

90-016753

90 MAY -2 AM 10:58
ALLEN COUNTY RECORDER

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

THIS DECLARATION made this 1st day of May 1990, 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 fifth building containing Building E, 36 Offices, 6 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.

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 2 1990

Jack Bloom
AUDITOR OF ALLEN COUNTY

By: *[Signature]*
D. Andrew Norton, General Partner

INSTRUMENT Y 1987

Commonwealth Box

1250
OK

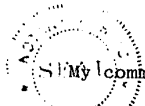
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STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State,
this 1st day of May 1990, personally appeared 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:

July 1, 1992

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

Margaret S. Drake
Margaret S. Drake, Notary Public
A Resident of Allen County, IN

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STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

AFFIDAVIT

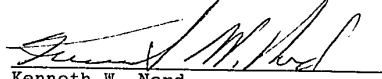
The undersigned, Kenneth W. Nord, being first duly sworn upon his oath, says:

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.

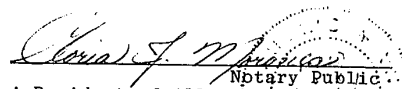
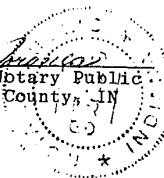
3. Your Affiant says that the plan attached fully and accurately depicts the layout, location, unit number and dimensions of Building E of the condominium units as built.

Further, Affiant sayeth naught, this 1st day of May 1990.


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 1st day of May 1990.


Notary Public
A Resident of Allen County, IN


My commission expires:

March 22, 1992

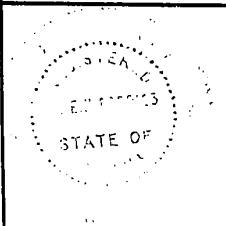
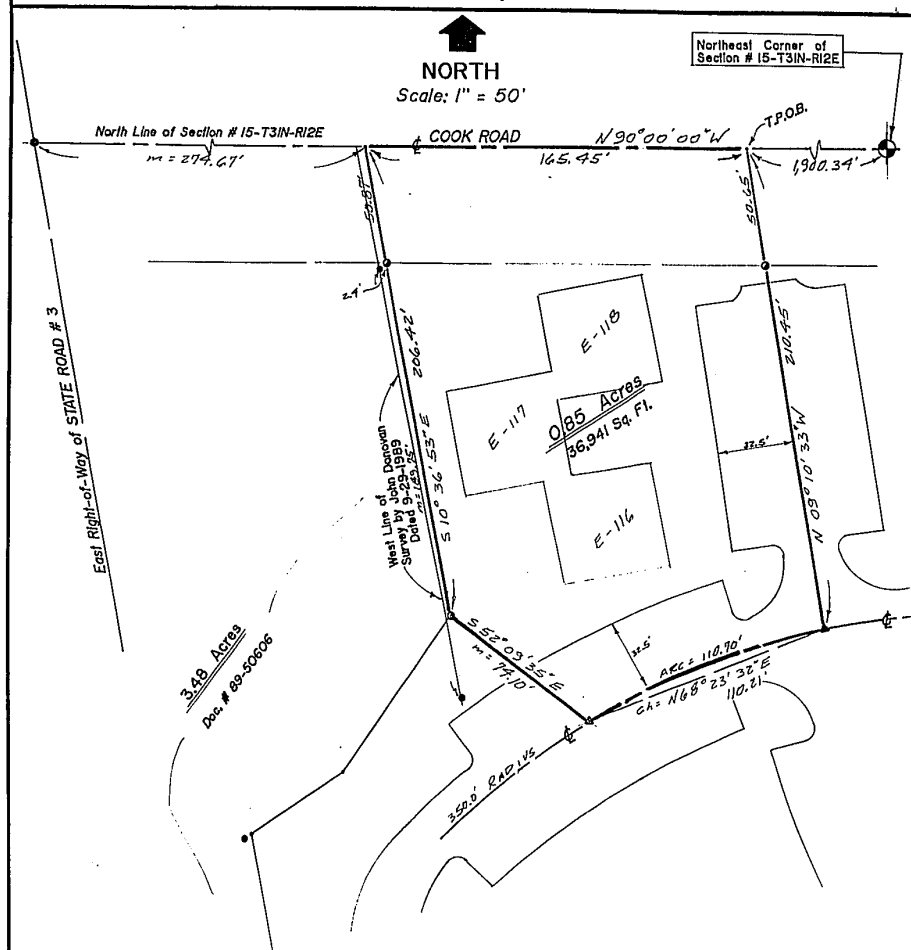
This instrument was prepared by Edward J. Moppert, Attorney at Law, 1212 Anthony Wayne Bank Building, Fort Wayne, Indiana 46802.

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



I hereby certify that to the best of my knowledge, information and belief this drawing represents a Survey made by me completed on 18 April 1990.

Michael E. Ruff
Michael E. Ruff, Registered Land Surveyor
No. ENL 8600123 State of Indiana
20 April 1990

(Sheet One of Three)

Section 15	Twp. 31N	Range 12E	Survey For Airport North Office Park c/o J. Andrew Norton 101 Airport North Office Park Fort Wayne, Indiana 46825
Date: 18 APRIL, 1990			
Drawn By: M. E. RUFF			
Book No: "FILE"			
File No: A7-15-001			

PLC

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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, to the True Point of Beginning of this description; thence continuing North 90°00'00" West, along said North Line and Centerline, a distance of 165.45 feet, to the Northeast Corner of Land conveyed by Document # 89-50606; thence South 10°36'53" East, along the East Line of said Land conveyed by Document # 89-50606, a distance of 206.42 feet; thence departing said Land conveyed by Document # 89-50606, South 52°09'35" East, 74.10 feet measured, (Exhibit "B" = 73.18 feet, Exhibit "C" = 76.31 feet), to a P.K. Nail set on the Centerline of an existing Drive; thence along the arc of a 350.00 foot radius curve to the right, an arc distance of 110.70 feet, the chord of which bears, North 68°23'32" East, 110.21 feet, to a P.K. Nail set on the Centerline of an existing Drive from the North; thence North 09°10'33" West, along the Centerline of said existing drive and its Northerly extension, a distance of 210.45 feet, back to the True Point of Beginning, containing 0.85 Acres (36,941 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 0.85 acre Tract is NOT in a Special Flood Hazard Area.

(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 Northeast Corner of Section # 15 was re-established by using the remaining Allen County Witness marker for North-South and the existing points found along the East Line of Airport North Office Park, measuring deed distance of 1,044.20 East to establish the East-West position of said Northeast Corner. This method checks a P.K. Nail found on the East Right-of-Way Line of State Road # 3. This P.K. Nail found was used for the Centerline of Cook Road and North Line of Section # 15.

The Northeast Corner of the subject tract was established on the Northerly extension of a Drive for a Parking Area, on the previously established North Line of Section # 15.

The Northwest Corner of the subject tract was established at Deed distance given in Doc. # 89-50606, of 2,065.79 feet West from the Northeast Corner of Section # 15. In Doc. # 86-047972, this distance is given as 2,068.47 feet [Exhibit "C"], causing an uncertainty of ± 2.68 feet East-West with a Survey made by John R. Donovan on September 29, 1989 for preparation of Doc. # 89-50606. Since Mr. Donovan's Survey was most recent I agreed with dimensions used by him along the Section Line, to prevent any Deed overlaps/gores. The West Line the subject tract established this Survey does not agree with Mr. Donovan's Line by 2.47 feet on the Section Line (East-West). It is possible that Mr. Donovan used the dimensions in Doc. # 86-047972, to set his stakes and used other information to prepare his drawing.

The West Line of the subject tract was established by using the $100^{\circ}30'40''$ deflection angle from the park geometrics plan.

The Southeast Corner of the subject tract was established by intersecting the previously used Parking Area Drive Centerline with the Drive Centerline coming from the Southwest. The Southern most line of the subject tract was established at the chord distance of 110.21 feet as shown on said geometrics plan. The line remaining measures 74.10 feet which is about an average of the (2) dimensions given in Doc. # 86-047972 Exh. "B" = 73.18 feet Exh "C" = 76.31 feet.

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: ± 2.47 feet East-West & ± 2.53 feet North-

Due to Discrepancies in the record description: - South.

3.13 feet variation on Southwesterly Line of subject tract. ± 2.68 feet East-West.

Due to Inconsistencies in the lines of occupation: NONE

(Sheet Three of Three)

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