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See Misc. Rec. 164 pages 29-40
for Second Amended Declaration.
Eugene R. Johnson, Rec.
7-21-86

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BOOK 160 PAGE 242

FIRST AMENDED DECLARATION
OF
POINTE RETREATS PHASE I SECTION II EXPANSION

Filed for Record September 24, 1985
Recorded in Misc. Book 160,
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of Monroe County, Indiana

Consisting of 12 Pages,
Numbered 1 through 5,
and
Exhibits A through E.

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✓ A.M. 12:05
SEP 24 1985 ✓
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RECORDER RECORDS CO., INC. ✓

Prepared by
William H. Andrews
COTNER, ANDREWS, MANN & CHAPMAN
528 N. Walnut Street, P.O. Box 2478
Bloomington, Indiana 47402-2478

FIRST AMENDED DECLARATION
OF
POINTE RETREATS
PHASE I, SECTION II EXPANSION

THIS FIRST AMENDED DECLARATION, and the exhibits which are attached hereto and made a part hereof, are made and executed this 20th day of SEPTEMBER, 1985, by RONALD J. KILLION, (hereinafter called the "Declarant"), for his successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph 30 of that certain Declaration of Expandable Condominium for Pointe Retreats Phase I Section I Condominium duly filed for record on December 11, 1984, in Book 153, at pages 225-298, in the Office of the Recorder of Monroe County, Indiana.

Statement of Purposes

By Declaration of Expandable Condominium dated December 11, 1984, and recorded December 11, 1984, as Instrument No. 165919 in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as the "Declaration"), the Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, and created the condominium form of ownership with respect to an initial two (2) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of twenty-four (24) separate Units, all as more particularly described in paragraph 5 of said Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real estate designated as the "Development Area" and the approximate boundary of which was described in Exhibit "F" to said Declaration and thereby to add additional or new Units to said Condominium. The Declarant now wishes to add to the "Present Condominium Area" the real property described in paragraph 2 below, and the Condominium Units which have been constructed thereon, which such real estate is presently a part of the "Development Area" referred to in the Declaration, thereby adding New Units and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration.

NOW, THEREFORE, the Declarant, for the purposes hereinafter set forth, pursuant to the provisions set forth in paragraph 30 of the Declaration hereinabove described, and in accordance with

and by means of the powers therein reserved or conferred upon it, hereby amends and supplements said Declaration in the following respects:

1. Definitions. The definitions used and set forth in the Declaration shall be applicable to this First Amended Declaration; provided, however, (i) the term "Property" or "Condominium Property" shall for all purposes now be deemed to include the real property added hereby as Phase I, Section II, and references to Units and Common Areas and Facilities shall include the New Units and New Common Areas and Facilities as described and set forth herein.

2. Declaration. Declarant hereby expressly declares that the real property described in and identified on Exhibit "A", attached hereto, and the Buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall be and hereby become a part of the Pointe Retreats Condominium as if such had originally been included in the Declaration; and the same shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and Rules and Regulations, as adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto being incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I and Phase II Property. Paragraph 4 of the Declaration shall be deemed amended, and is hereby amended, so that henceforth the Condominium Property shall consist of the Phase I, Section I property described in the Declaration, and the Phase I, Section II property described in Exhibit "A", attached hereto (a composite description of the Phase I, Section I and Phase I, Section II real property being as described and identified in Exhibit "B", attached hereto and made a part hereof).

4. Description of Buildings. Paragraph 5 of the Declaration is hereby amended to reflect the addition of Buildings and Units as herein set forth:

Pointe Retreats Phase I, Section II will consist of one(1) multi-unit residential building. The Building is designated as "C", as shown on the Master Site Plan, a copy of which is attached hereto and made a part hereof as Exhibit "C", which such Master Site Plan further shows the location of each Building on the real property described in Exhibit "A" . attached hereto, and its location with respect to every other Building thereon. The Building contains a total of twelve (12) separate new Units consisting of one (1) basic

floor plan types designated by the legend on the Plans and Specifications, attached hereto as Exhibit "D", as floor plan types 1F (460 square foot, one-bedroom flat).

The number of stories in the Building, the number of Units and the type of Units and basements are as follows:

<u>Building Designation</u>	<u>Number of Units by Type</u>	<u>Total Units in Building</u>	<u>Basement</u>	<u>Stories</u>
C	12 type 1F	12	None	3

Said multi-unit Building and the New Units located therein are more particularly described and defined in the Plans and Specifications of said Building, a copy of which Plans and Specifications is attached hereto and made a part thereof as Exhibit "D", showing all particulars of the Building, including the layout, number of stories, the number of rooms, the location, Building designation, New Unit numbers and dimensions of the New Units. Such Plans bear the verified statement of Smith, Quillman and Associates, certifying that said Plans are actual copies of portions of the Plans of the Building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of the Building. For a more particular description of the Building reference is hereby made to the Plan and Specifications filed herewith as Exhibit "D".

5. Description of Units/Percentage Interest in Common Areas and Facilities. Paragraph 6 of the Declaration is hereby amended to reflect the addition of New Units and New Common Areas and Facilities in the manner set forth herein:

The Unit designations of each Condominium Unit, both Existing Units and New Units, the approximate area, number of rooms and other data concerning its proper identification are set forth in Exhibit "E", attached hereto and made a part hereof. The percentage interest of each Unit, both Existing Units and New Units in the Common Areas and Facilities (both Existing Common Areas and Facilities and New Common Areas and Facilities) are based upon the adjusted square footage of each Condominium Unit (both Existing Units and New Units), as shown on said Exhibit "E", attached hereto, in relationship to the total adjusted square footage of all Units. The percentage interest appurtenant to each Unit, based upon the Aggregate Units and the Aggregate Common Areas and Facilities, are as specified on said Exhibit "E" attached hereto.

The percentage interest in the Aggregate Common Areas and Facilities are calculated on the basis as set forth in paragraph

6 and paragraph 30(c) of the Declaration, and this reallocation is accomplished as follows:

(a) Declarant, to the extent necessary, hereby exercises all rights of revocation conferred upon it by the Declaration by all Unit Owners of Existing Units, and thereby divests such Existing Unit Owners of that portion of that Unit's share in the Existing Common Areas and Facilities which must be allocated to the New Units to attain the percentage interest in the Aggregate Common Areas and Facilities in each New Unit as shown on the aforesaid Exhibit "E".

(b) Declarant, to the extent necessary, hereby exercises all powers of attorney reserved by it and hereby grants, conveys and sets over to each Owner of each Existing Unit that share in the New Common Areas and Facilities which is necessary to attain for each Existing Unit the share in the Aggregate Common Areas and Facilities shown in the aforesaid Exhibit "E".

The New Units added hereby shall be designated for purposes of identification in connection with all conveyances of the same as being a part of "Pointe Retreats Phase I, Section II".

6. Acceptance and Ratification. The acceptance of a deed of conveyance, or the act of occupancy of any Units, whether Existing Units or New Units, shall constitute an agreement that the provisions of this First Amended Declaration, the Declaration, the Act, the By-Laws, and any Rules and Regulations adopted pursuant thereto, as each may be amended from time to time, are accepted and ratified by such Owner, tenant or occupant, and such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in any Unit or the Condominium Property as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

7. Floor Plans. The Plans and Specifications setting forth the layout, location, identification number, building designation and dimensions for all the New Units and the Property identified in this First Amended Declaration are incorporated into the Declaration, are added to the Plans heretofore filed with the Declaration, and have been filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan No. 2 on December 11, 1984, as Instrument Number 165918.

Except as set forth herein, the Declaration and all Exhibits hereto shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed the day and year first above written.

BY: Ronald J. Killion
Ben A. Beard
Attorney-in-fact
Ronald J. Killion, By
Ben Beard, Attorney-in-fact

Before me, a Notary Public in and for said County and State, personally appeared Ben Beard (Attorney-in-fact for Ronald J. Killion), by me known, who acknowledged the execution of the above and foregoing Declaration.

Michael L. Caron
MICHAEL L. CARON, Notary Public
A Resident of Monroe County, IN

EXHIBIT A

160 248

POINTE RETREATS
PHASE I SECTION II LEGAL DESCRIPTION

Part of the Northwest quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, being more particularly described as follows:

COMMENCING at an existing stone marking the Southeast corner of said Northwest quarter; thence North 89 degrees 46 minutes 58 seconds West along the South line of said quarter section 718.98 feet to a point on the Monroe Reservoir boundary, being the U.S. Government Fee line as shown on drawings on file in the office of District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next eight (8) courses being along said Monroe Reservoir boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 06 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 286.50 feet; (8) North 05 degrees 41 minutes 20 seconds East 72.88 feet to the Southeast corner of Pointe Retreats Section I of Phase I (Horizontal Plat Book 2, page 191, Office of the Recorder of Monroe County, Indiana); thence leaving said fee line and along the South line of Pointe Retreats Section I of Phase I South 82 degrees 22 minutes 55 seconds West 171.27 feet to the point of beginning of the herein described tract; thence continuing South 82 degrees 22 minutes 55 seconds West 243.06 feet to a point on the boundary of Golf Course Parcel VII (Deed Record 292, page 470, Office of the Recorder); thence along said boundary South 08 degrees 18 minutes 23 seconds East 87.41 feet; thence North 88 degrees 16 minutes 25 seconds East 224.77 feet; thence North 01 degree 50 minutes 49 seconds East 112.00 feet to the point of beginning, containing 0.53 acres more or less. Subject to all easements and rights-of-way.

EXHIBIT B

POINTE RETREATS LEGAL DESCRIPTION
PHASE I, SECTION I and II

Part of the Northwest Quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at an existing stone marking the Southeast corner of said Northwest quarter section; thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line, being the U.S. Government Fee Line as shown on drawings on file in the Office of District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next eight (8) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 06 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 286.50 feet; (8) North 05 degrees 41 minutes 20 seconds East 72.88 feet to the point of beginning; thence continuing North 05 degrees 41 minutes 20 seconds East 74.92 feet; thence North 66 degrees 38 minutes 40 seconds West 210.83 feet; thence South 79 degrees 13 minutes 55 seconds West 253.19 feet; thence South 08 degrees 18 minutes 23 seconds East 254.92 feet; thence North 88 degrees 16 minutes 25 seconds East 224.77 feet; thence North 01 degree 50 minutes 49 seconds East 112.00 feet; thence North 82 degrees 22 minutes 55 seconds East 171.27 feet to the point of beginning, containing 2.05 acres, more or less.

BOOK 188 PAGE 250

EXHIBIT C

MASTER SITE PLAN
POINTE RETREATS, PHASE I, SECTION II EXPANSION

The Master Site Plan for Pointe Retreats, Phase I, Section II, dated AUGUST 29, 1985, prepared by Stephen L. Smith, Registered Land Surveyor, entitled "Master Site Plan - Pointe Retreats, Phase I, Section II" and consisting of one (1) sheet, which was attached to this First Amended Declaration at the time it was filed for record is duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 2 as Instrument Number 175804. Said Master Site Plan is incorporated herein by reference as though fully set out herein.

EXHIBIT D

PLANS AND SPECIFICATIONS
POINTE RETREATS, PHASE I, SECTION II EXPANSION

The Plans and outline specifications for Pointe Retreats, Phase I, Section II more particularly described in the architectural and related drawings for Pointe Retreats, Phase I, Section II were attached to this First Amended Declaration at the time it was filed for record and are duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 2, as Instrument Number 165918, reference to which is hereby made, and said Plans and outline specifications as so filed are incorporated herein by reference as though fully set out herein.

EXHIBIT E

BOOK 180 PAGE 252

POINTE RETREATS - PHASE I - SECTION II

Unit Designation Building	Unit	Floor Plan	Square Footage	Percentage Interest	Address Bloomington, IN
A	A-1	1F	460	2.778	9101 Pointe Retreats Dr
A	A-2	1F	460	2.778	9105 Pointe Retreats Dr
A	A-3	1F	460	2.778	9109 Pointe Retreats Dr
A	A-4	1F	460	2.778	9113 Pointe Retreats Dr
A	A-5	1F	460	2.778	9117 Pointe Retreats Dr
A	A-6	1F	460	2.778	9121 Pointe Retreats Dr
A	A-7	1F	460	2.778	9125 Pointe Retreats Dr
A	A-8	1F	460	2.778	9129 Pointe Retreats Dr
A	A-9	1F	460	2.778	9133 Pointe Retreats Dr
A	A-10	1F	460	2.778	9137 Pointe Retreats Dr
A	A-11	1F	460	2.778	9141 Pointe Retreats Dr
A	A-12	1F	460	2.778	9145 Pointe Retreats Dr
B	B-13	1F	460	2.778	9151 Pointe Retreats Dr
B	B-14	1F	460	2.778	9155 Pointe Retreats Dr
B	B-15	1F	460	2.778	9159 Pointe Retreats Dr
B	B-16	1F	460	2.778	9163 Pointe Retreats Dr
B	B-17	1F	460	2.778	9167 Pointe Retreats Dr
B	B-18	1F	460	2.778	9171 Pointe Retreats Dr
B	B-19	1F	460	2.778	9175 Pointe Retreats Dr
B	B-20	1F	460	2.778	9179 Pointe Retreats Dr
B	B-21	1F	460	2.778	9183 Pointe Retreats Dr
B	B-22	1F	460	2.778	9187 Pointe Retreats Dr
B	B-23	1F	460	2.778	9191 Pointe Retreats Dr
B	B-24	1F	460	2.778	9195 Pointe Retreats Dr
C	C-25	1F	460	2.778	9201 Pointe Retreats Dr
C	C-26	1F	460	2.778	9205 Pointe Retreats Dr
C	C-27	1F	460	2.778	9209 Pointe Retreats Dr
C	C-28	1F	460	2.778	9213 Pointe Retreats Dr
C	C-29	1F	460	2.778	9217 Pointe Retreats Dr
C	C-30	1F	460	2.778	9221 Pointe Retreats Dr

C	C-31	1F	460	2.778	9225 Pointe Retreats Dr
C	C-32	1F	460	2.778	9229 Pointe Retreats Dr
C	C-33	1F	460	2.778	9233 Pointe Retreats Dr
C	C-34	1F	460	2.778	9237 Pointe Retreats Dr
C	C-35	1F	460	2.778	9241 Pointe Retreats Dr
C	C-36	1F	460	2.778	9245 Pointe Retreats Dr

16,560

100.0 %

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164 Pgs 29

SECOND AMENDED DECLARATION

OF

POINTE RETREATS PHASE I SECTION III EXPANSION

Filed for Record Jan. 21, 1986
Recorded in Misc. Book 164,
Pages 29 through 40,
In the Office of the Recorder
of Monroe County, Indiana

Consisting of 12 Pages,
Numbered 1 through 6,
and
Exhibits A through E.

✓ RECORDED
A.M. 1:30 P.M. ✓

JAN 21 1986

✓ 1 Original & 2 Copies
RECORDER MONROE CO. IND ✓

Prepared by

Michael L. Carmin
COTNER, ANDREWS, MANN & CHAPMAN
528 N. Walnut Street, P.O. Box 2478
Bloomington, Indiana 47402-2478

SECOND AMENDED DECLARATION
OF
POINTE RETREATS
PHASE I, SECTION III EXPANSION

THIS SECOND AMENDED DECLARATION, and the exhibits which are attached hereto and made a part hereof, are made and executed this 17th day of January, 1986, by RONALD J. KILLION, (hereinafter called the "Declarant"), for his successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph 30 of that certain Declaration of Expandable Condominium for Pointe Retreats Phase I Section I Condominium duly filed for record on December 11, 1984, in Book 153, at pages*225-298, as amended by First Amended Declaration of Pointe Retreats Phase I, Section II Expansion duly filed for record on September 24, 1985, all in the Office of the Recorder of Monroe County, Indiana.

Statement of Purposes

By Declaration of Expandable Condominium dated December 11, 1984, and recorded December 11, 1984, as Instrument No. 165919 in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as the "Declaration"), the Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, and created the condominium form of ownership with respect to an initial two (2) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of twenty-four (24) separate Units, all as more particularly described in paragraph 5 of said Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real estate designated as the "Development Area" and the approximate boundary of which was described in Exhibit "F" to said Declaration and thereby to add additional or new Units to said Condominium. The Declarant now wishes to add to the "Present Condominium Area" the real property described in paragraph 2 below, and the Condominium Units which have been constructed thereon, which such real estate is presently a part of the "Development Area" referred to in the Declaration, thereby adding New Units and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration.

NOW, THEREFORE, the Declarant, for the purposes hereinafter set forth, pursuant to the provisions set forth in paragraph 30 of the Declaration hereinabove described, and in accordance with and by means of the powers therein reserved or conferred upon it, hereby amends and supplements said Declaration in the following respects:

1. Definitions. The definitions used and set forth in the Declaration shall be applicable to this Second Amended Declaration; provided, however, (i) the term "Property" or "Condominium Property" shall for all purposes now be deemed to include the real property added hereby as Phase I, Section III, and references to Units and Common Areas and Facilities shall include the New Units and New Common Areas and Facilities as described and set forth herein.

2. Declaration. Declarant hereby expressly declares that the real property described in and identified on Exhibit "A", attached hereto, and the Buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall be and hereby become a part of the Pointe Retreats Condominium as if such had originally been included in the Declaration; and the same shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and Rules and Regulations, as adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto being incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I Property. Paragraph 4 of the Declaration shall be deemed amended, and is hereby amended, so that henceforth the Condominium Property shall consist of the Phase I, Section I property described in the Declaration, the Phase I, Section II property described in First Amended Declaration and Phase I, Section III property described in the Exhibit "A", attached hereto (a composite description of the Phase I, Section I, Section II and Section III real property being as described and identified in Exhibit "B", attached hereto and made a part hereof).

4. Description of Buildings. Paragraph 5 of the Declaration is hereby amended to reflect the addition of Buildings and Units as herein set forth:

Pointe Retreats Phase I, Section III will consist of one(1) multi-unit residential building. The Building is designated as "D", as shown on the Master Site Plan, a copy of which is attached hereto and made a part hereof as Exhibit "C", which such Master Site Plan further shows the location of each

Building on the real property described in Exhibit "A" attached hereto, and its location with respect to every other Building thereon. The Building contains a total of twelve (12) separate new Units consisting of one (1) basic floor plan type designated by the legend on the Plans and Specifications, attached hereto as Exhibit "D", as floor plan type 1F (460 square foot, one-bedroom flat).

The number of stories in the Building, the number of Units and the type of Units and basements are as follows:

<u>Building Designation</u>	<u>Number of Units by Type</u>	<u>Total Units in Building</u>	<u>Basement</u>	<u>Stories</u>
D	12 type 1F	12	None	3

Said multi-unit Building and the New Units located therein are more particularly described and defined in the Plans and Specifications of said Building, a copy of which Plans and Specifications is attached hereto and made a part thereof as Exhibit "D", showing all particulars of the Building, including the layout, number of stories, the number of rooms, the location, Building designation, New Unit numbers and dimensions of the New Units. Such Plans bear the verified statement of Smith, Quillman and Associates, certifying that said Plans are actual copies of portions of the Plans of the Building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of the Building. For a more particular description of the Building reference is hereby made to the Plan and Specifications filed herewith as Exhibit "D".

5. Description of Units/Percentage Interest in Common Areas and Facilities. Paragraph 6 of the Declaration is hereby amended to reflect the addition of New Units and New Common Areas and Facilities in the manner set forth herein:

The Unit designations of each Condominium Unit, both Existing Units and New Units, the approximate area, number of rooms and other data concerning its proper identification are set forth in Exhibit "E", attached hereto and made a part hereof. The percentage interest of each Unit, both Existing Units and New Units in the Common Areas and Facilities (both Existing Common Areas and Facilities and New Common Areas and Facilities) are based upon the adjusted square footage of each Condominium Unit (both Existing Units and New Units), as shown on said Exhibit "E", attached hereto, in relationship to the total adjusted square footage of all Units. The percentage interest appurtenant to each Unit, based upon the Aggregate Units and the Aggregate Common Areas and Facilities, are as specified on said Exhibit "E" attached

hereto.

164 PAGE 33

The percentage interest in the Aggregate Common Areas and Facilities are calculated on the basis as set forth in paragraph 6 and paragraph 30(c) of the Declaration, and this reallocation is accomplished as follows:

(a) Declarant, to the extent necessary, hereby exercises all rights of revocation conferred upon it by the Declaration by all Unit Owners of Existing Units, and thereby divests such Existing Unit Owners of that portion of that Unit's share in the Existing Common Areas and Facilities which must be allocated to the New Units to attain the percentage interest in the Aggregate Common Areas and Facilities in each New Unit as shown on the aforesaid Exhibit "E".

(b) Declarant, to the extent necessary, hereby exercises all powers of attorney reserved by it and hereby grants, conveys and sets over to each Owner of each Existing Unit that share in the New Common Areas and Facilities which is necessary to attain for each Existing Unit the share in the Aggregate Common Areas and Facilities shown in the aforesaid Exhibit "E".

The New Units added hereby shall be designated for purposes of identification in connection with all conveyances of the same as being a part of "Pointe Retreats Phase I, Section III".

6. Acceptance and Ratification. The acceptance of a deed of conveyance, or the act of occupancy of any Units, whether Existing Units or New Units, shall constitute an agreement that the provisions of this Second Amended Declaration, the Declaration, the Act, the By-Laws, and any Rules and Regulations adopted pursuant thereto, as each may be amended from time to time, are accepted and ratified by such Owner, tenant or occupant, and such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in any Unit or the Condominium Property as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

7. Floor Plans. The Plans and Specifications setting forth the layout, location, identification number, building designation and dimensions for all the New Units and the Property identified in this Second Amended Declaration are incorporated into the Declaration, are added to the Plans heretofore filed with the Declaration, and have been filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File No. 2 on December 11, 1984, as Instrument Number 165918.

Except as set forth herein, the Declaration and all Exhibits hereto shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed the day and year first above written.

RONALD J. KILLION.

By:

Ronald J. Killion, By
Ben Beard, Attorney-in-fact

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

Before me, a Notary Public in and for said County and State, personally appeared Ben Beard (Attorney-in-fact for Ronald J. Killion), by me known, who acknowledged the execution of the above and foregoing Declaration.

WITNESS my hand and Notarial Seal, this 17th day of January, 1986.

My Commission Expires:

June 3, 1989

Erma D. Harreld, Notary Public
A Resident of Monroe County, IN



POINTE RETREATS
PHASE I SECTION III LEGAL DESCRIPTION

Part of the Northwest quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the Southeast corner of said Northwest quarter section; thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line, being the U.S. Government Fee Line as shown on drawings on file in the Office of District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next seven (7) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 6 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 219.74 feet; thence leaving said Fee Line South 88 degrees 16 minutes 25 seconds West 202.54 feet to the southeast corner of Pointe Retreats Section II of Phase I (Horizontal Plat Book 2, page 307, Office of the Recorder of Monroe County, Indiana), said point being the point of beginning; thence continuing along the south line of Pointe Retreats Section II of Phase I South 88 degrees 16 minutes 25 seconds West 224.77 feet to a point on the boundary of Golf Course Parcel VII (Deed Record 292, page 470, Office of the Recorder); thence along said boundary South 8 degrees 18 minutes 23 seconds East 484.17 feet; thence North 89 degrees 24 minutes 16 seconds East 55.00 feet; thence North 8 degrees 18 minutes 23 seconds West 379.09 feet; thence North 89 degrees 24 minutes 16 seconds 151.00 feet; thence North 1 degree 50 minutes 49 seconds 108.78 feet to the point of beginning, containing 1.00 acres, more or less.

POINTE RETREATS LEGAL DESCRIPTION
PHASE I, SECTION I, II and III

Part of the Northwest Quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at an existing stone marking the Southeast corner of said Northwest quarter section; thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line, being the U.S. Government Fee Line as shown on drawings on file in the Office of District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next eight (8) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 06 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 286.50 feet; (8) North 05 degrees 41 minutes 20 seconds East 72.88 feet to the point of beginning; thence continuing North 05 degrees 41 minutes 20 seconds East 74.92 feet; thence North 66 degrees 38 minutes 40 seconds West 210.83 feet; thence South 79 degrees 13 minutes 55 seconds West 253.19 feet; thence South 08 degrees 18 minutes 23 seconds East 739.09 feet; thence North 89 degrees 24 minutes 16 seconds East 55.00 feet; thence North 08 degrees 18 minutes 23 seconds West 379.09 feet; thence North 89 degrees 24 minutes 16 seconds East 151.00; thence North 1 degree 50 minutes 49 seconds East 220.67 feet; thence North 82 degrees 22 minutes 55 seconds East 171.27 feet to the point of beginning, containing 3.05 acres, more or less.

MASTER SITE PLAN
POINTE RETREATS, PHASE I, SECTION III EXPANSION

The Master Site Plan for Pointe Retreats, Phase I, Section III, dated December 2, 1985, prepared by Stephen L. Smith, Registered Land Surveyor, entitled "Master Site Plan - Pointe Retreats, Phase I, Section III" and consisting of one (1) sheet, which was attached to this Second Amended Declaration at the time it was filed for record is duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 22310 as Instrument Number 179555. Said Master Site Plan is incorporated herein by reference as though fully set out herein.

EXHIBIT D

164 PAGE 38

PLANS AND SPECIFICATIONS
POINTE RETREATS, PHASE I, SECTION III EXPANSION

The Plans and outline specifications for Pointe Retreats, Phase I, Section III more particularly described in the architectural and related drawings for Pointe Retreats, Phase I, Section III were attached to this Second Amended Declaration at the time it was filed for record and are duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 22, 142, 147, as Instrument Number 65, 718, reference to which is hereby made, and said Plans and outline specifications as so filed are incorporated herein by reference as though fully set out herein.

EXHIBIT E

164 39

POINTE RETREATS - PHASE I - SECTION III

Unit Designation Building	Unit	Floor Plan	Square Footage	Percentage Interest	Address Bloomington, IN
A	A-1	1F	460	2.084	9101 Pointe Retreats Dr
A	A-2	1F	460	2.084	9105 Pointe Retreats Dr
A	A-3	1F	460	2.084	9109 Pointe Retreats Dr
A	A-4	1F	460	2.084	9113 Pointe Retreats Dr
A	A-5	1F	460	2.084	9117 Pointe Retreats Dr
A	A-6	1F	460	2.084	9121 Pointe Retreats Dr
A	A-7	1F	460	2.084	9125 Pointe Retreats Dr
A	A-8	1F	460	2.084	9129 Pointe Retreats Dr
A	A-9	1F	460	2.084	9133 Pointe Retreats Dr
A	A-10	1F	460	2.084	9137 Pointe Retreats Dr
A	A-11	1F	460	2.084	9141 Pointe Retreats Dr
A	A-12	1F	460	2.084	9145 Pointe Retreats Dr
B	B-13	1F	460	2.084	9151 Pointe Retreats Dr
B	B-14	1F	460	2.084	9155 Pointe Retreats Dr
B	B-15	1F	460	2.084	9159 Pointe Retreats Dr
B	B-16	1F	460	2.084	9163 Pointe Retreats Dr
B	B-17	1F	460	2.084	9167 Pointe Retreats Dr
B	B-18	1F	460	2.084	9171 Pointe Retreats Dr
B	B-19	1F	460	2.084	9175 Pointe Retreats Dr
B	B-20	1F	460	2.084	9179 Pointe Retreats Dr
B	B-21	1F	460	2.084	9183 Pointe Retreats Dr
B	B-22	1F	460	2.084	9187 Pointe Retreats Dr
B	B-23	1F	460	2.084	9191 Pointe Retreats Dr
B	B-24	1F	460	2.084	9195 Pointe Retreats Dr
C	C-25	1F	460	2.084	9201 Pointe Retreats Dr
C	C-26	1F	460	2.084	9205 Pointe Retreats Dr
C	C-27	1F	460	2.084	9209 Pointe Retreats Dr
C	C-28	1F	460	2.084	9213 Pointe Retreats Dr
C	C-29	1F	460	2.084	9217 Pointe Retreats Dr
C	C-30	1F	460	2.084	9221 Pointe Retreats Dr

C	C-31	1F	460	2.084	9225 Pointe Retreats Dr
C	C-32	1F	460	2.084	9229 Pointe Retreats Dr
C	C-33	1F	460	2.084	9233 Pointe Retreats Dr
C	C-34	1F	460	2.084	9237 Pointe Retreats Dr
C	C-35	1F	460	2.084	9241 Pointe Retreats Dr
C	C-36	1F	460	2.084	9245 Pointe Retreats Dr
D	D-37	1F	460	2.084	9251 Pointe Retreats Dr
D	D-38	1F	460	2.084	9255 Pointe Retreats Dr
D	D-39	1F	460	2.084	9259 Pointe Retreats Dr
D	D-40	1F	460	2.084	9263 Pointe Retreats Dr
D	D-41	1F	460	2.084	9267 Pointe Retreats Dr
D	D-42	1F	460	2.084	9271 Pointe Retreats Dr
D	D-43	1F	460	2.084	9275 Pointe Retreats Dr
D	D-44	1F	460	2.084	9279 Pointe Retreats Dr
D	* D-45	1F	460	2.084	9283 Pointe Retreats Dr
D	D-46	1F	460	2.084	9287 Pointe Retreats Dr
D	D-47	1F	460	2.084	9291 Pointe Retreats Dr
D	D-48	1F	460	2.084	9295 Pointe Retreats Dr

22,080

100.032

C	C-31	1F	460	2.084	9225	Pointe Retreats Dr
C	C-32	1F	460	2.084	9229	Pointe Retreats Dr
C	C-33	1F	460	2.084	9233	Pointe Retreats Dr
C	C-34	1F	460	2.084	9237	Pointe Retreats Dr
C	C-35	1F	460	2.084	9241	Pointe Retreats Dr
C	C-36	1F	460	2.084	9245	Pointe Retreats Dr
D	D-37	1F	460	2.084	9251	Pointe Retreats Dr
D	D-38	1F	460	2.084	9255	Pointe Retreats Dr
D	D-39	1F	460	2.084	9259	Pointe Retreats Dr
D	D-40	1F	460	2.084	9263	Pointe Retreats Dr
D	D-41	1F	460	2.084	9267	Pointe Retreats Dr
D	D-42	1F	460	2.084	9271	Pointe Retreats Dr
D	D-43	1F	460	2.084	9275	Pointe Retreats Dr
D	D-44	1F	460	2.084	9279	Pointe Retreats Dr
D	* D-45	1F	460	2.084	9283	Pointe Retreats Dr
D	D-46	1F	460	2.084	9287	Pointe Retreats Dr
D	D-47	1F	460	2.084	9291	Pointe Retreats Dr
D	D-48	1F	460	2.084	9295	Pointe Retreats Dr

22,080

100.032

185571

THIRD AMENDED DECLARATION OF
POINTE RETREATS CONDOMINIUM

187 432

This Third Amended Declaration of Pointe Retreats Condominium, is made and executed this 19th day of June, 1986 by Ronald J. Killion, Declarant, and as President, Pointe Retreats Homeowner's Association, Inc.

WITNESSETH THAT:

WHEREAS, that certain Declaration of Expandable Condominium dated December 11, 1984 and recorded December 11, 1984 as Instrument Number 165 919 in the office of the Recorder of Monroe County, Indiana, in Book 153 at pages 225 to 298, and

WHEREAS, said Declaration was subsequently amended by First Amended Declaration of Pointe Retreats Phase I, Section II Expansion duly filed for record on September 24, 1985 in Book 160 at pages 242 to 253, and the Second Amended Declaration of Pointe Retreats Phase I, Section III Expansion duly filed for record on January 21, 1986 in Book 164 at pages 29 to 40, both in the Office of the Recorder of Monroe County, Indiana, and

WHEREAS, the By-laws of Pointe Retreats Homeowner's Association, Inc. appear as Exhibit B to said Declaration, and provide in Article VIII for amendment to said By-laws by a vote of 75% in common interest of all unit owners, and

WHEREAS, certain proposed amendments having been voted upon and adopted by 75% in common interest of all unit owners of Pointe Retreats;

NOW THEREFORE, the By-laws of Pointe Retreats Homeowner's Association, Inc. are hereby amended in the following particulars:

1. Article III, Section 8, Powers and Duties is hereby amended by adding the following the additional subparagraph:

(p) Notwithstanding any other provision of these By-laws, the Board of Administrators shall have the power to further amend these By-laws at any regular or special meeting for the purpose of accommodating the requirements of the mortgagee.

2. Article III, Section 9, Managing Agent is amended and reads as follows:

The Board of Administrators for the Condominium may engage the services of any person, firm, or corporation to act as managing agent, for a term not to exceed three years, at a compensation established by the Board to perform such duties

and services as the Board of Administrators shall authorize, including, but not limited to, the duties listed in subdivisions (a), (c), (d), (f), (j), (k), (m), (n), (o) of Section 8 of this Article III. Any such engagement shall specify the right of the Board of Administrators to terminate the engagement on 90 days notice. The Board may delegate to the managing agent, all of the powers granted to the Board of Administrators by these By-laws, other than the powers set forth in subdivision (b), (e), (g), (h), (i) and (1) of Section 8 of this Article III. Such managing agent may be a corporation or partnership which is an affiliate of Declarant.

3. Article VI, Section 2, Payment of Common Expenses is amended by adding the following additional paragraph:

In the event a first mortgagee is required to pay taxes or Homeowner's Association assessments on the common area, the Board of Administrators on behalf of the Homeowner's Association, shall reimburse the first mortgagee within ten (10) days of notice of such payment. The cost of reimbursement shall be assessed to all unit owners as a special assessment.

4. Article VI, Section 16, Right of Access is hereby amended by adding the following language:

A unit owner shall grant a right of access to his unit to a person authorized by the Board of Administrators or the managing agent for the purpose of making an inspection as required by a mortgagee or prospective mortgagee; provided that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the unit owner.

The undersigned person executing this Third Amended Declaration to Pointe Retreats on behalf of the Pointe Retreats Homeowners Association, Inc., represents and certified that he is the duly elected President of the Pointe Retreats Homeowner's Association, Inc., that he has been fully empowered by proper resolution of the Board of Directors of Pointe Retreats Homeowner's Association, Inc. to execute this Third Amendment to the Declaration; that written consent to the proposed amendment has been obtained from 75% in common interest of all unit owners at Pointe Retreats; as President of the Association, the undersigned has full capacity to make this Third Amendment to the Declaration; and that all corporate action necessary for the making of this Third Amendment to the Declaration has been taken and done.

167 434

In witness whereof the undersigned has hereunto set his hand and seal this 19th day of June, 1986.

RONALD J. KILLION, Declarant

By

Ronald J. Killion
Ronald J. Killion

POINTE RETREATS HOMEOWNER'S ASSOCIATION, INC.

By

Ronald J. Killion
Ronald J. Killion, President

Attest:

Ben A. Beard
Ben A. Beard, Secretary

STATE OF INDIANA

SS:

COUNTY OF MONROE

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, this 19th day of June, 1986, the above named Ronald J. Killion and acknowledged the execution of the foregoing Third Amended Declaration of Pointe Retreats Condominium to be his true and correct act and deed. WITNESS my hand and notarial seal.

Kimberly K Herrman
Notary Public residing in
Monroe County

KIMBERLY K HERRMAN
Printed Name

My Commission expires:

3/22/88

This Instrument Prepared By:
Michael L. Carmin
COTNER, ANDREWS, MANN & CHAPMAN
Attorneys at Law
528 North Walnut Street
P. O. Box 2478
Bloomington IN 47402-2478
(812) 332-6556

✓ **RECORDED** ✓
A.M. 11:21 P.M. 11:21

N JUN 20 1986

✓ Theresa M. Johnson
RECORDER MONROE CO., IND. ✓

188499

188 345

FOURTH AMENDED DECLARATION
OF
POINTE RETREATS PHASE II SECTION I EXPANSION

Filed for Record Aug. 19, 1986
Recorded in Misc. Book 107,
Pages 345 through 356,
In the Office of the Recorder
of Monroe County, Indiana

Consisting of 12 Pages,
Numbered 1 through 5,
and
Exhibits A through E.

RECORDED
AUG 19 1986

AUG 19 1986

RECORDED IN CHARGE CO., IND.

Prepared by

Michael L. Carmin, Attorney at Law
COTNER, ANDREWS, MANN & CHAPMAN
528 N. Walnut Street, P.O. Box 2478
Bloomington, Indiana 47402-2478
(812) 332-6556

FOURTH AMENDED DECLARATION
OF
POINTE RETREATS
PHASE II, SECTION I EXPANSION

THIS FOURTH AMENDED DECLARATION, and the exhibits which are attached hereto and made a part hereof, are made and executed this 14th day of AUGUST, 1986, by RONALD J. KILLION, (hereinafter called the "Declarant"), for his successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph 30 of that certain Declaration of Expandable Condominium for Pointe Retreats Phase I Section I Condominium duly filed for record on December 11, 1984, in Book 153, at pages 225-298, as amended by First Amended Declaration of Pointe Retreats Phase I, Section II Expansion duly filed for record on September 24, 1985, and amended by Second Amended Declaration of Pointe Retreats Phase I, Section III Expansion duly filed for record on January 21, 1986 in Book 164, at pages 29 to 40, and amended by Third Amended Declaration of Pointe Retreats Condominium duly filed for record on June 20, 1986 in Book 167, at pages 432-434, all in the Office of the Recorder of Monroe County, Indiana.

Statement of Purposes

By Declaration of Expandable Condominium dated December 11, 1984, and recorded December 11, 1984, as Instrument No. 165919 in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as the "Declaration"), the Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, and created the condominium form of ownership with respect to an initial two (2) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of twenty-four (24) separate Units, all as more particularly described in paragraph 5 of said Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real estate designated as the "Development Area" and the approximate boundary of which was described in Exhibit "F" to said Declaration and thereby to add additional or new Units to said Condominium. The Declarant now wishes to add to the "Present Condominium Area" the real property described in paragraph 2 below, and the Condominium Units which have been constructed thereon, which such real estate is presently a part of the "Development Area" referred to in the Declaration, thereby

adding New Units and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration.

NOW, THEREFORE, the Declarant, for the purposes hereinafter set forth, pursuant to the provisions set forth in paragraph 30 of the Declaration hereinabove described, and in accordance with and by means of the powers therein reserved or conferred upon it, hereby amends and supplements said Declaration in the following respects:

1. Definitions. The definitions used and set forth in the Declaration shall be applicable to this Fourth Amended Declaration; provided, however, (i) the term "Property" or "Condominium Property" shall for all purposes now be deemed to include the real property added hereby as Phase II, Section I, and references to Units and Common Areas and Facilities shall include the New Units and New Common Areas and Facilities as described and set forth herein.

2. Declaration. Declarant hereby expressly declares that the real property described in and identified on Exhibit "A", attached hereto, and the Buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall be and hereby become a part of the Pointe Retreats Condominium as if such had originally been included in the Declaration; and the same shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and Rules and Regulations, as adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto being incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I Section I, II and III and Phase II, Section I Property. Paragraph 4 of the Declaration shall be deemed amended, and is hereby amended, so that henceforth the Condominium Property shall consist of the Phase I, Section I property described in the Declaration, the Phase I, Section II property described in First Amended Declaration and Phase I, Section III property described in the Second Amended Declaration and the Phase II, Section I property described in the Exhibit "A", attached hereto (a composite description of the Phase I, Section I, Section II and Section III, and Phase II, Section I real property being as described and identified in Exhibit "B", attached hereto and made a part hereof).

4. Description of Buildings. Paragraph 5 of the Declaration is hereby amended to reflect the addition of Buildings and Units as herein set forth:

Pointe Retreats Phase II, Section I will consist of one (1) multi-unit residential building. The Building is designated as "E", as shown on the Master Site Plan, a copy of which is attached hereto and made a part hereof as Exhibit "C", which such Master Site Plan further shows the location of each Building on the real property described in Exhibit "A" attached hereto, and its location with respect to every other Building thereon. The Building contains a total of eighteen (18) separate new Units consisting of one (1) basic floor plan type designated by the legend on the Plans and Specifications, attached hereto as Exhibit "D", as floor plan type 1F (460 square foot, one-bedroom flat).

The number of stories in the Building, the number of Units and the type of Units and basements are as follows:

<u>Building Designation</u>	<u>Number of Units by Type</u>	<u>Total Units in Building</u>	<u>Basement</u>	<u>Stories</u>
E	18 type 1F	18	None	3

Said multi-unit Building and the New Units located therein are more particularly described and defined in the Plans and Specifications of said Building, a copy of which Plans and Specifications is attached hereto and made a part thereof as Exhibit "D", showing all particulars of the Building, including the layout, number of stories, the number of rooms, the location, Building designation, New Unit numbers and dimensions of the New Units. Such Plans bear the verified statement of Smith, Quillman and Associates, certifying that said Plans are actual copies of portions of the Plans of the Building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of the Building. For a more particular description of the Building reference is hereby made to the Plan and Specifications filed herewith as Exhibit "D".

5. Description of Units/Percentage Interest in Common Areas and Facilities. Paragraph 6 of the Declaration is hereby amended to reflect the addition of New Units and New Common Areas and Facilities in the manner set forth herein:

The Unit designations of each Condominium Unit, both Existing Units and New Units, the approximate area, number of rooms and other data concerning its proper identification are set forth in Exhibit "E", attached hereto and made a part hereof. The percentage interest of each Unit, both Existing Units and New Units in the Common Areas and Facilities (both Existing Common Areas and Facilities and New Common Areas and Facilities) are based upon the adjusted square footage of each Condominium Unit (both Existing Units and New Units), as shown on

said Exhibit "E", attached hereto, in relationship to the total adjusted square footage of all Units. The percentage interest appurtenant to each Unit, based upon the Aggregate Units and the Aggregate Common Areas and Facilities, are as specified on said Exhibit "E" attached hereto.

The percentage interest in the Aggregate Common Areas and Facilities are calculated on the basis as set forth in paragraph 6 and paragraph 30(c) of the Declaration, and this reallocation is accomplished as follows:

(a) Declarant, to the extent necessary, hereby exercises all rights of revocation conferred upon it by the Declaration by all Unit Owners of Existing Units, and thereby divests such Existing Unit Owners of that portion of that Unit's share in the Existing Common Areas and Facilities which must be allocated to the New Units to attain the percentage interest in the Aggregate Common Areas and Facilities in each New Unit as shown on the aforesaid Exhibit "E".

(b) Declarant, to the extent necessary, hereby exercises all powers of attorney reserved by it and hereby grants, conveys and sets over to each Owner of each Existing Unit that share in the New Common Areas and Facilities which is necessary to attain for each Existing Unit the share in the Aggregate Common Areas and Facilities shown in the aforesaid Exhibit "E".

The New Units added hereby shall be designated for purposes of identification in connection with all conveyances of the same as being a part of "Pointe Retreats Phase II, Section I".

6. Acceptance and Ratification. The acceptance of a deed of conveyance, or the act of occupancy of any Units, whether Existing Units or New Units, shall constitute an agreement that the provisions of this Second Amended Declaration, the Declaration, the Act, the By-Laws, and any Rules and Regulations adopted pursuant thereto, as each may be amended from time to time, are accepted and ratified by such Owner, tenant or occupant, and such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in any Unit or the Condominium Property as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

7. Floor Plans. The Plans and Specifications setting forth the layout, location, identification number, building designation and dimensions for all the New Units and the Property identified in this Second Amended Declaration are incorporated into the Declaration, are added to the Plans heretofore filed with the

Declaration, and have been filed in the Office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File No. 3 on AUGUST 18, as Instrument Number 188447.

Except as set forth herein, the Declaration and all Exhibits hereto shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed the day and year first above written.

RONALD J. KILLION

Ronald J. Killion

By:

Ben Beard

Ronald J. Killion, By
Ben Beard, Attorney-in-fact

As his Attorney-in-fact

STATE OF INDIANA)

) SS:

COUNTY OF MONROE)

Before me, a Notary Public in and for said County and State, personally appeared Ben Beard (Attorney-in-fact for Ronald J. Killion), by me known, who acknowledged the execution of the above and foregoing Declaration.

WITNESS my hand and Notarial Seal, this 14th day of August, 1986.

My Commission Expires:

July 8, 1988

Michael L. Carman
MICHAEL L. CARMAN, Notary Public
A Resident of Monroe County, IN

EXHIBIT A

POINTE RETREATS
PHASE II SECTION I LEGAL DESCRIPTION

Part of the Northwest quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Northwest quarter section thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line; being the U.S. Government Fee Line as shown on drawings on file in the Office of the District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next eight (8) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 6 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 286.50 feet to the point of beginning; (8) North 5 degrees 41 minutes 20 seconds East 72.88 feet and to the Southeast corner of Pointe Retreats Section I of Phase I (Horizontal Plat Book 2, page 191, Office of the Recorder of Monroe County, Indiana); thence leaving said Fee Line and along the South line of Pointe Retreats Section I of Phase I South 82 degrees 22 minutes 55 seconds West 171.27 feet and to the Northeast corner of Pointe Retreats Section II of Phase I (Horizontal Plat Book 2, page 307, Office of the Recorder of Monroe County, Indiana) thence leaving said South line and continuing along the East lines of Pointe Retreats Sections II and III of Phase I South 1 degree 50 minutes 49 seconds West 220.67 feet and to a corner of Pointe Retreats Section III of Phase I (Horizontal Plat Book 2, page 307, Office of the Recorder of Monroe County, Indiana); thence the next two (2) courses being along the southerly and easterly lines of said Pointe Retreats Section III; (1) South 89 degrees 24 minutes 16 seconds West 151.00 feet; (2) South 8 degrees 18 minutes 23 seconds East 176.74 feet; thence North 63 degrees 42 minutes 09 seconds East 262.42 feet; thence North 14 degrees 31 minutes 41 seconds East 238.55 feet and to the point of beginning, containing 1.50 acres more or less.

EXHIBIT B

POINTE RETREATS LEGAL DESCRIPTION
PHASE I, SECTION I, II, and III and
PHASE II, SECTION I

Part of the Northwest Quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at an existing stone marking the Southeast corner of said Northwest quarter section; thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line, being the U.S. Government Fee Line as shown on drawings on file in the Office of District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next seven (7) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 06 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 286.50 feet to the point of beginning; thence continuing North 05 degrees 41 minutes 20 seconds East 157.80 feet; thence North 66 degrees 38 minutes 40 seconds West 210.83 feet; thence South 79 degrees 13 minutes 55 seconds West 253.19 feet; thence South 08 degrees 18 minutes 23 seconds East 739.09 feet; thence North 89 degrees 24 minutes 16 seconds East 55.00 feet; thence North 08 degrees 18 minutes 23 seconds West 555.83 feet; thence North 63 degrees 42 minutes 09 seconds East 262.42 feet; thence North 14 degrees 31 minutes 41 seconds East 238.55 feet to the point of beginning, containing 3.55 acres, more or less.

EXHIBIT C

BOOK 169 PAGE 353

MASTER SITE PLAN
POINTE RETREATS, PHASE II, SECTION I EXPANSION

The Master Site Plan for Pointe Retreats, Phase II, Section I, dated June 16, 1988, prepared by Stephen L. Smith, Registered Land Surveyor, entitled "Master Site Plan - Pointe Retreats, Phase II, Section I" and consisting of one (1) sheet, which was attached to this Second Amended Declaration at the time it was filed for record is duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 3 as Instrument Number 188447. Said Master Site Plan is incorporated herein by reference as though fully set out herein.

EXHIBIT D

PLANS AND SPECIFICATIONS
POINTE RETREATS, PHASE II, SECTION I EXPANSION

The Plans and outline specifications for Pointe Retreats, Phase II, Section I more particularly described in the architectural and related drawings for Pointe Retreats, Phase II, Section I were attached to this Fourth Amended Declaration at the time it was filed for record and are duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 3, as Instrument Number 188467, reference to which is hereby made, and said Plans and outline specifications as so filed are incorporated herein by reference as though fully set out herein.

EXHIBIT E

POINTE RETREATS - PHASE II - SECTION I

Unit Designation Building	Unit	Floor Plan	Square Footage	Percentage Interest	Address Bloomington, IN
A	A-1	1F	460	1.515	9101 Pointe Retreats Dr
A	A-2	1F	460	1.515	9105 Pointe Retreats Dr
A	A-3	1F	460	1.515	9109 Pointe Retreats Dr
A	A-4	1F	460	1.515	9113 Pointe Retreats Dr
A	A-5	1F	460	1.515	9117 Pointe Retreats Dr
A	A-6	1F	460	1.515	9121 Pointe Retreats Dr
A	A-7	1F	460	1.515	9125 Pointe Retreats Dr
A	A-8	1F	460	1.515	9129 Pointe Retreats Dr
A	A-9	1F	460	1.515	9133 Pointe Retreats Dr
A	A-10	1F	460	1.515	9137 Pointe Retreats Dr
A	A-11	1F	460	1.515	9141 Pointe Retreats Dr
A	A-12	1F	460	1.515	9145 Pointe Retreats Dr
B	B-13	1F	460	1.515	9151 Pointe Retreats Dr
B	B-14	1F	460	1.515	9155 Pointe Retreats Dr
B	B-15	1F	460	1.515	9159 Pointe Retreats Dr
B	B-16	1F	460	1.515	9163 Pointe Retreats Dr
B	B-17	1F	460	1.515	9167 Pointe Retreats Dr
B	B-18	1F	460	1.515	9171 Pointe Retreats Dr
B	B-19	1F	460	1.515	9175 Pointe Retreats Dr
B	B-20	1F	460	1.515	9179 Pointe Retreats Dr
B	B-21	1F	460	1.515	9183 Pointe Retreats Dr
B	B-22	1F	460	1.515	9187 Pointe Retreats Dr
B	B-23	1F	460	1.515	9191 Pointe Retreats Dr
B	B-24	1F	460	1.515	9195 Pointe Retreats Dr
C	C-25	1F	460	1.515	9201 Pointe Retreats Dr
C	C-26	1F	460	1.515	9205 Pointe Retreats Dr
C	C-27	1F	460	1.515	9209 Pointe Retreats Dr
C	C-28	1F	460	1.515	9213 Pointe Retreats Dr
C	C-29	1F	460	1.515	9217 Pointe Retreats Dr
C	C-30	1F	460	1.515	9221 Pointe Retreats Dr

C	C-31	1F	460	1.515	9225	Pointe Retreats Dr
C	C-32	1F	460	1.515	9229	Pointe Retreats Dr
C	C-33	1F	460	1.515	9233	Pointe Retreats Dr
C	C-34	1F	460	1.515	9237	Pointe Retreats Dr
C	C-35	1F	460	1.515	9241	Pointe Retreats Dr
C	C-36	1F	460	1.515	9245	Pointe Retreats Dr
D	D-37	1F	460	1.515	9251	Pointe Retreats Dr
D	D-38	1F	460	1.515	9255	Pointe Retreats Dr
D	D-39	1F	460	1.515	9259	Pointe Retreats Dr
D	D-40	1F	460	1.515	9263	Pointe Retreats Dr
D	D-41	1F	460	1.515	9267	Pointe Retreats Dr
D	D-42	1F	460	1.515	9271	Pointe Retreats Dr
D	D-43	1F	460	1.515	9275	Pointe Retreats Dr
D	D-44	1F	460	1.515	9279	Pointe Retreats Dr
D	D-45	1F	460	1.515	9283	Pointe Retreats Dr
D	D-46	1F	460	1.515	9287	Pointe Retreats Dr
D	D-47	1F	460	1.515	9291	Pointe Retreats Dr
D	D-48	1F	460	1.515	9295	Pointe Retreats Dr
E	E-49	1F	460	1.515	9301	Pointe Retreats Dr
E	E-50	1F	460	1.515	9305	Pointe Retreats Dr
E	E-51	1F	460	1.515	9309	Pointe Retreats Dr
E	E-52	1F	460	1.515	9313	Pointe Retreats Dr
E	E-53	1F	460	1.515	9317	Pointe Retreats Dr
E	E-54	1F	460	1.515	9321	Pointe Retreats Dr
E	E-55	1F	460	1.515	9325	Pointe Retreats Dr
E	E-56	1F	460	1.515	9329	Pointe Retreats Dr
E	E-57	1F	460	1.516	9333	Pointe Retreats Dr
E	E-58	1F	460	1.516	9337	Pointe Retreats Dr
E	E-59	1F	460	1.516	9341	Pointe Retreats Dr
E	E-60	1F	460	1.516	9345	Pointe Retreats Dr
E	E-61	1F	460	1.516	9349	Pointe Retreats Dr
E	E-62	1F	460	1.516	9353	Pointe Retreats Dr
E	E-63	1F	460	1.516	9357	Pointe Retreats Dr
E	E-64	1F	460	1.516	9361	Pointe Retreats Dr
E	E-65	1F	460	1.516	9365	Pointe Retreats Dr
E	E-66	1F	460	1.516	9369	Pointe Retreats Dr

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182 PAGE 329

FIFTH AMENDED DECLARATION
OF
POINTE RETREATS PHASE II SECTION II EXPANSION

Filed for Record January 28, 1988
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Numbered 1 through 5,
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Exhibits A through E.

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A.M. _____ P.M. 3:07 ✓
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RECORDED BY _____ ✓

Prepared by

Michael L. Carmin, Attorney at Law
COTNER, ANDREWS, MANN & CHAPMAN
528 N. Walnut Street, P.O. Box 2478
Bloomington, Indiana 47402-2478
(812) 332-6556

FIFTH AMENDED DECLARATION
OF
POINTE RETREATS
PHASE II SECTION II EXPANSION

THIS FIFTH AMENDED DECLARATION, and the exhibits which are attached hereto and made a part hereof, are made and executed this 19th day of September, 1987, by RONALD J. KILLION, (hereinafter called the "Declarant"), for his successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph 30 of that certain Declaration of Expandable Condominium for Pointe Retreats Phase I Section I Condominium duly filed for record on December 11, 1984, in Book 153, at pages 225-298, as amended by First Amended Declaration of Pointe Retreats Phase I, Section II Expansion duly filed for record on September 24, 1985, and amended by Second Amended Declaration of Pointe Retreats Phase I, Section III Expansion duly filed for record on January 21, 1986 in Book 164, at pages 29 to 40, and amended by Third Amended Declaration of Pointe Retreats Condominium duly filed for record on June 20, 1986 in Book 167, at pages 432-434, and amended by the Fourth Amended Declaration of Pointe Retreats Phase II, Section I Expansion, duly filed for record on August 19, 1986, in Book 169, at pages 345-357, all in the Office of the Recorder of Monroe County, Indiana.

Statement of Purposes

By Declaration of Expandable Condominium dated December 11, 1984, and recorded December 11, 1984, as Instrument No. 165919 in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as the "Declaration"), the Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, and created the condominium form of ownership with respect to an initial two (2) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of twenty-four (24) separate Units, all as more particularly described in paragraph 5 of said Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real estate designated as the "Development Area" and the approximate boundary of which was described in Exhibit "F" to said Declaration and thereby to add additional or new Units to said Condominium. The Declarant now wishes to add to the "Present Condominium Area" the real property described in

paragraph 2 below; and the Condominium Units which have been constructed thereon, which such real estate is presently a part of the "Development Area" referred to in the Declaration, thereby adding New Units and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration.

NOW, THEREFORE, the Declarant, for the purposes hereinafter set forth, pursuant to the provisions set forth in paragraph 30 of the Declaration hereinabove described, and in accordance with and by means of the powers therein reserved or conferred upon it, hereby amends and supplements said Declaration in the following respects:

1. Definitions. The definitions used and set forth in the Declaration shall be applicable to this Fifth Amended Declaration; provided, however, (i) the term "Property" or "Condominium Property" shall for all purposes now be deemed to include the real property added hereby as Phase II, Section II, and references to Units and Common Areas and Facilities shall include the New Units and New Common Areas and Facilities as described and set forth herein.

2. Declaration. Declarant hereby expressly declares that the real property described in and identified on Exhibit "A", attached hereto, and the Buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall be and hereby become a part of the Pointe Retreats Condominium as if such had originally been included in the Declaration; and the same shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and Rules and Regulations, as adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto being incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I Section I, II and III and Phase II, Section I and II Property. Paragraph 4 of the Declaration shall be deemed amended, and is hereby amended, so that henceforth the Condominium Property shall consist of the Phase I, Section I property described in the Declaration, the Phase I, Section II property described in First Amended Declaration, Phase I, Section III property described in the Second Amended Declaration, the Phase II, Section I property described in the Fourth Amended Declaration, and the Phase II, Section II property described in the Exhibit "A", attached hereto (a composite description of the Phase I, Section I, Section II and Section III, and Phase II, Section I and Section II real property being

paragraph 2 below, and the Condominium Units which have been constructed thereon, which such real estate is presently a part of the "Development Area" referred to in the Declaration, thereby adding New Units and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration.

NOW, THEREFORE, the Declarant, for the purposes hereinafter set forth, pursuant to the provisions set forth in paragraph 30 of the Declaration hereinabove described, and in accordance with and by means of the powers therein reserved or conferred upon it, hereby amends and supplements said Declaration in the following respects:

1. Definitions. The definitions used and set forth in the Declaration shall be applicable to this Fifth Amended Declaration; provided, however, (i) the term "Property" or "Condominium Property" shall for all purposes now be deemed to include the real property added hereby as Phase II, Section II, and references to Units and Common Areas and Facilities shall include the New Units and New Common Areas and Facilities as described and set forth herein.

2. Declaration. Declarant hereby expressly declares that the real property described in and identified on Exhibit "A", attached hereto, and the Buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall be and hereby become a part of the Pointe Retreats Condominium as if such had originally been included in the Declaration; and the same shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Act, the By-Laws, and Rules and Regulations, as adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto being incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I Section I, II and III and Phase II, Section I and II Property. Paragraph 4 of the Declaration shall be deemed amended, and is hereby amended, so that henceforth the Condominium Property shall consist of the Phase I, Section I property described in the Declaration, the Phase I, Section II property described in First Amended Declaration, Phase I, Section III property described in the Second Amended Declaration, the Phase II, Section I property described in the Fourth Amended Declaration, and the Phase II, Section II property described in the Exhibit "A", attached hereto (a composite description of the Phase I, Section I, Section II and Section III, and Phase II, Section I and Section II real property being

as described and identified in Exhibit "B", attached hereto and made a part hereof).

4. Description of Buildings. Paragraph 5 of the Declaration is hereby amended to reflect the addition of Buildings and Units as herein set forth:

Pointe Retreats Phase II, Section II will consist of three (3) multi-unit residential buildings. The Buildings are designated as "F", "G", and "H", as shown on the Master Site Plan, a copy of which is attached hereto and made a part hereof as Exhibit "C", which such Master Site Plan further shows the location of each Building on the real property described in Exhibit "A" attached hereto, and its location with respect to every other Building thereon. The Buildings contain a total of fourteen (14) separate new Units consisting of one (1) basic floor plan type designated by the legend on the Plans and Specifications, attached hereto as Exhibit "D", as floor plan type 2F (936 square foot, two-bedroom flat).

The number of stories in the Building, the number of Units and the type of Units and basements are as follows:

<u>Building Designation</u>	<u>Number of Units by Type</u>	<u>Total Units in Building</u>	<u>Basement</u>	<u>Stories</u>
F	4 type 2F	4	None	2
G	4 type 2F	4	None	2
H	6 type 2F	6	None	2

Said multi-unit Building and the New Units located therein are more particularly described and defined in the Plans and Specifications of said Building, a copy of which Plans and Specifications is attached hereto and made a part thereof as Exhibit "D", showing all particulars of the Buildings, including the layout, number of stories, the number of rooms, the location, Building designations, New Unit numbers and dimensions of the New Units. Such Plans bear the verified statement of Smith, Quillman and Associates, certifying that said Plans are actual copies of portions of the Plans of the Building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of the Buildings. For a more particular description of the Buildings reference is hereby made to the Plan and Specifications filed herewith as Exhibit "D".

5. Description of Units/Percentage Interest in Common Areas and Facilities. Paragraph 6 of the Declaration is hereby amended to reflect the addition of New Units and New Common Areas and Facilities in the manner set forth herein:

The Unit designations of each Condominium Unit, both Existing Units and New Units, the approximate area, number of rooms and other data concerning its proper identification are set forth in Exhibit "E", attached hereto and made a part hereof. The percentage interest of each Unit, both Existing Units and New Units in the Common Areas and Facilities (both Existing Common Areas and Facilities and New Common Areas and Facilities) are based upon the adjusted square footage of each Condominium Unit (both Existing Units and New Units), as shown on said Exhibit "E", attached hereto, in relationship to the total adjusted square footage of all Units. The percentage interest appurtenant to each Unit, based upon the Aggregate Units and the Aggregate Common Areas and Facilities, are as specified on said Exhibit "E" attached hereto.

The percentage interest in the Aggregate Common Areas and Facilities are calculated on the basis as set forth in paragraph 6 and paragraph 30(c) of the Declaration, and this reallocation is accomplished as follows:

(a) Declarant, to the extent necessary, hereby exercises all rights of revocation conferred upon it by the Declaration by all Unit Owners of Existing Units, and thereby divests such Existing Unit Owners of that portion of that Unit's share in the Existing Common Areas and Facilities which must be allocated to the New Units to attain the percentage interest in the Aggregate Common Areas and Facilities in each New Unit as shown on the aforesaid Exhibit "E".

(b) Declarant, to the extent necessary, hereby exercises all powers of attorney reserved by it and hereby grants, conveys and sets over to each Owner of each Existing Unit that share in the New Common Areas and Facilities which is necessary to attain for each Existing Unit the share in the Aggregate Common Areas and Facilities shown in the aforesaid Exhibit "E".

The New Units added hereby shall be designated for purposes of identification in connection with all conveyances of the same as being a part of "Pointe Retreats Phase II, Section II".

6. Acceptance and Ratification. The acceptance of a deed of conveyance, or the act of occupancy of any Units, whether Existing Units or New Units, shall constitute an agreement that the provisions of this Fifth Amended Declaration, the Declaration, the Act, the By-Laws, and any Rules and Regulations adopted pursuant thereto, as each may be amended from time to time, are accepted and ratified by such Owner, tenant or occupant, and such provisions shall be covenants running with the

182 335

EXHIBIT A

POINTE RETREATS
PHASE II SECTION II LEGAL DESCRIPTION

Part of the Northwest quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Northwest quarter section thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line; being the U.S. Government Fee Line as shown on drawings on file in the Office of the District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next eight (8) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 6 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 286.50 feet to the point of beginning;

EXHIBIT B

POINTE RETREATS LEGAL DESCRIPTION
PHASE I, SECTION I, II, and III and
PHASE II, SECTION I and II

Part of the Northwest Quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at an existing stone marking the Southeast corner of said Northwest quarter section; thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line, being the U.S. Government Fee Line as shown on drawings on file in the Office of District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next seven (7) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; (4) North 13 degrees 58 minutes 20 seconds East 331.10 feet; (5) North 11 degrees 30 minutes 20 seconds East 149.90 feet; (6) North 06 degrees 05 minutes 40 seconds West 133.10 feet; (7) North 32 degrees 56 minutes 40 seconds West 286.50 feet to the point of beginning; thence continuing North 05 degrees 41 minutes 20 seconds East 157.80 feet; thence North 66 degrees 38 minutes 40 seconds West 210.83 feet; thence South 79 degrees 13 minutes 55 seconds West 253.19 feet; thence South 08 degrees 18 minutes 23 seconds East 739.09 feet; thence North 89 degrees 24 minutes 16 seconds East 55.00 feet; thence North 08 degrees 18 minutes 23 seconds West 555.83 feet; thence North 63 degrees 42 minutes 09 seconds East 262.42 feet; thence North 14 degrees 31 minutes 41 seconds East 238.55 feet to the point of beginning, containing 3.55 acres, more or less.

EXHIBIT C

182 337

MASTER SITE PLAN
POINTE RETREATS, PHASE II, SECTION II EXPANSION

The Master Site Plan for Pointe Retreats, Phase II, Section II, dated November 10, 1987, prepared by Stephen L. Smith, Registered Land Surveyor, entitled "Master Site Plan - Pointe Retreats, Phase II, Section II" and consisting of one (1) sheet, which was attached to this Fifth Amended Declaration at the time it was filed for record is duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 3 as Instrument Number 800725. Said Master Site Plan is incorporated herein by reference as though fully set out herein.

EXHIBIT D

PLANS AND SPECIFICATIONS
POINTE RETREATS, PHASE II, SECTION II EXPANSION

The Plans and outline specifications for Pointe Retreats, Phase II, Section II more particularly described in the architectural and related drawings for Pointe Retreats, Phase II, Section II were attached to this Fifth Amended Declaration at the time it was filed for record and are duly filed in the office of the Recorder of Monroe County, Indiana, in Horizontal Property Plan File Number 3, as Instrument Number 860525, reference to which is hereby made, and said Plans and outline specifications as so filed are incorporated herein by reference as though fully set out herein.

EXHIBIT E

182 339

POINTE RETREATS - PHASE II - SECTION II

Unit Designation Building	Unit	Floor Plan	Square Footage	Percentage Interest	Address Bloomington, IN 47401
A	A-1	1F	460	1.059	9101 Pointe Retreats Dr.
A	A-2	1F	460	1.059	9105 Pointe Retreats Dr.
A	A-3	1F	460	1.059	9109 Pointe Retreats Dr.
A	A-4	1F	460	1.059	9113 Pointe Retreats Dr.
A	A-5	1F	460	1.059	9117 Pointe Retreats Dr.
A	A-6	1F	460	1.059	9121 Pointe Retreats Dr.
A	A-7	1F	460	1.059	9125 Pointe Retreats Dr.
A	A-8	1F	460	1.059	9129 Pointe Retreats Dr.
A	A-9	1F	460	1.059	9133 Pointe Retreats Dr.
A	A-10	1F	460	1.059	9137 Pointe Retreats Dr.
A	A-11	1F	460	1.059	9141 Pointe Retreats Dr.
A	A-12	1F	460	1.059	9145 Pointe Retreats Dr.
B	B-13	1F	460	1.059	9151 Pointe Retreats Dr.
B	B-14	1F	460	1.059	9155 Pointe Retreats Dr.
B	B-15	1F	460	1.059	9159 Pointe Retreats Dr.
B	B-16	1F	460	1.059	9163 Pointe Retreats Dr.
B	B-17	1F	460	1.059	9167 Pointe Retreats Dr.
B	B-18	1F	460	1.059	9171 Pointe Retreats Dr.
B	B-19	1F	460	1.059	9175 Pointe Retreats Dr.
B	B-20	1F	460	1.059	9179 Pointe Retreats Dr.
B	B-21	1F	460	1.059	9183 Pointe Retreats Dr.
B	B-22	1F	460	1.059	9187 Pointe Retreats Dr.
B	B-23	1F	460	1.059	9191 Pointe Retreats Dr.
B	B-24	1F	460	1.059	9195 Pointe Retreats Dr.

C	C-25	1F	460	1.059	9201 Pointe Retreats Dr.
C	C-26	1F	460	1.059	9205 Pointe Retreats Dr.
C	C-27	1F	460	1.059	9209 Pointe Retreats Dr.
C	C-28	1F	460	1.059	9213 Pointe Retreats Dr.
C	C-29	1F	460.	1.059	9217 Pointe Retreats Dr.
C	C-30	1F	460	1.059	9221 Pointe Retreats Dr.
C	C-31	1F	460	1.059	9225 Pointe Retreats Dr.
C	C-32	1F	460	1.059	9229 Pointe Retreats Dr.
C	C-33	1F	460	1.059	9233 Pointe Retreats Dr.
C	C-34	1F	460	1.059	9237 Pointe Retreats Dr.
C	C-35	1F	460	1.059	9241 Pointe Retreats Dr.
C	C-36	1F	460	1.059	9245 Pointe Retreats Dr.
D	D-37	1F	460	1.059	9251 Pointe Retreats Dr.
D	D-38	1F	460	1.059	9255 Pointe Retreats Dr.
D	D-39	1F	460	1.059	9259 Pointe Retreats Dr.
D	D-40	1F	460	1.059	9263 Pointe Retreats Dr.
D	D-41	1F	460	1.059	9267 Pointe Retreats Dr.
D	D-42	1F	460	1.059	9271 Pointe Retreats Dr.
D	D-43	1F	460	1.059	9275 Pointe Retreats Dr.
D	D-44	1F	460	1.059	9279 Pointe Retreats Dr.
D	D-45	1F	460	1.059	9283 Pointe Retreats Dr.
D	D-46	1F	460	1.059	9287 Pointe Retreats Dr.
D	D-47	1F	460	1.059	9291 Pointe Retreats Dr.
D	D-48	1F	460	1.059	9295 Pointe Retreats Dr.
E	E-49	1F	460	1.059	9301 Pointe Retreats Dr.
E	E-50	1F	460	1.059	9305 Pointe Retreats Dr.
E	E-51	1F	460	1.059	9309 Pointe Retreats Dr.
E	E-52	1F	460	1.059	9313 Pointe Retreats Dr.

E	E-53	1F	460	1.059	9317 Pointe Retreats Dr.
E	E-54	1F	460	1.059	9321 Pointe Retreats Dr.
E	E-55	1F	460	1.059	9325 Pointe Retreats Dr.
E	E-56	1F	460	1.059	9329 Pointe Retreats Dr.
E	E-57	1F	460	1.059	9333 Pointe Retreats Dr.
E	E-58	1F	460	1.059	9337 Pointe Retreats Dr.
E	E-59	1F	460	1.059	9341 Pointe Retreats Dr.
E	E-60	1F	460	1.059	9345 Pointe Retreats Dr.
E	E-61	1F	460	1.059	9349 Pointe Retreats Dr.
E	E-62	1F	460	1.059	9353 Pointe Retreats Dr.
E	E-63	1F	460	1.059	9357 Pointe Retreats Dr.
E	E-64	1F	460	1.059	9361 Pointe Retreats Dr.
E	E-65	1F	460	1.059	9365 Pointe Retreats Dr.
E	E-66	1F	460	1.059	9369 Pointe Retreats Dr.
F	F-67	2F	936	2.153	9375 Pointe Retreats Dr.
F	F-68	2F	936	2.153	9379 Pointe Retreats Dr.
F	F-69	2F	936	2.153	9383 Pointe Retreats Dr.
F	F-70	2F	936	2.153	9387 Pointe Retreats Dr.
G	G-71	2F	936	2.153	9393 Pointe Retreats Dr.
G	G-72	2F	936	2.153	9397 Pointe Retreats Dr.
G	G-73	2F	936	2.153	9401 Pointe Retreats Dr.
G	G-74	2F	936	2.153	9405 Pointe Retreats Dr.
H	H-75	2F	936	2.153	9411 Pointe Retreats Dr.
H	H-76	2F	936	2.153	9415 Pointe Retreats Dr.
H	H-77	2F	936	2.153	9419 Pointe Retreats Dr.
H	H-78	2F	936	2.153	9423 Pointe Retreats Dr.
H	H-79	2F	936	2.153	9427 Pointe Retreats Dr.

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183 Vol. 19

SIXTH AMENDED DECLARATION
OF
POINTE RETREATS CONDOMINIUM

Filed for Record _____, 1988
Recorded in Misc. Book _____,
Pages _____ through _____,
In the Office of the Recorder
of Monroe County, Indiana

Consisting of 6 Pages,
Numbered 1 through 3,
and
Exhibits A through B

RECORDED
A.M. — P.M. 12:10
✓ FEB 25 1988 ✓
Eric Kelly
RECORDED MAIL

Prepared by
Michael L. Carmin, Attorney at Law
COTNER, ANDREWS, MANN & CHAPMAN
528 N. Walnut Street, P.O. Box 2478
Bloomington, Indiana 47402-2478
(812) 332-6556

SIXTH AMENDED DECLARATION
OF
POINTE RETREATS CONDOMINIUM

THIS SIXTH AMENDED DECLARATION, and the exhibits which are attached hereto and made a part hereof, are made and executed this _____ day of _____, 1988, by RONALD J. KILLION, (hereinafter called the "Declarant"), for his successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph 30 of that certain Declaration of Expandable Condominium for Pointe Retreats Phase I Section I Condominium duly filed for record on December 11, 1984, in Book 153, at pages 225-298, as amended by First Amended Declaration of Pointe Retreats Phase I, Section II Expansion duly filed for record on September 24, 1985, and amended by Second Amended Declaration of Pointe Retreats Phase I, Section III Expansion duly filed for record on January 21, 1986 in Book 164, at pages 29 to 40, and amended by Third Amended Declaration of Pointe Retreats Condominium duly filed for record on June 20, 1986 in Book 167, at pages 432-434, and amended by the Fourth Amended Declaration of Pointe Retreats Phase II, Section I Expansion, duly filed for record on August 19, 1986, in Book 169, at pages 345-357, and amended by Fifth Amended Declaration of Pointe Retreats Condominium Phase II, Section II Expansion duly filed for record on January 28, 1988, in Book 182, at pages 329-341, all in the Office of the Recorder of Monroe County, Indiana.

Statement of Purposes

By Declaration of Expandable Condominium dated December 11, 1984, and recorded December 11, 1984, as Instrument No. 165919 in the Office of the Recorder of Monroe County, Indiana (hereinafter referred to as the "Declaration"), the Declarant submitted certain real property to the provisions of the Horizontal Property Act of the State of Indiana, and created the condominium form of ownership with respect to an initial two (2) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of twenty-four (24) separate Units, all as more particularly described in paragraph 5 of said Declaration. Under the terms of the Declaration, the Declarant reserved the right to annex certain real estate designated as the "Development Area" and the approximate boundary of which was described in Exhibit "F" to said Declaration and thereby to add additional or new Units to said Condominium. By the Fifth Amended Declaration of Pointe

Retreats Phase II Section II Expansion, filed for record on January 28, 1988, as Instrument No. 801005 in the office of the Recorder of Monroe County, Indiana, Declarant added a part of the "Expansion Area" referred to in the Declaration to Pointe Retreats Regime, containing 1.179 acres, more or less, as more particularly described on the Master Site Plan appearing as Exhibit C to said Fifth Amended Declaration. Exhibit A to the Fifth Amended Declaration of Pointe Retreats Phase II Section II Expansion, the legal description of that part of the "Expansion Area" added to Pointe Retreats Condominium Regime by said Declaration, contains a scrivener's error in that it fails to completely and accurately set forth the legal description for the 1.179 acre, more or less, tract added to the regime.

Paragraph 17(c) of the Declaration of Expandable Condominium for Pointe Retreats Phase I Section Condominium contains a scrivener's error in that it refers to the By-laws of Harbour Pointe Homeowner's Association and not the Pointe Retreats Homeowner's Association.

By this Sixth Amended Declaration, Declarant now amends Exhibit A to the Fifth Amended Declaration to correct the scrivener's error and to fully and completely set forth the legal description of the 1.179 acre parcel added to Pointe Retreats Condominium Regime and to correct the composite legal description appearing as Exhibit B to the Fifth Amended Declaration.

Now, therefore, the Declarant, for the purposes hereinabove set forth, hereby amends and supplements said Declaration in the following respects:

1. Paragraph 17(c) of the Declaration is amended by deleting "Harbour Pointe" and substituting therefor the correct designation of "Pointe Retreats."

2. Declaration. Declarant hereby expressly declares that the real property described in and identified on Exhibit A attached hereto, and the buildings and other improvements erected and to be erected thereon, and all articles of personal property intended for common use in connection therewith, shall be and hereby are annexed to and shall become a part of the Pointe Retreats Condominium as if such originally had been included in the Fifth Amended Declaration; and the same shall hereafter be held, transferred, sold, and conveyed and occupied subject to the covenants, restrictions, and provisions of the Declaration, the Act, the By-laws, the Rules and Regulations as adopted from time to time in connection with the condominium property, all as may be amended from time to time, said Declaration and the Exhibits attached hereto be incorporated herein by reference and made a part hereof as though fully set forth herein.

3. Description of Phase I, Section I, II, and II and Phase II, Section I and II Property. Paragraph 4 of the Declaration shall be deemed amended, and is hereby amended, so that henceforth the condominium property shall consist of the Phase I, Section I property described in the Declaration, the Phase I, Section II property described in the First Amended Declaration, Phase I, Section III property described in the Second Amended Declaration, the Phase II, Section I property described in the Fourth Amended Declaration, and the Phase II, Section II property described in Exhibit A of the Fifth Amended Declaration as amended by and described in Exhibit A attached hereto (a

composite description of Phase I, Section I, Section II, and Section III, and Phase II, Section I and Section II real property being as described and identified in Exhibit B to the Fifth Amended Declaration as amended and fully described in Exhibit B attached hereto and made a part hereof).

Except as set forth herein the Declaration and all exhibits hereto shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed the day and year first above written.

R J Killion
Ronald J. Killion

STATE OF INDIANA

SS:

COUNTY OF MONROE

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, this 15th day of February, 1988, the above named Ronald J. Killion and acknowledged the execution of the foregoing Sixth Amended Declaration of Pointe Retreats Condominium to be his true and correct act and deed. WITNESS my hand and notarial seal.

Erma D. Harreld
Notary Public residing in
Monroe County

Erma D. Harreld
Printed Name

My Commission expires:
June 3, 1989

EXHIBIT A

POINTE RETREATS
PHASE II SECTION II LEGAL DESCRIPTION

Part of the Northwest quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of said Northwest quarter section thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line; being the U.S. Government Fee Line as shown on drawings on file in the Office of the District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next three (3) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; thence North 72 degrees 31 minutes 02 seconds West 266.69 feet; thence North 33 degrees 30 minutes 02 seconds East 80.00 feet to the point of beginning; thence continuing North 33 degrees 30 minutes 02 seconds East 115.60 feet; thence North 06 degrees 26 minutes 17 seconds East 146.90 feet; thence North 03 degrees 47 minutes 45 seconds West 119.27 feet to a point on the South line of Pointe Retreats Section I of Phase II (Horizontal Plat Book 3, page 16 in the office of the Recorder of Monroe County, Indiana); thence along said South line South 63 degrees 42 minutes 09 seconds West 130.37 feet to a nontangent curve concave to the Southwest the radius point of which bears South 43 degrees 23 minutes 57 seconds West 90.00 feet; thence southerly along said curve 67.24 feet; thence South 03 degrees 47 minutes 45 seconds East 80.43 feet to a tangent curve concave to the West having a central angle of 28 degrees 13 minutes 12 seconds and a radius of 157.50 feet; thence southerly along said curve 77.58 feet to a point of compound curve the radius point of which bears North 65 degrees 56 minutes 23 seconds West 83.18 feet; thence southwesterly along said curve 56.65 feet; thence South 43 degrees 32 minutes 15 seconds East 161.80 feet to the point of beginning, containing 1.179 acres, more or less.

POINTE RETREATS LEGAL DESCRIPTION
PHASE I, SECTION I, II, and III and
PHASE II, SECTION I and II

Part of the Northwest Quarter of Section 22, Township 7 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at an existing stone marking the Southeast corner of said Northwest quarter section; thence North 89 degrees 46 minutes 58 seconds West along the South line of said Northwest quarter section 718.98 feet to a point on the Monroe Reservoir Boundary Line, being the U.S. Government Fee Line as shown on drawings on file in the Office of District Engineer, Corps of Engineers, Louisville, Kentucky; thence the next three (3) courses being along said boundary line: (1) North 71 degrees 44 minutes 20 seconds East 45.00 feet; (2) North 20 degrees 57 minutes 20 seconds East 287.00 feet; (3) North 15 degrees 34 minutes 20 seconds East 201.40 feet; thence North 72 degrees 31 minutes 02 seconds West 266.69 feet; thence North 33 degrees 30 minutes 02 seconds East 80.00 feet to the point of beginning; thence continuing North 33 degrees 30 minutes 02 seconds East 115.60 feet; thence North 06 degrees 26 minutes 17 seconds East 146.90 feet; thence North 03 degrees 47 minutes 45 seconds West 80.30 feet; thence North 25 degrees 11 minutes 55 seconds West 119.27 feet to a point on the south line of Pointe Retreats Section I of Phase II (Horizontal Plat Book 3, page 16, in the office of the Recorder of Monroe County, Indiana); thence North 63 degrees 42 minutes 09 seconds East 76.3 feet; thence North 14 degrees 31 minutes 41 seconds East 238.55 feet; thence North 5 degrees 41 minutes 20 seconds East 147.80 feet; thence North 66 degrees 38 minutes 40 seconds West 210.83 feet; thence South 79 degrees 13 minutes 55 seconds West 253.19 feet; thence South 8 degrees 18 minutes 23 seconds East 739.09 feet; thence North 89 degrees 24 minutes 16 seconds East 55.00 feet; thence North 8 degrees 18 minutes 23 seconds West 192.35 feet to a point on the south line of Pointe Retreats Section I, Phase II (Horizontal Plat Book 2, page 310, in the office of the Recorder of Monroe County, Indiana); thence North 63 degrees 42 minutes 09 seconds East 132.05 feet to a nontangent curve concave to the southwest, the radius point of which bears South 43 degrees 23 minutes 57 seconds West 90.00 feet; thence southerly along said curve 67.24 feet; thence South 03 degrees 47 minutes 45 seconds East 80.43 feet to a tangent curve concave to the west having a central angle of 28 degrees 13 minutes 12 seconds and a radius of 157.50 feet; thence southerly along said curve 77.58 feet to a point of compound curve the radius point of which bears North 65 degrees 56 minutes 23 seconds West 83.18 feet; thence southwesterly along said curve 56.65 feet; thence South 43 degrees 32 minutes 15 seconds east 161.80 feet to the point of beginning, containing 4.729 acres, more or less.