

95-022443

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

THIS DECLARATION made this 23rd day of May, 1995, by Airport North Office Park, an Indiana Limited Partnership, as "Declarant",

## WITNESSETH

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

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 Units H-126 and H-127 to Building H, each containing 12 offices, 2 restrooms and reception, utility and storage areas. Said units in said building each contain 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 units as built in Airport North Office Park, as of the date of said verified statement.

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

AIRPORT NORTH OFFICE PARK

DULY ENTERED FOR TAXATION

MAY 30 1995

  
RECORDER OF ALLEN COUNTYBy   
J. Andrew Norton, General Partner95 3008  
AUDITORS NUMBER16  
ck  
BY

9522443

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, a Notary Public in and for said County and State, this 23rd day of May, 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



Prepared By: Gloria J. Morones

9522443

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

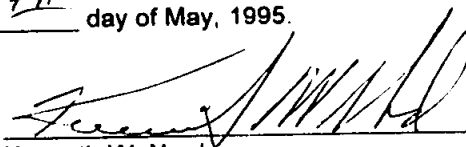
AFFIDAVIT

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 numbers and dimensions of Building H, Units H-126 and H-127 of the condominium units as built.
4. Your Affiant says that the elevations pertaining to the condominium units H-126 and H-127 as built in Airport North Office Park are as follows:

Building H-126	Floor Elevation - 834.09	Ceiling Height - 8'0"
Building H-127	Floor Elevation - 834.09	Ceiling Height - 8'0"

Further Affiant sayeth naught, this 24th day of May, 1995.

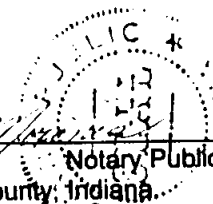
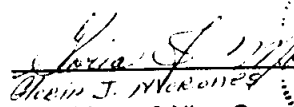
  
Kenneth W. Nord

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 23 day of May, 1995.

My Commission Expires:

March 28, 1996

  
  
Notary Public  
A resident of Allen County, Indiana

9522443

RICHARD KARST, L.S.  
No. 80081

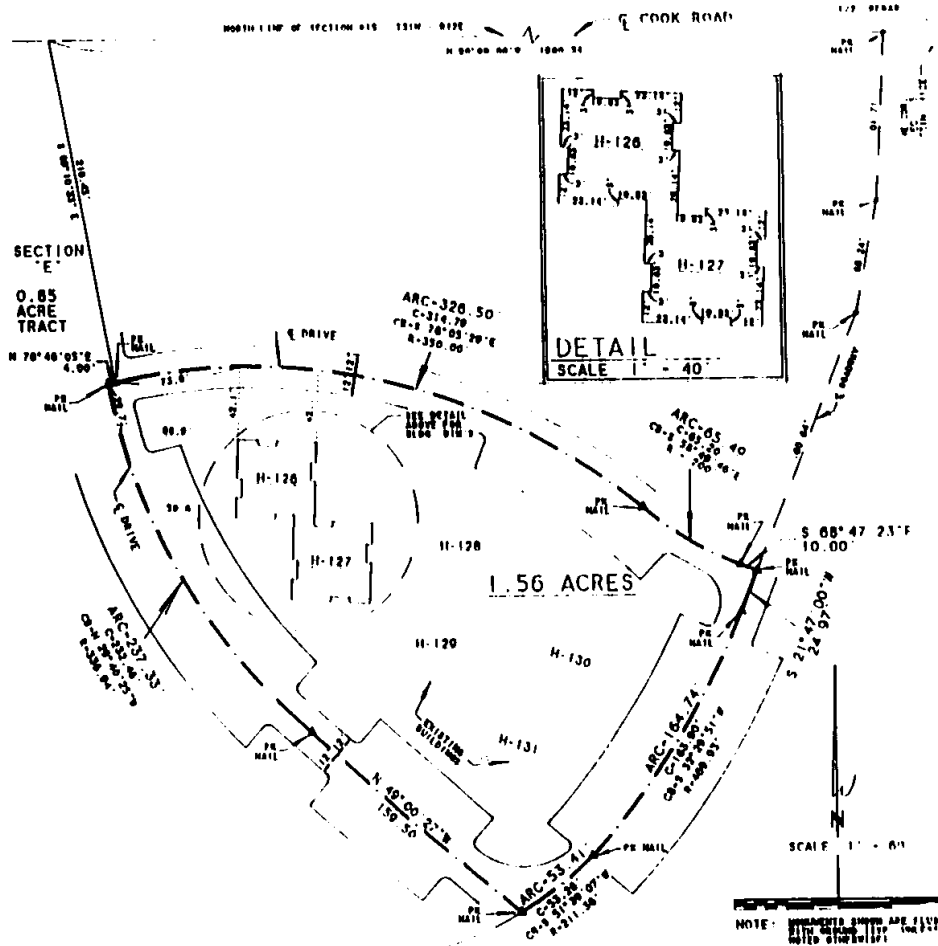
# RK KARST & ASSOCIATES

725 FULLON STREET  
FORT WAYNE, IN 46802  
219-426-7370

## CERTIFICATE OF SURVEY

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a re-survey of the real estate depicted and described below. Measurements were made and monuments perpetuated as shown, in conformity with the record filed 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 "1" (as 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. 180001 Panel No. 0145 D dated September 28, 1990.



Job No. 95WS169

For J. Andrew Norton

Date of fieldwork

August 10, 1991

September 21, 1991

January 9, 1995

March 22, 1995

IN WITNESS WHEREOF, I hereunto place my hand and

and on the 13th day of January, 1995

I, the undersigned, certify that to the best of my knowledge and belief, this plat represents a survey conducted by myself in accordance with Title 36, Art. 1, Sec. 1, Ind. Code.

*Richard K. Karst*

9522443

## 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. 95WS169  
Dated March 28, 1995  
RK Karst & Associates

9522443

**Surveyor's Report**

**1.56 Acre Tract Airport North Office Horizontal Regime  
Office Building H-126 & H-127**

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-126 and H-127 are being completed at this time. The same parcel was surveyed September 24, 1993 when the adjoining building H-129 was completed and January 13, 1995 when the adjoining building H-128 was completed.

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. 95WS169  
Dated March 28, 1995  
RK Karst & Associates

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