

phase 2

98

48 FILED

JUN 18 1996

**SUPPLEMENTAL DECLARATION OF HORIZONTAL PROPERTY OWNERSHIP
WESTMOUNT PARK
GARDEN AND VILLA HORIZONTAL PROPERTY REGIME**

THIS SUPPLEMENTAL DECLARATION made this 17th day of June, 1996 by Rottlund Homes of Indiana, L.P, a Minnesota Limited Partnership, an agent and subsidiary of The Rottlund Company, Inc., a Minnesota Corporation (the "Declarant").

WITNESSETH:

WHEREAS, the following facts are true:

A. Declarant is the sole owner of the fee simple title to the following real estate located in Marion County, Indiana, as described in Exhibit "A":

B. On the 12th day of March, 1996, Declarant executed a Declaration of Horizontal Property Ownership for The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime which was recorded in the Office of the Recorder of Marion County, Indiana on the 15th day of March, 1996 as Instrument No. 1996-0035045, (the "Declaration"). Attached to the Declaration is the Code of By-Laws of The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime. The Declaration and By-Laws are incorporated herein by reference and all the terms and definitions as described therein are hereby adopted and shall have the same meaning in this Supplemental Declaration.

C. Phase 2 is part of the real estate described in paragraph A of the recitals of the Declaration. The Declaration provides that all or part of the real estate may be annexed to The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime, incorporated into the Declaration and the Owners thereof become members of The Gardens of Westmount and the Villas of Westmount Horizontal Property Regime and the filing of the Supplemental Declaration by execution of this Supplemental Declaration, hereby incorporates Phase 2 into The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime.

NOW, THEREFORE, Declarant makes this Supplemental Declaration as follows:

1. Declaration. Declarant hereby expressly declares that Phase 2 and all appurtenant easements, Condominium Units, Buildings, Improvements and property every kind and nature whatsoever, real, personal and mixed, located thereon is hereby annexed to and becomes a part of The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime as if such originally had been included in the Declaration, and shall hereafter be held,

IN/18/96 DEPT. JOHN H. BRENDEL MARION CITY RECORDER C/M 24.00 PAGE# 8
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6/17/96

transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and the rules and regulations as adopted by the Board of Directors, as each may be amended from time to time. Phase 2 hereafter and for all purposes shall be included in the definition of "Tract" as defined in paragraph 1q. of the Declaration.

2. Description of Buildings. There shall be one (1) Building containing eight Condominium Units in Phase 2 as shown on the Supplemental Plans for Phase 2. The Building is identified and referred to in the Supplemental Plans and in this Supplemental Declaration as Building G-2. The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime or the "Tract" now has 2 Buildings.

3. Percentage of Interest. The Percentage of Interest of each Condominium Unit in the Tract (as now defined) is as set forth in Exhibit B attached hereto and made part hereof. Exhibit B as attached hereto is the correct listing of the Buildings and Units in The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime, such Buildings being Buildings V-10 & G-2.

4. Acceptance and Ratification. The acceptance of a deed of conveyance of the act of occupancy of a Condominium Unit shall constitute an agreement that the provisions of this Supplemental Declaration, the Declaration, the Act, the By-Laws and any rules and regulations adopted pursuant thereto, as each may be amended from time to time, are accepted and ratified by each Owner, tenant and occupant, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest of estate in a Condominium Unit of the Property as if those provisions were recited and stipulated at length in each and every deed, conveyance, mortgage of lease thereof.

5. Supplemental Plans The Supplemental Plans include floor and building plans and elevations of the Building and Condominium Units prepared by Morris and Associates by Ed Morris, a Registered Professional Engineer in the State of Indiana, Seal No. 15515, and a site plan of Phase 2 and the Building thereupon prepared by Stoeppelwerth and Associates certified by David Stoeppelwerth, a Registered Professional Engineer (Seal No. 19358) and Surveyor (Seal No. S0474) in the State of Indiana, all of which is incorporated herein by reference. The Supplemental Plans setting forth the layout, location, identification and dimensions of the Condominium Units identified in this incorporated into the Declaration, added to the plans filed with the Declaration, and have been filed in the Office of the Recorder of Marion County, Indiana in Horizontal Plan File as of JUNE 18, 1996 as Instrument No. 96-0081803.

EXECUTED the day and year first above written.

Rottlund Homes of Indiana, L.P.,
A Minnesota Limited Partnership

By: *Thomas E. Repass Sr.*
Printed: Thomas E. Repass Sr.
Title: vice-president

State of Indiana)
) SS:
County of Marion)

Before me, a Notary Public in and for said County and State, personally appeared Thomas E. Repass Sr., as Vice-President, and acknowledged the execution of the foregoing "Supplemental Declaration" for The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime as his voluntary act and deed.

WITNESS my hand and Notarial Seal this 17th day of June, 1996.

Maxine H. Webb
Notary Public

MAXINE H. WEBB
Printed Signature

My Commissions Expire:

12/2/99

My County of Residence:

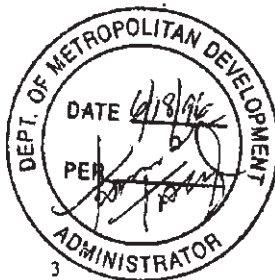
Hamilton



WAYNE TOWNSHIP
ASSESSOR
PLAT APPROVED

Date: June 17, 1996

By: *Charles R. Spears*
CHARLES R. SPEARS
ASSESSOR



PHASE 2 - GARDENS 2

A part of the West Half of the Northeast Quarter of Section 2, Township 15 North, Range 2 East in Wayne Township, Marion County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of said Half Quarter Section; thence South 89 degrees 19 minutes 33 seconds West along the North line of said Half Quarter Section 553.95 feet; thence South 00 degrees 31 minutes 46 seconds West 1112.00 feet; thence North 89 degrees 19 minutes 33 seconds East 18.76 feet to a point on a non-tangent curve concave westerly, the radius point of said curve being North 87 degrees 08 minutes 18 seconds West 375.00 feet from said point; thence southerly along said curve 33.52 feet to the point of tangency of said curve, the radius point of said curve being North 82 degrees 01 minutes 02 seconds West 375.00 feet from said point; thence South 07 degrees 58 minutes 58 seconds West 25.54 feet; thence South 82 degrees 01 minutes 02 seconds East 50.00 feet to the POINT OF BEGINNING; thence South 83 degrees 11 minutes 37 seconds East 260.40 feet; thence South 00 degrees 24 minutes 01 seconds West 161.15 feet; thence North 89 degrees 35 minutes 59 seconds West 222.01 feet; thence North 00 degrees 24 minutes 01 seconds East 20.00 feet; thence North 89 degrees 35 minutes 59 seconds West 58.77 feet to a point on a non-tangent curve concave easterly, the radius point of said curve being South 84 degrees 05 minutes 47 seconds East 975.00 feet from said point; thence northerly along said curve 35.38 feet to the point of tangency of said curve, the radius point of said curve being South 82 degrees 01 minutes 02 seconds East 975.00 feet from said point; thence North 07 degrees 58 minutes 58 seconds East 136.24 feet to the place of beginning, containing 1.070 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

METES/21766F2
JUNE 6, 1996

EXHIBIT "A"



EXHIBIT "B"
SCHEDULE OF PERCENT OF INTEREST
THE GARDENS OF WESTMOUNT AND THE VILLAS OF WESTMOUNT
HORIZONTAL PROPERTY REGIME

BUILDING #	UNIT #	PERCENTAGE OF INTEREST
V-10	V80	6.25
	V79	6.25
	V78	6.25
	V77	6.25
	V76	6.25
	V75	6.25
	V74	6.25
	V73	6.25
G-2	G16	6.25
	G15	6.25
	G14	6.25
	G13	6.25
	G12	6.25
	G11	6.25
	G10	6.25
	G9	6.25
V-8	V64	
	V63	
	V62	
	V61	
	V60	
	V59	
	V58	
	V57	
V-9	V72	
	V71	
	V70	
	V69	
	V68	
	V67	
	V66	
	V65	
V64		

EXHIBIT "B"
SCHEDULE OF PERCENT OF INTEREST
THE GARDENS OF WESTMOUNT AND THE VILLAS OF WESTMOUNT
HORIZONTAL PROPERTY REGIME

BUILDING #	UNIT #	PERCENTAGE OF INTEREST
G-1	G8	
	G7	
	G6	
	G5	
	G4	
	G3	
	G2	
	G1	
V-4	V32	
	V31	
	V30	
	V29	
	V28	
	V27	
	V26	
	V25	
V-3	V24	
	V23	
	V22	
	V21	
	V20	
	V19	
	V18	
V-1	V17	
	V8	
	V7	
	V6	
	V5	
	V4	
	V3	
	V2	
V1		

JOAN N. ROMERIL
MARION COUNTY RECORDER

058773 SEP 1996

JOAN N. ROMERIL
MARION COUNTY RECORDER
SUBSTITUTION OF INSTRUMENTS
FOR TRANSFER

Phase 5
Garden 3
(8)

SUPPLEMENTAL DECLARATION OF HORIZONTAL PROPERTY OWNERSHIP
WESTMOUNT PARK
GARDEN AND VILLA HORIZONTAL PROPERTY REGIME

THIS SUPPLEMENTAL DECLARATION made this 17th day of June, 1996 by Rottlund Homes of Indiana, L.P., a Minnesota Limited Partnership, an agent and subsidiary of The Rottlund Company, Inc., a Minnesota Corporation (the "Declarant").

WITNESSETH:

WHEREAS, the following facts are true:

A. Declarant is the sole owner of the fee simple title to the following real estate located in Marion County, Indiana, as described in Exhibit "A":

B. On the 12th day of March, 1996, Declarant executed a Declaration of Horizontal Property Ownership for The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime which was recorded in the Office of the Recorder of Marion County, Indiana on the 15th day of March, 1996 as Instrument No. 1996-0035045, (the "Declaration"). Attached to the Declaration is the Code of By-Laws of The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime. The Declaration and By-Laws are incorporated herein by reference and all the terms and definitions as described therein are hereby adopted and shall have the same meaning in this Supplemental Declaration.

C. Phase 5 is part of the real estate described in paragraph A of the recitals of the Declaration. The Declaration provides that all or part of the real estate may be annexed to The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime, incorporated into the Declaration and the Owners thereof become members of The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime and the filing of the Supplemental Declaration by execution of this Supplemental Declaration, hereby incorporates Phase 5 into The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime.

NOW, THEREFORE, Declarant makes this Supplemental Declaration as follows:

1. **Declaration.** Declarant hereby expressly declares that Phase 5 and all appurtenant easements, Condominium Units, Buildings, Improvements and property every kind and nature whatsoever, real, personal and mixed, located thereon is hereby annexed to and becomes a part of The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime as if such originally had been included in the Declaration, and shall hereafter be held,

09/13/96 01:42PM JOAN N. ROMERIL MARION CTY RECORDER SLP 24.00 PAGES: 8

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6/17/96

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transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and the rules and regulations as adopted by the Board of Directors, as each may be amended from time to time. Phase 5 hereafter and for all purposes shall be included in the definition of "Tract" as defined in paragraph 1q. of the Declaration.

2. Description of Buildings. There shall be one (1) Building containing eight Condominium Units in Phase 5 as shown on the Supplemental Plans for Phase 5. The Building is identified and referred to in the Supplemental Plans and in this Supplemental Declaration as Building G-3. The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime or the "Tract" now has 5 Buildings.

3. Percentage of Interest. The Percentage of Interest of each Condominium Unit in the Tract (as now defined) is as set forth in Exhibit B attached hereto and made part hereof. Exhibit B as attached hereto is the correct listing of the Buildings and Units in The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime, such Buildings being Buildings V-10,G-2,V-8,V-9,G-3.

4. Acceptance and Ratification. The acceptance of a deed of conveyance of the act of occupancy of a Condominium Unit shall constitute an agreement that the provisions of this Supplemental Declaration, the Declaration, the Act, the By-Laws and any rules and regulations adopted pursuant thereto, as each may be amended from time to time, are accepted and ratified by each Owner, tenant and occupant, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest of estate in a Condominium Unit of the Property as if those provisions were recited and stipulated at length in each and every deed, conveyance, mortgage of lease thereof.

5. Supplemental Plans The Supplemental Plans include floor and building plans and elevations of the Building and Condominium Units prepared by Morris and Associates by Ed Morris, a Registered Professional Engineer in the State of Indiana, Seal No. 15515, and a site plan of Phase 5 and the Building thereupon prepared by Stoeppelwerth and Associates certified by David Stoeppelwerth, a Registered Professional Engineer (Seal No. 19358) and Surveyor (Seal No. S0474) in the State of Indiana, all of which is incorporated herein by reference. The Supplemental Plans setting forth the layout, location, identification and dimensions of the Condominium Units identified in this incorporated into the Declaration, added to the plans filed with the Declaration, and have been filed in the Office of the Recorder of Marion County, Indiana in Horizontal Plan File as of SEPT 13, 1996 as Instrument No. 96-0127103.

EXECUTED the day and year first above written.

Rottlund Homes of Indiana, L.P.,
A Minnesota Limited Partnership

By: Thomas E. Repass Sr.
Printed: Thomas E. Repass Sr.
Title: vice-president

State of Indiana)
) SS:
County of Marion)

Before me, a Notary Public in and for said County and State, personally appeared Thomas E. Repass Sr., as Vice-President, and acknowledged the execution of the foregoing "Supplemental Declaration" for The Gardens of Westmount and The Villas of Westmount Horizontal Property Regime as his voluntary act and deed.

WITNESS my hand and Notarial Seal this 13th day of September, 1996.



Maxine H. Webb
Notary Public

MAXINE H. WEBB
Printed Signature

My Commissions Expire:

12/12/99

My County of Residence:

Hamilton

WAYNE TOWNSHIP
ASSESSOR
PLAT APPROVED

Date: Sept. 13, 1996

By: Mark G. Hill - Draftman
CHARLES R. SPEARS
ASSESSOR



EXHIBIT "B"
SCHEDULE OF PERCENT OF INTEREST
THE GARDENS OF WESTMOUNT AND THE VILLAS OF WESTMOUNT
HORIZONTAL PROPERTY REGIME

BUILDING #	UNIT #	PERCENTAGE OF INTEREST
V-10	V80	2.5
	V79	2.5
	V78	2.5
	V77	2.5
	V76	2.5
	V75	2.5
	V74	2.5
	V73	2.5
G-2	G16	2.5
	G15	2.5
	G14	2.5
	G13	2.5
	G12	2.5
	G11	2.5
	G10	2.5
	G9	2.5
V-8	V64	2.5
	V63	2.5
	V62	2.5
	V61	2.5
	V60	2.5
	V59	2.5
	V58	2.5
	V57	2.5
V-9	V72	2.5
	V71	2.5
	V70	2.5
	V69	2.5
	V68	2.5
	V67	2.5
	V66	2.5
	V65	2.5
V64	2.5	

EXHIBIT "B"
SCHEDULE OF PERCENT OF INTEREST
THE GARDENS OF WESTMOUNT AND THE VILLAS OF WESTMOUNT
HORIZONTAL PROPERTY REGIME

BUILDING #	UNIT #	PERCENTAGE OF INTEREST
G-1	G8	
	G7	
	G6	
	G5	
	G4	
	G3	
	G2	
	G1	
V-4	V32	
	V31	
	V30	
	V29	
	V28	
	V27	
	V26	
	V25	
V-3	V24	
	V23	
	V22	
	V21	
	V20	
	V19	
	V18	
V-1	V17	
	V8	
	V7	
	V6	
	V5	
	V4	
	V3	
	V2	
V1		

Phase 5 - Gardens 3

A part of the West half of the Northeast Quarter of Section 2, Township 15 North, Range 2 East in Wayne Township, Marion County, Indiana, being more particularly described as follows:

Commencing at the Northeast corner of said Half quarter Section; thence South 89 degrees 19 minutes 33 seconds West along the North line of said Half Quarter Section 553.95 feet; thence South 00 degrees 31 minutes 46 seconds West 1112.00 feet; thence North 89 degrees 19 minutes 33 seconds East 18.76 feet to a point on a non-tangent curve concave westerly, the radius point of said curve being North 87 degrees 08 minutes 18 seconds West 375.00 feet from said point; thence southerly along said curve 33.52 feet to the point of tangency of said curve, the radius point of said curve being North 82 degrees 01 minutes 02 seconds West 375.00 feet from said point; thence South 07 degrees 58 minutes 58 seconds West 161.78 feet to the point of curvature of a curve concave westerly, the radius point of said curve being South 82 degrees 01 minutes 02 seconds East 1025.00 feet from said point; thence southerly along said curve 37.20 feet to a point on said curve, the radius point of said curve being South 84 degrees 05 minutes 47 seconds East 1025.00 feet from said point; thence South 84 degrees 05 minutes 47 seconds East 50.00 feet to the POINT OF BEGINNING; thence South 89 degrees 35 minutes 59 seconds East 58.77 feet; thence South 00 degrees 24 minutes 01 seconds West 20.00 feet; thence South 89 degrees 35 minutes 59 seconds East 217.01 feet; thence South 00 degrees 24 minutes 01 seconds West 153.43 feet to a point on the Northern boundary of the Cottages of Westmount, Phase 2; recorded as Instrument #960047659 in the Office of the Recorder of Marion County, Indiana; thence North 89 degrees 35 minutes 59 seconds West along the Northern boundary of the Cottages of Westmount, Phase 2, 279.41 feet; thence North 00 degrees 15 minutes 57 seconds West 68.59 feet to the point of curvature of a curve concave easterly, the radius point of said curve being North 89 degrees 44 minutes 03 seconds East 975.00 feet from said point; thence northerly along said curve 104.99 feet to a point on said curve, the radius point of said curve being South 84 degrees 05 minutes 47 seconds East 975.00 feet from said point; said point also being the place of beginning containing 1.012 acres, more or less. Subject to all legal highways, rights-of-way, easements and restrictions of record.

METES/21766P3
SEPT. 10, 1996

EXHIBIT "A"