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Inv. 64853

*Rueth Development Co.  
1006-165th St.  
Hammond, Indiana 46324  
Attn: Harold G. Rueth*

LAKE COUNTY TITLE COMPANY  
DIVISION OF CHICAGO TITLE INSURANCE COMPANY

FIFTH AMENDMENT

OF

CERTIFICATE OF FORMATION OF LIMITED  
PARTNERSHIP UNDER UNIFORM  
LIMITED PARTNERSHIP ACT.

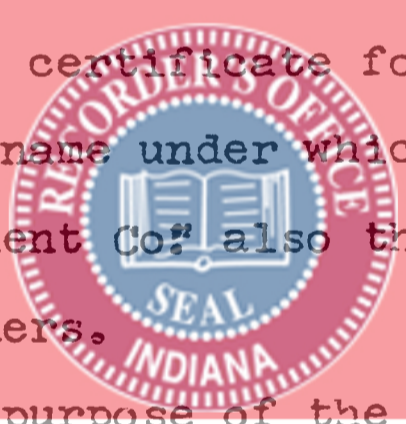
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RUETH DEVELOPMENT CO.  
FORMERLY TIMRICK DEVELOPMENT CO.

The undersigns, being desirous of acquiring the assets of Superior Lumber Company, a limited partnership, and admitting a new general partner and limited partners, and adjusting the partnership interest of Herbert Rueth, deceased, in the limited partnership formed on January 20, 1956, known as Timrick Development Co., now known as Rueth Development Co., under the act entitled "The Uniform Limited Partnership Act", hereby make and sign the following certificate for that purpose:

- I. The name under which the partnership is conducted is "Rueth Development Co." also the trade-name of Superior Lumber Company and Designers.
- II. The purpose of the partnership shall be to engage in the general land development business, in the home and commercial building construction business, to acquire, rent, sell and operate real estate and to construct, manage and sell homes and other buildings; also to engage in the business of buying and selling lumber and building supplies, garages, garage doors, kitchen cabinets, custom and otherwise, and equipment of all types.
- III. WHEREAS, it was considered advisable and advantageous to acquire a lumber supply, kitchen cabinets and other hardware items, thereby creating an integrated operation.
- IV. The location of the partnership's principal place of business is 1006 -165th Street, Hammond, Lake County, Indiana.
- V. The names and places of residence of the general and limited partners are:

Helen Rueth	General Partner	7441 Knickerbocker Hammond, Indiana
Harold G. Rueth	General Partner	7226 Knickerbocker Hammond, Indiana
Emma Rueth	General Partner	1040 Cherry Street Hammond, Indiana



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Clarence H. Harney, Trustee	Limited Partner	6639 VanBuren Hammond, Indiana
Vernon Miller, Trustee	Limited Partner	37 Terrace Drive Munster, Indiana
Lucille Rueth, Trustee	Limited Partner	7226 Knickerbocker Hammond, Indiana
Edward Davis, Trustee	Limited Partner	8423 Hohman Munster, Indiana
Vernon Miller, Trustee	Limited Partner	37 Terrace Drive Munster, Indiana
Clarence H. Harney, Trustee	Limited Partner	6639 VanBuren Hammond, Indiana
Lucille Rueth, Trustee	Limited Partner	7226 Knickerbocker Hammond, Indiana
Edward Davis, Trustee	Limited Partner	8423 Hohman Munster, Indiana
Clarence H. Harney, Trustee	Limited Partner	6639 VanBuren Hammond, Indiana
George Sudicky, Trustee	Limited Partner	7320 Oakdale Hammond, Indiana

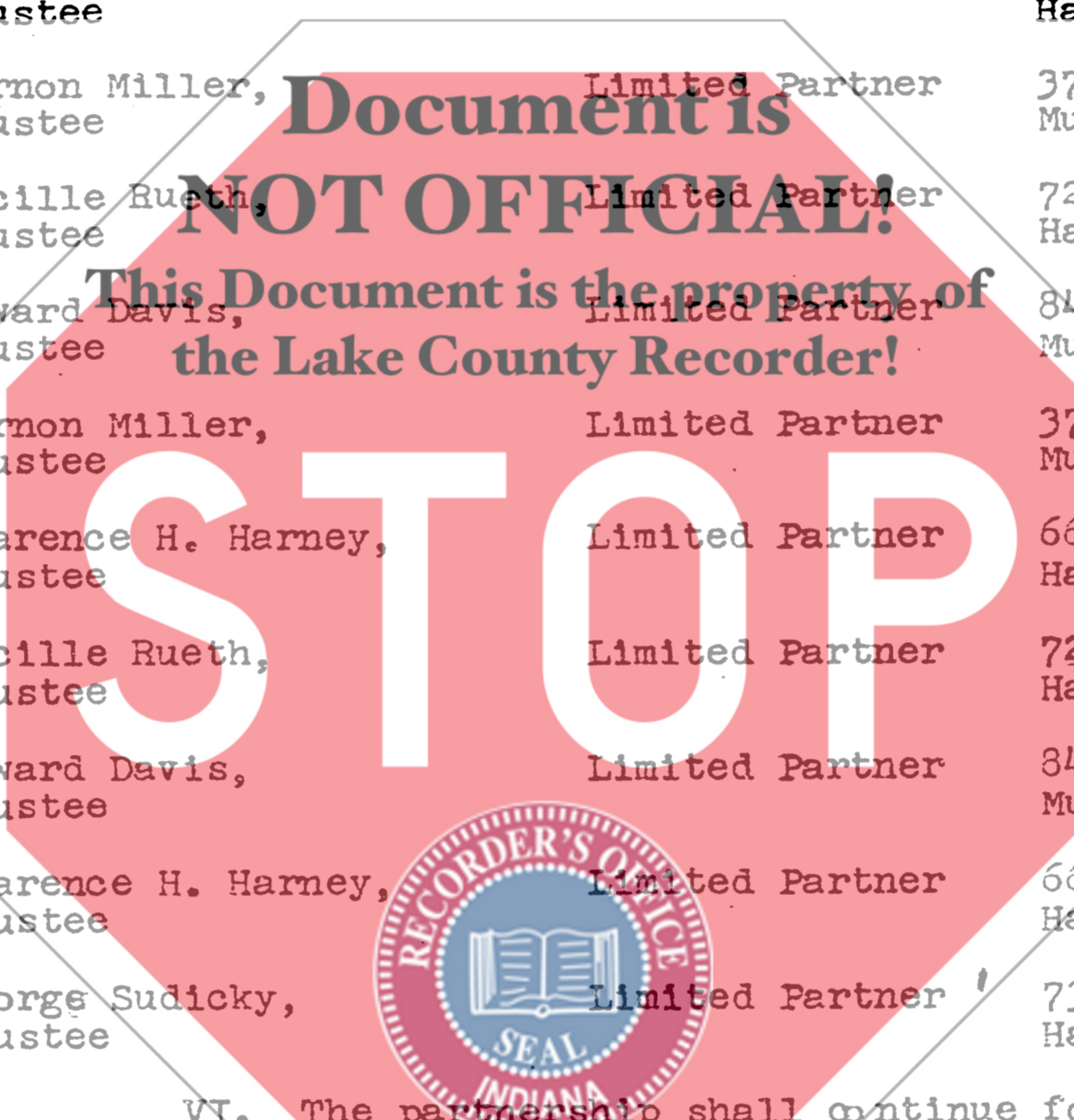
VI. The partnership shall continue for a thirty-five (35) year term from January 20, 1956.

VII. Each limited partner may make additional contributions to the capital of the partnership as may from time to time be agreed upon by the general partners.

VIII. Each limited partner may make such withdrawals from his capital account as may from time to time be agreed upon by the general partners.

IX. By reason of the consolidation and amalgamation, the general and limited partners shall receive the following percentage of the net profits and losses of the partnership:

HELEN RUETH	.593
HAROLD G. RUETH	5.311
EMMA RUETH	1.163
CLARENCE H. HARNEY, VERNON MILLER, AND LUCILLE RUETH, Trustees for TRUST HERBERT RAYMOND RUETH	4.718





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CLARENCE H. HARNEY,  
VERNON MILLER, AND  
LUCILLE RUETH, Trustees for  
TRUST ROBERT JAMES RUETH

4.718

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CLARENCE H. HARNEY,  
VERNON MILLER, AND  
LUCILLE RUETH, Trustees for  
TRUST BARBARA LOUISE RUETH

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CLARENCE H. HARNEY,  
VERNON MILLER, AND  
LUCILLE RUETH, Trustees for  
TRUST ROSEMARY KATHRYN RUETH

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CLARENCE H. HARNEY,  
VERNON MILLER, AND  
LUCILLE RUETH, Trustees for  
TRUST TIMOTHY MICHAEL RUETH

4.718

CLARENCE H. HARNEY,  
VERNON MILLER, AND  
LUCILLE RUETH, Trustees for  
TRUST JANINE EMILY RUETH

4.718

VERNON MILLER,  
EDWARD DAVIS, AND  
CLARENCE H. HARNEY, Trustees for  
TRUST CLAUDIA RUETH

4.718

VERNON MILLER,  
EDWARD DAVIS, AND  
CLARENCE H. HARNEY, Trustees for  
TRUST NANCY ANN RUETH

4.718

VERNON MILLER,  
EDWARD DAVIS, AND  
CLARENCE H. HARNEY, Trustees for  
TRUST RICHARD LEO RUETH

4.718

VERNON MILLER,  
EDWARD DAVIS, AND  
CLARENCE H. HARNEY, Trustees for  
TRUST HAROLD GEORGE RUETH, JR.

4.718

VERNON MILLER,  
EDWARD DAVIS, AND  
CLARENCE H. HARNEY, Trustees for  
TRUST THOMAS JOSEPH RUETH

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VERNON MILLER,  
EDWARD DAVIS, AND  
CLARENCE H. HARNEY, Trustees for  
TRUST JEROME RUETH

4.718

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST LUCILLE GERARD RUETH

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CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST MARY GERARD RUETH

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CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST KEVIN GERARD RUETH 4.718

CLARENCE H. HARNEY AND LUCILLE  
RUETH, Trustees for HERBERT RUETH  
RESIDUAL TRUST 4.718

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST SUPERIOR - HERBERT R. RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST SUPERIOR - ROBERT J. RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST SUPERIOR - BARBARA L. RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST SUPERIOR - TIMOTHY RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST SUPERIOR - JANINE E. RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST SUPERIOR - ROSEMARY RUETH 1.163

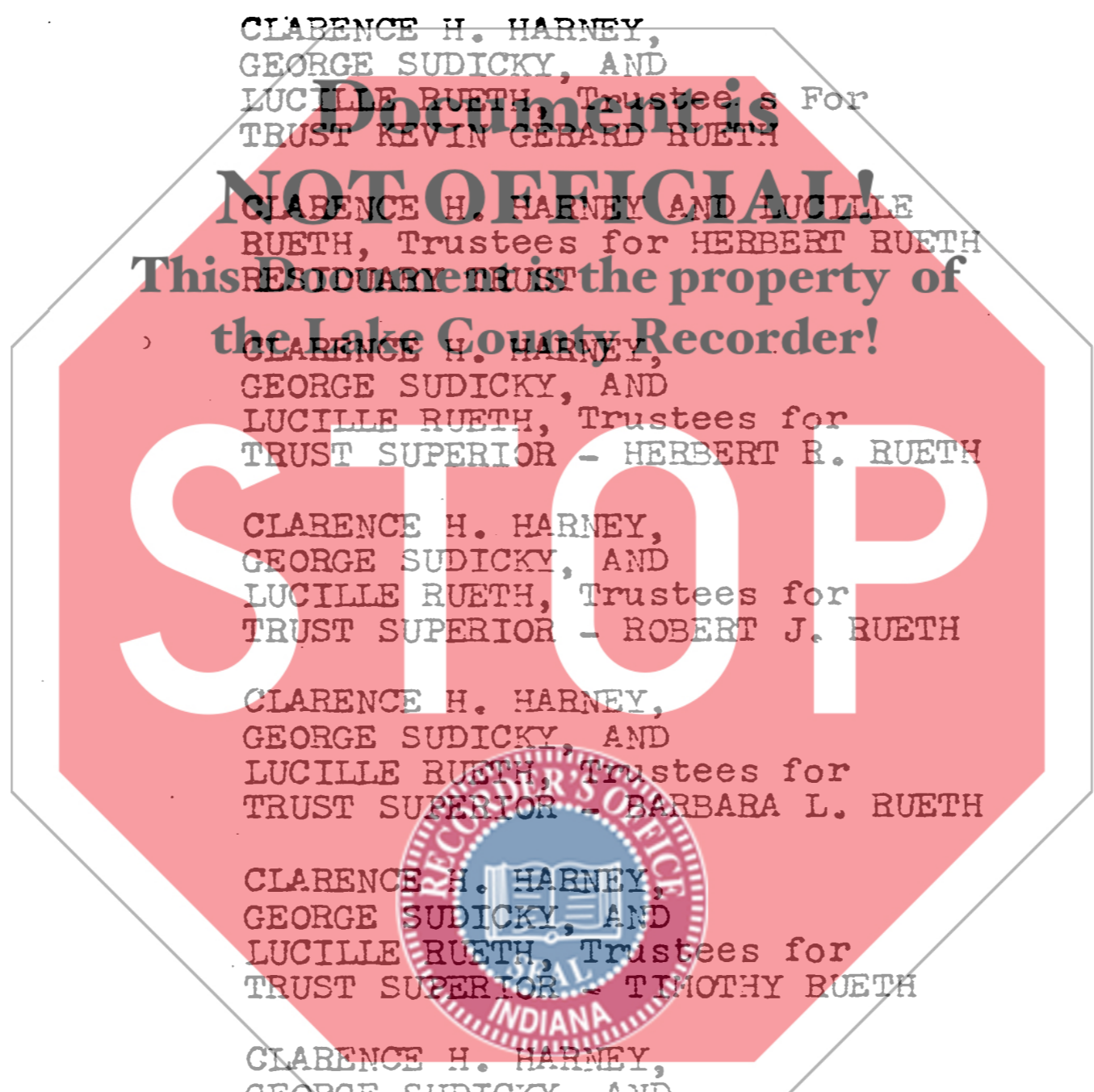
CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
LUCILLE RUETH, Trustees for  
TRUST SUPERIOR - KEVIN G. RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - CLAUDIA RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - NANCY RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - RICHARD L. RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - THOMAS J. RUETH 1.163





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CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - HAROLD G. RUETH, JR. 1.163

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GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - MARY GERARD RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - MARY GERARD RUETH 1.163

CLARENCE H. HARNEY,  
GEORGE SUDICKY, AND  
EDWARD DAVIS, Trustees for  
TRUST SUPERIOR - LUCILLE RUETH 1.163

§. (a) It is agreed herewith that Emma Rueth, Helen Rueth and Harold G. Rueth, General partners, shall be given the power to assign their interest to persons acceptable to the majority of the General partners. The Trustees representing such limited partners shall agree with their selection. It is further mutually agreed herein that Emma Rueth, Helen Rueth and Harold G. Rueth also reserve the right to convey their interest to their heirs or assignees by will. If Emma Rueth, Helen Rueth or Harold G. Rueth should die and not provide for additional General partner by their will, then the remaining General partners, may by agreement, admit a new General partner. If an additional partner enters during the subsequent year, then the partnership agreement shall be amended to reflect such change.

(b) In the event of the death, disability, insanity or retirement of any General partner during the time fixed for the continuance of this partnership, this partnership shall not be thereby dissolved, but shall be continued by the remaining partners, and the personal representatives (as defined in Burns' Indiana Statutes) of such deceased or legally disabled partner, and also any new General partner accepted by them in the partnership. The then remaining partners, the personal representatives as partners and any other new partners, shall have the right to continue the business of the partnership under

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the same name by themselves, or in conjunction with any other person or persons they may select.

XI. The remaining general partner may continue the business on the death, disability, insanity or retirement of a general partner.

XII. The limited partners may receive property other than cash in return for their contributions.

XIII. It is further agreed that the terms as set out in the "Original Agreement" and the various Amendments are made a part hereof, except as shown by the Amendment as to "Limited partner", and the specific terms are set out herein that said partners are signing this agreement with full knowledge of these important clauses.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 3rd day of January, 1937.

<i>Helen Rueth</i> General Partner Helen Rueth	<i>Harold G. Rueth</i> General Partner Harold G. Rueth
<i>Emma Rueth</i> General Partner Emma Rueth	<i>Clarence H. Harney</i> Limited Partner As Trustee Aforesaid Clarence H. Harney
<i>Edward Davis</i> Limited Partner As Trustee Aforesaid Edward Davis	<i>Vernon Miller</i> Limited Partner As Trustee Aforesaid Vernon Miller
<i>Vernon Miller</i> Limited Partner As Trustee Aforesaid Vernon Miller	<i>Lucille A. Rueth</i> Limited Partner As Trustee Aforesaid Lucille Rueth
<i>Clarence H. Harney</i> Limited Partner As Trustee Aforesaid Clarence H. Harney	<i>Edward Davis</i> Limited Partner As Trustee Aforesaid Edward Davis
<i>Lucille A. Rueth</i> Limited Partner As Trustee Aforesaid Lucille Rueth	<i>George Sudicky</i> Limited Partner As Trustee Aforesaid George Sudicky
<i>Clarence H. Harney</i> Limited Partner As Trustee Aforesaid Clarence H. Harney	

THIS INSTRUMENT PREPARED BY CLARENCE H. HARNEY