

FIFTH AMENDMENT TO
DECLARATION OF HORIZONTAL PROPERTY OWNERSHIP
FOR
AIRPORT NORTH OFFICE PARK

THIS DECLARATION made this 12th day of January, 1995, by Airport North Office Park, an Indiana Limited Partnership, as "Declarant",

WITNESSETH

THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT A SCRIVENORS ERROR.

WHEREAS by the Declaration of Horizontal Property Ownership recorded in the office of the Recorder of Allen County, Indiana, the 18th day of November, 1986, in Condominium Plat Record 9, pages 37-57* the Declarant submitted certain real estate to the Horizontal Property Act of the State of Indiana (the "Act"), said regime being known as Airport North Office Park, and ~~93-54771~~ 93-54711 ✓

WHEREAS, site development plans for Airport North Office Park were incorporated by reference in said Declaration; and

WHEREAS, the absolute right to amend said Declaration in order to conform its provisions to the requirements of the Act is reserved in Declarant; and

WHEREAS, I.C. 32-1-613 makes specific provision for this Amendment;

NOW THEREFORE, Airport North Office Park, an Indiana Limited Partnership, Declarant, hereby amends the Declaration by adding in Article II, Condominium Units, Section 1, Description and Ownership, additional Unit H-128 to Building H, containing 12 offices, 2 restrooms and reception, utility and storage areas. Said unit in said building contains 1,984 sq.ft. and also incorporating herein the verified statement of Kenneth W. Nord, Registered Engineer, that the plan filed fully and accurately depicts the layout, location, building numbers and dimensions of the condominium unit as built in Airport North Office Park, as of the date of said verified statement. Airport North Office Park will add additional units to Building H in the future.

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

~~JULY ENTERED FOR TAXATION
JAN 27 1995
[Signature]
CLERK OF ALLEN COUNTY~~

AIRPORT NORTH OFFICE PARK

By [Signature]
J. Andrew Newton, General Partner

~~DULY ENTERED FOR TAXATION~~

FEB 15 1995

94 13412
AUDITORS NUMBER

[Signature]
AUDITOR OF ALLEN COUNTY

Allen County Recorder
[Signature]

95 JAN 27 AM 9:33

95 FEB 15 AM 9:35


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[Signature]

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, this 12th day of January, 1995, personally appeared J. Andrew Norton, by me personally known and by me known to be the General Partner of Airport North Office Park, an Indiana Limited Partnership, who executed the within and foregoing document as the free and voluntary act of said Partnership.

WITNESS my hand and notarial seal the day, month and year last above written.

My Commission Expires:
June 1, 1996


Judith A. Burdek Notary Public
A resident of Allen County, Indiana

This document prepared by: J. Andrew Norton

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STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

AFFIDAVIT

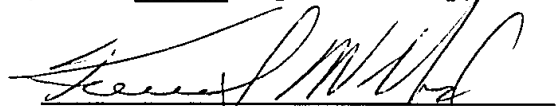
The undersigned, Kenneth W. Nord, being first duly sworn upon his oath, says:

1. That he is a duly licensed professional engineer in the State of Indiana, having been granted registration Number 15600.

2. The site development plans for Airport North Office Park, a Horizontal Property Regime in Allen County, Indiana, were recorded November 18, 1986, in Condominium Plat Record 9, pages 37-57.

3. Your Affiant says that the plan attached fully and accurately depicts the layout, location, unit number and dimensions of Building H, Unit H-128 of the condominium units as built.

Further Affiant sayeth naught, this 17th day of January, 1995.

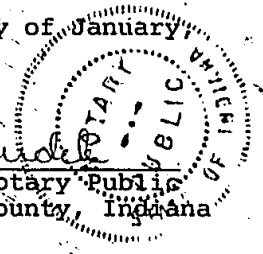

Kenneth W. Nord

Before me, a Notary Public in and for said County and State, personally appeared Kenneth W. Nord and averred that the contents of the within and foregoing Affidavit were true and, in the presence of the undersigned, signed said Affidavit.

WITNESSETH my hand and notarial seal this 17th day of January, 1995.

My Commission Expires:
June 1, 1996


Judith A. Burdek Notary Public
A resident of Allen County, Indiana



DOCUMENT PREPARED BY: J. ANDREW NORTON

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LEGAL DESCRIPTION

Part of the Northeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, located within the Airport North Office Park Horizontal Regime, as recorded and described in Exhibit "C", Document 86-047972, being more particularly described as follows:

Commencing at a 1/2" rebar at the Northeast Corner of said Section 15; thence North 90 degrees 00 minutes 00 seconds West (deed bearing and basis for this description), along the North Line of said Section 15, also being the Centerline of Cook Road, a distance of 1,900.34 feet; thence South 09 degrees 10 minutes 33 seconds East, along the Easterly Line of a 0.85 acre Tract, a distance of 210.45 feet to a PK nail at the Southeast corner of said 0.85 acre tract, said point being the Point of Beginning of this description; thence along a regular curve to the right having a radius of 350.00 feet, an arc distance of 326.59 feet, the chord of which bears South 76 degrees 10 minutes 47 seconds East, a distance of 314.86 feet to a PK nail; thence along a regular curve to the left having a radius of 200.00 feet, an arc distance of 65.49 feet, the chord of which bears South 58 degrees 49 minutes 46 seconds East, a distance of 65.20 feet to a PK nail; thence South 68 degrees 12 minutes 37 seconds East, a distance of 10.00 feet to a PK nail on the centerline of an existing Roadway; thence South 21 degrees 47 minutes 23 seconds West a distance of 24.98 feet along said Roadway centerline to a PK nail; thence continuing along said centerline along a regular curve to the right having a radius of 469.93 feet an, arc distance of 164.75 feet, the chord of which bears South 32 degrees 26 minutes 21 seconds West, a distance of 163.91 feet to a PK nail on said centerline; thence continuing along said centerline along a regular curve to the right having a radius of 211.36 feet, an arc distance of 53.44 feet, the chord of which bears South 51 degrees 36 minutes 36 seconds West, a distance of 53.30 feet to a PK nail at the intersection of said Roadway and the centerline of a Roadway from the Northwest; thence North 49 degrees 03 minutes 31 seconds West along said centerline from the Northwest, a distance of 159.52 feet to a PK nail on said Centerline; thence continuing along said centerline, along a regular curve to the right having a radius of 336.94 feet, an arc distance of 237.33 feet, the chord of which bears North 29 degrees 43 minutes 17 seconds West, a distance of 232.46 feet to a PK nail on the Southerly Line of said 0.85 acre tract; thence along said Southerly line being a regular curve to the right having a radius of 350.00 feet, an arc distance of 4.00 feet, the chord of which bears North 77 degrees 07 minutes 25 seconds East, 4.00 feet, to the Point of Beginning, containing 1.56 acres (68,023 square feet), more or less, subject to all Legal Highway Rights-of-Way and Easements of record.

This property is within Zone "X" (areas determined to be outside the 500-year flood plain) as defined by the FIRM (Flood Insurance Rate Map) for the City of Fort Wayne, Indiana, Community No. 180003, Panel 0145 D, dated September 28, 1990.

Survey No. 95WS134
Dated January 13, 1995
RK Karst & Associates

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Surveyor's Report

1.56 Acre Tract Airport North Office Horizontal Regime Office Building H-128 & H-129

In accordance with Title 865, Article 1, Rule 12, Section 1 through 29 of the Indiana Administrative Code, the following report is submitted regarding the various uncertainties in the locations of the lines and corners established on this parcel as a result of:

- a) Variances in the reference monuments;
- b) Discrepancies in the record descriptions and plats;
- c) Inconsistencies in lines of occupation;
- d) Random Errors in Measurement (Theoretical Uncertainty);

The Theoretical Uncertainty due to random errors in measurement of the corners of this survey is within the specifications for a Class C Survey (0.50 feet) as defined in IAC 865.

This is a resurvey of a 1.56 acre tract to show the location of additional office buildings situated on this parcel.

Building H-128 is being transferred at this time. The same parcel was surveyed September 24, 1993 when the adjoining building H-129 was transferred.

The same 1.56 acre parcel was surveyed by Michael E. Ruff and dated January 17, 1991.

All monumentation (PK nails) located and noted on this survey are the same as used on the earlier survey.

Micheal E. Ruff states in the earlier survey that the Office Park Geometrics Plan was used as control but when conflicts arose the centerline of existing pavement was held. He also notes variations between the Geometrics Plan and pavement of 4 feet in an East-West direction.

As a result of the above findings, "it is my opinion that the uncertainties in the locations of the lines and corners of this surveyed parcel are as follows:

| | |
|---|------------------------|
| Due to Variances in reference monuments: | 4' in an e/w direction |
| Due to Discrepancies in the record description: | None |
| Due to Inconsistencies in lines of occupation: | None |

This property is within Zone "X" (areas determined to be outside the 500-year flood plain) as defined by the FIRM (Flood Insurance Rate Map) for the City of Fort Wayne, IN, Community No. 180003, Panel No. 0145 D, dated September 28, 1990.

Survey No. 95WS134
Dated January 13, 1995
RK Karst & Associates

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RICHARD KARST, L.S.
NO. 8-0581

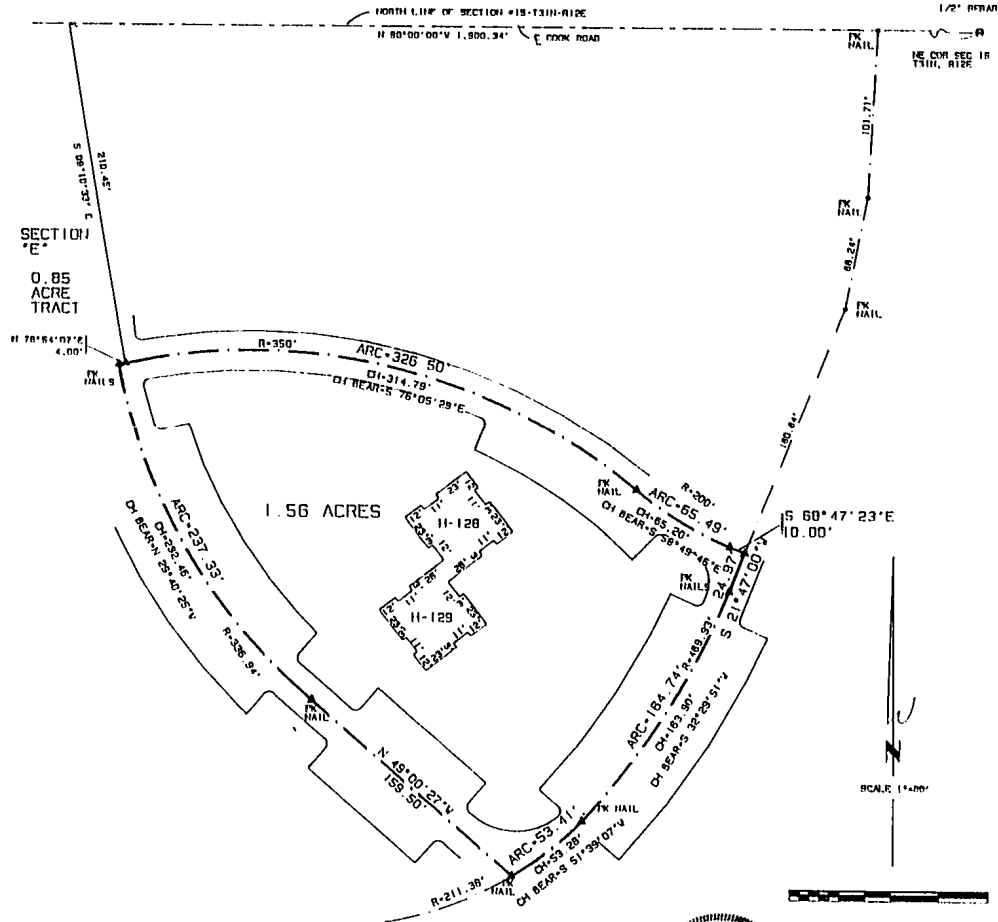
RK KARST & ASSOCIATES

728 FULTON STREET
FORT WAYNE, IN 46802
219-420-3311

CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made and monuments perpetuated as shown, in conformity with the record thereof in the office of the Recorder of Allen County, Indiana.
No encroachments existed, except as noted. The description of the real estate is as follows, to wit: See attached

This property is within Zone "X" (arens determined to be outside the 500-year flood plain) as defined by the Firm (Flood Insurance Rate Map) for the City of Fort Wayne Indiana, Community No. 180003 Panel No. 0145 D, dated September 28, 1990.



Job No. 95WS134

For: Andrew Norton

IN WITNESS WHEREOF, I hereunto place my hand and

seal this 13th day of January, 1995

I hereby certify that to the best of my knowledge and belief this plat represents a survey conducted by myself in accordance with Title 865 IAC 1-12-1 thru 24

Richard K. Karst

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