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MORRIS W. PORTER
RECORDER

**SUPPLEMENTAL
DECLARATION FOR MERRILLVILLAS**

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BUILDING "4"

WHEREAS, Merrillvillas, LLC, a Delaware limited liability company (hereinafter referred to as the "Declarant"), is the owner of certain real estate located in Lake County, Indiana, more particularly described as follows:

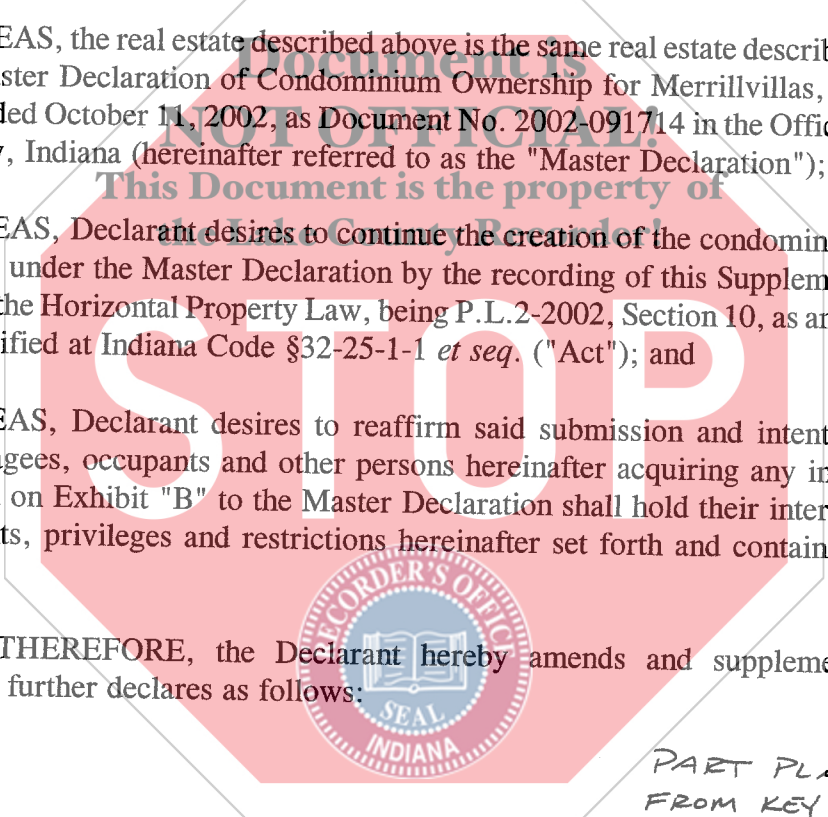
Merrillvillas, A Planned Unit Development as per plat thereof recorded in Plat Book 92, Page 57, in the Office of the Recorder of Lake County, Indiana; and

WHEREAS, the real estate described above is the same real estate described in Exhibit "B" to a certain Master Declaration of Condominium Ownership for Merrillvillas, dated October 9, 2002 and recorded October 11, 2002, as Document No. 2002-091714 in the Office of the Recorder of Lake County, Indiana (hereinafter referred to as the "Master Declaration"); and

WHEREAS, Declarant desires to continue the creation of the condominium development initially created under the Master Declaration by the recording of this Supplemental Declaration to comply with the Horizontal Property Law, being P.L.2-2002, Section 10, as amended from time to time and codified at Indiana Code §32-25-1-1 *et seq.* ("Act"); and

WHEREAS, Declarant desires to reaffirm said submission and intent that the several owners, mortgagees, occupants and other persons hereinafter acquiring any interest in the real estate described on Exhibit "B" to the Master Declaration shall hold their interest subject to the rights, easements, privileges and restrictions hereinafter set forth and contained in the Master Declaration;

NOW, THEREFORE, the Declarant hereby amends and supplements the Master Declaration and further declares as follows:



PART PLATTED
FROM KEY 15-766-1
DULY ENTERED FOR TAXATION SUBJECT TO
FINAL ACCEPTANCE FOR TRANSFER
NEW KEY 15-796-1 TO 4
JUN 23 2004

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR
BLDG #4

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2004.6

ARTICLE I

General Provisions

1.01. Definitions: Words and terms not defined herein shall have the same meaning as set forth in the Master Declaration.

1.02. Purpose and Intent: It is the purpose and intent of the Declarant that this Supplemental Declaration have the effect of completing the requirements for submission of Building 4 of Merrillvillas, a horizontal property regime (condominium community) to comply with the Act. Interpretation of this Supplemental Declaration and the Master Declaration shall be made so as to effect this intent. The Declarant, pursuant to Section 1.41, Article II and Section 18.02 of the Master Declaration, is granted the implied consent of each Owner and has the right and authority to execute each and every act in this Supplemental Declaration.

ARTICLE II

Specific Amendments

2.01. Condominium Plat: "Condominium Plat" as defined by paragraph 1.18 of the Master Declaration shall mean the Master Plan, as referred to on Exhibit "C" to the Master Declaration, and recorded on October 11, 2002 as Book 92, Page 57 (Document No. 2002-091715) in the Office of the Recorder of Lake County, Indiana, and the building floor plans of Building 4 submitted to the provisions of the Act, which are attached hereto as Exhibit "A-1" and Exhibit "A-2".

2.02. As Built Certification: Pursuant to Indiana Code 32-25-7-4(b), the Declarant does file and record herewith the verified statement of a registered architect or licensed professional engineer certifying that the Building shown on Exhibits "A-1" and Exhibit "A-2" are accurate and depict the Condominium Units as built. Said verified statement is incorporated on Exhibit "A-1" attached hereto and incorporated in this Supplemental Declaration and shall deemed to be a part of the Master Plan of Merrillvillas condominiums.

2.03. Percentage of Ownership of the Common Areas and Facilities: As a result of this Supplemental Declaration, the percentage of ownership that each Condominium Unit Owner shall be entitled to and own an equal and undivided interest in the Common Areas and Facilities of Merrivillas. Each Owner's obligation for their proportionate share of Common Expenses shall also be adjusted pursuant to the provisions of Section 4.01 of the Master Declaration. The undivided interest of each Owner shall be considered to be conveyed or encumbered with the Condominium Unit to which it appertains, even though such interest is not expressly mentioned or described in the conveyance or other instrument.

Each right, privilege, benefit, enjoyment, use, obligation, assessment or duty accruing to each Owner by virtue of their ownership as a tenant in common with all other Owners is hereby adjusted by increasing the Common Areas and Facilities and decreasing the undivided percent of each Owner's interest therein, pursuant to the terms of the Master Declaration.

ARTICLE III

Further Supplemental Declarations

3.01. Right to Submit Further Supplemental or Amendatory Declarations. Subject to the limitations contained in the Master Declaration, the Declarant further reserves the right, and by virtue of the Master Declaration is granted the consent of each Owner, to execute and record amendatory and/or further supplementary declarations to the Master Declaration and this Supplemental Declaration, depicting on the plats and plans recorded therewith, additional Condominium Units on the real estate described in Exhibit "B" to the Master Declaration. Said amendatory and/or supplemental declarations may reallocate the undivided interest in the Common Areas and Facilities and establish the reallocation of Common Expenses resulting therefrom.

ARTICLE IV

Effect of Amendment

5.01. Scope and Effective Date: This Supplemental Declaration shall be effective as of the date of recording in the Office of the Recorder of Lake County, Indiana. Except as to those terms expressly modified by this Supplemental Declaration, the Master Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Supplemental Declaration to be executed this 5 day of March, 2004.

MERRILLVILLAS, LLC, a Delaware limited liability company



By: 

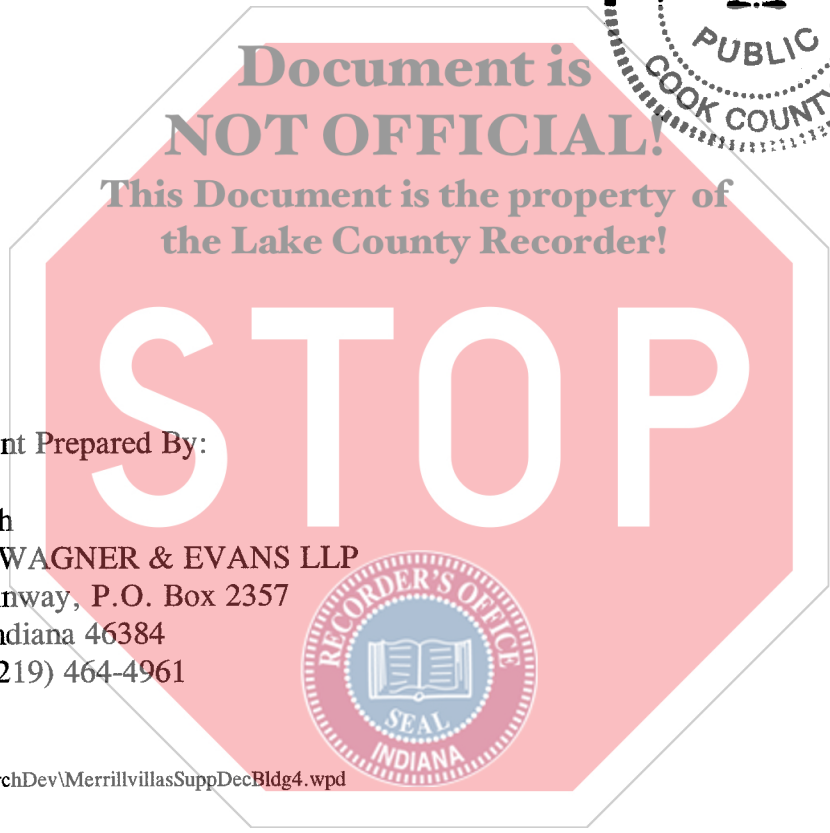
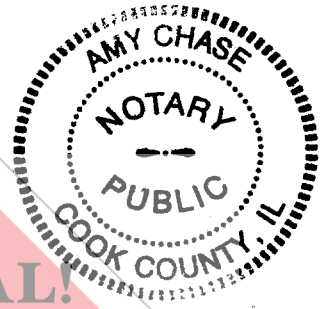
Gene Steinmarch, Manager

STATE OF INDIANA)
) SS:
COUNTY OF)

Be it remembered, that on this 14th day of APRIL, 2004, came before me, Gene Steinmarch, Manager of Merrillvillas, LLC, a Delaware limited liability company, who being duly sworn upon oath, did acknowledge execution and delivery of the within instrument to be the act and deed of said limited liability company for the purposes therein contained.

My Commission Expires:
MARCH 5, 2005

Amy Chase
Notary Public
County of Residence: LAKE



This Instrument Prepared By:
Todd A. Leeth
HOEPPNER WAGNER & EVANS LLP
103 E. Lincolnway, P.O. Box 2357
Valparaiso, Indiana 46384
Telephone: (219) 464-4961

March 31, 2004
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