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AMENDMENT NO. 4  
TO DECLARATION AND PLANS OF AWB CONDOMINIUM

1/30/2013 12:41:05 PM

JOHN MCGAULEY

ALLEN COUNTY RECORDER  
FORT WAYNE, IN

THIS AMENDMENT NO. 4 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by AWB Holdings, LLC ("Declarant") as of January 29, 2013.

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 1001, 1002, 1004, 1005, and 1007 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. Declarant affirms that Condominium Units 1001, 1002, 1004, 1005, and 1007 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.

2. The amended site plan attached as Exhibit A accurately shows the location, layout and dimensions of Condominium Units 1001, 1002, 1004, 1005, and 1007 as certified in the Architect's Verified Statement For Amendment No. 4 to AWB Condominium attached as Exhibit B to this Amendment and incorporated into and made a part of the Declaration.

3. 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 1001 is deemed to be 1465 square feet; (ii) Unit 1002 is deemed to be 1190 square feet; (iii) Unit 1004 is deemed to be 1465 square feet; (iv) Unit 1005 is deemed to be 1700 square feet; (v) Unit 1007 is deemed to be 1254 square feet.

4. Pursuant to Section 7(b) of the Declaration, the numbered Parking Space(s) (as defined in the Declaration) assigned to Condominium: (i) Unit 1001 are: 304 and 305; (ii) Unit 1002 are: none at this time; (iii) Unit 1004 are: 312, 313, 313A; (iv) Unit 1005 are: none at this time; (v) Unit 1007 are: none at this time.

7217367  
HAN TITLE SERVICES, LLC  
TERESA K KLUET

5. 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 19<sup>th</sup> day of January, 2013, 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  
Resident of Allen County, IN

Kathleen A. McMaken, Notary Public  
Allen County, State of Indiana  
My Commission Expires 02/27/2016

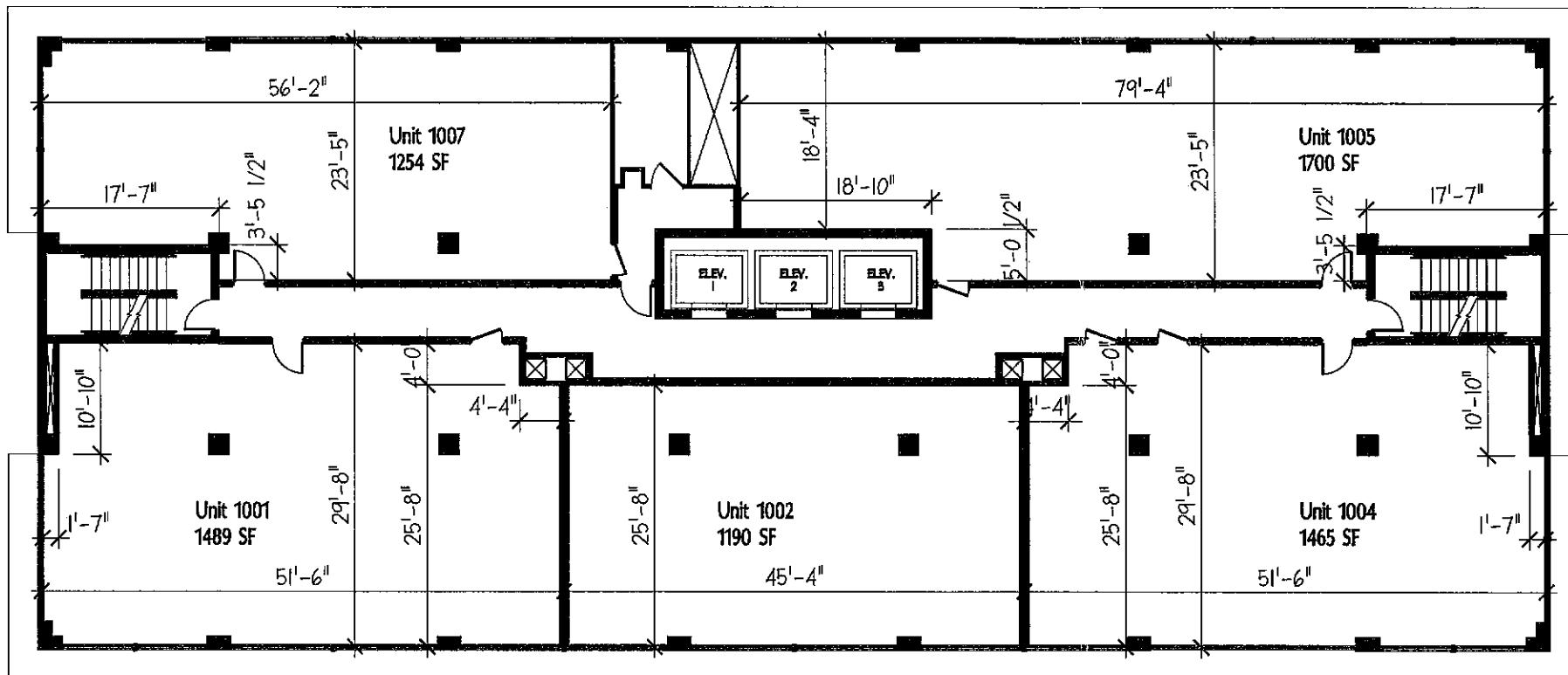
Kathleen A. McMaken, Notary Public

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

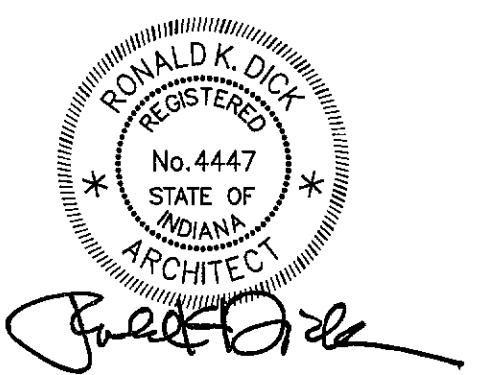
I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law. Timothy J. Haffner

**EXHIBIT A**

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



10th Floor  
SCALE: 1/16" = 1'-0"  
NORTH



**AWB Condominium**  
203 E. Berry Street  
Fort Wayne, In

**EXHIBIT B**

**ARCHITECT'S VERIFIED STATEMENT FOR AMENDMENT NO. 4  
TO DECLARATION AND PLANS OF AWB CONDOMINIUM**

Ronald K. 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. 4 to the Declaration and Plans of AWB Condominium accurately depict the location, layout and dimensions of Condominium Units 1001, 1002, 1004, 1005, and 1007.

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:

1/23/13

Date

Ronald K. Dick

Signature

Ronald K. Dick .

Printed Name

Acknowledged:

SUBSCRIBED AND SWORN before me, a Notary Public, in and for said County and State, this 23<sup>rd</sup> day of January, 2013.

Misty K. James  
Notary Public

Misty K. James  
Notary Public Printed Name

A Resident of Allen County, Indiana.

My Commission Expires July 11, 2015

