



**AMENDMENT NO. 17**  
**TO DECLARATION AND PLANS OF AWB CONDOMINIUM**

THIS AMENDMENT NO. 17 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by **AWB HOLDINGS, LLC** ("Declarant") as of the 9th day of November 2016.

**WITNESSETH:**

WHEREAS, Declarant is the developer of AWB Condominium, having recorded that certain Declaration of AWB Holdings, LLC in the Office of the Recorder of Allen County, Indiana ✓ as Document Number 2012022148 and Plat Cabinet G, Page 38, as amended (collectively, the "Declaration"). The Declaration and subsequent amendments thereto are incorporated herein by this reference;

WHEREAS, the Declarant has, this date, acquired title to the Appurtenant Easement (as defined in the Declaration);

WHEREAS, for purposes of clarification and avoidance of doubt, Declarant desires to amend the Declaration to subject the Appurtenant Easement to the Condominium Law of the State of Indiana, IND. CODE SECTION 32-25-1-1 *et seq.* (the "Act"), and the Declaration, notwithstanding any merger of title that may have occurred by virtue of Declarant's acquisition of the Appurtenant Easement.

NOW, THEREFORE, for and in consideration of the above recitals and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby amends the Declaration as follows:

1. The above and foregoing recitals are incorporated into this Amendment and made a part hereof as though originally set forth herein verbatim. All terms defined in the Declaration and used herein with initial capital letters shall, unless otherwise defined herein, have the respective meanings ascribed to such terms in the Declaration.
2. Declarant hereby re-affirms that the land comprising the Appurtenant Easement (a) is subject to the Act and the Declaration; and (b) remains a part of the Common Areas and Limited Common Areas as described in the Declaration notwithstanding any merger of title that may have occurred by virtue of Declarant's acquisition of the Appurtenant Easement.
3. Except as otherwise set forth above, the terms and provisions of the Declaration remain unmodified and in full force and effect. In the event of any conflict or inconsistency between the terms and provisions of this Amendment and the terms and provisions of the Declaration, the terms and provisions of this Amendment shall in all instances govern and prevail

2016061275  
RECORDED: 11/15/2016 10:52:41 AM  
ANITA MATHER  
ALLEN COUNTY RECORDER  
FORT WAYNE, IN

NOV 15 2016

JAGS K. READING

Barrett

14  
+2NC

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 17 as of the Effective Date.

AWB HOLDINGS, LLC

By: John M. Nichols  
Printed Name: John M. Nichols  
Its: Managing Member

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned, a Notary Public in and for said County and State, this 9 day of November, 2016, personally appeared John M. Nichols, the Managing Member of AWB Holdings, LLC, an Indiana limited liability company, and acknowledged the execution of the foregoing instrument on its behalf. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: 10/27/2019 Signature: Karen A. Neal

Resident of Allen County, Indiana Printed Name: Karen A. Neal  
Notary Public

THIS INSTRUMENT prepared by Joshua C. Neal, Attorney No. 23697-02, Barrett McNagny LLP, 215 East Berry Street, P.O. Box 2263, Fort Wayne, Indiana 46801-2263.

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.

Joshua C. Neal

(name printed, stamped or signed w/print)