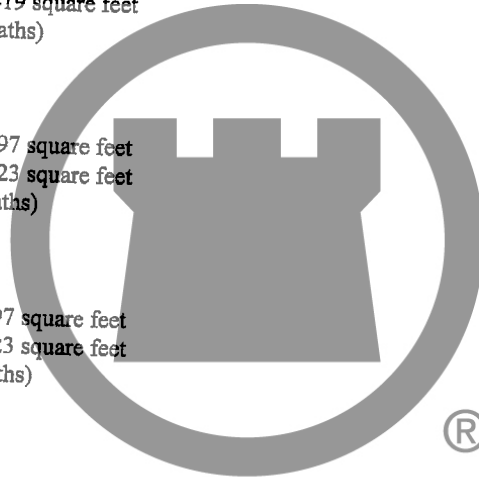
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 7-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER EIGHT contains a total of four (4) separate condominium Units, which consist of the following:

Unit 8-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 8-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 8-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

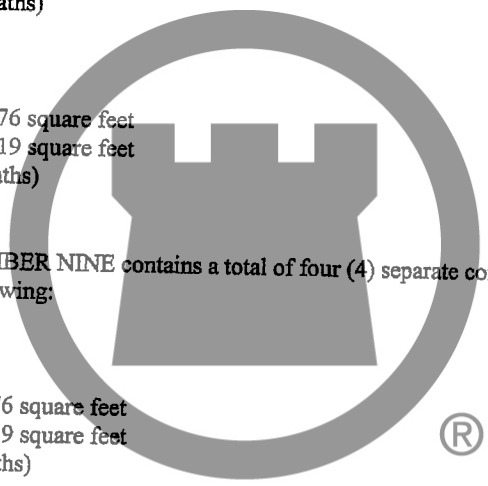
BUILDING NUMBER NINE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 9-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 9-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 9-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 9-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

BUILDING NUMBER TEN contains a total of four (4) separate condominium Units,
which consist of the following:

Unit 10-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 10-B (Hawk)

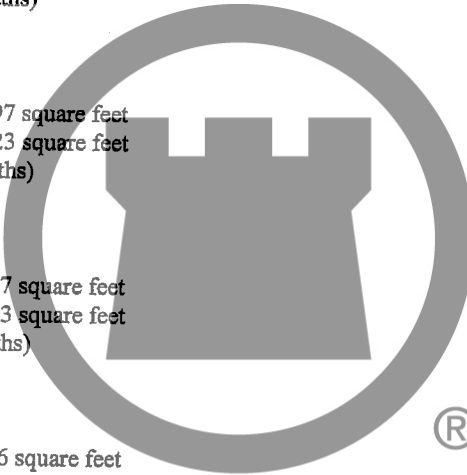
Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 10-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 10-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

BUILDING NUMBER ELEVEN contains a total of four (4) separate condominium Units, which consist of the following:

Unit 11-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 11-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 11-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 11-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

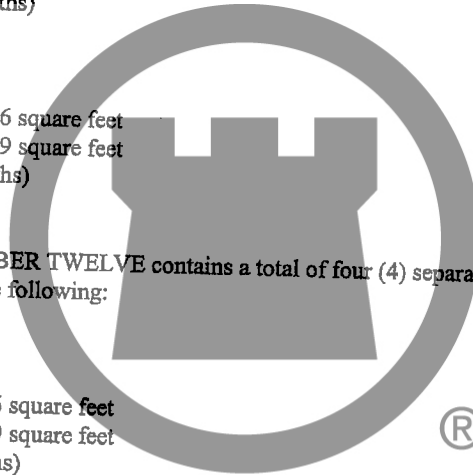
BUILDING NUMBER TWELVE contains a total of four (4) separate condominium Units, which consist of the following:

Unit 12-A (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)

Unit 12-B (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

Unit 12-C (Hawk)

Living Area - 2,397 square feet
Garage - 423 square feet
(3 bedrooms, 2 baths)

Unit 12-D (Grouse)

Living Area - 1,976 square feet
Garage - 419 square feet
(3 bedrooms, 2 baths)



CHICAGO TITLE

AMENDED EXHIBIT C

DESCRIPTION OF PERCENTAGE
INTERESTS OF CONDOMINIUM UNITS

The Percentage Interests of the Owners of the respective Condominium Units in the Common Areas and Limited Areas are now as follows:

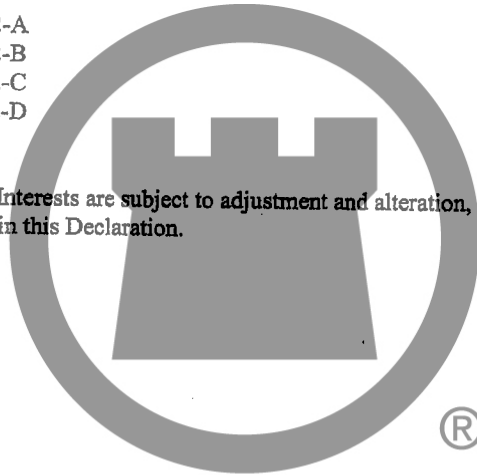
<u>Condominium Unit</u>	<u>Percentage Interest</u>
1-A	2.083%
1-B	2.083%
1-C	2.083%
1-D	2.083%
2-A	2.083%
2-B	2.083%
2-C	2.083%
2-D	2.083%
3-A	2.083%
3-B	2.083%
3-C	2.083%
3-D	2.083%
4-A	2.083%
4-B	2.083%
4-C	2.083%
4-D	2.083%
5-A	2.083%
5-B	2.083%
5-C	2.083%
5-D	2.083%
6-A	2.083%
6-B	2.083%
6-C	2.083%
6-D	2.083%
7-A	2.083%
7-B	2.083%
7-C	2.083%
7-D	2.083%



CHICAGO TITLE

8-A	2.083%
8-B	2.083%
8-C	2.083%
8-D	2.083%
9-A	2.083%
9-B	2.083%
9-C	2.083%
9-D	2.083%
10-A	2.083%
10-B	2.083%
10-C	2.083%
10-D	2.083%
11-A	2.083%
11-B	2.083%
11-C	2.083%
11-D	2.083%
12-A	2.083%
12-B	2.083%
12-C	2.083%
12-D	2.099%

Such Percentage Interests are subject to adjustment and alteration, upon expansion of Eller Creek, as provided in this Declaration.



CHICAGO TITLE

22.00
⑥

Cross Reference: 200200085155

**AMENDMENT TO THE DECLARATION OF
HORIZONTAL PROPERTY OWNERSHIP
FOR ELLER CREEK HORIZONTAL PROPERTY REGIME**

This Amendment to the Declaration of Horizontal Property Ownership for Eller Creek Horizontal Property Regime in Hamilton County, Indiana.

WITNESSETH:

WHEREAS, the Eller Creek condominium community located in Hamilton County, Indiana was established by a certain "Declaration of Horizontal Property Ownership for Eller Creek Horizontal Property Regime" (hereafter, "Declaration") which was recorded on November 12, 2002, as Instrument No. 200200085155 in the Office of the Recorder of Hamilton County, Indiana and

WHEREAS, Section 19(e)(ii) of the Declaration states that it may be amended by a resolution proposed by the Board of Directors and approved by a vote of the Owners having at least two-thirds (2/3) of the Percentage Interest; and

WHEREAS, the Board of Directors of Eller Creek Homeowners Association, Inc. has passed a resolution recommending that the Owners approve the following amendments to the Declaration; and

WHEREAS, the Owners, having at least two-thirds (2/3) of the Percentage Interest within Eller Creek, have voted to approve the amendments to the Declaration pursuant to the terms and conditions set forth below.

NOW, THEREFORE, the Owners hereby amend the Declaration. The restrictions contained herein shall run with the land and shall be binding upon the present and future Owners and upon the parties having or acquiring any right, title or interest, legal or equitable, in and to the Eller Creek Horizontal Property Regime.

Paragraph 18 of the Declaration is amended to read as follows:

18. Lease Condominium Unit by Owner. For the purpose of maintaining the congenial and residential character of Eller Creek, and for the protection of the Owners by having financially responsible residents, the lease of any Condominium Unit by any Owner shall be subject to the following conditions and restrictions:

(a) Limit on Number of Leased Condominium Units. No more than four (4) Condominium Units at any given time, may be leased or rented for exclusive occupancy by one or more non-owner tenants. For purposes of this Section 18, a Condominium Unit is exclusively occupied by one or more non-owner tenants, if the Owner of the

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01/31/2007 01:25:36P 6 PGS
Jennifer J Hayden
HAMILTON County Recorder IN
Recorded as Presented

Condominium Unit does not also correspondingly occupy the Condominium Unit as his/her principal place of residence. Prior to the execution of any lease, and in addition to the requirements set forth in this Section 18, the Condominium Unit Owner must notify the Board or the Board's agent as to the Owner's intent to lease his/her Condominium Unit. After receiving such notice, the Board or the Board's agent shall advise the Owner if the Condominium Unit may be leased or whether the maximum number of Condominium Units within the Property is currently being leased. If the maximum number of Condominium Units is already being leased, the Board or the Board's agent shall place the Owner on the waiting list in priority order based on the date of notice from the Owner, and shall notify the Owner of that Owner's position on the waiting list. When an existing non-owner occupant vacates a Condominium Unit, the Owner of that Condominium Unit shall immediately notify the Board or the Board's agent of such fact and that Condominium Unit cannot be re-rented or leased until all prior Owners on the waiting list, if any, have had a chance to rent or lease their Condominium Units. An Owner on the waiting list who obtains the opportunity to rent or lease his/her Condominium Unit, must present an executed lease to the Board or to the Board's agent, within sixty (60) days of the date of notice that he/she may rent or lease the Condominium Unit, or that Owner will forfeit his/her position on the waiting list.

(b) General Lease Conditions. All leases, including renewals, shall be in writing, and no lease shall be entered into for a term of less than one (1) year without the prior written approval of the Board. No portion of any Condominium Unit other than the entire Condominium Unit may be leased for any period. No subleasing is permitted. No Owner will be permitted to lease or rent his/her Condominium Unit, if the Owner is delinquent in paying any assessments or other charges due to the Association at the time the lease is entered. All leases shall contain a written provision, signed or initialed by both the Owner and the tenant affirming that (a) that the lease is made expressly subject and subordinate in all respects to the terms of the Declaration, By-Laws and any rules and regulations promulgated by the Board, as amended, to the same extent as if the tenant were an Owner and a member of the Association; and shall provide for direct action by the Association and/or any Owner against the tenant with or without joinder of the Owner of such Dwelling; (b) the Condominium Unit Owner has supplied copies of the Declaration, By-Laws and rules and regulations to the tenant prior to the effective date of the lease and (c) a violation of the terms of the Declaration, By-Laws and rules and regulations promulgated by the Board constitutes a breach of the lease, which may be enforced by either the Owner or in a direct action by the Association. In addition, the Board shall have the power to promulgate such additional rules and regulations as, in its discretion, may be necessary or appropriate concerning leasing.

(c) Exceptions During Period of Good Faith Sale or Significant Hardship. The Board of Directors may, in its discretion, grant an exception, for not more than one (1) year at a time, to the limit provided in this Section 18, to an Owner if the Board determines that the Owner is actively and in good faith trying to sell or otherwise dispose of his Condominium Unit or if the Board, by majority vote of the entire Board, determines that the Owner has a Significant Hardship. For purposes of this subparagraph, examples of a Significant Hardship may include:

- (i) death of a Owner;
- (ii) divorce of an Owner;
- (iii) temporary, necessary relocation of the residence of an Owner to a point outside of a fifty (50) mile radius of the perimeter of the Property due to a change of employment or retirement; or
- (iv) temporary, necessary relocation of the residence of an Owner due to mental or physical infirmity or disability of at least one (1) of the Owners.

(d) Twelve Month Waiting Period. In addition to all other provisions, for a period of at least twelve (12) months after an Owner's acquisition of a Condominium Unit, the Owner cannot rent or lease that Condominium Unit for exclusive occupancy by one or more non-owner tenants. After such time, said Condominium Unit will be eligible to be leased if all other conditions are satisfied. In the case of the transfer of ownership of a Condominium Unit, which was properly leased under these rules by the previous Owner, the new Owner can continue with such lease only to finish the then current term of not more than one (1) year. When that term ends, the Owner, if he/she wants to lease his/her Condominium Unit, must meet all requirements the same as other Owners who are not exempted.

(e) Owner is Still Liable. No lease shall provide, or be interpreted or construed to provide, for a release of the Owner from his/her responsibility to the Association and the other Owners for compliance with the provisions of the Declaration, By-Laws and any rules and regulations promulgated by the Board, or from the Owner's liability to the Corporation for payments of assessments.

(f) Approval of Form of Lease. Any Owner desiring to enter into a lease for his/her Condominium Unit shall submit the form of the proposed lease to the Board (which form need not include the identity of the tenant or the rental amount) for review for compliance with the requirements of this Section 18. The Board may employ an attorney in connection with any such review, and a reasonable fee may be charged to the applicant to offset the expense so incurred. In the event the Board fails to approve or disapprove the form of the lease within thirty (30) days after submission by the applicant, the form of the lease shall be deemed approved. A copy of each executed lease by an Owner (which may have the rental amount deleted) shall be provided to the Board by the Owner within thirty (30) days after execution.

(g) Violations. If any Owner leases or rents his/her Condominium Unit in violation of the provisions of this Section 18, the Association may bring a legal action to enjoin the improper conduct.

(h) Effective Date of Lease Conditions. These leasing restrictions shall not apply to any Condominium Unit of an Owner who, at the time of recording this provision, is renting or leasing said Condominium Unit for exclusive occupancy by one or more non-owner tenants, so long as such Condominium Unit continues to be owned by the same Owner and is not occupied as a residence by such Owner. In order for this exception to apply, said Owner must deliver a copy of the executed lease, which is in effect at the

time to the Board within thirty (30) days after the recording of this document and shall furnish a copy of any subsequent lease within thirty (30) days after its execution. Such copy may have the rental amount deleted. Failure of such an Owner to timely deliver a copy of any such lease to the Board shall result in said Owner's Condominium Unit being subject to these restrictions. However, in this latter circumstance, these restrictions shall not apply to any lease executed prior to the effective date of these restrictions or to any renewals thereof provided in such lease so long as the occupants remain the same. Any Condominium Unit, which falls under the exception of this Section 18 shall, nevertheless, be counted as one of the four (4) maximum Condominium Units that may be rented at any given time even though such maximum does not apply to restrict such excepted Condominium Unit.

(i) Institutional Mortgages. The provisions set forth in this Section 18 shall not apply to any institutional mortgage holder of any Condominium Unit which comes into possession of the mortgage holder by reason of any remedies provided by law or in equity or in such mortgage or as a result of a foreclosure sale or other judicial sale or as a result of any proceeding, arrangement or deed in lieu of foreclosure.

(j) The Association shall have no right of first refusal to purchase any Condominium Unit, which an Owner wishes to sell and an Owner may sell his or her Condominium Unit free of any such restriction.

IN WITNESS WHEREOF, the undersigned Officers of the Board of Directors of Eller Creek Homeowners Association, Inc., do hereby execute this Amendment to the Declaration of Horizontal Property Ownership for Eller Creek Horizontal Property Regime and certify the truth of the facts herein stated, this 23 day of JANUARY, 2007.

ELLER CREEK HOMEOWNERS ASSOCIATION, INC.

By: [Signature]
President

ATTEST:
[Signature]
Secretary

CHICAGO TITLE

STATE OF INDIANA)
)
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared Don C. Callahan, President, and A.C. Hall, Secretary, of Eller Creek Homeowners Association, Inc, who acknowledged execution of the foregoing for and on behalf of said corporation and who, having been duly sworn, stated that the representations contained herein are true.

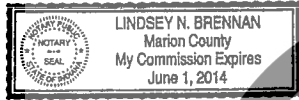
Witness my hand and Notarial Seal this 22nd day of January 2007.

My Commission Expires:

Lindsey Brennan
Notary Public Signature

6/1/2014

Lindsey W. Brennan
Printed



Residing in Marion County, Indiana

**AFFIDAVIT OF MAILING
TO MORTGAGE COMPANIES**

I am the Secretary of the Eller Creek Homeowners Association, Inc. I hereby certify that I have mailed, by certified mail, return receipt requested, a copy of the foregoing Amendment to the Declaration of Horizontal Property Ownership for Eller Creek Horizontal Property Regime to all mortgagees who are entitled to notice of such Amendment pursuant to the Declaration and By-Laws of the Association.

Date: 01-22-07

A.C. Hall
Secretary

A. C. Hall
Printed

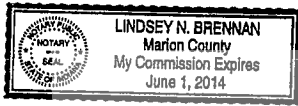
CHICAGO TITLE

STATE OF INDIANA)
)
COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared A.C. Hall, Secretary, of Eller Creek Homeowners Association, Inc, who acknowledged execution of the foregoing for and on behalf of said corporation and who, having been duly sworn, stated that the representations contained herein are true.

Witness my hand and Notarial Seal this 20th day of January 2007.

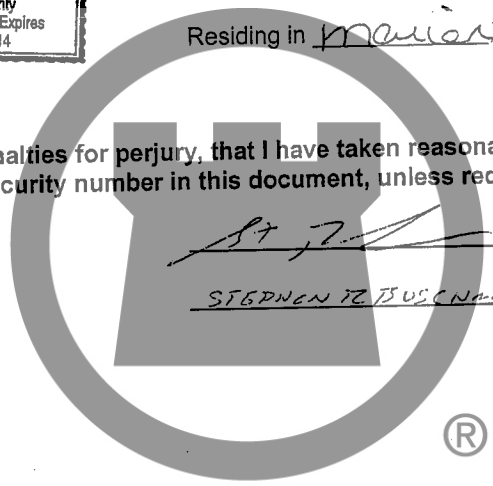
My Commission Expires: 6/1/2014
Lindsey N. Brennan
Notary Public Signature



Lindsey N. Brennan
Printed
Residing in Marion County, Indiana

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Stephen R. Buschmann
STEPHEN R. BUSCHMANN
Printed



This instrument prepared by, and should be returned to Stephen R. Buschmann, THRASHER BUSCHMANN GRIFFITH & VOELKEL, P.C., 151 N. Delaware Street, Suite 1900, Indianapolis, Indiana 46204