

**AMENDMENT NO. 3**  
**TO DECLARATION AND PLANS OF AWB CONDOMINIUM**

THIS AMENDMENT NO. 3 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by AWB Holdings, LLC ("Declarant") as of December 4, 2012.

WITNESSETH:

WHEREAS, Declarant is the developer of AWB Condominium, having recorded Declaration of Condominium Ownership, By-Laws, Plans and Covenants in the office of the Recorder of Allen County, Indiana as Document Number 2012022148 and Plat Cabinet G, Page 38. The Declaration and subsequent amendments thereto are incorporated herein by this reference.

WHEREAS, Declarant owns at least 67% of the Condominium Units (as defined in the Declaration) of AWB Condominium.

WHEREAS, Declarant wishes to amend the Declaration as set forth below; and

WHEREAS, Condominium Units 801, 802, 804, 805, 806 and 807 have now been constructed and built out and, pursuant to the Indiana Condominium Act, the Declaration must be amended to show the location, layout and dimensions of said Condominium Units "as-built."

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The Parking Garage Site Plan found in Exhibit C to the Declaration is inaccurate, in that it fails to depict certain parking spaces that are and at all times from the date of the establishment of the Condominium have been in existence. Accordingly, and pursuant to Section 18(g) of the Declaration which grants Declarant the unilateral right to amend the Declaration to correct clerical or typographical errors of the type that led to an incorrect Parking Garage Site Plan being recorded with the Declaration, the Declaration is amended as follows:

Exhibit C, drawing P.1., entitled "Parking Garage Site Plan", is hereby deleted and replaced with Exhibits P(1)-P-(5) attached hereto.

2. Declarant affirms that Condominium Units 801, 802, 804, 805, 806 and 807 have been constructed and built out as shown on the amended site plans for said Condominium Units, which site plans are attached as Exhibit A to this Amendment.

3. The amended site plan attached as Exhibit A accurately shows the location, layout and dimensions of Condominium Units 801, 802, 804, 805, 806 and 807 as certified in the Architect's Verified Statement For Amendment No. 3 to AWB Condominium attached as Exhibit B to this Amendment and incorporated into and made a part of the Declaration.

4. The total Usable Square Footage of the Building is deemed to be 89,722 square feet. For purposes of calculating the Percentage Interest (as defined in the Declaration) of each of the subject Condominium Units, the Usable Square Footage of Condominium: (i) Unit 801 is

ALLEN COUNTY, INDIANA  
Duty enforced by seal. Subject  
to final acceptance for transfer.

DEC 12 2012

John K. Gauley  
RECORDER OF ALLEN COUNTY

2012071068

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JOHN MCGAULEY  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

607120

deemed to be 1489 square feet; (ii) Unit 802 is deemed to be 1190 square feet; (iii) Unit 804 is deemed to be 1465 square feet; (iv) Unit 805 is deemed to be 894 square feet; (v) Unit 806 is deemed to be 806 square feet; (vi) Unit 807 is deemed to be 1254 square feet.

5. Pursuant to Section 7(b) of the Declaration, the numbered Parking Space(s) (as defined in the Declaration) assigned to Condominium: (i) Unit 801 are: none at this time; (ii) Unit 802 are: none at this time; (iii) Unit 804 are: 312, 313, 313A; (iv) Unit 805 are: none at this time; (v) Unit 806 are: none at this time; (vi) Unit 807 are: none at this time.

6. The acceptance of a deed of conveyance or the act of occupancy of a Condominium Unit shall constitute an agreement that the provisions of this Amendment, the Declaration, the Act, the By-Laws, and any rules and regulations adopted pursuant hereto, 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 covenant running with the land and shall find any person having at any time any interest or estate in a Condominium Unit or the property as if those provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

"DECLARANT"

AWB HOLDINGS, LLC

By John M. Nichols  
Printed: John M. Nichols  
Title: Manager

State of Indiana )  
                          ) SS:  
County of Allen )

Before me, a notary public in and for said county and state, on the 14th day of June, 2012, personally appeared John M. Nichols, Manager of AWB Holdings, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that the representations herein contained are true.



My Commission Expires 02/27/2016

Kathleen A. McMaken, Notary Public

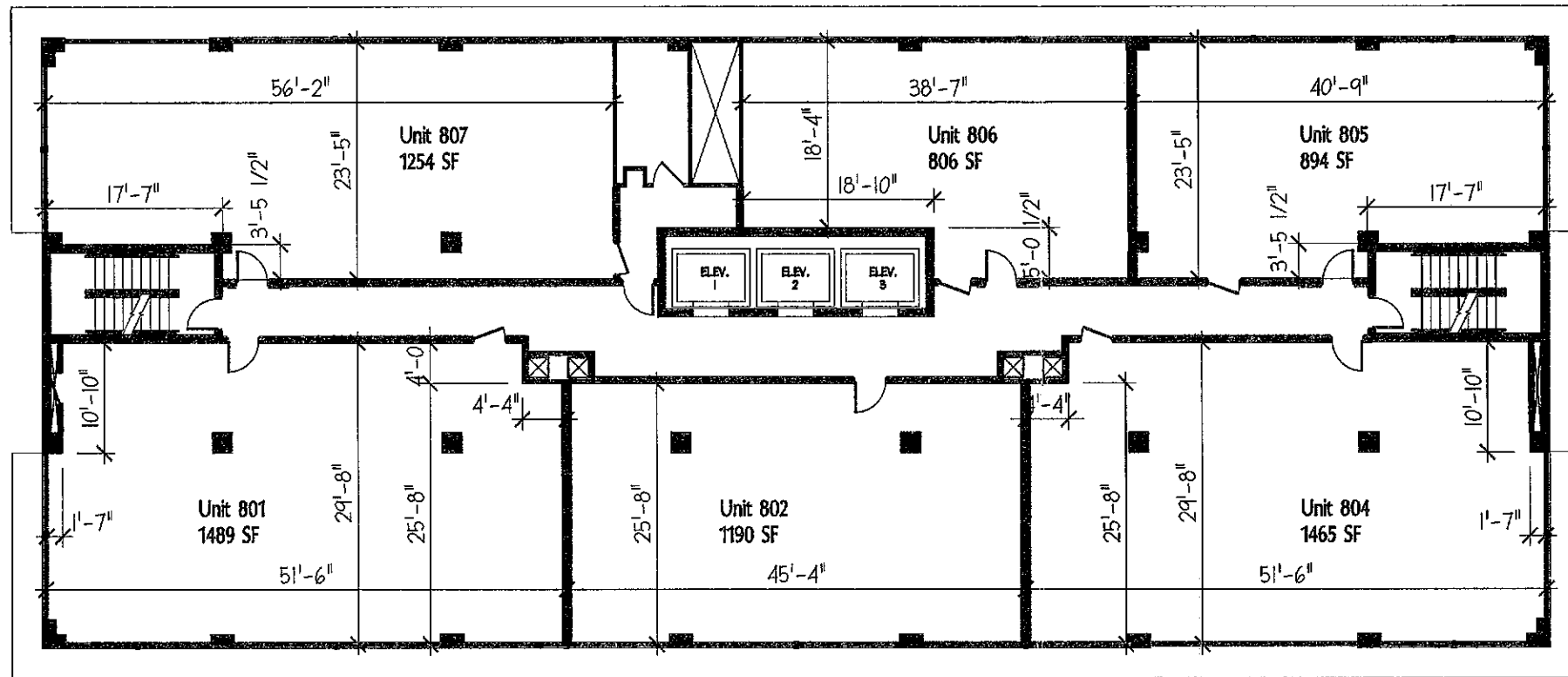
Resident of Allen County, IN

This instrument prepared by: Timothy J. Haffner, Attorney at Law, Faegre Baker Daniels LLP, 111 East Wayne Street, Suite 800, Fort Wayne, IN 46802, Attorney No. 8555-02

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

**EXHIBIT A**

**8<sup>th</sup> Floor Site Plan**



### 8th Floor

SCALE: 1/16" = 1'-0"



### AWB Condominium

203 E. Berry Street  
Fort Wayne, IN

**EXHIBIT B**

**ARCHITECT'S VERIFIED STATEMENT FOR AMENDMENT NO. 3  
TO DECLARATION AND PLANS OF AWB CONDOMINIUM**

Ronald Dick, being first duly sworn upon his oath, is an architect, a Principal and Owner at Design Collaborative, Inc. and is registered in accordance with the laws of the State of Indiana (Registration No.4447), and has personal knowledge of the facts and matters set forth in this verified statement.

The plans attached to this Amendment No. 3 to the Declaration and Plans of AWB Condominium accurately depict the location, layout and dimensions of Condominium Units 801, 802, 804, 805, 806 and 807.

The plans attached to the Declaration of AWB Condominium are an accurate representation of the plans of the building as filed with and approved by the State of Indiana Division of Fire and Building Safety, the Allen County Building Department and the City of Fort Wayne.

**Verified:**

11/8/12  
Date

[Signature]  
Signature

Ronald Dick  
Printed Name

**Acknowledged:**

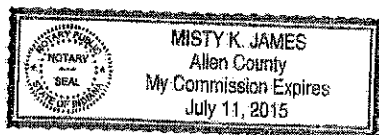
SUBSCRIBED AND SWORN before me, a Notary Public, in and for said County and State, this 8<sup>th</sup> day of November, 2012.

Misty K. James  
Notary Public

Misty K. James  
Notary Public Printed Name

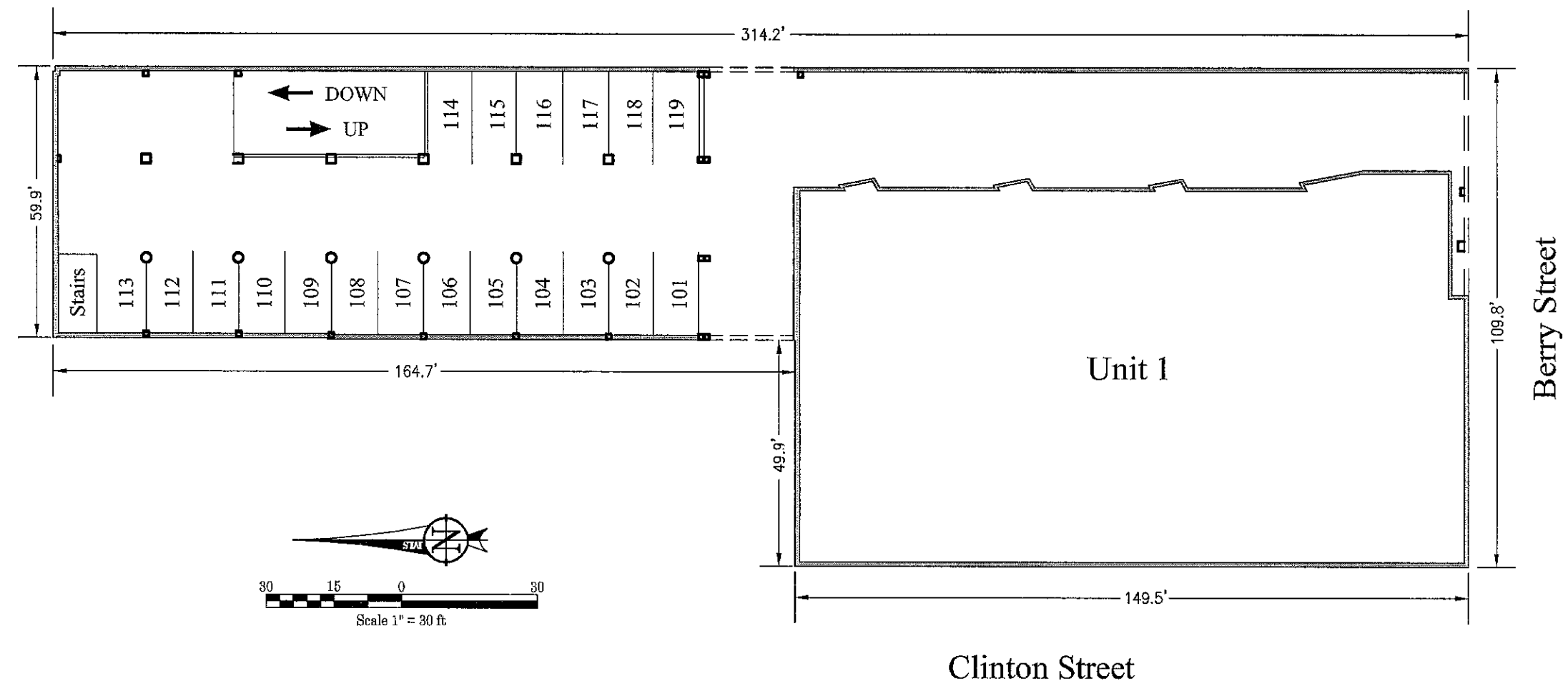
A Resident of Allen County, Indiana.

My Commission Expires July 11, 2015



**EXHIBIT P-(1)**

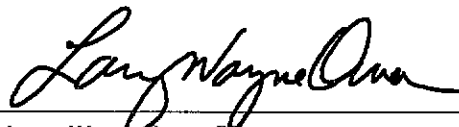
# AWB CONDOMINIUM 1st Floor

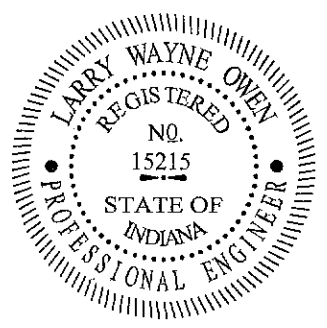


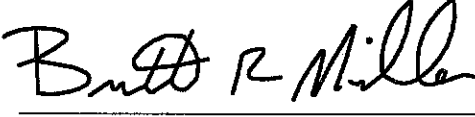
## Certification

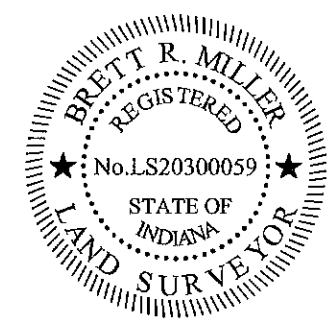
I Larry W. Owen certify that I am a Engineer licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate:

I Brett R. Miller certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate:

  
Larry Wayne Owen, PE

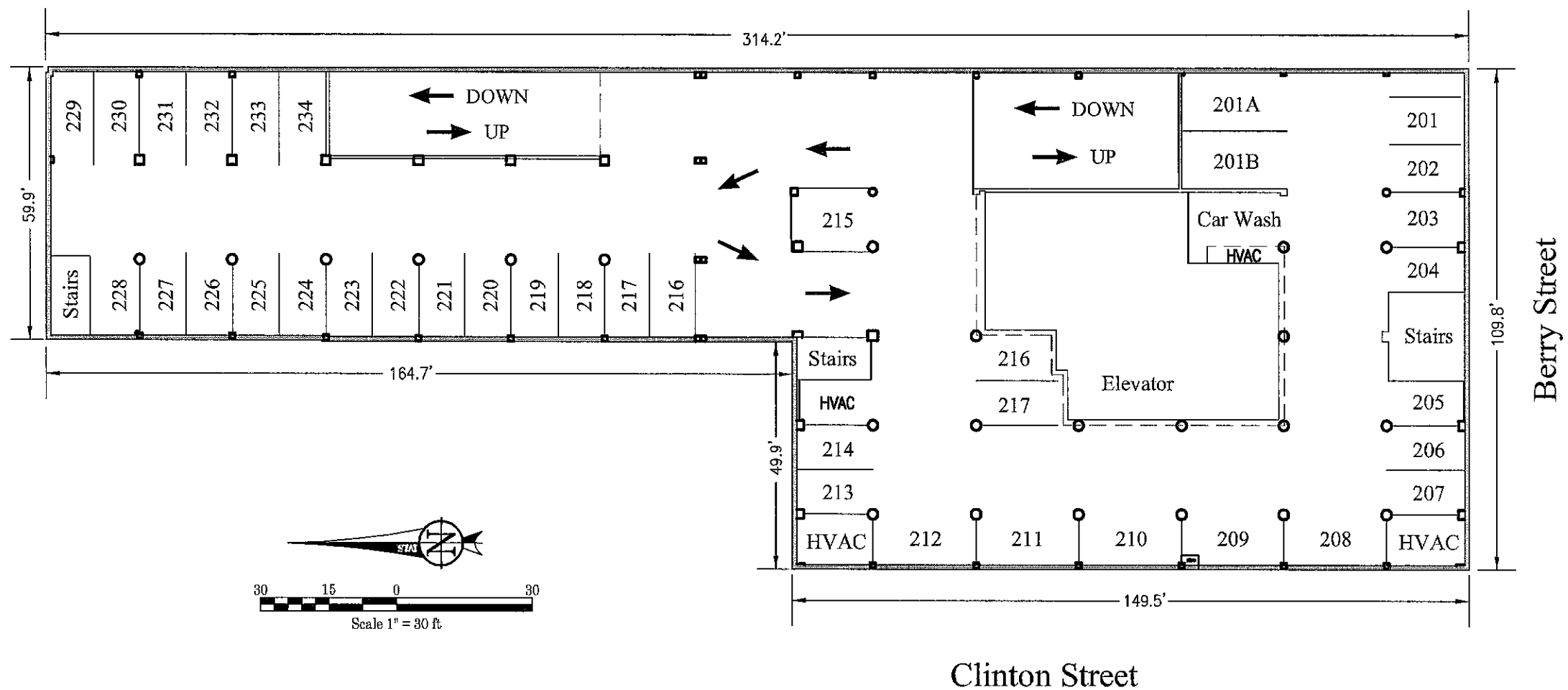


  
Brett R. Miller, PLS 20300059



**EXHIBIT P-(2)**


# AWB CONDOMINIUM 2nd Floor

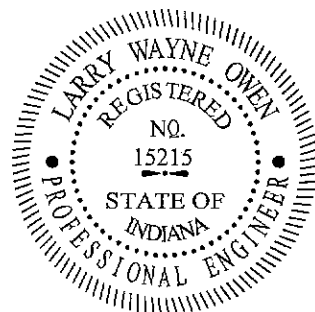


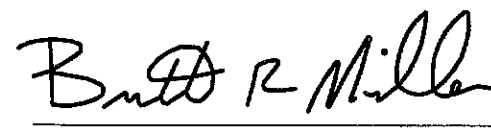
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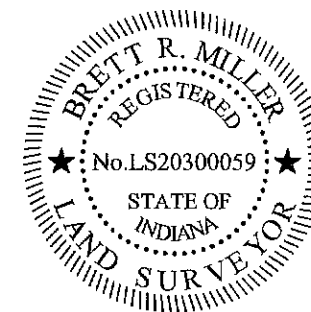
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Larry Wayne Owen, PE

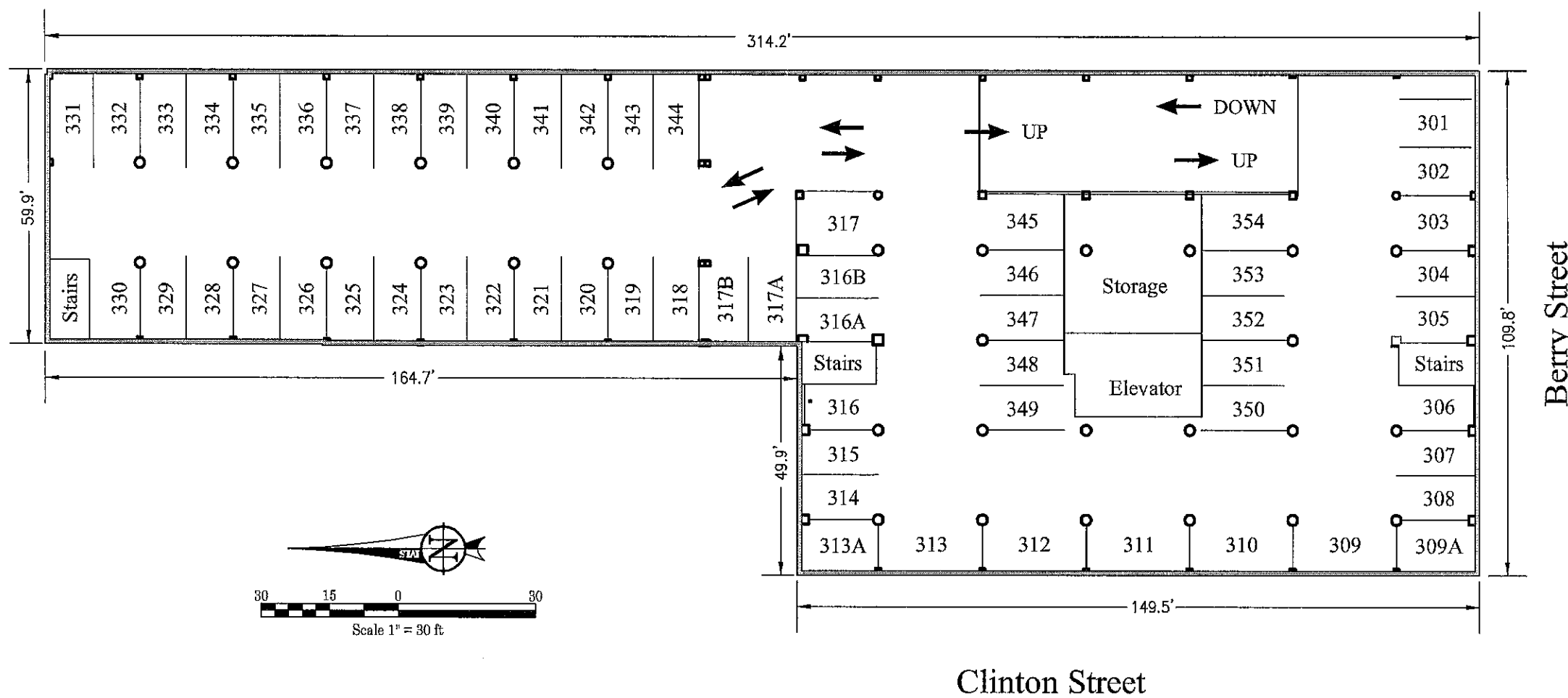


  
Brett R. Miller, PLS 20300059



**EXHIBIT P-(3)**


# AWB CONDOMINIUM 3rd Floor

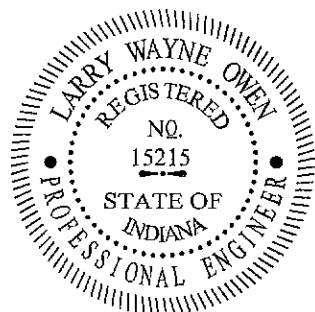


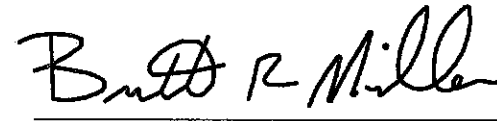
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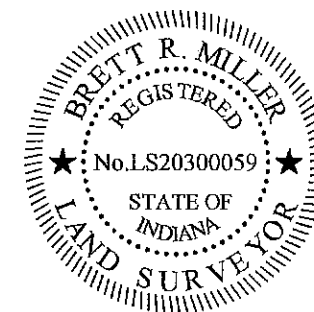
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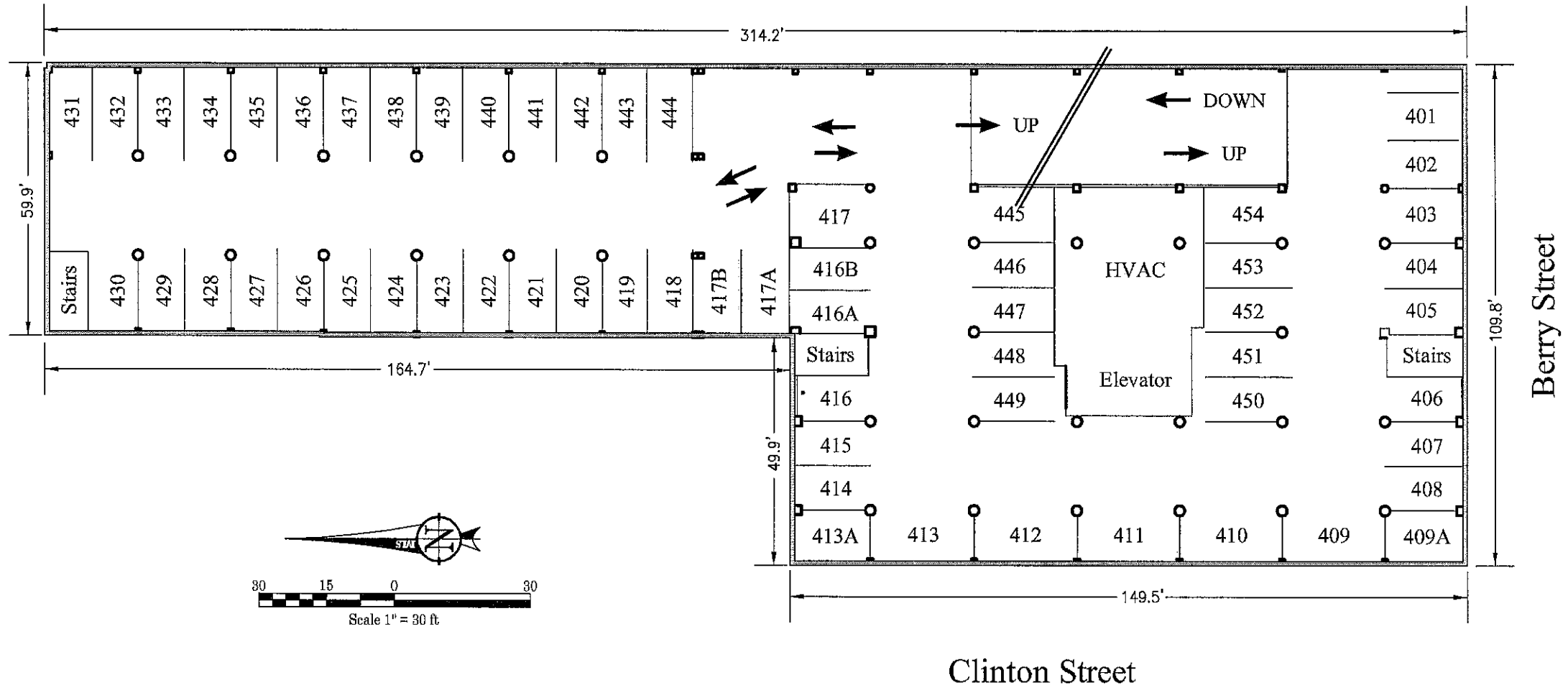


  
Brett R. Miller, PLS 20300059



**EXHIBIT P-(4)**

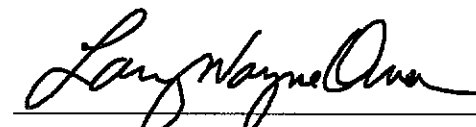
# AWB CONDOMINIUM 4th Floor

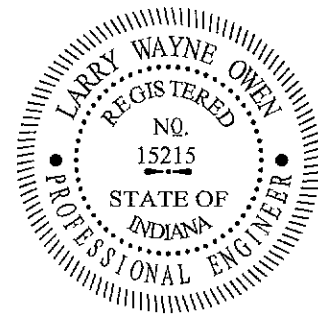


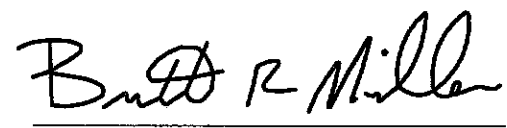
## Certification

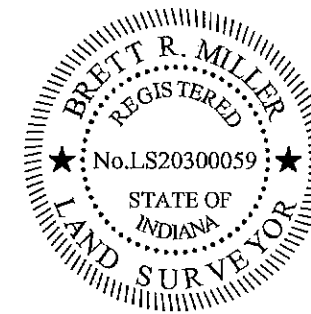
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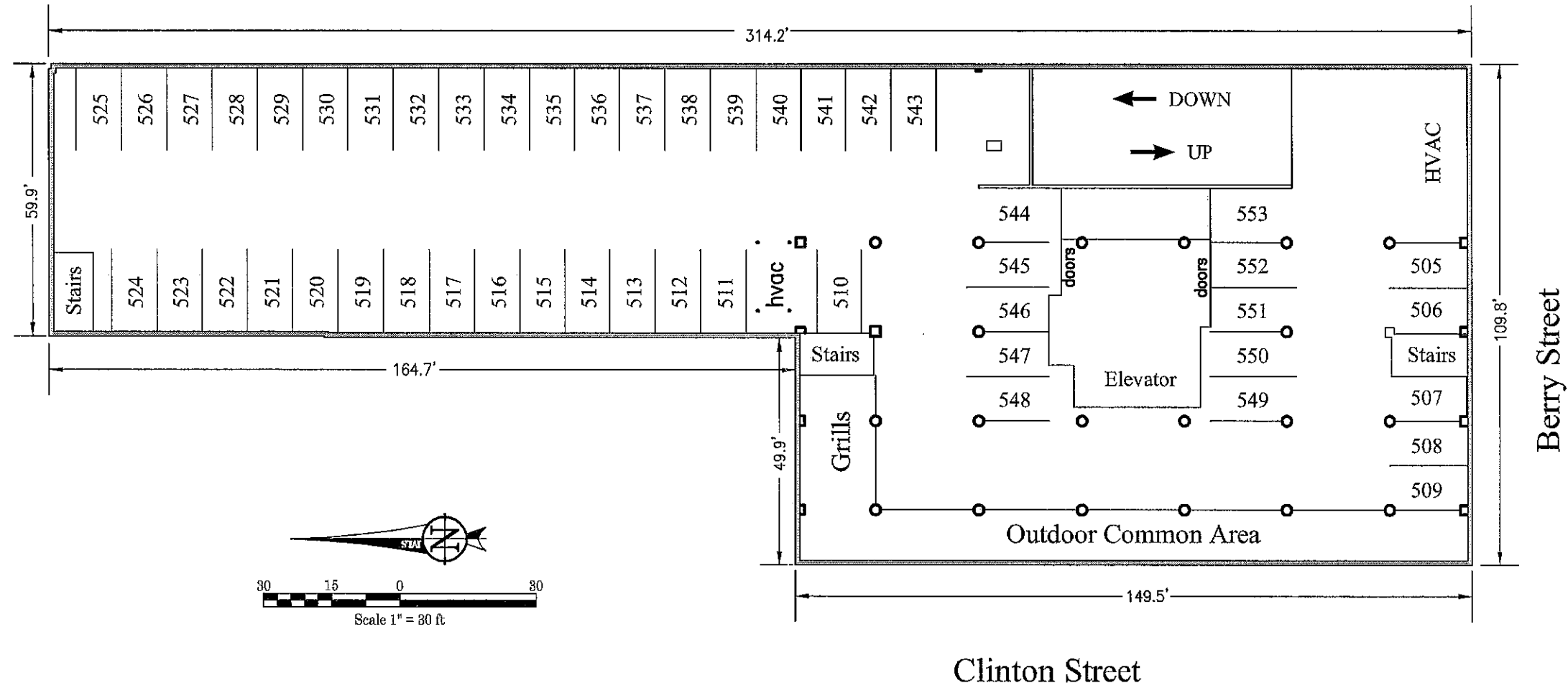


  
Brett R. Miller, PLS 20300059



**EXHIBIT P-(5)**


# AWB CONDOMINIUM 5th Floor

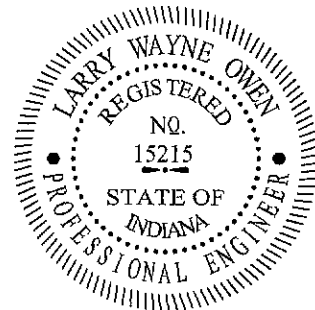


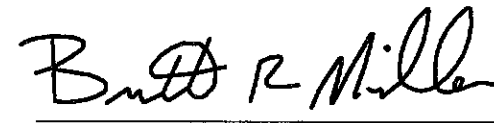
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