

103648

AMENDED DECLARATION
OF
LaSALLE'S WOODS CONDOMINIUM
PHASE IV EXPANSION

Filed for Record October 27, 1978
Recorded in Book _____,
Pages _____ Through _____,
In the Office of the Recorder of
Monroe County, Indiana

Consisting of 15 Pages,
Numbered 1 through 15,
And Exhibit "A" through "E".

Prepared By:

Randolph L. Foxworthy
HENDERSON, DAILY & FOXWORTHY
2450 One Indiana Square
Indianapolis, Indiana 46204

RECORDED
A.M. 10:03 P.M. _____

OCT 27 1978

Emily M. Wade
RECORDER MONROE CO. IND.

REAL ESTATE TRANSFER

OCT 27 1978

John W. Davis
Recorder Monroe County, Ind.

AMENDED DECLARATION

OF

LASALLE'S WOODS CONDOMINIUM
PHASE IV EXPANSION

THIS THIRD AMENDED DECLARATION, and the Exhibits which are attached hereto and made a part hereof, are made and executed this 18th day of OCTOBER, 1978, by CASLON DEVELOPMENT COMPANY, an Indiana General Partnership composed of Indun Realty, Inc. and Reynwood Development Corporation (hereinafter called the "Declarant"), for itself, its successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of Paragraph 30(c) of that certain Declaration of Condominium for LaSalle's Woods-Phase I Condominium duly filed for record on October 24, 1974, and recorded in Miscellaneous Book 88, at pages 117 through 188 of the Office of the Recorder of Monroe County, Indiana, and RANDOLPH L. FOXWORTHY, as "Attorney-in-Fact for Declarant" under reserved and irrevocable power of attorney set forth in said Paragraph 30(c) of said Declaration of Condominium hereinabove described.

Statement of Purpose

By Declaration of Condominium dated October 23, 1974, and recorded on October 24, 1974, as Document No. 62544 in the Office of the Recorder of Monroe County, Indiana, in Miscellaneous Book 88, at pages 117 through 188 (hereinafter referred to [as amended as described below] as the "Declaration"), the Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, Act 1963, Chapter 349, Sections 1 through 41, as amended, and created the condominium form of ownership with respect to an initial four noncontiguous multi-unit residential buildings located on the real property described therein containing an aggregate of 38 separate Units, all as more particularly described in Paragraph 5 of said Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real estate designated as the "Development Area" and described in Exhibit "F" to said Declaration, and thereby to add additional or new Units to said Condominium. Pursuant to such reserved right the Declarant added certain real property and Condominium Units located thereon by means of "Amended Declaration of LaSalle's Woods Condominium, Phase II Expansion", dated March 9, 1975, and recorded on April 14, 1975, as Document No. 65710 in the Office of the Recorder of Monroe County, Indiana, in Miscellaneous Book 89, at pages 464 through 482; and added additional real

property and Condominium Units located thereon by means of "Amended Declaration of LaSalle's Woods Condominium, Phase III Expansion", dated September 16, 1976, and recorded on September 16, 1976, as Document No. 79291 in the Office of the Recorder of Monroe County, Indiana, in Miscellaneous Book 95, at pages 59 through 77, which Amended Declaration for Phase III was subsequently amended to correct a scrivener's error by a "First Amendment to Amended Declaration of LaSalle's Woods Phase III Expansion", dated October 6, 1976, and recorded October 7, 1976, as Document No. 80033 in Miscellaneous Book 95, at pages 175 through 183 (the Declaration, as amended, being hereinafter referred to as the "Declaration"). The Declarant is the owner of and wishes to add to the "Present Condominium Area" the real property described in Paragraph 2 below, and the Condominium Units which have been constructed thereon, which such real estate is presently a part of the "Development Area" referred to in the Declaration thereby adding New Units and New Common Areas and Facilities to the Existing Units and Existing Common Areas and Facilities created by the Declaration.

NOW, THEREFORE, the Declarant, and its Attorney-in-Fact named herein, for the purposes hereinafter set forth, pursuant to the provisions set forth in Paragraph 30(c) of the Declaration hereinabove described and in accordance with and by means of the powers therein reserved or conferred upon it, and conferred upon its Attorney-in-Fact, who has joined in the execution of this Agreement, hereby amends and supplements said Declaration in the following respects:

1. Definitions. The definitions used and set forth in the Declaration shall be applicable to this Amended Declaration; provided, however, the term "Property" or "Condominium Property" shall for all purposes now be deemed to include the real property added hereby as Phase IV and references to Units and Common Areas and Facilities shall include the New Units and New Common Areas and Facilities as described and set forth herein.

2. Declaration. Declarant and Declarant's Attorney-in-Fact hereby expressly declare that the real property described in and identified on Exhibit "A", attached hereto, and the Buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall be and hereby become a part of the LaSalle's Woods Condominium as if such had originally been included in the Declaration, and the same shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-laws, and Rule and Regulations as adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto being incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I, Phase II, Phase III and Phase IV Property. Paragraph 4 of the Declaration shall be deemed amended, and is hereby amended, so that henceforth the Condominium Property shall consist of the Phase I, Phase II and Phase III property described in the Declaration and the Phase IV property described in Exhibit "A", attached hereto (a composite description of the Phase I, Phase II, Phase III and Phase IV real property being attached hereto and made a part hereof as Exhibit "B").

4. Description of Buildings. The Buildings and Existing Units described in Paragraph 5 of the Declaration is hereby amended by adding the Buildings and New Units as herein set forth.

LaSalle's Woods-Phase IV will consist of one (1) multi-unit residential Building. The Building is designated numerically as 13, as shown on the Master Site Plan, a copy of which is attached hereto and made a part hereof as Exhibit "C", which such Master Site Plan further shows (i) the location of Phase I, Phase II, and Phase III; and (ii) the location of each Building on the real property described in Exhibit "A", attached hereto, and constituting Phase IV of LaSalle's Woods and the ceiling and floor elevations of each New Unit. The Building contains a total of 24 separate New Units consisting of 3 basic floor plan types designated by the legend on the Plans and specifications, attached hereto as Exhibit "A", as floor plan types H, I and J, and two units which are modified versions of type J and are designated as floor plan type "JM".

The number of stories in the Building, the number of New Units and the type of New Units and basements are as follows:

| <u>Building Designation</u> | <u>No. of Units By Type</u> | <u>Total Units in Building</u> | <u>Basements</u> | <u>Stories</u> |
|-----------------------------|-----------------------------|--------------------------------|------------------|----------------|
| 13 | 8 Type H Units | | None | Lower Level |
| | 8 Type I Units | | None | Middle Level |
| | 6 Type J Units | | None | Upper Level |
| | 2 Type JM Units | 24 | None | Upper Level |

Said Building and the New Units located therein are more particularly defined and described in the Plans and specifications of said Building, a copy of which Plans and specifications is attached hereto and made a part hereof as Exhibit "D", showing all particulars of the Building, including the layout, the number of stories, the number of rooms, the location, Building designations, New Unit numbers and dimensions of the New Units. Such Plans bear the verified statement of Maitland/Strauss/Behr, Architects, P.C., certifying that said Plans are actual copies of portions of the Plans of the Building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of the Building. For a more particular description of the Building reference is hereby made to the Plans and specifications filed herewith as Exhibit "D".

5. Description of Units/Percentage Interest in Common Areas and Facilities. Paragraph 6 of the Declaration is hereby amended to reflect the addition of New Units and New Common Areas and Facilities in the manner set forth herein.

The Unit designation of each Condominium Unit, both Existing Units and New Units, the approximate area, and other data concerning its proper identification are set forth in Exhibit "E", attached hereto and made a part hereof. The percentage interest of each Unit, both Existing Units and New Units in the Common Areas and Facilities (both Existing Common Areas and Facilities and New Common Areas and Facilities) are based upon the square footage of each Condominium Unit (both Existing Units and New Units), as shown on said Exhibit "F", attached hereto, in relationship to the total square footage of all Units (except the square footage of garages associated with PH Type floor Plans in Phase III is excluded). The percentage interests appurtenant to each Unit, based upon the Aggregate Units and the Aggregate Common Areas and Facilities, are specified on said Exhibit "E", attached hereto.

The percentage interests in the Aggregate Common Areas and Facilities are calculated on the basis as set forth in Paragraph 6 and Paragraph 30(c) of the Declaration, and this reallocation is accomplished as follows:

(a) Declarant and Declarant's Attorney-in-Fact, to the extent necessary, hereby exercise all rights of revocation conferred upon it/him by the Declaration and all powers of attorney granted to it/him by all Unit Owners of Existing Units, and thereby divest such Existing Unit Owners of that portion of that Unit's share in the Existing Common Areas and Facilities which must be allocated to the New Units to attain the percentage interest in the Aggregate Common Areas and Facilities in each New Unit as shown on the foresaid Exhibit "E".

(b) Declarant, and the said Randolph L. Foxworthy, as Attorney-in-Fact under irrevocable power of attorney created by Paragraph 30(c) of said Declaration, to the extent necessary, hereby exercise all powers of attorney granted to it/him and powers of appointment reserved by it/him and hereby grant, convey and set over to each Owner of each Existing Unit that share in the New Common Areas and Facilities which is necessary to attain for each Existing Unit the share in the Aggregate Common Areas and Facilities shown in the aforesaid Exhibit "E".

(c) Any other means supportable in law or equity on the basis of the Declaration, the Deeds issued to each purchaser of an Existing Unit and this Amended Declaration.

The New Units added hereby shall be designated for purposes of identification in connection with all conveyances of the same as being a part of "LaSalle's Woods-Phase IV".

6. Acceptance and Ratification. The acceptance of a deed of conveyance, or the act of occupancy of any Units, whether Existing Units or New Units, shall constitute an agreement that the provisions of this Amended 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 such Owner, tenant or occupany, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in any Unit or the Condominium Property as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

7. Floor Plans. The Plans and specifications setting forth the layout, location, identification number, Building designation and dimensions for all the New Units, and the Property identified in this Amended Declaration as Exhibit "A", are incorporated into the Declaration, are added to the Plans heretofore filed with the Declaration, and have been filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File No. 1 on October 27, 1978, as Instrument No. 103650.

Except as set forth herein, the Declaration and all Exhibits hereto shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed by its partners, and the said Attorney-in-Fact has hereunto set his hand and seal for the purposes herein set forth, all as of the day and year first above written.

CASLON DEVELOPMENT COMPANY, an
Indiana General Partnership,

By: INDUN REALTY, INC.

By: Karl E. Preusse

Karl E. Preusse, Executive
Vice President

Attest:

Lenora Lowe
Lenora Lowe, Secretary

By: John F. Shaver

Attest:
Richard A. Mulford

- and -

Randolph L. Foxworthy [SEAL]

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

WITNESS my hand and Notarial Seal this 18th day of
October, 1978.

Donna L. McLaughlin
Donna L. McLaughlin, Notary Public
Resident of Morgan County

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Randolph L. Foxworthy, who is personally known to me as the person executing the foregoing Amended Declaration, and acknowledged the same to be his act and deed as Attorney-in-Fact for Declarant.

WITNESS my hand and Notarial Seal this 18th day of October, 1978.

My commission expires:

Donna L. McLaughlin, Notary Public
Resident of Morgan County, Indiana
My Commission Expires June 30, 1981

Donna L. McLaughlin, Notary Public
Resident of Morgan County

STATE OF CONNECTICUT)
) SS: Greenwich
COUNTY OF FAIRFIELD)

Before me, a Notary Public in and for said County and State, personally appeared PETER U. STRAUSS and RICHARD A. MATTHEWS by me known and known by me to be the PPES and SEC respectively, of REYNWOOD DEVELOPMENT CORPORATION, who acknowledged the execution of the foregoing Amended Declaration for and on behalf of said Corporation.

WITNESS my hand and Notarial Seal this 1st day of November, 1978.

My commission expires:

GLEN A. V. GORNO
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1979

Glen A. V. Gorno, Notary Public
Resident of Greenwich County

CONSENT OF SECOND MORTGAGEE

The undersigned, being the owner and holder of a second mortgage and/or security interest in the Property described in Exhibit "A", attached hereto and made a part hereof, does hereby consent to the recordation of this Amended Declaration and the imposing of the provisions hereof and the provisions of the Indiana Horizontal Property Law to said real property described in Exhibit "A", and said mortgagee does hereby consent and agree that from and after this date, the provisions of the Declaration, this Amended Declaration, including all exhibits and amendments hereto, shall be superior to the lien of the undersigned's mortgage on said Property described in Exhibit "A".

[Corporate Seal]
Attest:

INDUN REALTY, INC.

By:

Karl E. Preusse, Executive
Vice President

Lenora Lowe, *Secretary*

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Karl E. Preusse and Lenora Lowe, by me known and known by me to be the Executive Vice President and Assistant Secretary, respectively, of INDUN REALTY, INC., who acknowledged the execution of the foregoing Consent for and on behalf of said Corporation.

WITNESS my hand and Notarial Seal this 18th day of
October, 1978.

My commission expires:
DONNA L. McLAUGHLIN, Notary Public
Resident of Morgan County, Indiana
My Commission Expires June 30, 1980

Donna L. McLaughlin
Donna L. McLaughlin, Notary Public
Resident of Morgan County

EXHIBIT "A"

**TO AMENDED DECLARATION OF
LaSALLE'S WOODS CONDOMINIUM FOR
PHASE IV EXPANSION**

[Metes and Bounds Description of Phase IV Property]

Land being part of the East half of Section 22, Township 7 North, Range 1 West in Clear Creek Township, Monroe County, State of Indiana, being more particularly described as follows:

Commencing at an existing stone marking the center of said Section 22, Township 7 North, Range 1 West; thence N 00°16'05" East on and along the West line of said East half a distance of 666.178 feet; thence N 90°00'00" E a distance of 722.514 feet to a monument and point on the west line of LaSalle's Woods - Phase III Condominium as recorded in the Office of the Recorder of said County, by Instrument No. 80032, Book 1, Page 151; thence S 00°04'44" E on and along said west line of LaSalle's Woods - Phase III Condominium a distance of 237.199 feet to a monument and point on the Westerly line of LaSalle's Woods - Phase II Condominium as recorded in the Office of the Recorder of Monroe County, Indiana, by Instrument No. 65710, Book 089, Page 475; the following seven calls being on and along said LaSalle's Woods - Phase II Condominiums; thence S 28°52'07" E a distance of 64.076 feet to a monument; thence S 49°24'26" E a distance of 85.12 feet to a monument; thence N 41°07'34" E a distance of 80.50 feet to a monument; thence N 65°44'46" E a distance of 35.50 feet to a monument and Point of Beginning; thence N 00°46'12" W a distance of 173.585 feet to a monument and a point on a curve concave southeasterly having a central angle of 44°11'36" and a radius of 194.483 feet; thence northeasterly around the arc of said curve an arc distance of 150.008 feet to a monument, said arc being subtended by a chord having a bearing of N 67°54'12" E and a length of 146.317 feet; thence N 90°00'00" E tangent to the last described curve a distance of 155.00 feet to the northwest corner of LaSalle's Woods - Phase III Condominium as recorded in the Office of the Recorder of Monroe County by Instrument No. 80032, Book 1, Page 151; thence S 00°57'23" E on and along the westerly line of said LaSalle's Woods - Phase III Condominium a distance of 296.42 feet to a monument; thence N 71°06'57" W a distance of 266.50 feet; thence S 65°44'46" W a distance of 45.00 feet to the point of beginning, containing in all 1.610 acres, subject to all legal highways, rights-of-way and easements of record.

EXHIBIT "B"

**TO AMENDED DECLARATION OF
LaSALLE'S WOODS CONDOMINIUM FOR
PHASE IV EXPANSION**

**COMPOSITE LEGAL DESCRIPTION BY METES AND BOUNDS
OF LaSALLE'S WOODS' PHASES I, II, III, & IV.**

Part of the East Half of Section 22, Township 7 North, Range 1 West, in Clear Creek Township, Monroe County, Indiana, being more particularly described as follows:

Commencing at an existing stone marking the center of said Section 22, Township 7 North, Range 1 West; thence North 00°16'05" East on and along the West line of said East Half a distance of 885.067 feet; thence South 89°48'00" East a distance of 1484.754 feet to the Point of Beginning; thence North 68°52'22" East a distance of 60.000 feet; thence South 41°34'54" East a distance of 184.693 feet; thence South 00°28'07" East a distance of 146.360 feet; thence South 29°50'47" East a distance of 204.38 feet; thence South 22°54'28" East a distance of 200.609 feet; thence South 13°46'17" West a distance of 299.746 feet; thence South 26°11'04" West a distance of 77.586 feet; thence South 51°37'24" West a distance of 102.631 feet; thence South 68°05'38" West a distance of 92.204 feet; thence North 42°23'20" West a distance of 107.970 feet; thence North 10°06'32" West a distance of 144.027 feet; thence North 68°45'10" West a distance of 48.933 feet; thence North 46°13'35" West a distance of 166.512 feet; thence North 36°57'36" West a distance of 182.765 feet; thence North 06°06'23" West a distance of 28.502 feet; thence North 71°06'57" West a distance of 266.500 feet; thence South 65°44'46" West a distance of 80.500 feet; thence South 41°07'34" West a distance of 80.500 feet; thence North 49°24'26" West a distance of 85.120 feet; thence North 28°52'07" West a distance of 53.396 feet; thence South 40°35'34" West a distance of 80.730 feet to the point of curvature of a curve to the left having a radius of 123.000 feet and being subtended by a chord having a bearing of South 09°40'56" West and a length of 126.370 feet; thence Southwesterly on and along the arc of said curve a distance of 132.715 feet to the point of tangency of said curve; thence South 16°56'00" East a distance of 123.718 feet to the point of curvature of a curve to the right having a radius of 97.710 feet and being subtended by a chord having a bearing of South 33°54'27" West and a length of 155.037 feet; thence Southwesterly on and along the arc of said curve a distance of 179.063 feet to the point of tangency of said curve; thence South 86°05'03" West a distance of 164.260 feet; thence North 02°35'32" West a distance of 84.000 feet; thence North 01°03'28" West a distance of 199.268 feet; thence North 87°03'22" East a distance of 145.129 feet; thence North 17°35'52" East a distance of 86.556 feet; thence North 40°35'34" East a distance of 97.063 feet; thence North 00°04'44" West a distance of 237.199 feet; thence North 56°42'27" East a distance of 211.240 feet; thence North 77°42'09" East a distance of 350.157 feet; thence North 84°35'15" East a distance of 245.662 feet to the Point of Beginning, containing in all 16.443 acres, subject, however, to all legal highways, rights-of-way and easements of record.

EXHIBIT "C"

**TO AMENDED DECLARATION OF
LaSALLE'S WOODS CONDOMINIUM FOR
PHASE IV EXPANSION**

[Master Site Plan]

The plat of survey for LaSalle's Woods-Phase IV, dated JUNE 23, 1978, prepared by Sol C. Miller, Registered Land Surveyor, entitled "Master Site Plan, LaSalle's Woods-Phase IV" and consisting of one sheet, which was attached to this Declaration at the time it was filed for record in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan No. 1, as Instrument No. 103649, and said Master Site Plan as so filed is incorporated hereby by reference as though fully set out herein.

EXHIBIT "D"

**TO AMENDED DECLARATION OF
LaSALLE'S WOODS CONDOMINIUM FOR
PHASE IV EXPANSION**

[As-Built Plans of LaSalle's Woods-Phase IV]

The Plans and outline specifications for LaSalle's Woods-Phase IV, more particularly described in the architectural and related drawings for LaSalle's Woods-Phase IV, were attached to this Declaration at the time it was filed for record and are duly filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan No. 1, as Instrument No. 103650, reference to which is hereby made, and said Plans and outline specifications as so filed are incorporated herein by reference as though fully set out herein.