

WATER'S EDGE II CONDOMINIUM

This Fourth Amended Declaration of Water's Edge II Condominium, is made and executed this 14th day of June, 1986 by Ronald J. Killion, Declarant, and as President, Water's Edge II Homeowner's Association, Inc.

WITNESSETH THAT:

✓ WHEREAS, that certain Declaration of Expandable Condominium dated April 30, 1985 and recorded April 30, 1985 as Instrument Number 170094 in the office of the Recorder of Monroe County, Indiana, in Book 156 at pages 518 to 590, and

WHEREAS, said Declaration was subsequently amended by First Amended Declaration of Water's Edge II, Phase I, Section II Expansion duly filed for record on August 1, 1985 in Book 159 at pages 122 to 132, and the Second Amended Declaration of Water's Edge II, Phase II, Section I Expansion, duly filed for record on April 4, 1986 in Book 165 at pages 345 to 357, and Third Amended Declaration of Water's Edge II, Phase II, Section II Expansion duly filed for record on June 13, 1986 in Book 167 at pages 210-222, all in the Office of the Recorder of Monroe County, Indiana, and

WHEREAS, the By-laws of Water's Edge II Homeowner's Association, Inc. appear as Exhibit B to said Declaration, and provide in Article VIII for amendment to said By-laws by a vote of 75% in common interest of all unit owners, and

WHEREAS, certain proposed amendments having been voted upon and adopted by 75% in common interest of all unit owners of Water's Edge II;

NOW THEREFORE, the By-laws of Water's Edge II Homeowner's Association, Inc. are hereby amended in the following particulars:

1. Article III, Section 8, Powers and Duties is hereby amended by adding the following the additional subparagraph:

- (p) Notwithstanding any other provision of these By-laws, the Board of Administrators shall have the power to further amend these By-laws at any regular or special meeting for the purpose of accommodating the requirements of the mortgagee.

2. Article III, Section 9, Managing Agent is amended and reads as follows:

The Board of Administrators for the Condominium may engage the services of any person, firm, or corporation to act as managing agent, for a term not to exceed three years, at a compensation established by the Board to perform such duties and services as the Board of Administrators shall authorize, including, but not limited to, the duties listed in subdivisions (a), (c), (d), (f), (j), (k), (m), (n), (o) of Section 8 of this Article III. Any such engagement shall specify the right of the Board of Administrators to terminate the engagement on 90 days notice. The Board may delegate to the managing agent, all of the powers granted to the Board of Administrators by these By-laws, other than the powers set forth in subdivision (b), (e), (g), (h), (i) and (l) of Section 8 of this Article III. Such managing agent may be a corporation or partnership which is an affiliate of Declarant.

3. Article VI, Section 2, Payment of Common Expenses is amended by adding the following additional paragraph:

In the event a first mortgagee is required to pay taxes or Homeowner's Association assessments on the common area, the Board of Administrators on behalf of the Homeowner's Association, shall reimburse the first mortgagee within ten (10) days of notice of such payment. The cost of reimbursement shall be assessed to all unit owners as a special assessment.

4. Article VI, Section 16, Right of Access is hereby amended by adding the following language:

A unit owner shall grant a right of access to his unit to a person authorized by the Board of Administrators or the managing agent for the purpose of making an inspection as required by a mortgagee or prospective mortgagee; provided that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the unit owner.

The undersigned person executing this Fourth Amended Declaration to Water's Edge II on behalf of the Water's Edge II Homeowners Association, Inc., represents and certified that he is the duly elected President of the Water's Edge II Homeowner's Association, Inc., that he has been fully empowered by proper resolution of the Board of Directors of Water's Edge II Homeowner's Association, Inc. to execute this Fourth Amendment to the Declaration; that written consent to the proposed amendment has been obtained from 75% in common interest of all unit owners at Water's Edge II; as President of the Association, the undersigned has full capacity to make this Fourth Amendment to the Declaration; and that all corporate action necessary for the making of this Fourth Amendment to the Declaration has been taken and done.

In witness whereof, the undersigned has hereunto set his hand and seal this 19th day of June, 1986.

RONALD J. KILLION, Declarant

By Ronald J. Killion
Ronald J. Killion

WATER'S EDGE II HOMEOWNER'S ASSOCIATION, INC.

By Ronald J. Killion
Ronald J. Killion, President

Attest:

Ben A. Beard
Ben A. Beard, Secretary

STATE OF INDIANA
SS:
COUNTY OF MONROE

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, this 19th day of June, 1986, the above named Ronald J. Killion and acknowledged the execution of the foregoing Fourth Amended Declaration of Water's Edge II Condominium to be his true and correct act and deed. WITNESS my hand and notarial seal.

Kimberly K Herrmann
Notary Public residing in
Monroe County
KIMBERLY K HERRMANN
Printed Name

My Commission expires:
3/22/88

This Instrument Prepared By:
Michael L. Carmin
COTNER, ANDREWS, MANN & CHAPMAN
Attorneys at Law
528 North Walnut Street
P. O. Box 2478
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(812) 332-6556

✓ **RECORDED** ✓
A.M. 7:26 P.M. _____
N JUN 20 1986
✓ Original of Instrument
RECORDER MONROE CO., IND. ✓

193110

BOOK 171 PAGE 523

FIFTH AMENDED DECLARATION
OF
WATER'S EDGE II CONDOMINIUM
PHASE II, SECTION III EXPANSION

Filed for Record November 25, 1986
Recorded in Misc. Book 171,
Pages 523 through 536,
In the Office of the Recorder
of Monroe County, Indiana
Instrument Number 193110

Consisting of 14 Pages,
Number 1 through 5,
and
Exhibits A through E.

RECORDED
✓ A.M. _____ P.M. 11:51 ✓

N

NOV 25 1986

Virginia R. Hudson

✓ RECORDER MONROE CO. IND. ✓

Prepared By

Michael L. Carmin, Attorney at Law
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