

ALLEN RECORDER

1 EAST MAIN STREET
FT WAYNE, IN 46802

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RECORDED: 02/06/2015 4:00:39 PM

**ANITA MATHER
ALLEN COUNTY RECORDER
FORT WAYNE, IN**

COVER PAGE

AMENDMENT NO. 13
TO DECLARATION AND PLANS OF AWB CONDOMINIUM

THIS AMENDMENT NO. 13 TO DECLARATION AND PLANS OF AWB CONDOMINIUM ("Amendment") is made by AWB Holdings, LLC ("Declarant") as of

~~December 29, 2014.~~

February 6, 2015

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 wishes to amend the Declaration and, particularly, Amendment Number 4 to Declaration and Plans of AWB Condominium recorded January 29, 2013, as Document number 2013005270;

WHEREAS, Declarant wishes to amend the Declaration as set forth below; and

WHEREAS, Condominium Units 1002 and 1004 have been combined into a single unit 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 1002 and 1004 have been combined into Unit 1004 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 A to this Amendment. The combined units are now known as Unit 1004.
2. The amended site plan attached as Exhibit A accurately shows the location, layout and dimensions of Condominium Unit 1004 as certified in the Architect's Verified Statement for Amendment No. 13 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 Unit 1004 is 2,655 square feet.
4. Pursuant to Section 7(b) of the Declaration, the numbered Parking Space(s) (as defined in the Declaration) assigned to Condominium Unit 1004 are 409, 410, and 411.
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

AUDITING
Duty entered
Subject to final
acceptance for transfer

FEB -6 2015

27+1K
John K. K...
RECORDER OF ALLEN COUNTY

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
Managing Member

State of Indiana)
) SS:
County of Allen)

Before me, a notary public in and for said county and state, on the 6th day of February, ~~2014~~²⁰¹⁵, 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:

Karen Ann

, Notary Public

Resident of



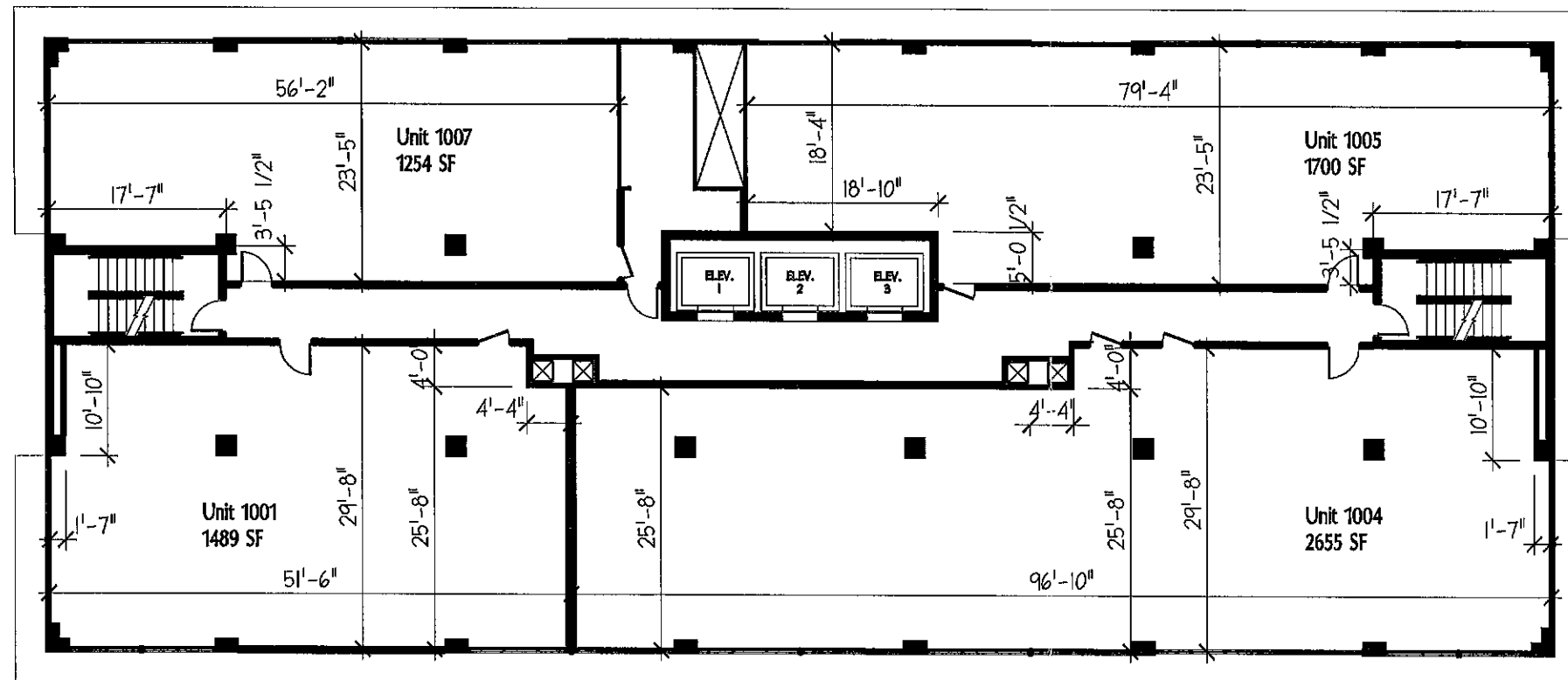
Karen Ann McMaken, Notary Public
Allen County, State of Indiana
My Commission Expires 02/27/2016

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

**10th Floor Site Plan
(attached)**



10th Floor

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



John F. Dick

AWB Condominium

203 E. Berry Street
Fort Wayne, In

EXHIBIT B

**Architect's Verified Statement
(attached)**

EXHIBIT B

**ARCHITECT'S VERIFIED STATEMENT FOR AMENDMENT NO. 13
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. 13 to the Declaration and Plans of AWB Condominium accurately depict the location, layout and dimensions of Condominium Units 1001, 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:

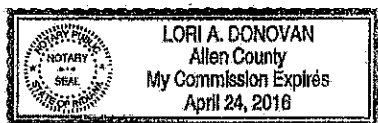
12/23/14
Date

[Signature]
Signature

Ronald K. Dick
Printed Name

Acknowledged:

SUBSCRIBED AND SWORN before me, a Notary Public, in and for said County and State, this 23RD day of DECEMBER, 2014.



[Signature]
Notary Public
Lori A. Donovan
Notary Public Printed Name

A Resident of Allen County, Indiana.

My Commission Expires APRIL 24, 2016