



**AMENDMENT NO. 2**  
**TO DECLARATION AND PLANS OF AWB CONDOMINIUM**

THIS AMENDMENT NO. 2 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by AWB Holdings, LLC ("Declarant") as of October 31, 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 1401, 1404, 1405, 1407, 1501, 1504, 1505 and 1507 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 1401, 1404, 1405, 1407, 1501, 1504, 1505 and 1507 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 1401, 1404, 1405, 1407, 1501, 1504, 1505 and 1507 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.

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 1401 is deemed to be 2072 square feet; (ii) Unit 1404 is deemed to be 2072 square feet; (iii) Unit 1405 is deemed to be 1700 square feet; (iv) Unit 1407 is deemed to be 1254 square feet; (v) Unit 1501 is deemed to be 2072 square feet; (vi) Unit 1504 is deemed to be 2072 square feet; (vii) Unit 1505 is deemed to be 1700 square feet; and (viii) Unit 1507 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 1501 are: 306, 307 and 308; (ii) Unit 1504 are: 406, 450 and 451; (iii) Unit 1505 are: none at this time; (iv) Unit 1507 are: none

TITAN TITLE SERVICES, LLC

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2012062475  
RECORDED: 11/01/2012 12:31:35 PM  
JOHN MCGAULEY  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

ALLEN COUNTY, IN  
DECLARATION BY ARCHITECT'S STATEMENT  
TO FIRST RECORD BY ARCHITECT'S STATEMENT

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Jesse H. H. H.  
RECORDS OF ALLEN COUNTY

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at this time; (v) Unit 1401 are: 317A, 317B, 318 and 319; (vi) Unit 1404 are: none at this time; (vii) Unit 1405 is: none at this time; and (viii) Unit 1407 are: none at this time. No future amendment to the Declaration may in any way alter the number and location of the Parking Spaces designated to Units 1501 and 1504 by this Section 4 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

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

Printed:

Title:

John M. Nichols  
John M. Nichols  
Manager

State of Indiana )  
 ) SS:  
County of Allen )

Before me, a notary public in and for said county and state, on the 31<sup>st</sup> day of October, 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



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

Resident of

Kate Ann

, 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

## **EXHIBITS**

### **EXHIBIT A-1**

**14<sup>TH</sup> Floor Site Plan**

### **EXHIBIT A-2**

**15<sup>TH</sup> Floor Site Plan**

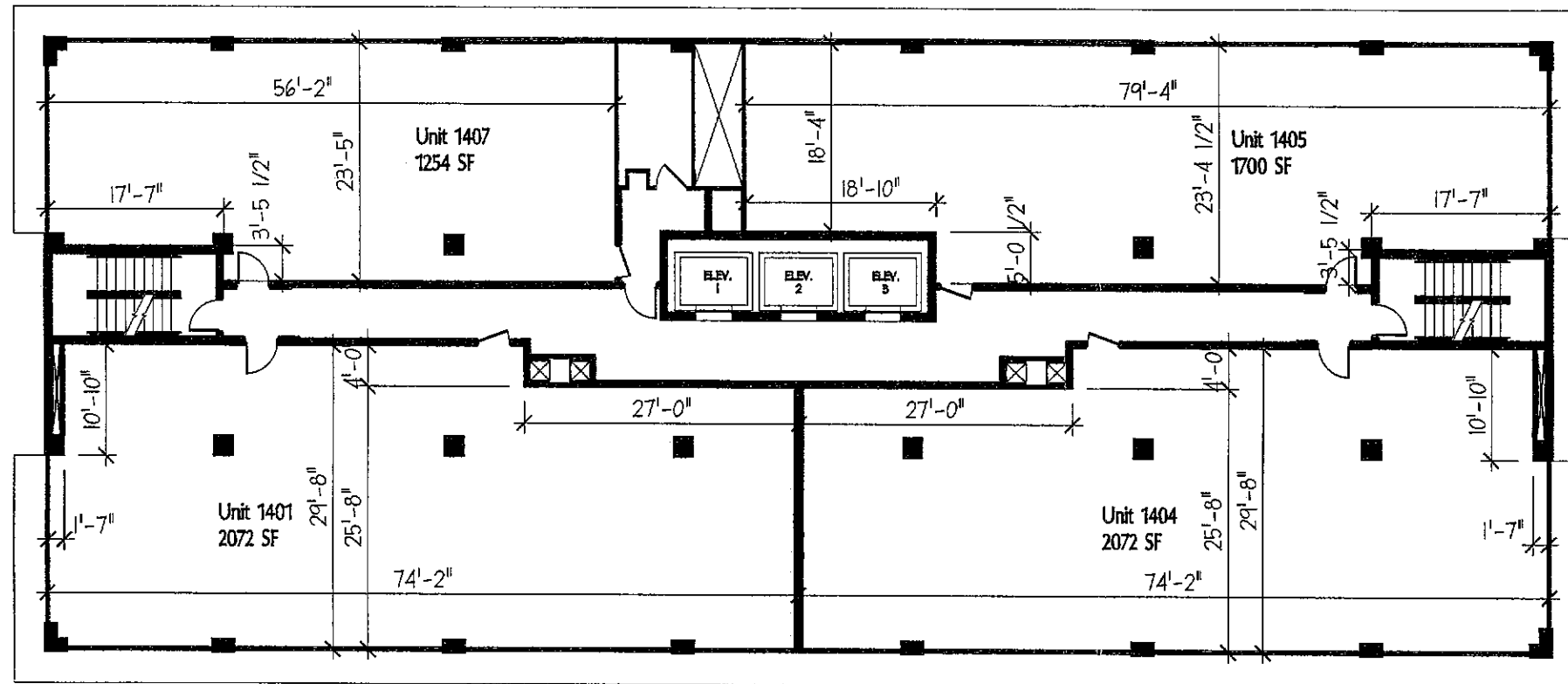
### **EXHIBIT A-3**

**3<sup>rd</sup> Floor Common Areas**

### **EXHIBIT A-4**

**4<sup>th</sup> Floor Common Areas**

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14th Floor

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

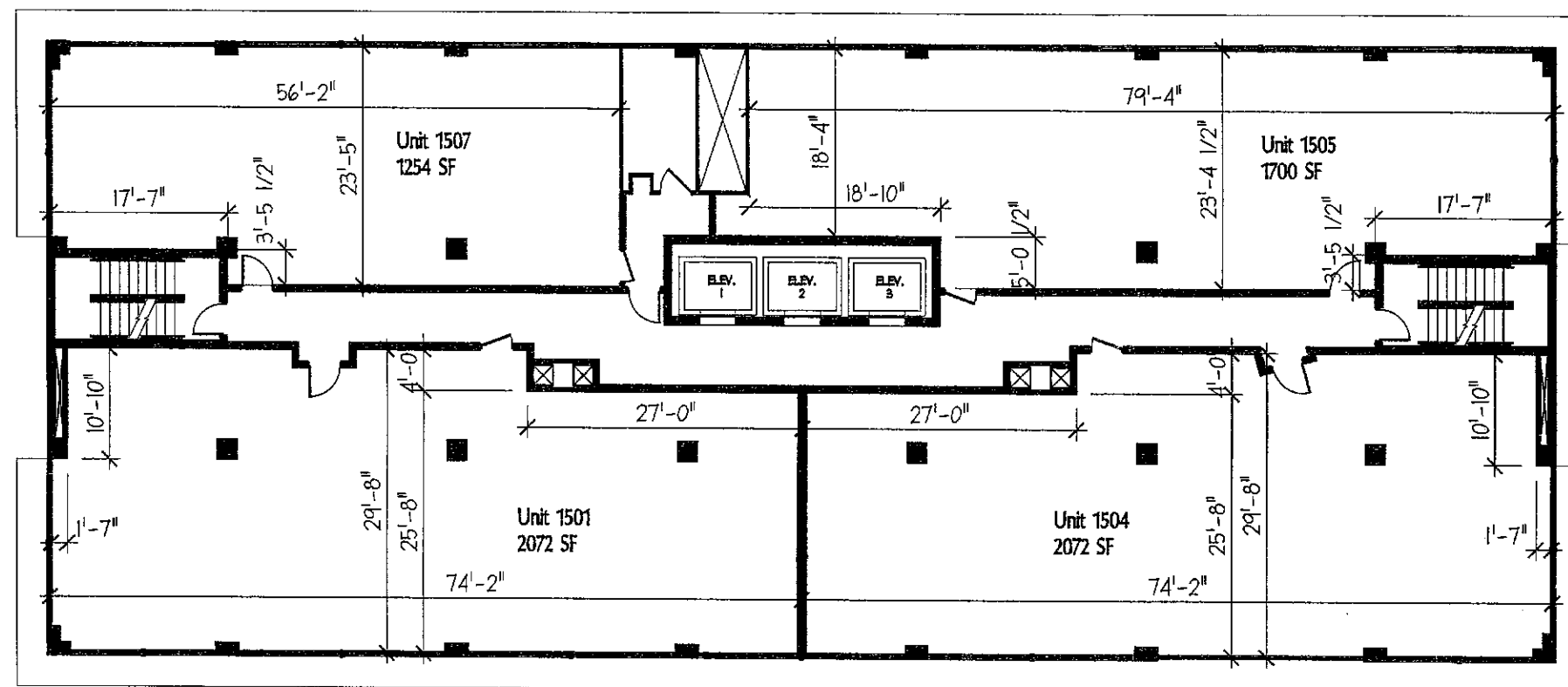


*[Signature]*

**AWB Condominium**

203 E. Berry Street  
Fort Wayne, IN

2012062475  
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 JOHN MCGAULEY  
 ALLEN COUNTY RECORDER  
 FORT WAYNE, IN



15th Floor

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



*[Signature]*

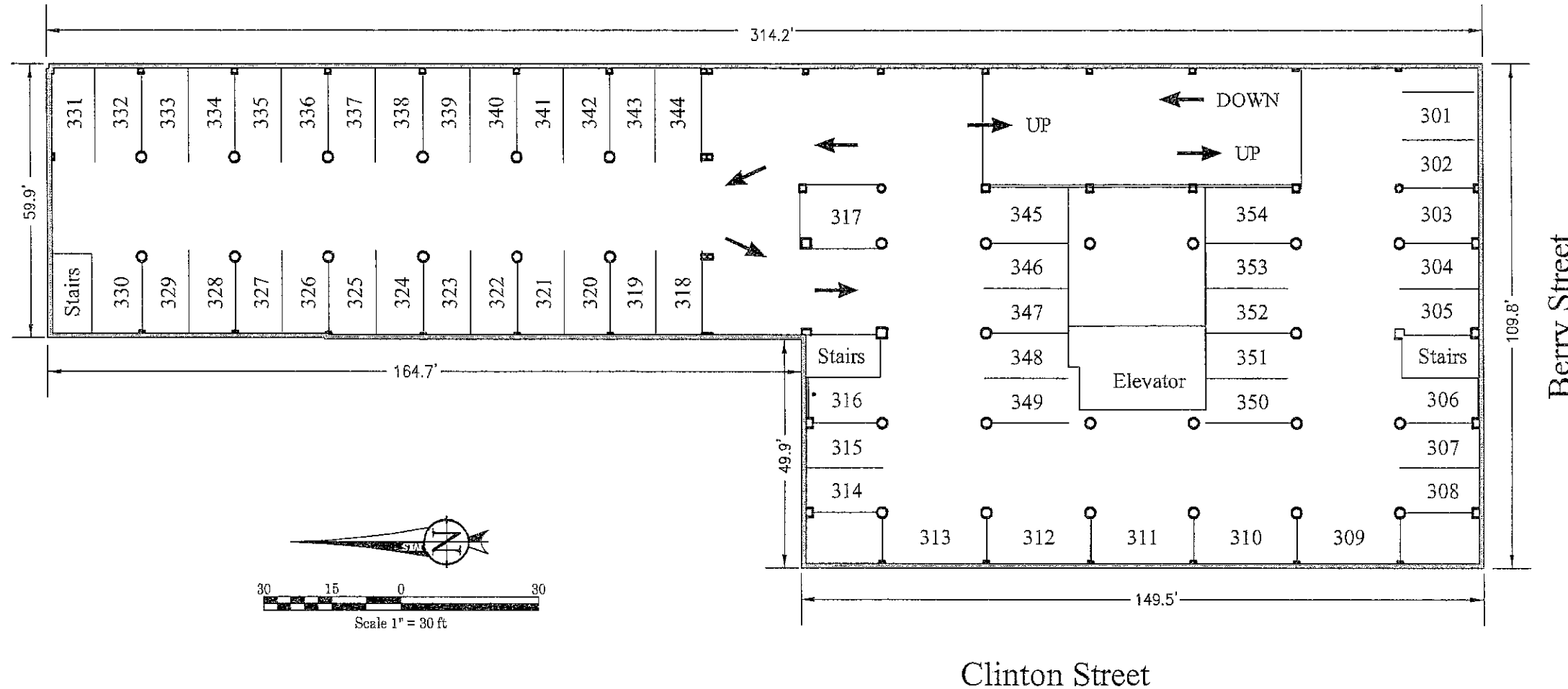
**AWB Condominium**

203 E. Berry Street  
 Fort Wayne, IN

# AWB CONDOMINIUM

## 3rd Floor

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FORT WAYNE, IN

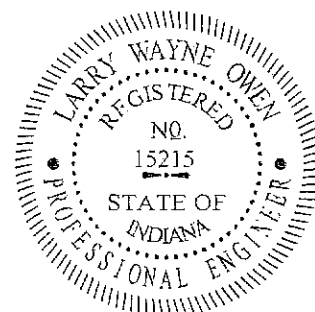


### Certification

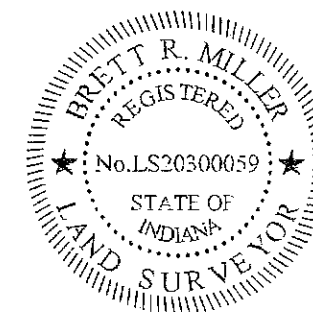
I Larry W. Owen certify that I am a Engineer licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate:

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*  
Larry Wayne Owen, PE



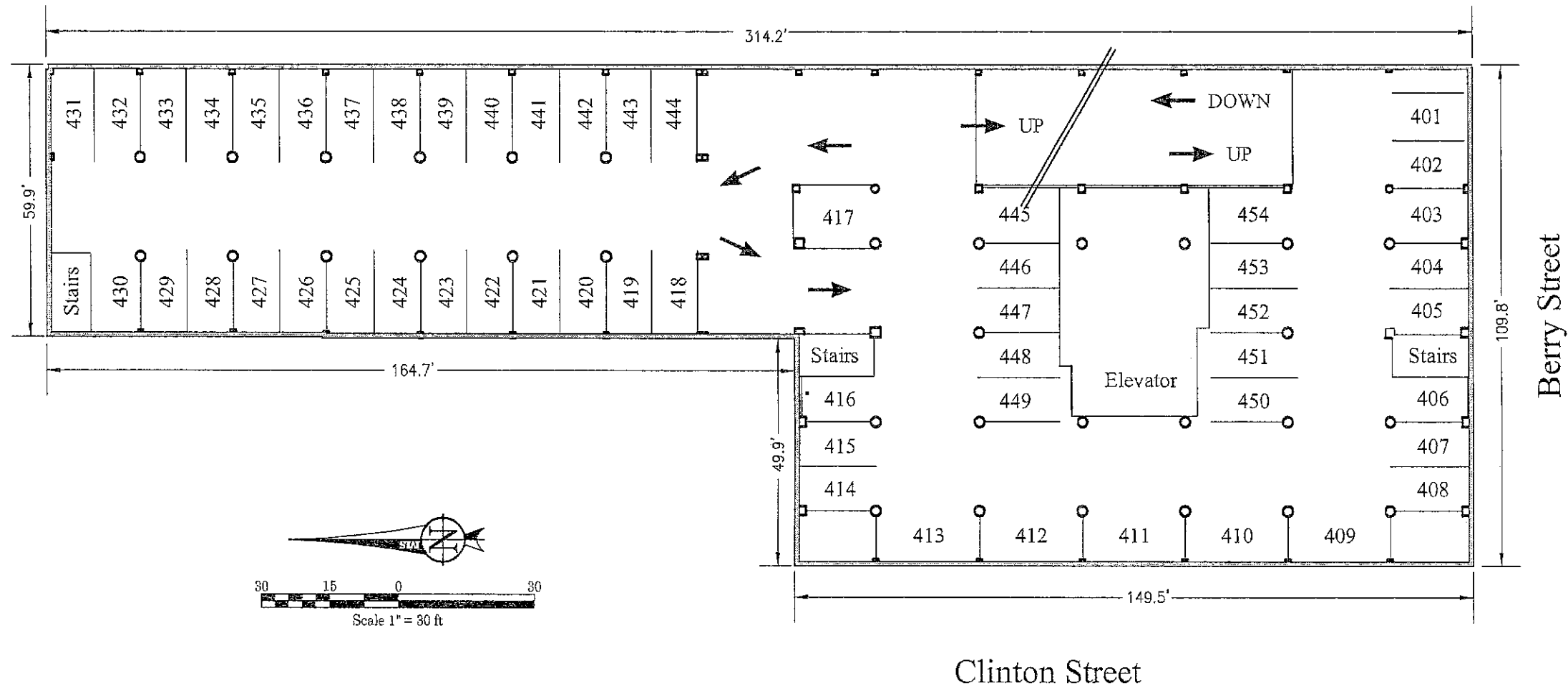
*Brett R. Miller*  
Brett R. Miller, PLS 20300059



# AWB CONDOMINIUM

## 4th Floor

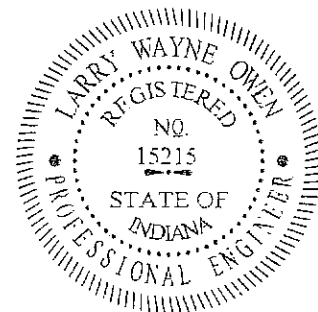
2012062475  
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JOHN MCGAULEY  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN



### Certification

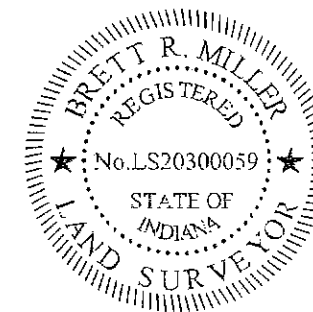
I Larry W. Owen certify that I am a Engineer licensed in compliance with the laws of the State of Indiana; that to the best of my knowledge, information and belief all information shown hereon is true and accurate:

*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



**EXHIBIT B**

**ARCHITECT'S VERIFIED STATEMENT FOR AMENDMENT NO. 2  
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. 2 to the Declaration and Plans of AWB Condominium accurately depict the location, layout and dimensions of Condominium Units 1401, 1404, 1405, 1407, 1501, 1504, 1505 and 1507.

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:**

10/22/12      [Signature]      Ronald Dick  
Date                      Signature                      Printed Name

**Acknowledged:**

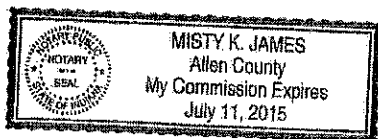
SUBSCRIBED AND SWORN before me, a Notary Public, in and for said County and State, this 22<sup>nd</sup> day of October, 2012.

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 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