

162112
TITAN TITLE SERVICES, LLC

AMENDMENT NO. 15
TO DECLARATION AND PLANS OF AWB CONDOMINIUM

THIS AMENDMENT NO. 15 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by AWB Holdings LLC ("Declarant") as of

May 3, 2016

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of certain real estate located in Allen County, Indiana and more particularly described on Exhibit A, attached to and made a part hereof by this reference (the "Real Estate"); and

WHEREAS, Declarant filed 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, as subsequently amended ("AWB Condominium Declarations"). The AWB Condominium Declarations and subsequent amendments thereto are incorporated herein by this reference.

WHEREAS, pursuant to Section 18 of the AWB Condominium Declarations, Declarant has the right to make amendments to the AWB Condominium Declarations to "correct clerical or typographical errors or to clarify Declarant's original intent"; and

WHEREAS, Declarant wishes to clarify or correct a number of matters in items 1 through 4 below; and

WHEREAS, Condominium Units 1205 and 1206 have been combined into a single unit by removing the demising wall between them 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"; and

2016023134

RECORDED: 05/11/2016 9:43:17 AM

WHEREAS, the Declaration is amended as set out in item 5 below. **ANITA MATHER**

ALLEN COUNTY RECORDER
NOW, THEREFORE, the Declaration is amended as follows: **FORT WAYNE, IN**

1. Exterior Windows.

The intent of this amendment is to clarify that, notwithstanding anything to the contrary in the AWB Condominium Declarations, the exterior windows throughout the building are not part of individual Condominium Units, but rather are part of the Building and are the property of the fee simple owner of the Building and/or the AWB Owners Association Inc. Therefore:

Section 5(b) of the AWB Condominium Declarations is amended by deleting from subsection (i) of that paragraph the references to "windows and window frames, and glass..." Therefore, Section 5(b)(i) is amended to read in its entirety as follows:

BDD01 9523669v1

AUDITOR'S OFFICE
Duly entered for taxation. Subject
to final acceptance for transfer.

May 11 2016

TERA K. KLUTZ
AUDITOR OF ALLEN COUNTY

AMENDMENT NO. 15
TO DECLARATION AND PLANS OF AWB CONDOMINIUM

THIS AMENDMENT NO. 15 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by AWB Holdings LLC ("Declarant") as of

May 3, 2016

WITNESSETH:

WHEREAS, Declarant is the fee simple owner of certain real estate located in Allen County, Indiana and more particularly described on Exhibit A, attached to and made a part hereof by this reference (the "**Real Estate**"); and

WHEREAS, Declarant filed 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, as subsequently amended ("AWB Condominium Declarations"). The AWB Condominium Declarations and subsequent amendments thereto are incorporated herein by this reference.

WHEREAS, pursuant to Section 18 of the AWB Condominium Declarations, Declarant has the right to make amendments to the AWB Condominium Declarations to "correct clerical or typographical errors or to clarify Declarant's original intent"; and

WHEREAS, Declarant wishes to clarify or correct a number of matters in items 1 through 4 below; and

WHEREAS, Condominium Units 1205 and 1206 have been combined into a single unit by removing the demising wall between them 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"; and

WHEREAS, the Declaration is amended as set out in item 5 below.

NOW, THEREFORE, the Declaration is amended as follows:

1. Exterior Windows.

The intent of this amendment is to clarify that, notwithstanding anything to the contrary in the AWB Condominium Declarations, the exterior windows throughout the building are not part of individual Condominium Units, but rather are part of the Building and are the property of the fee simple owner of the Building and/or the AWB Owners Association Inc. Therefore:

Section 5(b) of the AWB Condominium Declarations is amended by deleting from subsection (i) of that paragraph the references to "windows and window frames, and glass..." Therefore, Section 5(b)(i) is amended to read in its entirety as follows:

5(b) Appurtenances. Each Condominium Unit shall consist of all space within the boundaries thereof, including but not limited to: (i) the drywall, wall paneling, wood, tile, paint, paper, carpeting, or any other wall, ceiling, or floor covering, shutters, awnings, doorsteps, stoops, and interior doors and door frames...

Further, Section 6(a) is amended by adding to item (viii) therein at the beginning thereof, "building exterior windows and window frames, and glass, as well as..." Therefore, Section 6(a)(viii) is amended, by inserting the language underlined below, to read in its entirety as follows:

6(a) Description. "Common Areas" mean ... (viii) building exterior windows and window frames, and glass, as well as floors, roofs and exterior perimeter walls of the Building, except to the extent the same are otherwise classified and defined herein as part of a Condominium Unit...

2. Pipes, etc. which service only one Condominium Unit.

The intent of this amendment is to clarify that pipes, ducts, electrical wiring and conduits and public utility lines which service only one Condominium Unit are the property of the individual Condominium Unit owner which they service, even if they are located within an area of another Condominium Unit (most frequently the latter's ceiling). And that an owner of an individual Condominium Unit has an easement for use, maintenance, repair, and installation thereof. Therefore:

Section 5(b) of the AWB Condominium Declarations is amended by adding in item (iii) after the words "and located therein", "(or, if not located therein, but required to provide such services to the single individual Condominium Unit, even if located within the area of another Condominium Unit or in a Common Area)..." Therefore, Section 5(b)(iii) is amended, by inserting the language underlined below, to read in its entirety as follows:

5(b) Appurtenances. Each Condominium Unit shall consist of all space within the boundaries thereof, including but not limited to... (iii) any heating and refrigerating elements or related equipment, utility lines and outlets, electrical and plumbing fixtures, pipes, and all other related equipment required to provide heating, air conditioning, hot and cold water, electrical, or other utility services to the Condominium Unit and located therein, (or, if not located therein, but required to provide such services to the single individual Condominium Unit, even if located within the area of another Condominium Unit or in a Common Area), including those located within the unfinished walls, ceilings, and floors; provided, however, that a Condominium Unit shall not include any of the structural components of the Building or utility or service lines located within the Condominium Unit but serving more than one Condominium Unit.

Section 9(a) of the AWB Condominium Declarations is amended by deleting the words "other common facilities" in the first and second sentences thereof, and inserting instead "other facilities whether they be common facilities or facilities which service only an individual Condominium Unit..." Therefore, Section 9(a) is amended, by inserting the language underlined below, to read in its entirety as follows:

9(a) General. Each Owner shall have an easement in common with each other Owner to use all pipes, wires, ducts, cables, conduits, utility lines and other facilities whether they be common facilities or facilities which service only an individual Condominium Unit located in any of the other Condominium Units and serving such Owner's Condominium Unit. Each Owner shall have the right of ingress and egress for the repair, maintenance and installation of said pipes, wires, ducts, cables, conduits, utility lines and other facilities whether they be common facilities or facilities which service only an individual Condominium Unit to and from such Owner's Condominium Unit, with such right being perpetual and appurtenant to the ownership of the Condominium Unit. Any exercise of the easement rights granted herein shall be facilitated and supervised by the Building Manager.

Notwithstanding the foregoing, no easement or right of ingress and egress is granted to an owner of a Condominium Unit to require the owner of another Condominium Unit to allow the former to install new facilities or change the present location of such facilities.

3. Powers of the Board of Directors

The intent of this amendment is for Declarant to clarify that the power of the Board of AWB Condominium to promulgate rules and regulations shall be such that the rules shall have the same force and effect as those set out in the Declarations and Bylaws. Therefore Section 3.07(g) of the Bylaws is amended by inserting the language underlined below into that section, as follows:

3.07 (g) to promulgate, adopt, revise, amend and alter from time to time such additional rules and regulations with respect to use, occupancy, operation and enjoyment of the Property, including, without limitation, the Common Areas (in addition to those set forth in the Declaration) as the Board, in its discretion, deems necessary or advisable, and such rules and regulations shall have the same force and effect as if they were adopted in the Declarations or these Bylaws; provided, however, that copies of any such additional rules and regulations so adopted by the Board of Directors shall be promptly delivered or mailed to all Owners, and further provided that such rules and regulations are not in conflict with any terms and provisions of the Declaration

4. Correction of errors in prior Amendments to Declarations

The intent of the following amendments is to correct typographical and clerical errors which appeared in prior Amendments to this Declaration, as follows:

- a. In Amendment No. 4, dated January 29, 2013, the Usable Square Footage of Unit 1001 set out in Section of Amendment No. 4 is amended to 1489 square feet;
- b. In Amendment No. 11, dated February 6, 2015, the Usable Square Footage of Unit 600 set out in Section 3 of Amendment No. 11 is amended to 8016 square feet;
- c. The total Usable Square Footage of the Building as set out in all the Amendments is deemed to be 91,631 square feet, as set out in Exhibit B attached hereto.
- d. In Amendment Nos. 3 and 10, dated December 4, 2012 and February 2, 2015, respectively, the Amended Site Plan attached to each as Exhibit A set out incorrect square feet for Condominium Units 801 and 804. Therefore:
 - (a) The amended site plan attached as Exhibit C accurately shows the location, layout and dimensions of Condominium Units 801, 802, 804, 805, and 807 as certified in the Architect's Verified Statement for Amendment No. 15 to AWB Condominium attached as Exhibit E to this Amendment and incorporated into and made a part of the Declaration.
 - (b) The total Usable Square Footage of the Building is deemed to be 91,631 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 deemed to be 1463 square feet; (ii) Unit 802 is deemed to be 1190 square feet; (iii) Unit 804 is deemed to be 1491 square feet; (iv) Unit 805 is deemed to be 1700 square feet; and (v) Unit 807 is deemed to be 1254 square feet.
 - (c) In all other respects, Amendment Nos. 3 and 10 remain unchanged.

5. Combination of Condominium Units 1205 and 1206

- a. Amendment No. 1 to the Declaration sets out the location, layout and dimensions of the Condominium Units on floor 12 of the Building, including Condominium Units 1205 and 1206.
- b. Declarant affirms that Condominium Units 1205 and 1206 have been combined into Unit 1205 which has been reconstructed and built out as shown on the amended site plans for said Condominium Unit, which site

plans are attached as Exhibit D to this Amendment. The combined units are now known as Condominium Unit 1205.

- c. The amended site plan attached as Exhibit D accurately shows the location, layout and dimensions of Condominium Unit 1205 as certified in the Architect's Verified Statement for Amendment No. 15 attached as Exhibit E to this Amendment and incorporated into and made a part of this Declaration.
- d. The total Usable Square Footage of the Building is deemed to be 91,631 square feet. For purposes of calculating the Percentage Interest (as defined in the Declaration) of the subject Condominium Unit, the Usable Square Footage of Condominium Unit 1205 is 1700 square feet.
- e. Pursuant to Section 7(b) of the Declaration, the numbered Parking Spaces (as defined in the Declaration) assigned to Condominium Unit 1205 are 204 and 416B.
- f. In all other respects, Amendment No. 1 to the Declaration remains unchanged.

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be executed the day and year first above written.

AWB HOLDINGS, LLC

By: 

Printed Name: John M. Nichols

Title: Manager

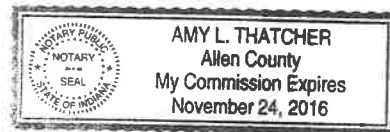
"Declarant"

STATE OF INDIANA)
)
COUNTY OF ALLEN) SS:

Before me, a Notary Public in and for said County and State, personally appeared John M. Nichols, as the Manager of AWB Holdings, LLC, an Indiana limited liability company, and who acknowledged the execution of the foregoing "Amendment No. 15 to Declaration and Plans of AWB Condominium" on behalf of said limited liability company.

Witness my hand and Notarial Seal this 3rd day of May, 2016
Amy L. Thatcher
Amy L. Thatcher, Notary Public

My Commission Expires: 11/24/16
My County of Residence: Allen



This instrument prepared by: Paul O. Sauerteig, Attorney at Law, Snow & Sauerteig, 203 E. Berry St., Suite 1100, Fort Wayne Indiana 46802. Attorney No. 1581-02.

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: Paul O. Sauerteig

Exhibit A
Legal Description

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL I:

Lots Numbered 1,2,3,4,5,6 and 7 in Nicholas T. Rue's Subdivision of Lot 97 in the Original Plat of the Town (now City) of Fort Wayne, according to the plat thereof, as recorded in Deed Record H, page 499, in the Office of the Recorder of Allen County, Indiana, excepting therefrom the West 10 feet thereof appropriated for the widening of Clinton Street by Declaratory Resolution 552-1926. Together with Lot Numbered 96 in the original plat of the Town (now City) of Fort Wayne as recorded in Deed Record D, page 169, in the Office of the Recorder of Allen County, Indiana.

PARCEL II:

A Perpetual and Exclusive Easement for Parking and ingress and egress over, above and across Lot Number 87 in the original Town (now City) of Fort Wayne as recorded in Deed Record D, page 169, in the Office of the Recorder of Allen County, Indiana.

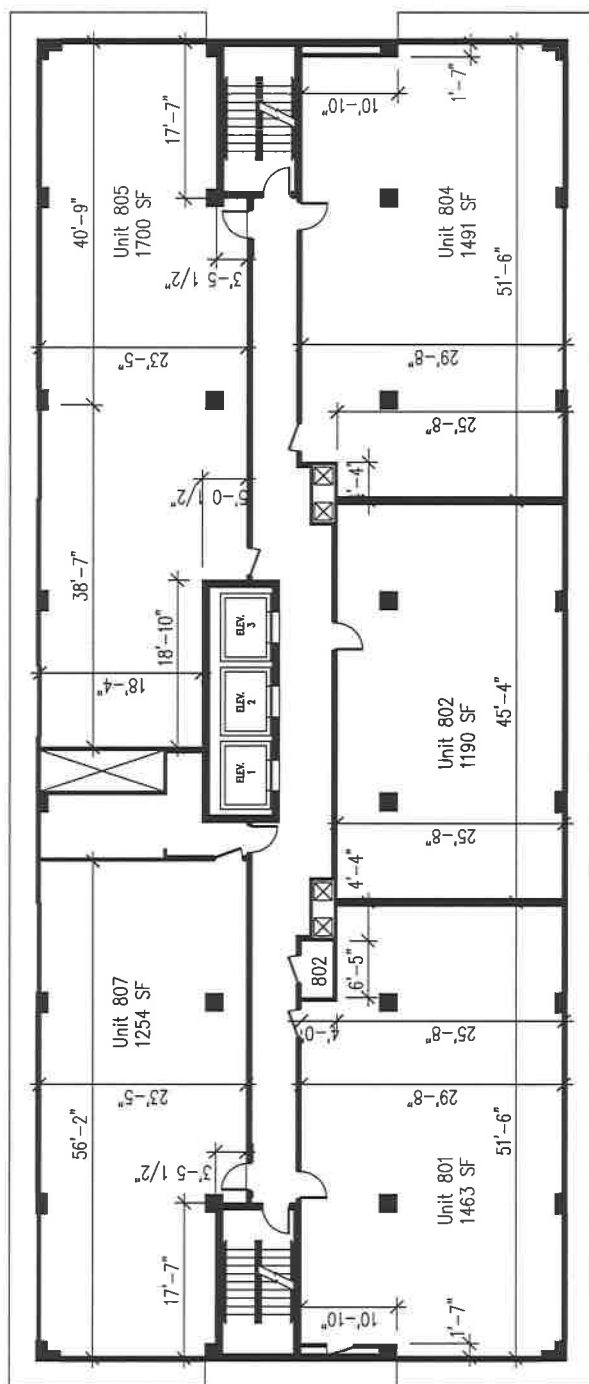
Exhibit B
Anthony Wayne Building
Usable Square Footage

Floor	Usable Square Footage
Basement	6,800
Floor 1	12,043
Floor 2	0
Floor 6	8,014
Floor 7	7,098
Floor 8	7,098
Floor 9	7,074
Floor 10	7,098
Floor 11	8,014
Floor 12	7,098
Floor 13	7,098
Floor 14	7,098
Floor 15	7,098
TOTAL	91,631

Exhibit C

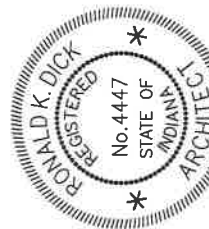
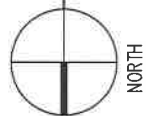
Revised 8th Floor Site Plan

(attached)



8th Floor

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



Free

AWB Condominium

203 E. Berry Street
Fort Wayne, In

Exhibit C attachment

Exhibit D

Revised 12th Floor Site Plan

(attached)

Exhibit E

Architect's Verified Statement for Site Plan of Floors 8 and 12

(attached)

EXHIBIT E

ARCHITECT'S VERIFIED STATEMENT FOR AMENDMENT NO. 15
TO DECLARATION AND PLANS OF AWB CONDOMINIUM

Pon 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. 15 to the Declaration and Plans of AWB Condominium accurately depict this location, layout and dimensions of Condominium Units 801, 802, 804, 805, 807, 1201, 1204, 1205, 1207.

The plans attached to the Declaration of AWB Condominium are an accurate representation of the plans of the buildings 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:

5/3/16
Date

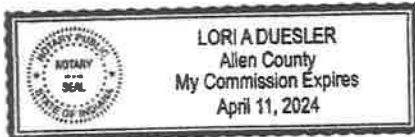
Pon Dick
Signature

Ronald Dick
Printed Name

Acknowledged:

SUBSCRIBED AND SWORN before me the Notary Public, in and for said County and State, this 3RD
Day of MAY, 2016.

Lori A Duesler
Notary Public



LORI A DUESLER
Notary Public Printed Name

A Resident of ALLEN County, Indiana

My Commission Expires APRIL 11, 2024