. 500 AC. FLATTED FROM KEY 14-233-1 DULY ENTERED FOR TAXATION SUBJECT TO FINAL ACCEPTANCE FOR TRANSFER.

NEWKEYS 14-247-15-018

SAM ORLICH AUDITOR LAKE COUNTY UNITS 1445, 1447, 144941451 Return to:

David E. Wickland Attorney at Law 8146 Calumet Avenue Munster, Indiana 46321

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM

This Fifth Amendment to Declaration of Condominium, made this day of June, 1995, by TRUCCO, INC., (hereinafter referred to the "Developer"), affects that land and all improvements thereon, known as Unit 1445 Commonly known as 1445 Carriage Oaks Court, Dyer, Indiana, Unit 1447, Commonly known as 1447 Carriage Oaks Court, by This Indiana; entit the 49; opening only known as 1449 Carriage Oaks Court, Dyer, Indiana; and Unit 1451, commonly known 1451 Carriage Oaks Court, Dyer, Indiana, inclusive, a condominium lying and being in the County of Lake and State of 5032 Indiana;

Recitals

WHEREAS, Developer is the sole owner of the fee simple title to the following described real estate located in Lake County, Indiana to-wit:

THAT PART OF LOT 1 IN THE COURT OF CASTLEWOOD AN ADDITION TO THE TOWN OF DYER, LAKE COUNTY, INDYANA AS RECORDED IN PLAT BOOK 74 PAGE 28 IN THE OFFICE OF THE RECORDER, IN LAKE COUNTY, INDIANA, ON MAY 20, 1993, BOUNDED AND COMMENCING AT A POINT IN THE DESCRIBED AS FOLLOWS: CENTERLINE OF A 25 FOOT ROADWAY ON THE EAST LINE OF SAID A LOT 1, SAID POINT BEING 174.25 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1, (THE NEXT 10 COURSES ARE THE CENTERLINE OF SAID 25 FOOT ROADWAY); THENCE NORTH 89 DEGREES 53 MINUTES 21 SECONDS WEST ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 83.49 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ON A CURVED LINE, CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 160.00 FEET AN ARC LENGTH OF 104.72 FEET TO A POINT OF TANGENT; THENCE NORTH 52 DEGREES 23 MINUTES 21 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, A

DISTANCE OF 67.90 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVED LINE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 160.00 FEET, AN ARC LENGTH OF 104.72 FEET TO A POINT OF TANGENT; THENCE NORTH 89 DEGREES 53 MINUTES 21 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 251.98 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ON A CURVED LINE. CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 108.21 FEET TO A POINT OF TANGENT; THENCE SOUTH 59 DEGREES 06 MINUTES 39 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 143.85 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY AND WESTERLY ON A CURVED LINE, CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 160.49 FEET AN ARC LENGTH OF 104.28 FEET AND A CHORD BEARING OF SOUTH 77 DEGREES 43 MINUTES 33 SECONDS WEST TO A POINT OF TANGENT, THENCE NORTH 83 DEGREES 39 MINUTES 30 SECONDS WEST SANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 92.65 FEET TO A POINT OF CURVED THENCE SOUTHWESTERIA ON A CURVED LINE CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 60.00 FEET AN ARC LENGTH TOPIS 89 OROLFREET BOTTENPOINTY OF BEGINNING; THENCE CONTINUING ON THE LAST DESCRIBED CURVED DINE AN ARC DISTANCE OF 12.63 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 23 SECONDS WEST, A DISTANCE OF 86.60 FEET TO A POINT: THENCE SOUTH 77 DEGREES 08 MINUTES 39 SECONDS WEST A DISTANCE OF 163.85 FEET TO A POINT ON THE WEST LINE OF LOT 1, SAID POINT ALSO BEING ON THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 18; THENCE NORTH 01 DEGREES 38 MINUTES 11 SECONDS WEST ON THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 170.29 FEET TO A POINT; SAID POINT BEING 154.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 1 (AS MEASURED ALONG THE WEST LINE OF SAID LOT 1; THENCE SOUTH 77 DEGREES 33 MINUTES 08 SECONDS EAST A DISTANCE OF 169.81 FEET TO THE POINT OF BEGINNING; CONTAINING 0.500 ACRES MORE OR LESS. (Applies Units 1445 and 1447)

THAT PART OF LOT 1 IN THE COURT OF CASTLEWOOD AN ADDITION TO THE TOWN OF DYER, LAKE COUNTY, INDIANA AS RECORDED IN PLAT BOOK 74 PAGE 28 IN THE OFFICE OF THE RECORDER, IN LAKE COUNTY, INDIANA, ON MAY 20, 1993, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE CENTERLINE OF A 25 FOOT ROADWAY ON THE EAST LINE OF SAID LOT 1, SAID POINT BEING 174.25 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1, (THE NEXT 10 COURSES ARE THE CENTERLINE OF SAID 25 FOOT ROADWAY); THENCE NORTH 89 DEGREES 53 MINUTES 21 SECONDS WEST ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 1, DISTANCE OF 83.49 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ON A CURVED LINE, CONVEX TO THE SOUTHWEST, HAVING A RADIUS OF 160.00

FEET AN ARC LENGTH OF 104.72 FEET TO A POINT OF TANGENT; THENCE NORTH 52 DEGREES 23 MINUTES 21 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 67.90 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVED LINE, CONVEX TO THE NORTHEAST, HAVING A RADIUS OF 160.00 FEET, AN ARC LENGTH OF 104.72 FEET TO A POINT OF TANGENT; THENCE NORTH 89 DEGREES 53 MINUTES 21 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 251.98 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ON A CURVED LINE CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 200.00 FEET AN ARC LENGTH OF 108.21 FEET TO A POINT OF TANGENT; THENCE SOUTH 59 DEGREES 06 MINUTES 39 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 143.85 FEET TO A POINT OF CURVE: THENCE SOUTHWESTERLY AND WESTERLY ON A CURVED LINE, CONVEX TO THE SOUTHEAST, HAVING A RADIUS OF 160.49 FEET AN ART LENGTH OF 104.28 FEET AND A CHORD BEARING OF SOUTH 77 DEGREES 43 MINUTES 33 SECONDS WEST TO A POINT OF TANGENT; THENCE NORTH 83 DEGREES 39 MINUTES 33 SECONDS WEST TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE TOFIS DO SOUTHERT TO THE POINTE OF CURVE; THENCE SOUTHWESTERLY ON A CURVED LINE CONVEX TO THE NORTHWEST, HAVING A RADIUS OF 60.00 FEET AN ARC LENGTH OF 45.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE LAST DESCRIBED CURVED LINE AN ARC DISTANCE OF 42.75 FEET; THENCE NORTH 77 DEGREES 53 MINUTES 08 SECONDS WEST, A DISTANCE OF 169.81 FEET TO A POINT ON THE WEST LINE OF LOT 1, SAID POINT ALSO BEING ON THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 18; THENCE NORTH 01 DEGREES 38 MINUTES 11 SECONDS WEST ON THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 154.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, SAID POINT BEING THE NORTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 89 DEGREES 53 MINUTES 21 SECONDS EAST ON THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 131.09 FEET; THENCE SOUTH 06 DEGREES 20 MINUTES 27 SECONDS WEST, A DISTANCE OF 71.97 FEET TO A POINT; THENCE SOUTH 37 DECREES 03 MINUTES 44 SECONDS EAST A DISTANCE OF 102.84 FEMDING THE POINT OF BEGINNING; CONTAINING 0.587 ACRES MORE OR LESS. (Applies to Units 1449 and 1451).

hereinafter referred to as "Additional Real Estate".

AND WHEREAS, on the 23rd day of June, 1994, Developer executed a Declaration of Condominium, subject to the "Horizontal Property Law" of the State of Indiana, which was recorded in the Office of the Recorder of Lake County, Indiana, on the 29th day of June,

1994, as Instrument No. 94047528, with Site Plan and Floor Plan attachment as Exhibit "A" which Declaration was amended by the recording of a First Amendment to Declaration of Condominium which was recorded in the Office of the Recorder of Lake County on September 30, 1994, as Instrument No. 94067976, with Site Plan and Floor Plan attachment as Exhibit "A", and which Declaration was amended by the recording of a Second Amendment to Declaration of Condominium which was recorded in the Office of the Recorder of Lake County on November 15, 1894, as Instrument No. 94077568, with Site Plan and Floor Floor actachment as Exhibit "A", and which Declaration was Energied countries rechroling posite Trird Amendment to Declaration of condominate which was Recorded in the office of the Recorder of Lake County on January 13, 1995, as Instrument No. 95002607, with Site Plan and Floor Plan attachment as Exhibit "A"; and which Declaration was amended by the recording of a Fourth Amendment to Declaration of Condominium which was recorded in the Office of the Recorder of Lake County on February 21, 1995, as Instrument No. 95009066, with Site Plan and Floor Plan attachment as Exhibit "A". Attached to the Declaration are Articles of Incorporation, the By-Laws, and the Rules and Regulations of Carriage Oaks Townhome Condominium Association, Inc. The aforesaid Declaration of Condominium, Articles of Incorporation, By-Laws, and Rules and Regulations are incorporated herein by reference, and all of the terms and definitions as described therein are hereby adopted and shall have the same meaning in this Fifth Amendment to Condominium Declaration.

NOW, THEREFORE, Developer makes this Fifth Amendment to Condominium Declaration as follows:

- AMENDMENT TO DECLARATION. Developer hereby expressly declares that the additional real estate above-described and all appurtenant easements, buildings, improvements, and property of every kind and nature whatsoever, real, personal, and mixed, located thereon is hereby annexed to and becomes a part of the Carriage Oaks Townhome Condominiums, Horizontal Property Regime, as if such had been originally included in the aforesaid Declaration, and hereafter held Itransferred | sold, Aconveyed, and occupied subject to the Tokenantamestrictions pend provisions of the aforesaid Declaration, the Hor Prontal Property Law, the Articles of Incorporation, the By-Laws, and the Rules and Regulations as adopted by the Association, as each may be amended from time to time. Said additional real estate shall hereafter and for all purposes be included in the definition of "property" as defined in Article I. P: of the Declaration RS
- II. ADDITIONAL FLOOR PLAN The Additional Floor Plan and Site Plan attached hereto and made a part hereof as Exhibit "A", depicts the floor plan, lot Times, layout, USGS elevations, location survey, unit numbers and unit addresses, dimensions of units, and a verified statement from a licensed architect.

There are two (2) buildings which have been constructed on the aforesaid additional real estate and which buildings contain four (4) units as shown on the Additional Floor Plan.

III. PERCENTAGE SHARE INTERESTS. The Percentage Share

Interests of each unit contained in Carriage Oaks Townhome Condominiums is equal for each unit as indicated in the Declaration, and is amended so that the percentages attributed to each unit, the same being a one-eighteenth (1/18th) equal share, is a 5.55% equal share.

- IV. MISCELLANEOUS. The description of Common Areas and Facilities, the description of Limited Common Areas and Facilities, the percentage share interest required to rebuild or restore, the covenants and restrictions as to the additional real estate, the method of amendment and the By-Laws shall all remain the same as the aforesaid Dachardtion may either with pattachments, and all of the terms and definitions described therein. The same are hereby adopted and shall have the same meaning in this Fifth Amendment to Condominium Declaration.
- Conveyance or the act of occupancy of a condominium unit in Carriage Oaks Townhome Condominium chall constitute an agreement that the provisions of this Fifth Amendment to Condominium Declaration, the previous Declaration as amended, the Horizontal Property Law, the Articles of Theorporation, the By-Laws, and the Rules and Regulations adopted thereto, as each may be amended from time to time, are accepted and ratified by each owner, or occupant, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in a unit or the property as though such provisions were recited and stipulated at length in each and every deed, conveyance,

mortgage, or lease thereof.

IN WITNESS WHEREOF, the foregoing Fifth Amendment to Condominium Declaration was executed the day and year first above written.

TRUCCO, INC.

By:

TERRY S. BURGHARD

STATE OF

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NOT SPFICIAL!

COUNTY OF

This Document is the property of

Before me, a Notary Public in and for said county and state, personally appeared TRUCCO, INC., by Terry S. Burghard, who acknowledged the execution of the above and foregoing Fifth Amendment to Condominium Declaration of Carriage Oaks Townhome Condominiums.

Witness my hand and official notarial seal this 6th day of June, 1995.

Sandy 4. Quall's Resident of Lake County

My Commission Expires:

10-25-97

This instrument prepared by: DAVID E. WICKLAND Attorney at Law 8146 Calumet Avenue Munster, IN 46321 (219) 836-8766 Robert A. Nowicki & Associates, Ltd Land Surveyors 17844 Chappel Avenue Lansing, Illinois 60438

Phone No. (708) 474-1944 Fax (708) 474-1962

## PLAT OF SURVEY EXHIBIT A

DSIGNIFICAN is

THAT PART OF LOT 1 IN THE COURT OF CASTLEWOOD AN ADDITION TO THE TOWN OF DYEN, LAKE COUNTY, INDIANA AS RECORDED IN PLAT BOOK 74 PAGE 28 IN THE OFFICE OF THE RECORDER, IN LAKE COUNTY, NORMAN, ON MAY 20,1993, BOUNDED AND DESCRIBED AS FOLLOWS; COMMENCING AT A POINT IN THE REST LINE OF SAID LOT 1, SAID POINT BEING OFFICE OF THE RECORDER, IN LAKE COUNTY, NORMAN, ON MAY 20,1993, BOUNDED AND DESCRIBED AS FOLLOWS; COMMENCING AT A POINT OF CHECK TO THE SOUTHEAST CORNER OF SAID LOT 1, (THE NEXT 10COURSES ARE THE CENTERLINE OF SAID 25, FOOT ROADWAY); THENCE NORTH 89 DEGREES 35 MINUTES 21 SECONDS WEST ON A LUR PARALLEL WITH THE NORTH LINEOUS SAID COLD LIDISTANGE OF 33.43 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY ON A CURVED LINE, A DISTANCE OF 57.90 FEET TO A POINT OF TANGENT; TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 57.90 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY AND WESTERLY ON A CURVED LINE, A DISTANCE OF 57.90 FEET TO A POINT OF CURVE; THENCE NORTHWEST THENCE NORTH 89 DEGREES 35 MINUTES 21 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 57.90 FEET TO A POINT OF CURVE; THENCE SOUTHWEST. HAVING A RADIUS OF 160.00 FEET, AN ARC LENGTH OF 104.72 FEET TO A POINT OF TANGENT; THENCE NORTHWEST AND THE LAST DESCRIBED CURVED LINE, A DISTANCE OF 55.98 FEET TO A POINT OF CURVE; THENCE SOUTHWEST. HAVING A RADIUS OF 20.00 FEET AN ARC LENGTH OF 108.21 FEET TO A POINT OF TANGENT; THENCE SOUTH SO DEGREES OB MINUTES 39 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, CONVEX TO THE SOUTH SO DEGREES OB MINUTES 39 SECONDS WEST, TANGENT TO THE LAST DESCRIBED CURVED LINE, CONVEX TO THE SOUTH HEAST, HAVING A RADIUS OF 100.49 FEET AN ARC LENGTH OF 104.28 FEET AND A CHORD BEARING OF SOUTH TO THE LAST DESCRIBED CURVED LINE, CONVEX TO THE SOUTH HEAST, HAVING A RADIUS OF 60.00 FEET AN ARC LENGTH OF 88.20 FEET TO A POINT OF BEGINNING; THENCE CONTINUING OF TANGENT TO THE LAST DESCRIBED CURVED LINE AN ARC LINGTH OF 88.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ON THE WEST LINE OF THE NORTHWEST

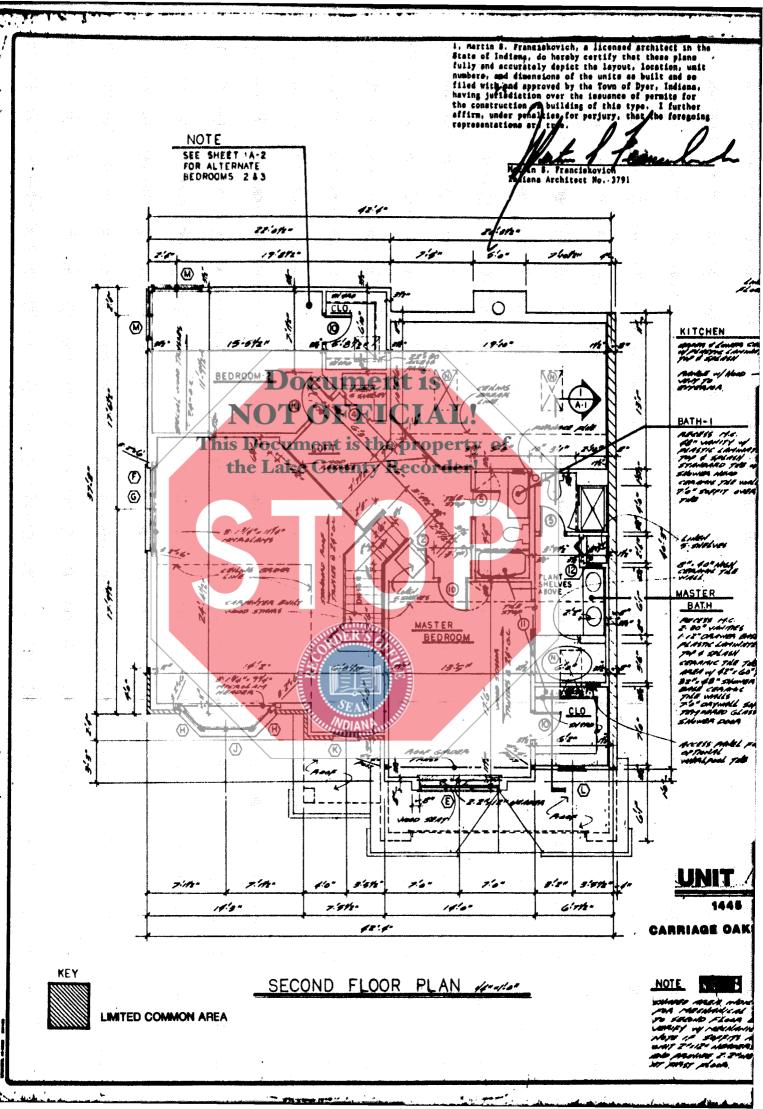
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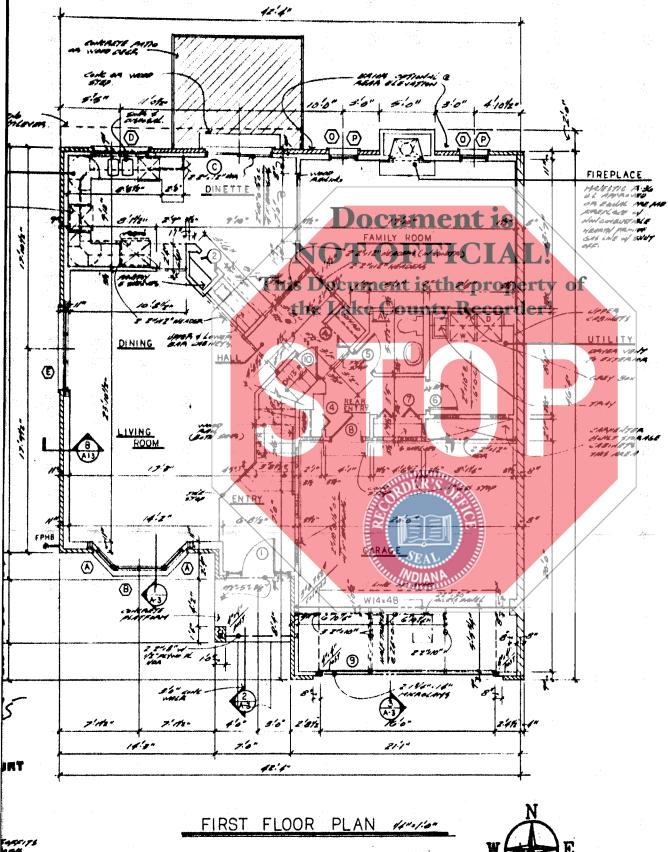


SECOR





## CARRIAGE OAKS CONDOMINIUM/TOWNHOME



LINDEN GROUP INC.
ARCHITECTS LAND PLANNERS



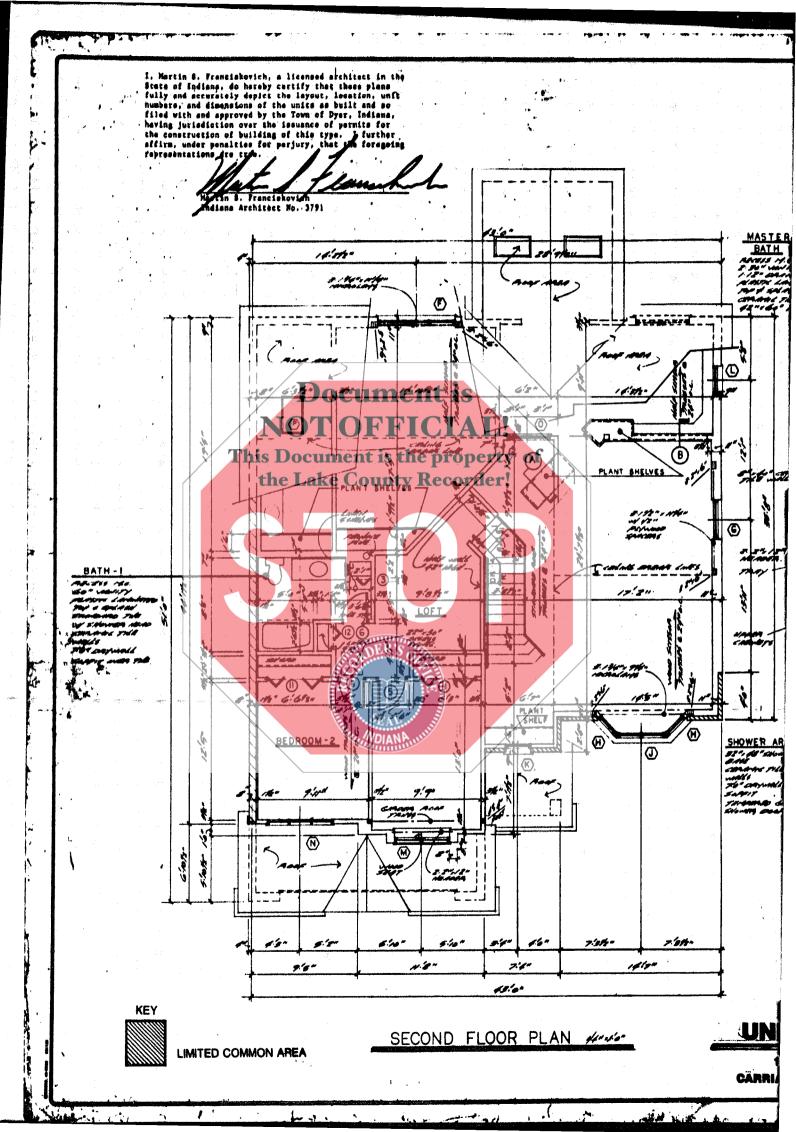
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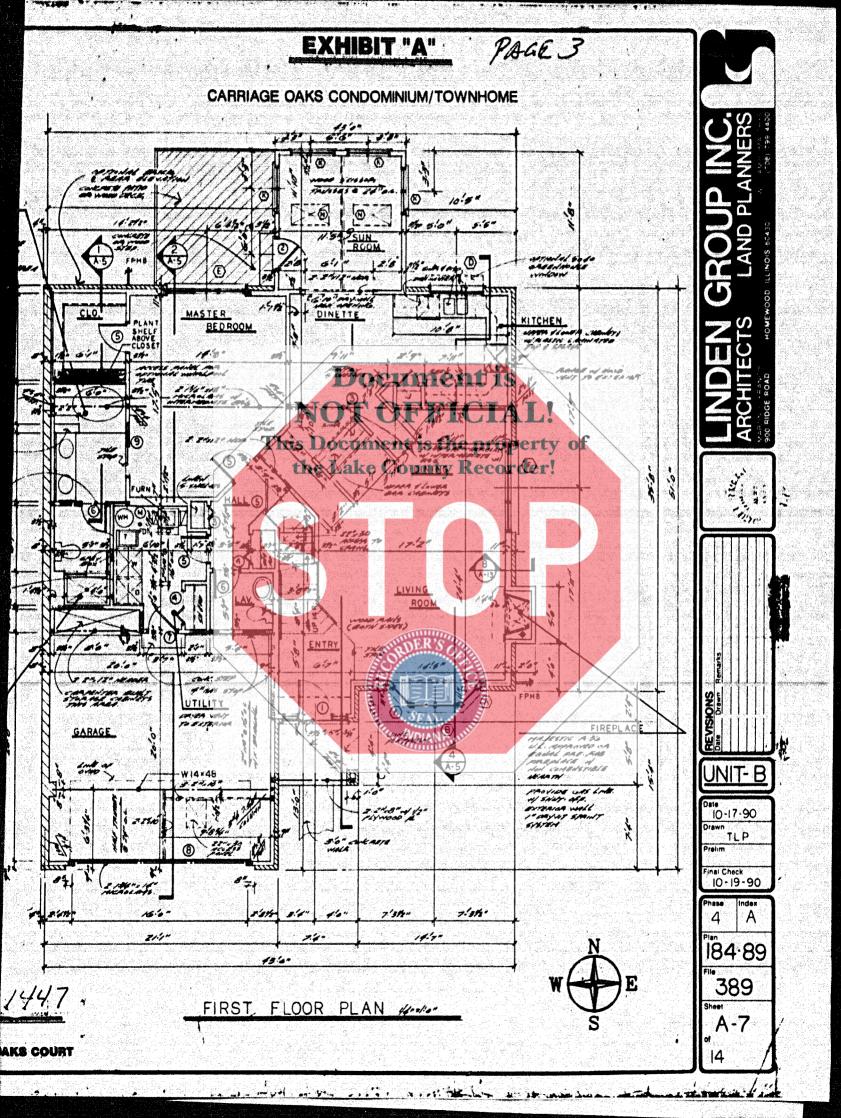
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Plan | Index | A | A | Plan | 184.89 | File | 389 | Sheet | A - 3 | of | 4



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Robert A. Nowicki & Associates, Ltd.
Land Surveyors
17844 Chappel Avenue
Lansing, Illinois 60438

Phone No. (708) 474-1944 Fax (708) 474-1962

## PLAT OF SURVEY EXHIBIT A

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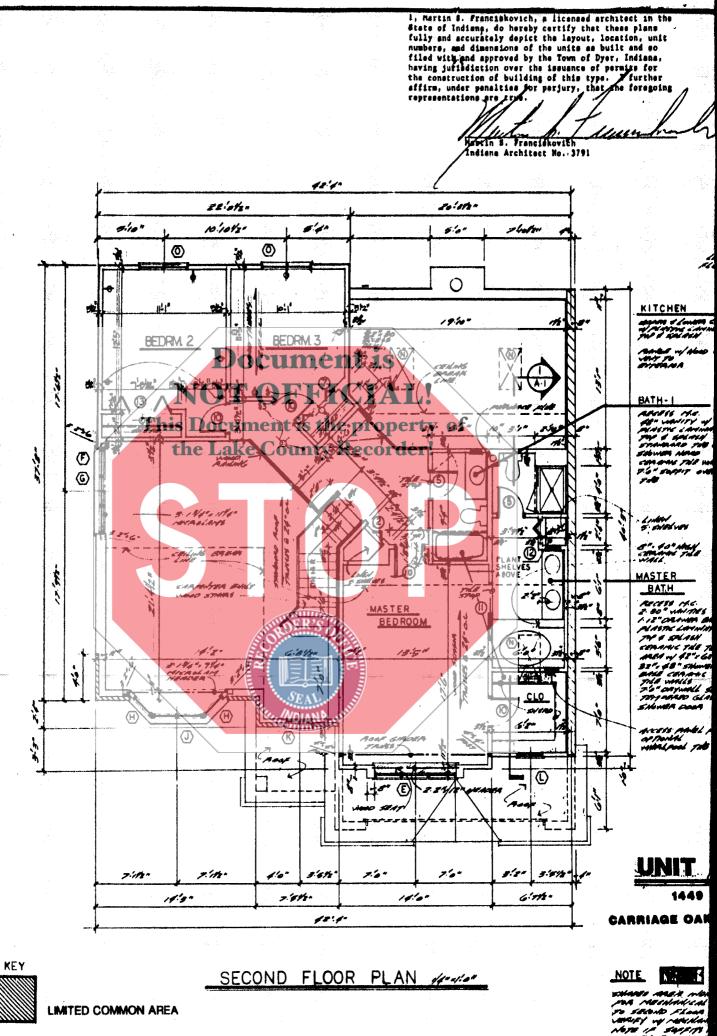
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This Document is the property of the Lake County Recorder! U.S.G.S. ELEVATION TOP OF FOUNDATION OF BUILDING - AS SHOWN - COMMON AREA LIMITED COMMON AREA 15' NIPSCO EASEMENT FOR CARRIAGE OAKS TOWNHOME CONDOMINIUMS STATE OF ILLINOIS ORDER NO. 79221-11 COUNTY OF COOK SCALE: 1" = 30' ROBERT A. NOWICKI a Professional Illinois /Indiana Contractor or builder should verify and compare Land Surveyor, do hereby certify that I have surveyed the all points before beginning any construction and property described in the caption to the hereon drawn plat at once report any discrepancies to the Surand that the foregoing plat is a true and correct veyor. Consult your deed or title policy for easerepresentation of the same. All dimensions are in feet and ments and restrictions. decimal parts thereof and are corrected to a temperature of 68 degrees Fahrenheit. RESURVEYED TO LOCATE BUILDINGS. DATE\_ ORDER NO.

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