

**AMENDMENT NO. 1**  
**TO DECLARATION AND PLANS OF AWB CONDOMINIUM**

THIS AMENDMENT NO. 1 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by AWB Holdings, LLC ("Declarant") as of September 12, 2012.

02-12-02-436-000.000-074

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 100% 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 701, 702, 704, 705, 706, 707, 1201, 1204, 1205, 1206 and 1207 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 second, third and fourth sentences of the first paragraph of Section 8 of the Declaration is hereby deleted and replaced with the following text:

"The Percentage Interest of each Condominium Unit shall be equal to the total of the net, usable, interior square footage ("Usable Square Footage") of the particular Condominium Unit divided by the total of the net Usable Square Footage of the Building. Usable Square Footage for each floor of the Building is also set forth on Exhibit D hereto."

2. Exhibit D to the Declaration is hereby deleted and replaced with Exhibit D attached hereto. Any reference in the Declaration suggesting that Exhibit D sets forth "Percentage Interest" is hereby deleted as well.

3. Declarant affirms that Condominium Units 701, 702, 704, 705, 706, 707, 1201, 1204, 1205, 1206 and 1207 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.

1218044  
TITAN TITLE SERVICES, LLC

2012053703  
RECORDED: 09/18/2012 3:16:41 PM  
JOHN MCGAULEY  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

SEP 18 2011

John M. McGauley  
Recorder of Allen County, IN

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4. The amended site plan attached as Exhibit A accurately shows the location, layout and dimensions of Condominium Units 701, 702, 704, 705, 706, 707, 1201, 1204, 1205, 1206 and 1207 as certified in the Architect's Verified Statement For Amendment No. 1 to AWB Condominium attached as Exhibit B to this Amendment and incorporated into and made a part of the Declaration.

5. 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 701 is deemed to be 1,190 square feet; (ii) Unit 702 is deemed to be 882 square feet; (iii) Unit 704 is deemed to be 2,072 square feet; (iv) Unit 705 is deemed to be 894 square feet; (v) Unit 706 is deemed to be 806 square feet; (vi) Unit 707 is deemed to be 1,254 square feet; (vii) Unit 1201 is deemed to be 1,489 square feet; (viii) Unit 1204 is deemed to be 2,655 square feet; (ix) Unit 1205 is deemed to be 894 square feet; (x) Unit 1206 is deemed to be 806 square feet; and (xi) Unit 1207 is deemed to be 1,254 square feet.

6. Pursuant to Section 7(b) of the Declaration, the numbered Parking Space(s) (as defined in the Declaration) assigned to Condominium: (i) Unit 701 is: none at this time; (ii) Unit 702 is: none at this time; (iii) Unit 704 are: 206, 209, 210, 211, 213, 214, 215, 216 and 217; (iv) Unit 705 are: 201 and 202; (v) Unit 706 are: 549, 550, 551 and 553; (vi) Unit 707 are: 546, 547 and 548; (vii) Unit 1201 is: none at this time; (viii) Unit 1204 are: 350, 351, 352 and 353; (ix) Unit 1205 is: none at this time; (x) Unit 1206 is: none at this time; and (xi) Unit 1207 are: 316, 316A and 316B. No future amendment to the Declaration may in any way alter the number and location of the Parking Spaces designated to Units 704, 705, 706, 707, 1204 and 1207 by this Section 6 without the written consent and approval of the owner of the Unit(s) whose right to the exclusive use of said designated Parking Spaces would be affected by such amendment.

7. 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 12<sup>th</sup> day of September, 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:  ~~ROBERT S. WARTENBE~~ Notary Public  
Allen County, State of Indiana  
My Commission Expires 2/19/2016

Signature 

Resident of \_\_\_\_\_ County

Printed \_\_\_\_\_, Notary Public

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

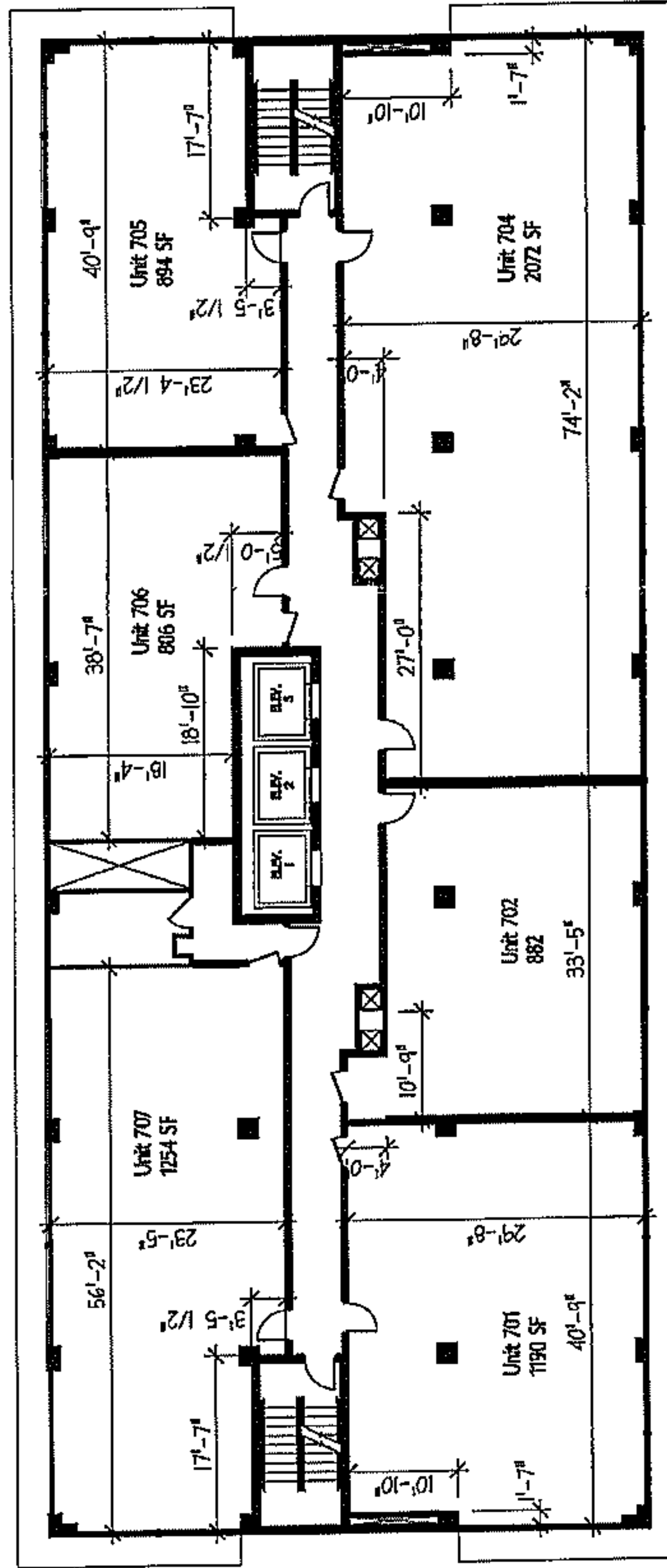
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. – Timothy J. Haffner

**EXHIBIT A**

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

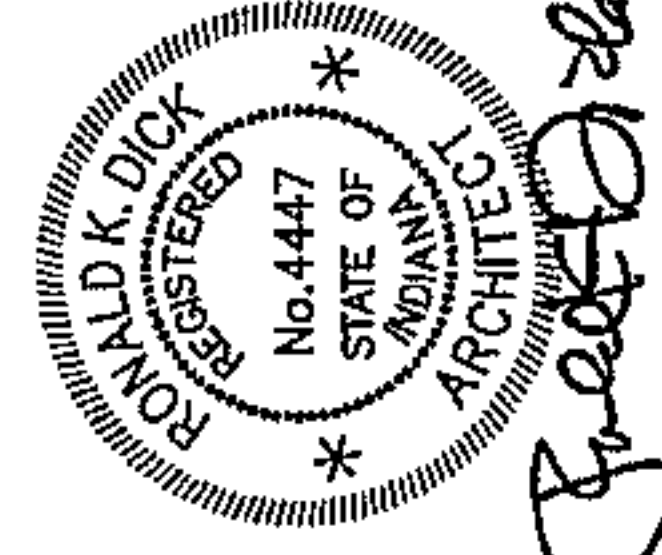
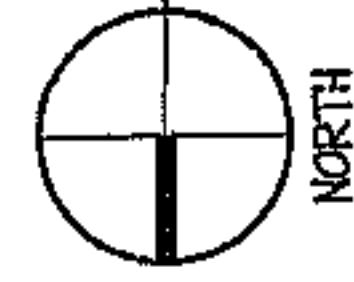
**and**

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



## 7th Floor Site Plan

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



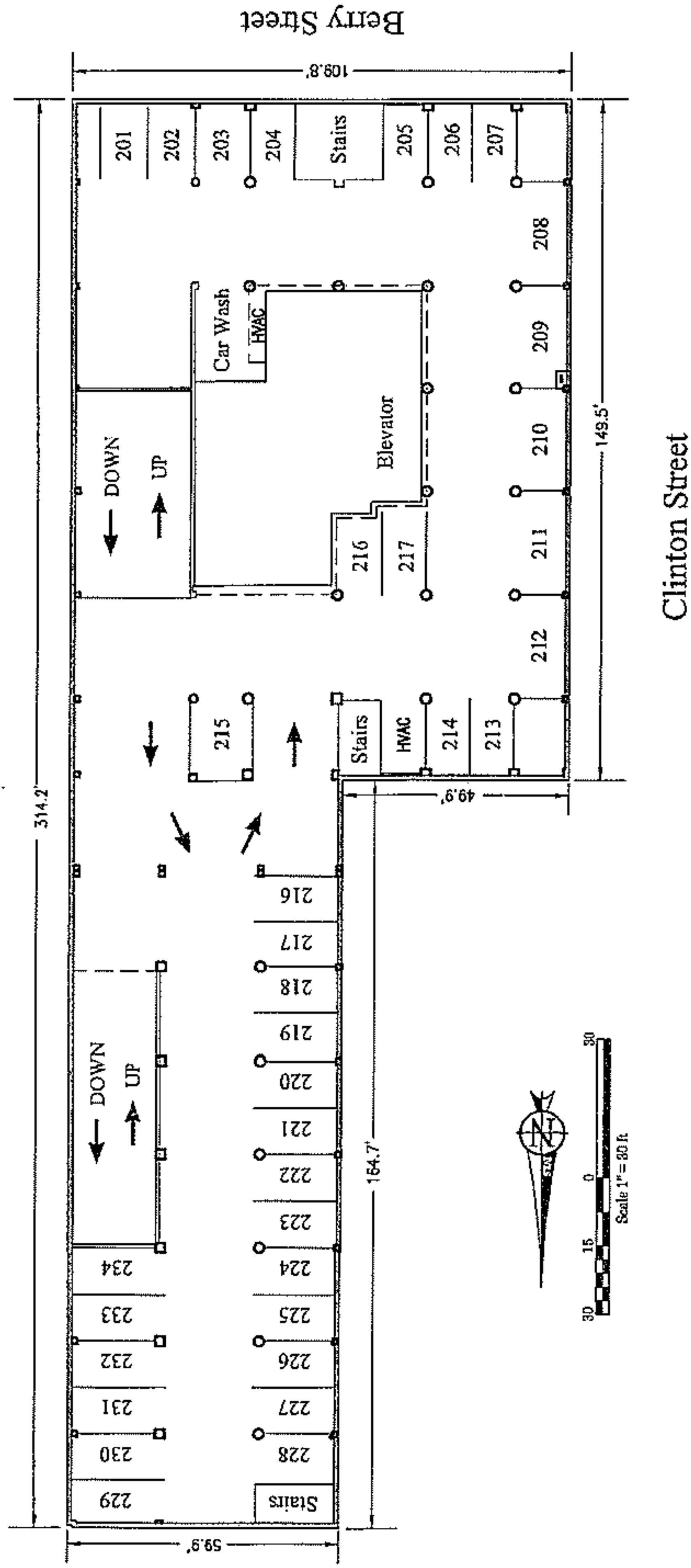
# AWB Condominium

203 BARRYMAN FORT



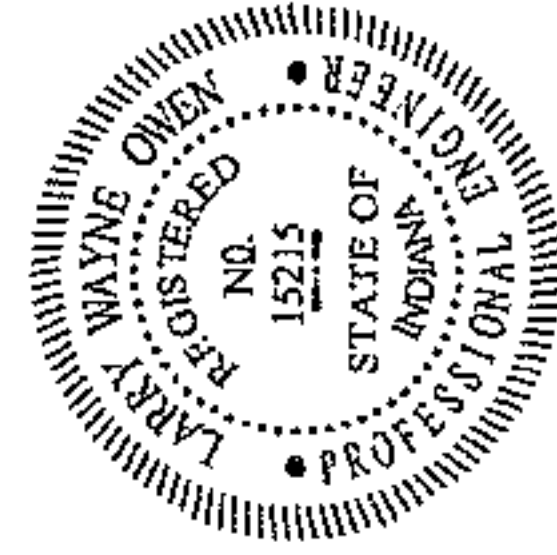
# AWB CONDOMINIUM

## 2nd Floor



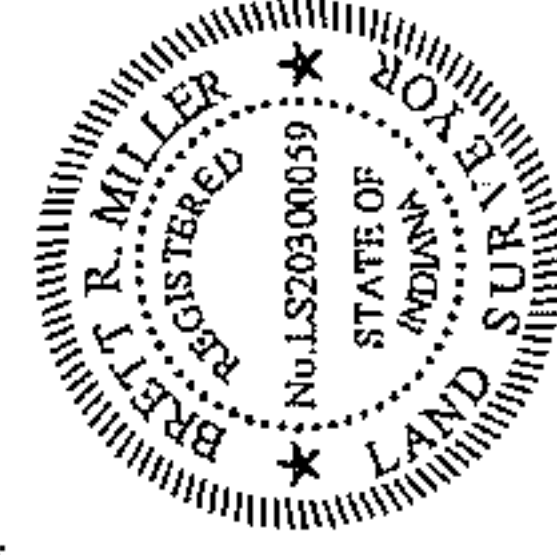
### Certification

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:



*Larry Wayne Owen*  
Larry Wayne Owen, PE

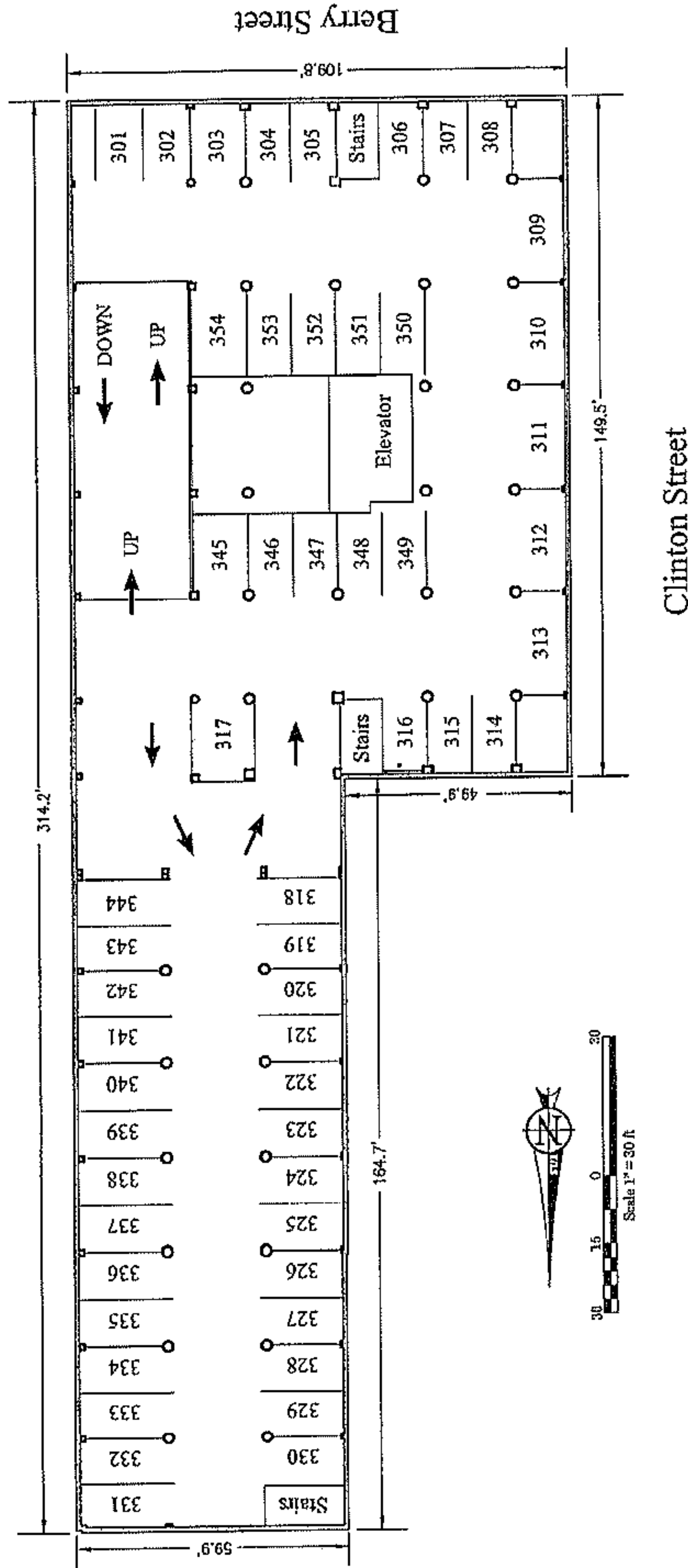
I Brett R. Miller certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate:



*Brett R. Miller*  
Brett R. Miller, PLS 20300059

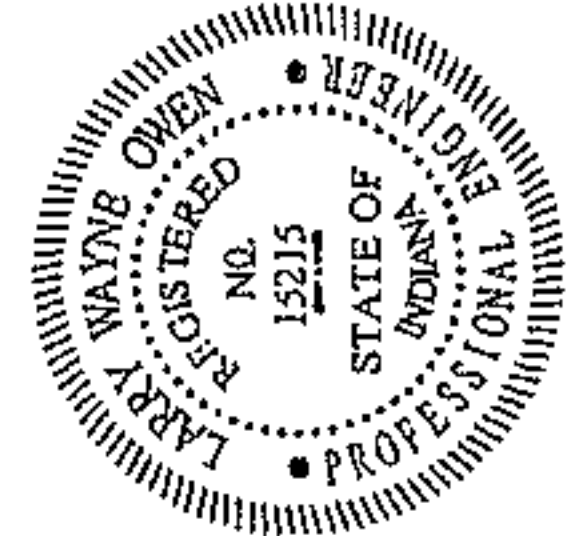
# AWB CONDOMINIUM

## 3rd 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:



*Larry Wayne Owen*  
Larry Wayne Owen, P.E.

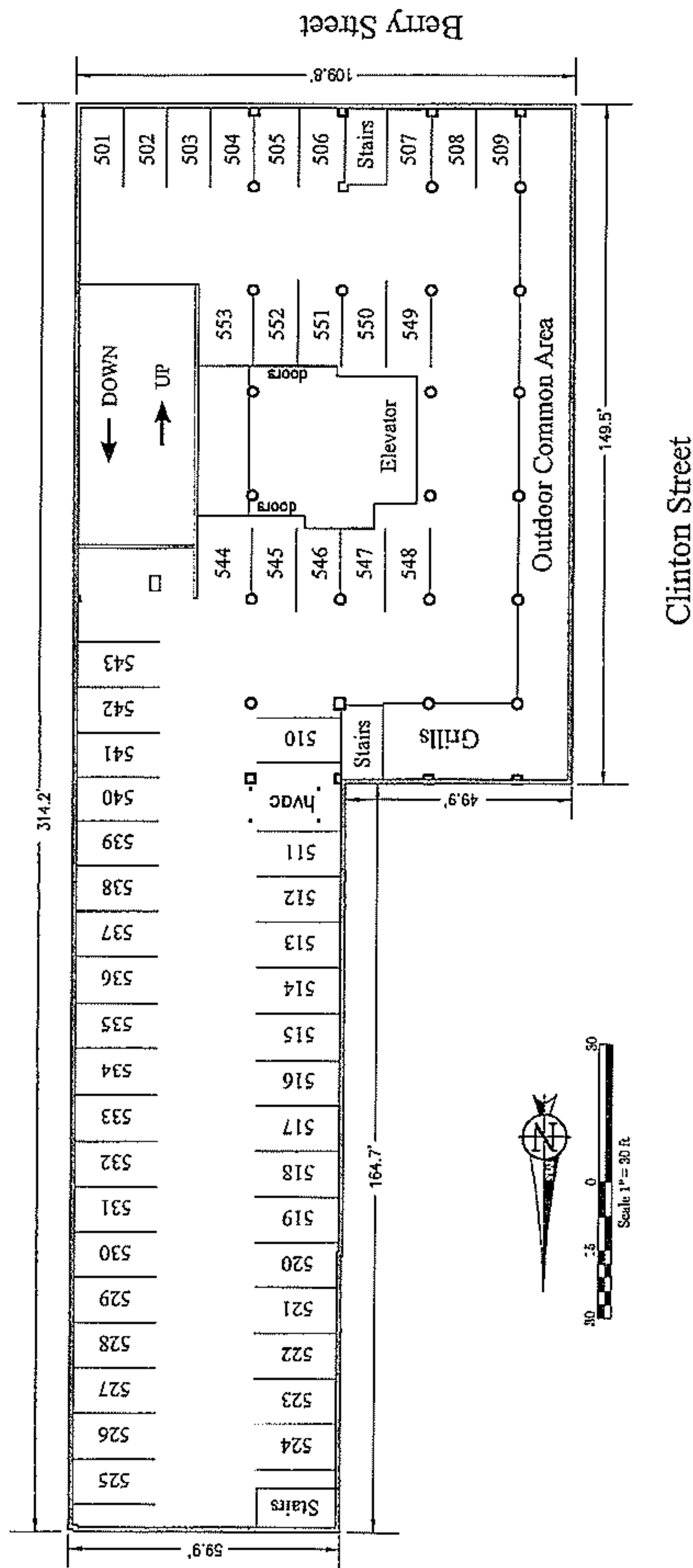
I Brett R. Miller certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate:



*Brett R. Miller*  
Brett R. Miller, PLS 20300059

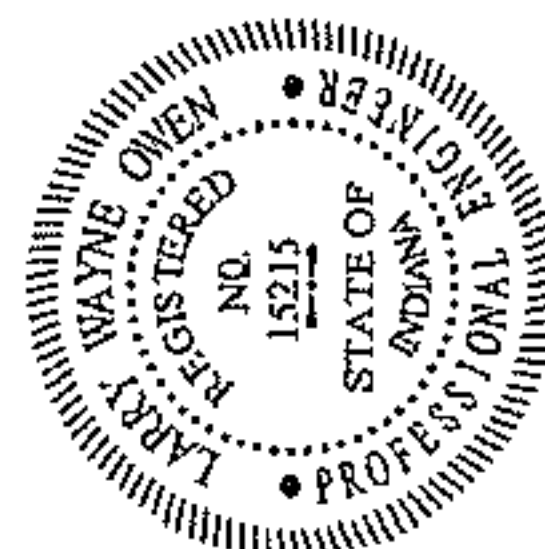
# AWB CONDOMINIUM

## 5th Floor



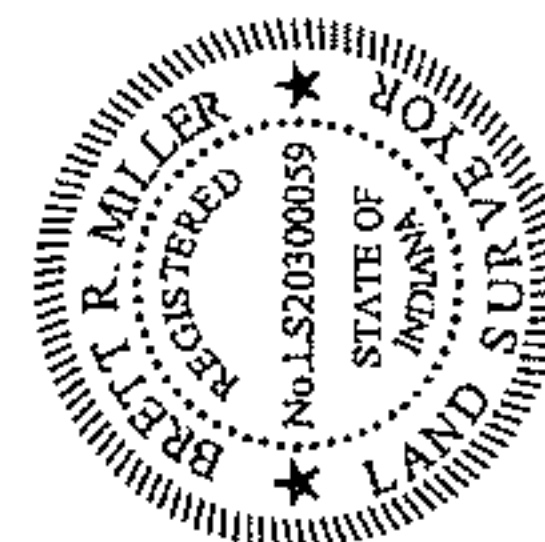
### Certification

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:



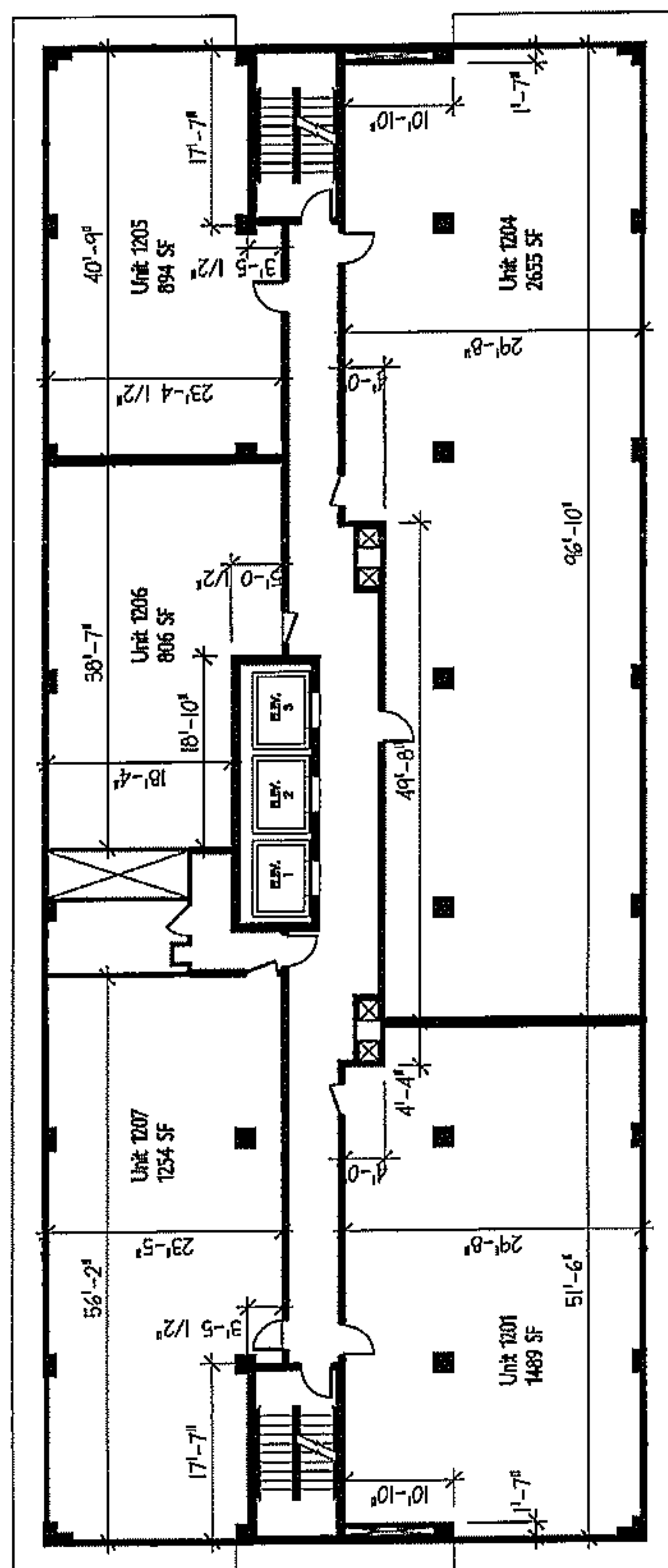
*Larry Wayne Owen*  
Larry Wayne Owen, P.E.

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:



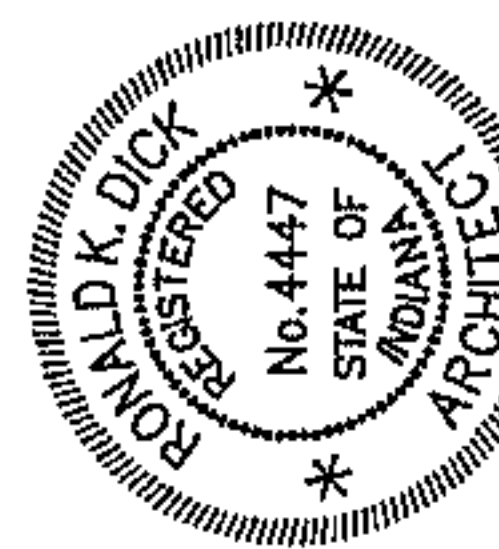
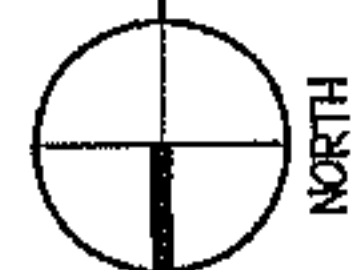
*Brett R. Miller*  
Brett R. Miller, PLS 20300059





## 12th Floor Site Plan

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



Jack O'Leary

## AWB Condominium

203 E. Berry Street  
Fort Wayne, IN

**EXHIBIT B**

**ARCHITECT'S VERIFIED STATEMENT FOR AMENDMENT NO 1  
TO DECLARATION AND PLANS OF AWB CONDOMINIUM**

Ronald Dick, being first duly sworn upon his oath, is an architect, a Principal and Owner at the 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. 1 to the Declaration and Plans of AWB Condominium accurately depict the location, layout and dimensions of Condominium Units 701, 702, 704, 705, 706, 707, 1201, 1204, 1205, 1206 and 1207.

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:**

9/12/12      [Signature]      Ronald Dick  
Date                      Signature                      Printed Name

**Acknowledged:**

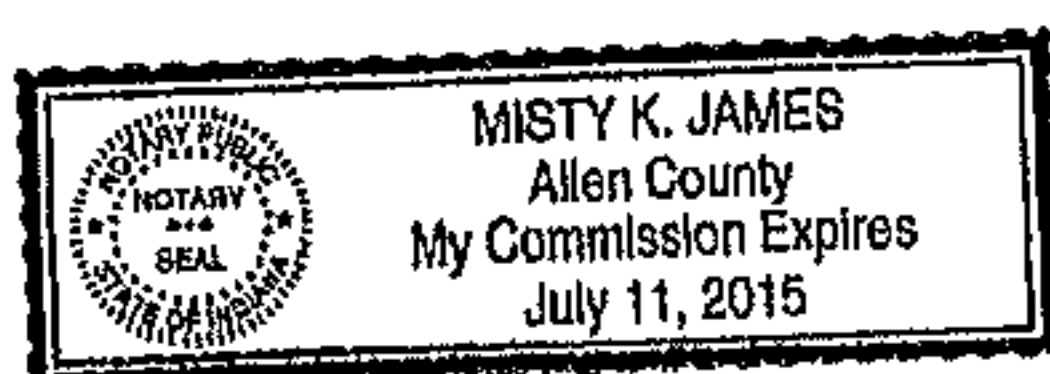
SUBSCRIBED AND SWORN before me, a Notary Public in and for said County and State, this 12<sup>th</sup> day of September, 2012.

Misty K. James  
Notary Public

Misty K. James  
Printed Name

A Resident of Allen County, Indiana

My Commission Expires: July 11, 2015



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.

Lori L. Bruner  
(name printed, stamped or signed w/print)

## Exhibit D

### Anthony Wayne Building

	<u>Usable Square Footage</u>
Basement	7,350
Floor 1	10,590
Floor 2	0
Floor 6	7,098
Floor 7	7,098
Floor 8	7,098
Floor 9	7,098
Floor 10	7,098
Floor 11	7,900
Floor 12	7,098
Floor 13	7,098
Floor 14	7,098
Floor 15	<u>7,098</u>
	89,722

