

Jim Fielder  
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**SEVENTH AMENDED DECLARATION  
OF EXPANDABLE CONDOMINIUM FOR  
WATER'S EDGE II CONDOMINIUM**

Recorded in the Office of the Recorder  
of Monroe County, Indiana

Consisting of 4 Pages and an Exhibit

Prepared By:

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SEVENTH AMENDED DECLARATION  
OF EXPANDABLE CONDOMINIUM FOR  
WATER'S EDGE II CONDOMINIUM

THIS SEVENTH AMENDED DECLARATION is made and executed this 20th day of July, 2001, by Water's Edge II Homeowners Association, Inc. ("Association"), on behalf of the Unit Owners of Water's Edge II Condominium ("Unit Owners"), pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of Article 30(a) of the Declaration of Expandable Condominium for Water's Edge II Condominium, duly filed for record on April 30, 1985, in Miscellaneous Book 156, at pages 518 through 590, as amended from time to time, in the Office of the Recorder of Monroe County, Indiana ("Declaration").

Statement of Purposes

WHEREAS, by the Declaration, the vote of at least 75% in Common Interest of all Unit Owners may amend the Declaration.

WHEREAS, as set forth in Exhibit A to this Seventh Amended Declaration, 75% in Common Interest of all Unit Owners desire to amend the Declaration so as to grant the Board of Administrators of the Association the authority to transfer title to their wastewater collection system and lift stations.

NOW THEREFORE, the Unit Owners, pursuant to the provisions in Paragraph 30(a) of the Declaration, hereby amend said Declaration as follows:

**Partitioning.** Paragraph 13 currently prohibits partitioning of the Common Areas and Facilities. Paragraph 13 shall hereby be revised to allow for the partitioning of the wastewater collection system and lift stations, a portion of the Common Areas and Facilities. The Board of Administrators shall have the right to transfer title to the wastewater collection system and lift stations.

Paragraph 13 of the Declaration shall be amended to read as follows:

13. Partitioning.

*Except for the wastewater collection system and lift stations, neither the Common Areas and Facilities nor any individual Unit shall be divided nor shall any right to partition any thereof exist.*

*The Board of Administrators may hereafter partition the wastewater collection system and lift stations. Each Unit Owner hereby grants the Board of Administrators an irrevocable power of attorney to execute, acknowledge and record for and in the name of each Unit Owner such instruments as may be necessary to effectuate the foregoing.*

*Nothing herein contained, however, shall be deemed to prevent ownership of a Condominium Unit by more than one person, either as tenants-by-the-entirety, or tenants-in-common or in any other form by law permitted.*

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

IN WITNESS WHEREOF, the Unit Owners have caused this Seventh Amended Declaration to be executed the day and year written above.

WATER'S EDGE II HOMEOWNERS ASSOCIATION, INC.

Frank H. Husoulo President

Steve W. Smith Secretary

STATE OF INDIANA     )  
                              ) SS:     CORPORATE ACKNOWLEDGEMENT  
COUNTY OF MONROE    )

Before me, a notary public in and for said county and state, personally appeared Frank N. Hrisomalos and Steve Wendt, President and Secretary, respectively, of Water's Edge II Homeowners Association, Inc., who acknowledged the execution of the foregoing Seventh Amended Declaration, for the property known as Water's Edge II Condominium, and who, having been duly sworn, stated that the representations contained therein are true.

WITNESS my hand and seal this 20th day of July, 2001.

My Commission Expires:

1/22/07

Cynthia A. Hamstra  
Cynthia A. Hamstra, Notary Public  
Monroe County Resident

mcrsd\expansion\watersedge II\Amended Declaration

**WATER'S EDGE II HOMEOWNERS ASSOCIATION, INC.  
SECRETARY'S CERTIFICATE  
Regarding Amendment of Declaration**

I, STEVE WENDT, attest as follows:

1. I am currently serving as secretary of the Board of Administrators of the Water's Edge II Homeowners Association, Inc.

2. On JULY 20, 2001 the Unit Owners of Water's Edge II Homeowners Association, Inc. held a meeting. 75% in Common Interest of all Unit Owners voted to amend the Declaration of Water's Edge II Condominium ("Declaration") so as to allow for the partitioning of certain Common Areas and Facilities.

Steve Wendt, Secretary  
Water's Edge II Homeowners Association, Inc.

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MONROE    )

Before me, a notary public in and for said county and state, personally appeared Steve Wendt, who acknowledged the execution of the foregoing Secretary's Certificate and who, having been duly sworn, stated that the representations contained therein are true.

WITNESS my hand and seal this 20<sup>th</sup> day of July, 2001.

My Commission Expires:

1/22/07

Cynthia A. Hamstra  
Printed Name: Cynthia A. Hamstra  
Monroe County Resident

in:\expansion\watersedge II\Secretary's Certificate 2

EXHIBIT # A