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SIXTH AMENDED DECLARATION  
OF  
WATER'S EDGE II CONDOMINIUM  
PHASE II, SECTION IV EXPANSION

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Pages \_\_\_\_\_ through \_\_\_\_\_,  
In the Office of the Recorder  
of Monroe County, Indiana  
Instrument Number \_\_\_\_\_

Consisting of 15 Pages,  
Number 1 through 6,  
and  
Exhibits A through E.

Prepared By

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SIXTH AMENDED DECLARATION  
OF  
WATER'S EDGE II CONDOMINIUM  
PHASE II, SECTION IV EXPANSION

THIS SIXTH AMENDED DECLARATION, and the exhibits which are attached hereto and made a part hereof, are made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 1987, by KILLION & LANGLEY PARTNERSHIP, (hereinafter called the "Declarant"), for its successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph 30 of that certain Declaration of Expandable Condominium for Water's Edge II Phase I Section I Condominium duly filed for record on April 30, 1985, in Book 156, at pages 518-590 as Instrument No. 170094, the First Amended Declaration of Water's Edge II Condominium, Phase I, Section II Expansion, duly filed for record on August 1, 1985, in Book 159, at pages 122-132, the Second Amended Declaration of Water's Edge II Condominium, Phase II, Section I Expansion, duly filed for record on April 4, 1986, in Book 165, at pages 345-357, the Third Amended Declaration of Water's Edge II Condominium, Phase II, Section II Expansion, duly filed for record on June 13, 1986 in Book 167, at pages 210-222, the Fourth Amended Declaration of Water's Edge II Condominium, duly filed for record on June 20, 1986 in Book 167, at pages 429-431, and the Fifth Amended Declaration of Water's Edge II Condominium Phase II, Section III Expansion, duly filed for record on November 25, 1986 in Book 171, at pages 523-536, all in the Office of the Recorder of Monroe County, Indiana.

Statement of Purposes

By Declaration of Expandable Condominium dated April 30, 1985, and recorded April 30, 1985, as Instrument No. 170094 in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as the "Declaration"), the Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, and created the condominium form of ownership with respect to an initial two (2) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of twelve (12) separate Units, all as more particularly described in paragraph 5 of said Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real estate designated as the "Development Area" and the approximate boundary of which was described in Exhibit "F" to said Declaration and thereby to add additional or new Units to said Condominium. The Declarant now wishes to add to the "Present Condominium Area" the real property described in

paragraph 2 below, and the Condominium Units which have been constructed thereon, which such real estate is presently a part of the "Development Area" referred to in the Declaration, thereby adding New Units and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration.

NOW, THEREFORE, the Declarant, for the purposes hereinafter set forth, pursuant to the provisions set forth in paragraph 30 of the Declaration hereinabove described, and in accordance with and by means of the powers therein reserved or conferred upon it, hereby amends and supplements said Declaration in the following respects:

1. Definitions. The definitions used and set forth in the Declaration shall be applicable to this Sixth Amended Declaration; provided, however, (i) the term "Property" or "Condominium Property" shall for all purposes now be deemed to include the real property added hereby as Phase II, Section III, and references to Units and Common Areas and Facilities shall include the New Units and New Common Areas and Facilities as described and set forth herein.

2. Declaration. Declarant hereby expressly declares that the real property described in and identified on Exhibit "A", attached hereto, and the Buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall be and hereby become a part of the Water's Edge II Condominium as if such had originally been included in the Declaration; and the same shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and Rules and Regulations, as adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto being incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I and Phase II Property. Paragraph 4 of the Declaration, the First Amended Declaration, the Second Amended Declaration, the Third Amended Declaration, and the Fifth Amended Declaration shall be deemed amended, and are hereby amended, so that henceforth the Condominium Property shall consist of the Phase I, Section I property described in the Declaration, and the Phase I, Section II property described in Exhibit "A" of the First Amended Declaration, the Phase II, Section I property described in Exhibit "A", of the Second Amended Declaration, the Phase II, Section II property described in Exhibit A of the Third Amended Declaration, the Phase II,

Section III property described in the Fifth Amended Declaration and the Phase II, Section IV property described in Exhibit A attached hereto (a composite description of the Phase I, Section I, Phase I, Section II, Phase II, Section I, Phase II, Section II, Phase II Section III, and Phase II Section IV real property being as described and identified in Exhibit "B", attached hereto and made a part hereof).

4. Description of Buildings. Paragraph 5 of the Declaration as amended by the First Amended Declaration, the Second Amended Declaration, the Third Amended Declaration, and the Fifth Amended Declaration is hereby amended to reflect the addition of Buildings and Units as herein set forth:

Water's Edge II Phase II, Section IV will consist of one (1) multi-unit residential building. The Building is designated as "Z", as shown on the Master Site Plan, a copy of which is attached hereto and made a part hereof as Exhibit "C", which such Master Site Plan further shows the location of each Building on the real property described in Exhibit "A" attached hereto, and its location with respect to every other Building thereon. The Building contains a total of ten (10) separate new Units consisting of one (1) basic floor plan type designated by the legend on the Plans and Specifications, attached hereto as Exhibit "D", as floor plan type 2FA (900 square foot, two-bedroom flat).

The number of stories in the Building, the number of Units and the type of Units and basements are as follows:

<u>Building Designation</u>	<u>Number of Units by Type</u>	<u>Total Units in Building</u>	<u>Basement</u>	<u>Stories</u>
Z	10 type 2FA	10	None	2

Said multi-unit Building and the New Units located therein are more particularly described and defined in the Plans and Specifications of said Building, a copy of which Plans and Specifications is attached hereto and made a part thereof as Exhibit "D", showing all particulars of the Building, including the layout, number of stories, the number of rooms, the location, Building designation, New Unit numbers and dimensions of the New Units. Such Plans bear the verified statement of Smith, Quillman and Associates, certifying that said Plans are actual copies of portions of the Plans of the Building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of the Building. For a more particular description of the Building reference is hereby made to the Plan and Specifications filed herewith as Exhibit "D".

5. Description of Units/Percentage Interest in Common Areas and Facilities. Paragraph 6 of the Declaration, the First Amended Declaration, the Second Amended Declaration, the Third Amended Declaration, and the Fifth Amended Declaration are hereby amended to reflect the addition of New Units and New Common Areas and Facilities in the manner set forth herein:

The Unit designations of each Condominium Unit, both Existing Units and New Units, the approximate area, number of rooms and other data concerning its proper identification are set forth in Exhibit "E", attached hereto and made a part hereof. The percentage interest of each Unit, both Existing Units and New Units in the Common Areas and Facilities (both Existing Common Areas and Facilities and New Common Areas and Facilities) are based upon the adjusted square footage of each Condominium Unit (both Existing Units and New Units), as shown on said Exhibit "E", attached hereto, in relationship to the total adjusted square footage of all Units. The percentage interest appurtenant to each Unit, based upon the Aggregate Units and the Aggregate Common Areas and Facilities, are as specified on said Exhibit "E" attached hereto.

The percentage interest in the Aggregate Common Areas and Facilities are calculated on the basis as set forth in paragraph 6 and paragraph 30(c) of the Declaration, and this reallocation is accomplished as follows:

(a) Declarant, to the extent necessary, hereby exercises all rights of revocation conferred upon it by the Declaration by all Unit Owners of Existing Units, and thereby divests such Existing Unit Owners of that portion of that Unit's share in the Existing Common Areas and Facilities which must be allocated to the New Units to attain the percentage interest in the Aggregate Common Areas and Facilities in each New Unit as shown on the aforesaid Exhibit "E".

(b) Declarant, to the extent necessary, hereby exercises all powers of attorney reserved by it and hereby grants, conveys and sets over to each Owner of each Existing Unit that share in the New Common Areas and Facilities which is necessary to attain for each Existing Unit the share in the Aggregate Common Areas and Facilities shown in the aforesaid Exhibit "E".

The New Units added hereby shall be designated for purposes of identification in connection with all conveyances of the same as being a part of "Water's Edge II Phase II, Section IV".

6. Acceptance and Ratification. The acceptance of a deed of conveyance, or the act of occupancy of any Units, whether Existing Units or New Units, shall constitute an agreement that the provisions of this Sixth Amended Declaration, the Fifth Amended Declaration, the Third Amended Declaration, the Second Amended Declaration, the First Amended Declaration, the Declaration, the Act, the By-Laws, and any Rules and Regulations adopted pursuant thereto, as each may be amended from time to time, are accepted and ratified by such Owner, tenant or occupant, and such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in any Unit or the Condominium Property as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

7. Floor Plans. The Plans and Specifications setting forth the layout, location, identification number, building designation and dimensions for all the New Units and the Property identified in this Sixth Amended Declaration are incorporated into the Declaration, are added to the Plans heretofore filed with the Declaration, and have been filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File No. 3 on AUGUST 18, 1986, at pages 61.

Except as set forth herein, the Declaration and all Exhibits hereto shall remain in full force and effect.

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

KILLION & LANGLEY PARTNERSHIP

By:

Charles W. Langley  
Charles W. Langley

Ronald J. Killion  
By Ben A. Beard

By:

as his Attorney-in-Fact  
Ronald J. Killion, By  
Ben Beard, Attorney-in-fact

STATE OF INDIANA)  
                                  ) SS:  
COUNTY OF MONROE)

Before me, a Notary Public in and for said County and State,  
personally appeared Charles W. Langley and Ben Beard  
(Attorney-in-fact for Ronald J. Killion), by me known, who  
acknowledged the execution of the above and foregoing  
Declaration.

WITNESS my hand and Notarial Seal, this 23<sup>rd</sup> day of  
July, 1987.

My Commission Expires:

June 3, 1989

Erma D. Harrelld  
Erma D. Harrelld, Notary Public  
A Resident of Monroe County, IN



## EXHIBIT A

WATER'S EDGE II, PHASE II, SECTION IV

A part of Section 22, Township 7 North, Range 1 West in Monroe County, Indiana, being more particularly described as follows:

Commencing at the southwest corner of the northeast quarter of said Section; thence North 89 degrees 46 minutes 58 seconds West along the south line of said northwest Quarter Section 9.76 feet to an intersection with a nontangent curve, said intersection being on the easterly boundary of Woodridge Phase IV (instrument #127093 in Horizontal Plat Book 2, page 65, Office of the Recorder), said point also being the point of beginning, the radius point of said curve being North 76 degrees 32 minutes 47 seconds East 90.00 feet from said intersection, said curve having a central angle of 5 degrees 13 minutes 17 seconds; thence northerly along said curve 8.20 feet; thence North 8 degrees 13 minutes 54 seconds West 88.42 feet to a tangent curve concave to the east, the radius point of which bears North 81 degrees 46 minutes 06 seconds East 90.00 feet; thence northerly along said curve 43.30 feet; thence North 19 degrees 20 minutes 12 seconds East 44.91 feet; thence North 73 degrees 51 minutes 52 seconds East 116.88 feet to the westerly line of Parcel VI of the Pointe Golf Course (Deed Record 292, pages 484-485, office of the Recorder); thence along the west line of said Golf Course South 10 degrees 20 minutes 46 seconds East 358.03 feet to a point on the west line of Water's Edge II, Section I of Phase I (as recorded in Horizontal Plat Book 2, page 279, in the office of the Recorder); thence the next two (2) courses being along the west and north boundary of said Water's Edge II: (1) North 15 degrees 58 minutes 27 seconds West 140.89 feet; (2) South 75 degrees 09 minutes 56 seconds West 136.96 feet to the east line of said Woodridge Phase IV; thence along the east line of said Woodridge Phase IV North 14 degrees 50 minutes 04 seconds West 37.88 feet to a tangent curve concave to the east, the radius point of which bears North 75 degrees 09 minutes 56 seconds East 90.00 feet, said curve having a central angle of 1 degree 22 minutes 51 seconds; thence northerly along said curve 2.17 feet to the point of beginning, containing 0.747 acre, more or less.



## EXHIBIT B

WATER'S EDGE II, PHASE I, SECTIONS I and II and  
PHASE II, SECTIONS I through IV

A part of Section 22, Township 7 North, Range 1 West, in Monroe County, Indiana, being more particularly described as follows:

COMMENCING at an existing stone marking the northeast corner of the southwest quarter of said section; thence North 89 degrees 46 minutes 58 seconds West along the north line of said southwest quarter section 9.76 feet to an intersection with a nontangent curve, said intersection being on the easterly boundary of Woodridge Phase IV (Instrument #127093, Horizontal Plat Book 2, page 65, office of the Recorder), said point also being the point of beginning, the radius point of said curve being North 76 degrees 32 minutes 47 seconds East 90.00 feet from said intersection; said curve having a central angle of 5 degrees 13 minutes 17 seconds; thence northerly along said curve 8.20 feet; thence North 8 degrees 13 minutes 54 seconds West 88.42 feet to a tangent curve concave to the east, the radius point of which bears North 81 degrees 46 minutes 06 seconds East 90.00 feet; thence northerly along said curve 43.30 feet; thence North 19 degrees 20 minutes 12 seconds East 44.91 feet; thence North 73 degrees 51 minutes 52 seconds East 116.88 feet to the westerly line of Parcel VI of the Pointe Golf Course (Deed Record 292, pages 484-485, office of the Recorder); thence along the west line of said Golf Course South 10 degrees 20 minutes 46 seconds East 358.03 feet to a point on the west line of Water's Edge II, Section I of Phase I (as recorded in Horizontal Plat Book 2, page 279, in the office of the Recorder); thence South 53 degrees 07 minutes 48 seconds West 45.00 feet; thence North 90 degrees 00 minutes 00 seconds West 70.39 feet; thence South 14 degrees 50 minutes 04 seconds East 14.96 feet; thence South 22 degrees 14 minutes 09 seconds West 172.16 feet; thence North 89 degrees 25 minutes 05 seconds East 157.01 feet to the west line of said Golf Course Parcel VI; thence the next two (2) courses being along said west line: (1) South 8 degrees 21 minutes 16 seconds East 115.00 feet; (2) South 21 degrees 42 minutes 31 seconds West 105.47 feet to the southeast corner of the Woodridge Expansion Area (Exhibit "F", Miscellaneous Record 103, page 334, office of the Recorder); thence the next two (2) courses being said boundary: (1) North 67 degrees 26 minutes 02 seconds West 129.00 feet; (2) North 88 degrees 22 minutes 37 seconds West 300.00 feet; thence North 4 degrees 53 minutes 15 seconds West 214.78 feet; thence North 4 degrees 23 minutes 02 seconds West 4.41 feet; thence North 7 degrees 23 minutes 02 seconds West 94.41 feet; thence North 16 degrees 22 minutes 36 seconds West 205.36 feet; thence South 69 degrees 47 minutes 33 seconds East 79.84 feet; thence South 57 degrees 04 minutes 39 seconds East 136.98 feet; thence North 88 degrees 16 minutes 07 seconds East 55.00

feet; thence South 41 degrees 40 minutes 52 seconds East 93.27 feet to the southerly boundary of said Woodridge Phase IV; thence the next three (3) courses being along the southerly and easterly boundary; (1) South 85 degrees 04 minutes 49 seconds East 74.41 feet; (2) North 75 degrees 09 minutes 57 seconds East 30.40 feet; (3) North 14 degrees 50 minutes 04 seconds West 157.50 feet to a tangent curve concave to the east, having a central angle of 1 degree 22 minutes 51 seconds and a radius of 90 feet; thence northerly along said curve 2.17 feet to the point of beginning, containing 4.987 acres more or less.

## EXHIBIT C

MASTER SITE PLAN  
WATER'S EDGE II, PHASE II, SECTION IV EXPANSION

The Master Site Plan for Water's Edge II, Phase II, Section IV, dated June 9, 1987, prepared by Stephen L. Smith, Registered Land Surveyor, entitled "Master Site Plan - Water's Edge II, Phase II, Section IV" and consisting of one (1) sheet, which was attached to this Sixth Amended Declaration at the time it was filed for record is duly filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 3 as Instrument Number 205-181. Said Master Site Plan is incorporated herein by reference as though fully set out herein.

## EXHIBIT D

PLANS AND SPECIFICATIONS  
WATER'S EDGE II, PHASE II, SECTION IV EXPANSION

The Plans and outline specifications for Water's Edge II, Phase II, Section IV more particularly described in the architectural and related drawings for Water's Edge II, Phase II, Section IV were attached to this Sixth Amended Declaration at the time it was filed for record and are duly filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 3, at pages 62-65, reference to which is hereby made, and said Plans and outline specifications as so filed are incorporated herein by reference as though fully set out herein.

## EXHIBIT E

WATER'S EDGE II, PHASE I, Sections I and II and  
PHASE II, Section I, II and III

Unit Designation Building	Unit	Floor Plan	Square Footage	Percentage Interest	Address Bloomington, IN
U	U-149	1FB	640	1.376	9642 S. LakeRidge Dr.
U	U-150	3THB	1,320	2.840	9640 S. LakeRidge Dr.
U	U-151	2FA	900	1.936	9634 S. LakeRidge Dr.
U	U-152	2FA	900	1.936	9632 S. LakeRidge Dr.
U	U-153	2FA	900	1.936	9630 S. LakeRidge Dr.
U	U-154	2FA	900	1.936	9614 S. LakeRidge Dr.
U	U-155	2FA	900	1.936	9612 S. LakeRidge Dr.
U	U-156	2FA	900	1.936	9610 S. LakeRidge Dr.
U	U-157	1FB	640	1.376	9602 S. LakeRidge Dr.
U	U-158	3THB	1,320	2.840	9600 S. LakeRidge Dr.
V1	V1-159	1FA	600	1.290	9596 S. LakeRidge Dr.
V1	V1-160	1FA	600	1.290	9594 S. LakeRidge Dr.
V1	V1-161	1FA	600	1.290	9592 S. LakeRidge Dr.
V1	V1-162	1FA	600	1.290	9590 S. LakeRidge Dr.
V1	V1-163	1FA	600	1.290	9588 S. LakeRidge Dr.
V1	V1-164	1FA	600	1.290	9586 S. LakeRidge Dr.
V2	V2-165	1FA	600	1.290	9584 S. LakeRidge Dr.
V2	V2-166	1FA	600	1.290	9582 S. LakeRidge Dr.
V2	V2-167	1FA	600	1.290	9580 S. LakeRidge Dr.
V2	V2-168	1FA	600	1.290	9578 S. LakeRidge Dr.

V2	V2-169	1FA	600	1.290	9576 S. LakeRidge Dr.
V2	V2-170	1FA	600	1.290	9574 S. LakeRidge Dr.
V3	V3-171	2FA	900	1.936	9572 S. LakeRidge Dr.
V3	V3-172	2FA	900	1.936	9570 S. LakeRidge Dr.
V3	V3-173	2FA	900	1.936	9568 S. LakeRidge Dr.
V3	V3-174	2FA	900	1.936	9564 S. LakeRidge Dr.
V3	V3-175	2FA	900	1.936	9560 S. LakeRidge Dr.
V3	V3-176	2FA	900	1.936	9556 S. LakeRidge Dr.
V3	V3-177	1FA	600	1.290	9554 S. LakeRidge Dr.
V3	V3-178	1FA	600	1.290	9552 S. LakeRidge Dr.
V3	V3-179	1FA	600	1.290	9550 S. LakeRidge Dr.
W	W-123	2FB	912	1.961	9639 S. LakeRidge Dr.
W	W-124	2FB	912	1.961	9637 S. LakeRidge Dr.
W	W-125	2FB	912	1.961	9635 S. LakeRidge Dr.
W	W-126	2FB	912	1.961	9631 S. LakeRidge Dr.
W	W-127	2FB	912	1.961	9629 S. LakeRidge Dr.
W	W-128	2FB	912	1.961	9627 S. LakeRidge Dr.
W	W-129	2FB	912	1.961	9625 S. LakeRidge Dr.
W	W-130	2FB	912	1.961	9621 S. LakeRidge Dr.
Y	Y-139	3D	1,410	3.033	9567 S. LakeRidge Dr.
Y	Y-140	3D	1,410	3.033	9557 S. LakeRidge Dr.
Y	Y-141	3DA	1,830	3.936	9517 S. LakeRidge Dr.
Y	Y-142	3DA	1,830	3.936	9507 S. LakeRidge Dr.

Z	Z-143	2FA	900	1.936	9487 S. LakeRidge Dr.
Z	Z-144-A	2FA	900	1.936	9485 S. LakeRidge Dr.
Z	Z-144-B	2FA	900	1.936	9649 S. LakeRidge Dr.
Z	Z-145-A	2FA	900	1.936	9483 S. LakeRidge Dr.
Z	Z-145-B	2FA	900	1.936	9647 S. LakeRidge Dr.
Z	Z-146-A	2FA	900	1.936	9481 S. LakeRidge Dr.
Z	Z-146-B	2FA	900	1.936	9645 S. LakeRidge Dr.
Z	Z-147-A	2FA	900	1.936	9479 S. LakeRidge Dr.
Z	Z-147-B	2FA	900	1.936	9643 S. LakeRidge Dr.
Z	Z-148	2FA	<u>900</u>	<u>1.936</u>	9477 S. LakeRidge Dr.
		TOTAL	46,496	100.000	