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MICHAEL A. BROWN
RECORDER

**FIRST AMENDMENT OF DECLARATION OF CONDOMINIUM
OWNERSHIP FOR NEW TOWN WEST CONDOMINIUM AND
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS FOR NEW TOWN WEST
CONDOMINIUM**

New Town, LLC, an Indiana limited liability company ("Declarant"), makes this First Amendment of Declaration of Condominium Ownership for New Town West Condominium and Declaration of Covenants, Conditions, Restrictions and Easements for New Town West Condominium under the Indiana Condominium Law, Ind. Code § 32-25-1-1, *et seq.* ("Act") on this 2 day of April, 2009.

RECITALS

A. Declarant created the New Town West Condominium by recording the Declaration of Condominium Ownership for New Town West Condominium (the "Ownership Declaration") and the Declaration of Covenants, Conditions, Restrictions and Easements for New Town West Condominium (the "Declaration of Covenants") in the Office of the Recorder of Lake County, Indiana on December 8, 2008 as Document Nos. 2008-082666 and 2008-082667, respectively (collectively, the "Declaration"). Capitalized terms appearing in this First Amendment shall have the same meanings given to them in the Declaration.

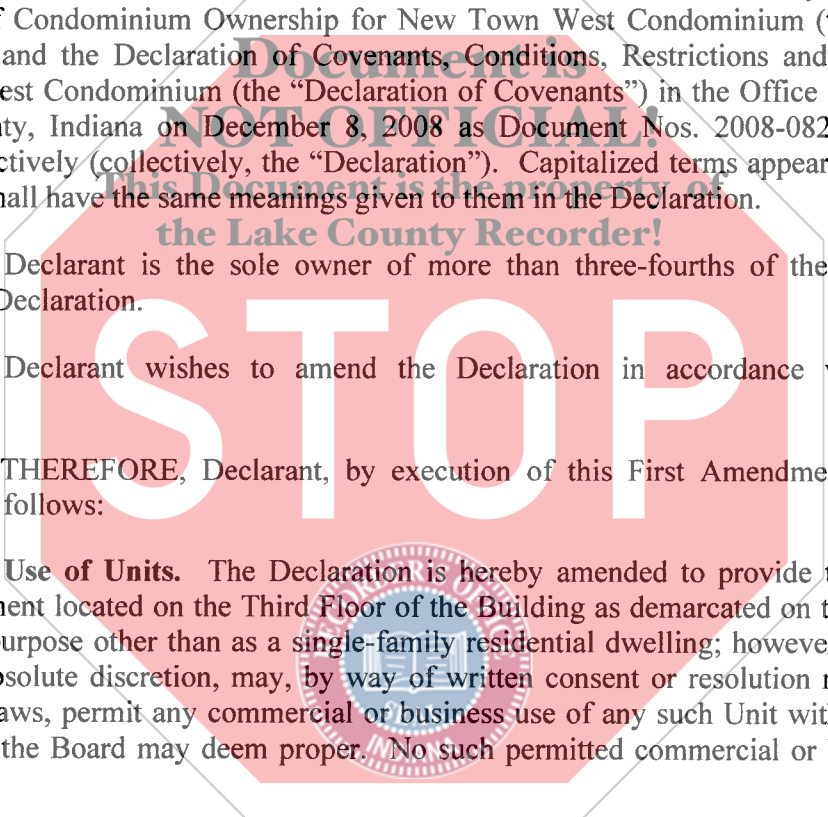
B. Declarant is the sole owner of more than three-fourths of the existing Units subject to the Declaration.

C. Declarant wishes to amend the Declaration in accordance with this First Amendment.

NOW THEREFORE, Declarant, by execution of this First Amendment, amends the Declaration as follows:

1. **Use of Units.** The Declaration is hereby amended to provide that no Unit or Common Element located on the Third Floor of the Building as demarcated on the Plat shall be used for any purpose other than as a single-family residential dwelling; however, the Board, in its sole and absolute discretion, may, by way of written consent or resolution not inconsistent with the By-Laws, permit any commercial or business use of any such Unit with limitations or restrictions as the Board may deem proper. No such permitted commercial or business use of

TICOR TITLE INSURANCE
Crown Point, Indiana



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Ticor Title recorded this document as an accommodation. Ticor did not examine the document or the title of the real estate affected.

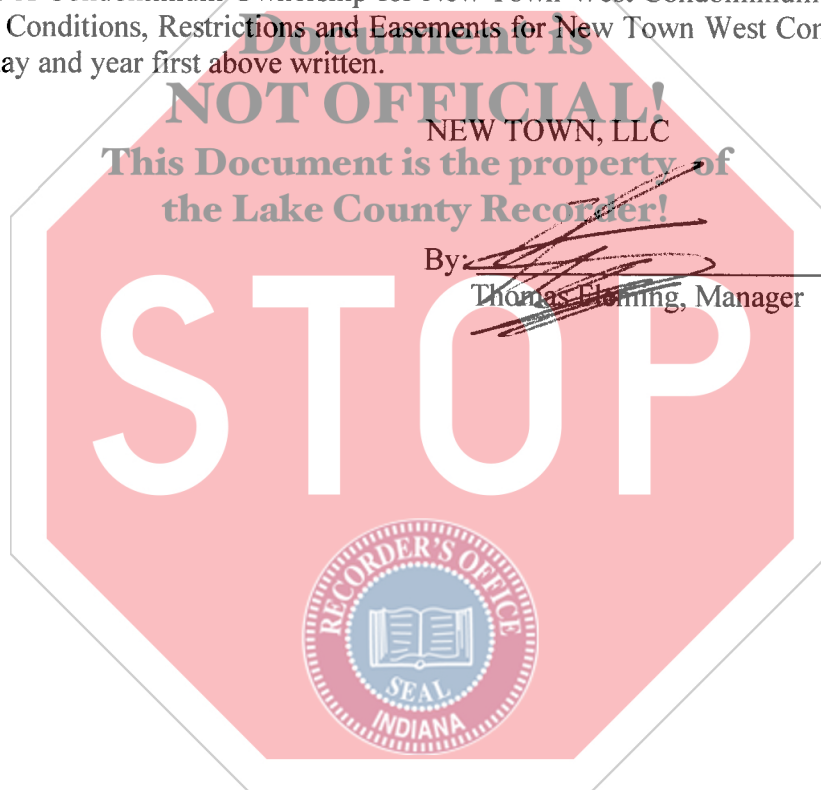
Return: Fleming Realty

any Unit whose use is otherwise limited to a single-family residential dwelling will be transferable to or permitted of any subsequent owner or occupant of any Unit without the written consent or resolution of the Board.

2. Amendments. The following new Section 14.1.7 shall be added to the Declaration of Condominium Ownership:

14.1.7. Notwithstanding any provision of this Declaration or any of the Condominium Instruments to the contrary, Declarant shall have the sole and absolute right to amend this Declaration by executing and recording in the Office of the Recorder of Lake County, Indiana, a written amendment hereto, but only so long as Declarant retains any interest in or to any Unit. Not by way of limitation, any such amendment may be made for the purpose of adding additional real estate to, or creating additional Units within, the Real Estate or modifying the Plat, and any such amendment by Declarant shall not need to be accompanied by any affidavit, certificate, or other document certifying any affirmative vote, delivery of the amendment, or other information pertaining to the adoption or approval of such amendment.

IN WITNESS WHEREOF, the undersigned Declarant has caused this First Amendment of Declaration of Condominium Ownership for New Town West Condominium and Declaration of Covenants, Restrictions and Easements for New Town West Condominium to be executed the day and year first above written.

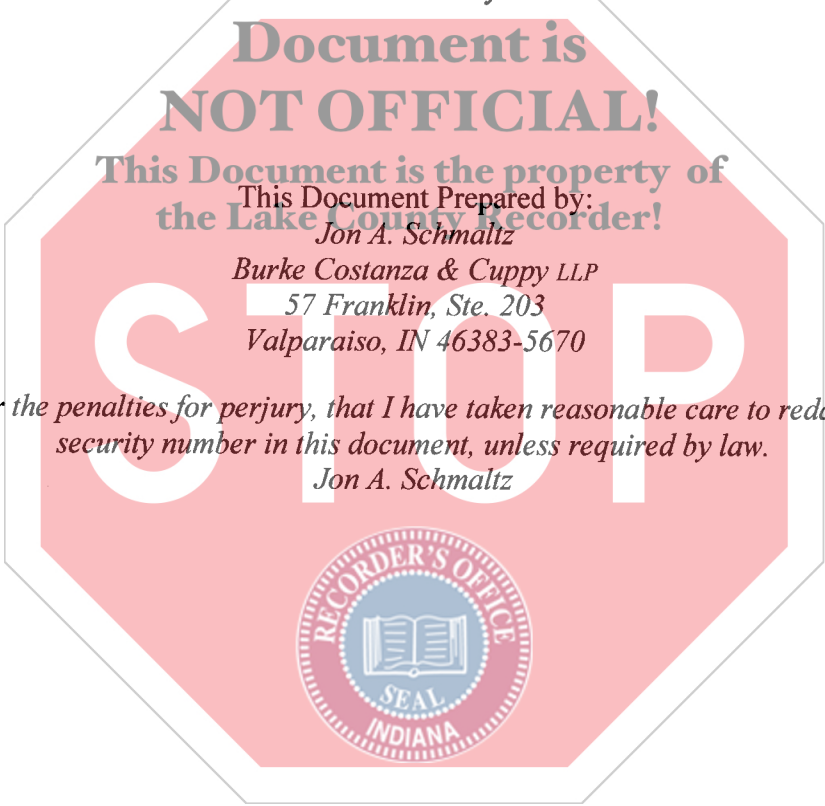


STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

I, a Notary Public in and for the County and State aforesaid, do hereby certify that Thomas Fleming, Manager of New Town, LLC, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Manager, appeared before me this day in person, and acknowledged that he signed and delivered the said instrument as his free and voluntary act and as the free and voluntary act of New Town, LLC for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 3rd day of April, 2009.

Commission Expires: 3-6-13 Cynthia L. Elder
County of Residence: Lake Cynthia L. Elder, Notary Public



This Document Prepared by:
Jon A. Schmaltz
Burke Costanza & Cuppy LLP
57 Franklin, Ste. 203
Valparaiso, IN 46383-5670

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

Jon A. Schmaltz

EXHIBIT "A"
Signed Copy of Affidavit of Officers

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

**AFFIDAVIT OF OFFICERS OF
NEW TOWN WEST PROPERTY OWNERS' ASSOCIATION, INC.**

1. On behalf of, and as all of the officers of, New Town West Property Owners' Association, Inc. ("Corporation"), the undersigned affiants make this affidavit in support of that certain first amendment of declaration of condominium ownership for New Town West Condominium and declaration of covenants, conditions, restrictions and easements for New Town West Condominium.

2. Affiants certify that the requisite affirmative vote of New Unit Owners has been made and given and that a copy of such First Amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against the New Units no less than ten days prior to the date of this affidavit.

3. The Association has taken all other necessary action to approve the First Amendment.

Date: April 14, 2009



STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

The undersigned, a notary public in and for said County and Indiana, does hereby certify that Thomas J. Fleming appeared before me this day in person and acknowledged that he signed and delivered the said instrument, pursuant to proper authority, as his free and voluntary act and deed, and as the free and voluntary act and deed of said New Town West Property Owners' Association, Inc. for the uses and purposes therein set forth.

GIVEN under my hand and official seal as of this 14th day of April, 2009.

Commission Expires: 3-6-13
County of Residence: LAKE

Cynthia L. Elder
Cynthia L. Elder, Notary Public

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

The undersigned, a notary public in and for said County and Indiana, does hereby certify that Timothy Henderlong appeared before me this day in person and acknowledged that he signed and delivered the said instrument, pursuant to proper authority, as his free and voluntary act and deed, and as the free and voluntary act and deed of said New Town West Property Owners' Association, Inc. for the uses and purposes therein set forth.

GIVEN under my hand and official seal as of this 14th day of April, 2009.

Commission Expires: 3-6-13
County of Residence: LAKE

Cynthia L. Elder
Cynthia L. Elder, Notary Public

