

ON BROADWAY

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

SECOND AMENDED
2003 071955

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DECLARATION OF CONDOMINIUM

MORRIS W. CARTER
RECORDER

This Second Amended Declaration of On Broadway Condominium (hereafter called the "Second Amended Declaration"), is made this 9th day of July, 2003, and amends and supersedes the original declaration of condominium made on the 30th day of January, 2002, and recorded as Document No. 2002-014492 on February 8, 2002 (hereinafter called the "Original Declaration"), and the first amended on the 17th day of October 2002, and recorded as Document No. 2002-102474 on November 8, 2002 (hereinafter called the "First Amended Declaration") by On Broadway Properties, LLC, an Indiana Limited Liability Company, and Rossman and Associates, Inc., an Indiana Corporation (collectively hereinafter referred to as the "Declarant").

FILED

WITNESSETH:

JUL 10 2003
NEW KEY 9-579-5 to 10
STEPHEN B. STOLICH
LAKE COUNTY AUDITOR

Whereas, Declarant is the sole owner of the fee simple title to real estate, located in Lake County, Indiana, to-wit:

Part of the Northwest quarter of section 10, township 34 north, range 8 west of the 2nd principal meridian, in Lake County, Indiana, more particularly described as follows: beginning at a point 765.42 feet south of the northwest corner of section 10; thence north 89 degrees 43 minutes 58 seconds east and parallel with the north line of section 10 a distance of 732.86 feet to the centerline of Beaver Dam Ditch lateral no 1; thence south 06 degrees 04 minutes 50 seconds west 407.26 feet; thence south 21 degrees 29 minutes 29 seconds west 77.12 feet; thence south 57 degrees 02 minutes 20 seconds west 10.67 feet; thence south 89 degrees 43 minutes 58 seconds west, 484.59 feet to the west line of section 10; thence north 00 degrees 00 minutes 00 seconds east along the west line of section 10 a distance of 705.00 feet to the point of beginning, containing 10.739 acres more or less.

And said real property also being described pursuant to a recorded Plat of Condominium recorded on September 18, 2001, in Book No. 90, Page 83, as Document No. 2001-075385 in the Office of the Recorder of Lake County, Indiana, and to which it is expressly intended by Declarant that these Declarations apply to such recorded Plat of Condominium and any and all subsequent conveyances made hereinafter.

which real estate is hereinafter referred to as the "Real Estate"; and

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Whereas, Declarant desires to create upon the Real Estate a Horizontal Property Regime in accordance with the provisions of the Horizontal Property Law of the State of Indiana by the execution and recordation of this Declaration; and

Whereas, Declarant's intent and desire is to establish for Declarant's benefit and that of all future Owners and Occupants of the Property, and each part thereof, certain rights and easements in, over and upon the Property and certain mutually beneficial restrictions and obligations with respect to the use, maintenance, repair, replacement, administration, operation and management thereof; and

Whereas, Declarant's intent and desire is also that the Owners and Occupants of the Property shall at all times enjoy the benefits Of and hold their interests in the Property subject to the rights, easements and restrictions set forth in the Condominium Instruments which are all in furtherance of Declarant's plan to provide, promote, and protect the cooperative aspects of ownership, the congenial occupation of the Property and the value of the Office Units, and to facilitate the proper administration of the Property as a first-class, safe, healthy, happy, quiet and restful professional office community; and

Whereas, it is intended that the capitalized words and phrases used herein shall have the same meaning as those set forth in the First Amended Declaration; and

Whereas, this Second Amended Declaration shall be and consist of the First Amended Declaration as specifically amended as set forth hereinafter in this Second Amended Declaration.

NOW, THEREFORE, Declarant hereby amends the First Amended Declaration, makes this Second Amended Declaration and declares that the Real Estate shall be a Horizontal Property Regime, as provided by the Horizontal Property Law of the State of Indiana, subject to and in accordance with the provisions of said Horizontal Property Law IC 32-1-6-1 et. seq. and subject to and in accordance with the following:

1. Article I. **DEFINITIONS**. Section D. "Building" is amended to read as follows:
 - D. "Building" shall mean the Twelve (12) – two (2) story office buildings located on the Real Estate, which are more particularly described in attachment No. 2 A which is herein incorporated by reference and also being described pursuant to a recorded Plat of Condominium recorded on September 18, 2001, in Book No. 90, Page 83, as Document No. 2001-075385 in the Office of the Recorder of Lake County, Indiana.
2. Article II. **DESCRIPTION OF BUILDINGS**. Is amended to read as follows:
 - II. **DESCRIPTION OF BUILDINGS**.

There shall be Twelve (12) buildings located on the Real Estate legally described herein above and in Attachment No. 1 and as per a recorded site

plan entitled ON BROADWAY recorded September 18, 2002 as Document No. 2001075385. Each Building shall be a two (2) story office building with basements and number of units as set forth in Attachment No.2 A.

3. Article III. LEGAL DESCRIPTION AND PERCENTAGE INTEREST. Is amended to read as follows:

III. LEGAL DESCRIPTION AND PERCENTAGE INTEREST.

Each Condominium Building and each Office Unit contained therein, (Building and Office Unit) are described as set forth in Attachment No. 2 A, and the legal description for each Office Unit shall be stated as:

“Unit Number _____ (Building Designation) - _____ (Unit Designation) On Broadway Condominium Horizontal Property Regime as created by Declaration Recorded February 8, 2002 as Document No. 2002014492 and Amended Declaration recorded November 8, 2002 as Document No. 2002102474 and Second Amended Declaration recorded July , 2003 as Document No. _____ in the Office of the Recorder of Lake County, Indiana, and the undivided interest in the common elements appertaining thereto.”

The specific Percentage Interest of each Owner in the Common Areas shall be that percentage interest as stated in the schedule set forth in Article VII. B. of this Declaration.

4. Article VII. OWNERSHIP OF COMMON AREAS AND PERCENTAGE INTEREST. B. SCHEDULE and D. Retained Rights of Declarant. are amended to read as follows:

B. SCHEDULE. The schedule set forth in Attachment No. 2 A sets forth the common street addresses of each Office Building; number of Stories, basement information, and planned number of units contained in each specific Office Building. Percentage Interest of each Office Building and Office Unit shall be determined by Plans recorded prior to construction of such Office Building, each such plan shall set forth a schedule in which shall designated the interior square footage of floor space of each such Office Building and each Office Unit therein. The determination of the square footage and corresponding Percentage Interest, as they appear in said recorded document shall be conclusive upon all the Owners of all the Office Units in any Office Building.

D. Retained Rights of Declarant. The Declarant retains or reserves the right to change the configuration of any Office Building and to divide Office Units,

but there will be no reduction in the present total of interior square footage of floor space of any Building as stated in the schedule set forth in Attachment No. 2 A. Any such action by Declarant shall be documented by the execution of an appropriate amendment to the Condominium Instruments and the recordation thereof in the Office of the Recorder of Lake County, Indiana. No consent or approval of any such action shall be required from any Owner, any mortgagee and the Association. The lien of any mortgage on any Office Unit at the time it is divided into two (2) or more Office Units shall attach to each such Office Unit created therefrom.

5. ATTACHMENT NO. 2 is replaced by ATTACHMENT NO. 2A attached hereto and made a part hereof.
6. Except as set forth herein, and in all other respects, the Amended Declaration shall be in full force and effect.

On ~~Broadway Properties, LLC~~

By: _____
Manager

Attest: _____

Document is NOT OFFICIAL!
ROSSMAN & ASSOCIATES, INC.

This Document is the property of the Lake County Recorder.
By: _____
Robert Rossman, President

Attest: _____



ATTACHMENT NO 2 A

PERCENTAGE INTERESTS OF SPECIFIC BUILDINGS

BUILDING NO. 1 Type A-11055 Broadway (Total Building SF: 14,120)

	<u>Unit SF</u>	<u>Unit %</u>
UNIT A	6925	24.522 %
UNIT B	1735	6.144 %
UNIT C	2082	7.3725%
UNIT D	3378	11.9615%
Total	14,120	50.00% BUILDING PERCENTAGE

BUILDING NO. 2 Type A-11045 Broadway (Total Building SF: 14,120)

	<u>Unit SF</u>	<u>Unit %</u>
UNIT A	6925 1786	24.522 %
UNIT B	1735 1786	6.144 %
UNIT C	2082 2544	7.3725%
UNIT D	3378 2544	11.9615%
Unit E	2730	
Unit F	2730	
Total	14,120 14,120	50.00% BUILDING PERCENTAGE

