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JK

91-002460

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

THIS DECLARATION made this 11th day of January, 1991, 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 " a sixth  
building containing Building H, Units H-130 and H-131, 24 offices, 4  
restrooms and reception, utility and storage areas. Each unit in said  
building containing 1,984 square feet," 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. 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.

DULY ENTERED FOR TAXATION

JAN 22 1991

James K. Bloom  
AUDITOR OF ALLEN COUNTY

AIRPORT NORTH OFFICE PARK

INSTRUMENT Y 10824

By J. Andrew Norton, General Partner

Allen County Recorder

91 JAN 22 AM 8:40

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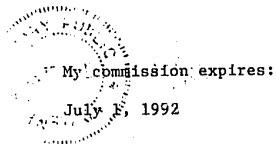
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STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

Before me, a Notary Public in and for said County and State, this  
10th day of January, 1991, 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 fore-  
going document as the free and voluntary act of said Partnership.

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



*Margaret S. Drake*  
Margaret S. Drake Notary Public  
a resident of Allen County, IN

Edward J. Moppert  
HOFFMAN, MOPPERT, WRAY & RICHARDS  
1212 Anthony Wayne Building  
Fort Wayne, IN 46802  
Telephone: (219) 423-3331  
Attorney I. D. #9293-02

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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, Units H-130 and H-131 of the condominium units as built.

Further Affiant sayeth naught, this 11<sup>th</sup> day of January 1991

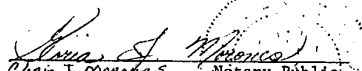
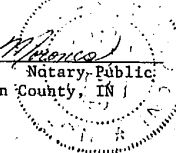
  
Kenneth W. Nord

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 11<sup>th</sup> day of January, 1991.

My Commission expires:

March 28, 1992

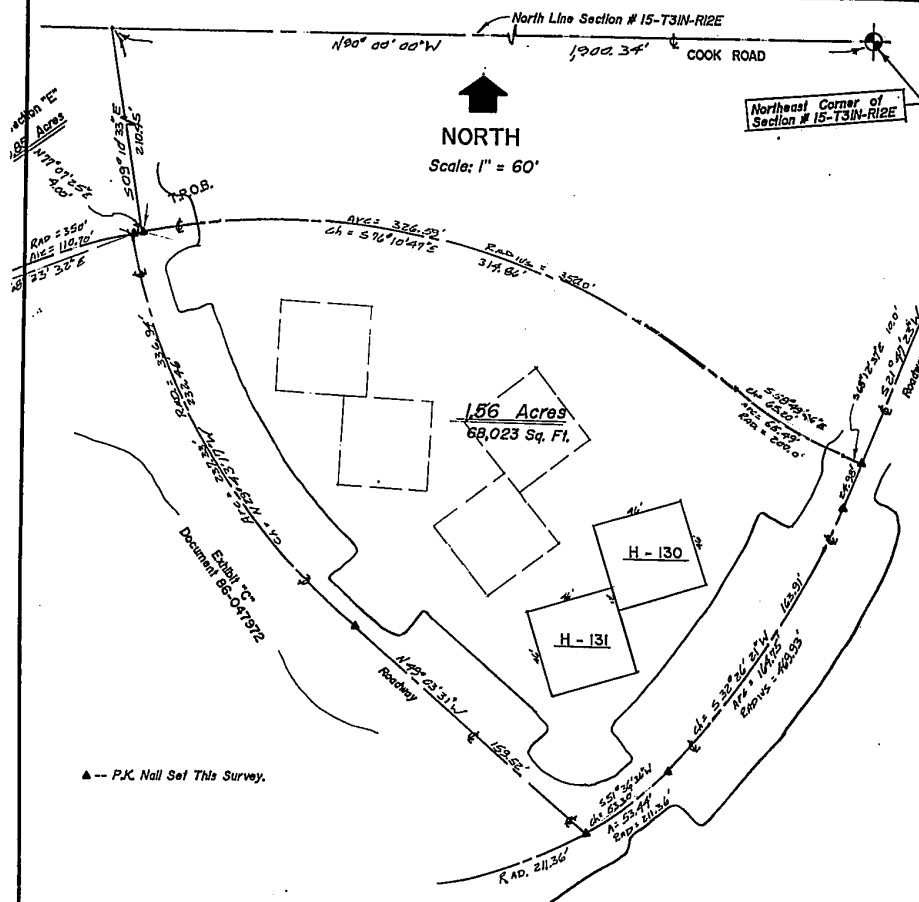
  
Owen J. Monaghan  
Notary Public  
a Resident of Allen County, IN  


This instrument was prepared by Edward J. Moppert, Attorney at Law, 1212 Anthony Wayne Building, Fort Wayne, IN 46802

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Gensic & Associates  
civil engineering & surveying  
311 Airport North Office Park  
Fort Wayne, Indiana 46825



▲ -- P.K. Nail Set This Survey.

I hereby Certify that to the best of my knowledge, information and belief this drawing represents a Survey made by me of Airport North Office Park Horizontal Regime Condominium Units H-130 and H-131 completed on 17 January 1991.

*Michael E. Ruff*  
Michael E. Ruff, Registered Land Surveyor  
No. ENL 8600123 State of Indiana  
18 January 1991

( Sheet One of Two )

Section 15	Twp. 31 N	Range 12 E	Survey For Airport North Office Park c/o J. Andrew Norton 101 Airport North Office Park Fort Wayne, Indiana 46825
Date: FEB, JANUARY 1991	Drawn By: M.E. RUFF		
Book No: "File"	File No: AJ-15-001-1990		

m.g.

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#### DESCRIPTION

A part of the Northeast Quarter of Section # 15, Township 31 North, Range 12 East (Washington Civil Township), Allen County, Indiana, located within the Airport North Office Park Horizontal Regime, as recorded and described in Exhibit "C", Document 86-047972, said part described as follows:

Commencing at the Northeast Corner of said Section # 15; thence North 90°00'00" West [Base Bearing], along the North Line of said Section # 15, also being the Centerline of Cook Road, a distance of 1,900.34 feet; thence departing said North Line, South 09°10'33" East, along the Easterly Line of a 0.85 acre Tract, a distance of 210.45 feet to a P.K. Nail at the Southeast Corner of said 0.85 acre Tract, said point being the True Point of Beginning of this description; thence along the arc of a 350.00 feet Radius curve to the right an arc distance of 326.59 feet, the chord of which bears South 76°10'47" East, 314.86, feet; thence along the arc of a 200.00 feet Radius curve to the left, an arc distance of 65.49 feet, the chord of which bears South 58°49'46" East, 65.20 feet; thence South 68°12'37" East, 10.00 feet, to a P.K. Nail set on the Centerline of an existing Roadway from the North; thence South 21°47'23" West, along said Roadway Centerline, 24.98 feet, to a P.K. Nail Set; thence continuing on said Centerline along the arc of a 469.93 feet Radius Curve to the right, an arc distance of 164.75 feet, the chord of which bears, South 32°26'21" West, 163.91 feet, to a P.K. Nail set on said Centerline; thence continuing on said Centerline along the arc of a 211.36 feet Radius curve to the right, an arc distance of 53.44 feet the chord of which bears South 51°36'36" West, 53.30 feet, to a P.K. Nail set on the intersection of said Roadway and the Centerline of a Roadway from the Northwest; thence North 49°03'31" West along said Centerline from the Northwest, 159.52 feet, to a P.K. Nail set on said Centerline; thence continuing on said Centerline along the arc of a 336.94 feet Radius curve to the right, an arc distance of 237.33 feet, the chord of which bears North 29°43'17" West, 232.46 feet, to a P.K. Nail set on the Southerly Line of said 0.85 acre Tract; thence along said Southerly Line along the arc of a 350.00 feet radius curve to the right an arc distance of 4.00 feet, the chord of which bears North 77°07'25" East, 4.00 feet, back to the True Point of Beginning, containing 1.56 Acres ( 68,023 square feet ), subject to all Legal Highway Rights-of-Way and Easements of record.

**Flood Statement:** According to the City of Fort Wayne Map # S-16, the above described 1.56 Acre Tract is NOT in a Special Flood Hazard Area.

REF: file # A7 - 15 - 001 - 1990

( Sheet Two of Three )

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## Surveyor's Report

*In accordance with Title 864, Article 1.1, Chapter 13, Sections 1 through 34 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this Survey as a result of:*

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

The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this Survey is within the specifications for a Class A Survey (0.10 feet) as defined in I.A.C. 864.

The subject tract is a portion of the Airport North Office Park Horizontal Regime, as recorded in Document # 86-047972, Allen County Recorder's Office.

The North Line of Section # 15 was used as established during a Survey made by me in April of 1990 of units E-116, E-117 and E-118 to the Northwest of the subject tract as shown on the attached drawing. The Southeast Corner of said 0.85 acre Tract was also used and is contiguous to the Northwesterly end of the subject tract. No variations were found in this previous Survey during this Survey.

The lines of the subject tract were established by using information from the Office Park Geometrics Plan and when conflicts occurred the Centerline of existing pavements were used. Park geometric data regarding curves was used throughout the subject tract. Variations noted during this Survey were about 4.0 feet East-West.

On January 17, 1991 building corners of units H-130 and H-131 were checked and their positions noted as shown on the attached drawing. Additional units are dashed in on the subject tract drawing, but have not been constructed as of this date.

REF: file # A7 - 15 - 001 - 1990

*As a result of the above observations, it is my opinion that the uncertainties in the locations of the lines and corners established on this Survey are as follows:*

*Due to Variances in reference monuments: NONE ( See April 1990 Report) for this Tract.*

*Due to Discrepancies in the record description:*

*± 4.00 feet East-West.*

*Due to Inconsistencies in the lines of occupation: None Noted.*

( Sheet Three of Three )

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