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INSTRUMENT
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Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 08-20-1998 At 11:37 am.
DEC COV RES 39.00

Cross Reference:
Instrument No. 9809803531; Instrument No. 98099807599; Instrument No. 9809818475;
Instrument No. 9809822380; Instrument No. 9809833851

**FIFTH SUPPLEMENTAL
DECLARATION OF CONDOMINIUM OWNERSHIP
OF
COURTYARD LAKES**

THIS FIFTH SUPPLEMENTAL DECLARATION, made this 17 day of August, 1998,
by CJB FISHERS, L.L.C., an Indiana limited liability company (the "Declarant").

RECITALS

A. As of January 5, 1998, Declarant executed a certain Declaration of Condominium Ownership of Courtyard Lakes, filed of record in the Office of the Recorder of Hamilton County, Indiana on January 23, 1998 as Instrument No. 9809803531; as amended by that certain First Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated February 9, 1998 and recorded of record in the Office of the Recorder of Hamilton County, Indiana on February 18, 1998 as Instrument No. 9809807599; as further amended by that certain Second Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated March 30, 1998 and recorded of record in the Office of the Recorder of Hamilton County, Indiana on April 13, 1998 as Instrument No. 9809818475; as further amended by that Third Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated April 28, 1998 and recorded of record in the Office of the Recorder of Hamilton County, Indiana on April 30, 1998 as Instrument No. 98-09822380; as further amended by that certain Fourth Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated June 12, 1998 and recorded of record in the Office of the Recorder of Hamilton County on June 24, 1998 as Instrument No. 9809833851; (as amended, the "Declaration"), which Declaration incorporates by reference the Articles of Incorporation of Courtyard Lakes Owners Association, Inc. (the "Articles") and the Code of By-Laws of Courtyard Lakes and Courtyard Lakes Owners Association, Inc. (the "By-Laws");

B. Pursuant to Paragraph 16 of the Declaration and I.C. 32-1-6-12.1 of the Indiana Horizontal Property Law, the Courtyard Lakes Condominium is an expandable horizontal property regime;

C. Declarant is the sole owner of the fee simple title to that portion of Real Estate more particularly described as Tract 6 ("Tract 6") in Exhibit "A", attached hereto and incorporated herein

and Tract 6 is included in the area into which expansion of Courtyard Lakes may be made by Declarant under Paragraph 16 of the Declaration;

D. All conditions relating to the expansion of Courtyard Lakes into Tract 6 have been met and Declarant, by execution of this Fifth Supplemental Declaration, desires to subject Tract 6 to the Declaration in order to include certain completed buildings, condominium units and other improvements and land in the Courtyard Lakes Condominiums, an Indiana horizontal property regime created by the Declaration pursuant to the Act (the "Regime").

DECLARATION

1. **Certain Definitions.** The following terms, as used in this Fifth Supplemental Declaration shall mean the following:

"**Tract 6 Plans**" means the site plan (depicting the general plan of development, the property being subjected to the Act, and the areas into which expansion of the condominium development may be made), and the floor plans (showing the layout, elevation, location, unit numbers and dimensions of the Buildings and Condominium Units located on Tract 6), as prepared and certified by Brian S. Tierney, a licensed professional engineer, under date of August 14, 1998, copies of which are attached as **Exhibit "B"**; which Exhibit "B" supplements and amends Exhibit "D" to the Declaration (which Exhibit "D" to the Declaration may be further supplemented and amended to reflect the further addition of Buildings and Condominium Units as contemplated by Paragraph 16 of the Declaration).

The Declaration, the Articles and the By-Laws are incorporated herein by this reference and all capitalized terms used herein and not otherwise herein defined shall have the meaning ascribed to such terms in the Declaration, as amended.

2. **Expansion of Courtyard Lakes Condominium.** Declarant hereby expressly declares that Tract 6 and any and all Condominium Units, Buildings, Common Areas and Limited Areas located thereon are hereby made a part of and subject to the Declaration as if such originally had been included in the Declaration and shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the Articles, the By-Laws and the rules and regulations as adopted by the Board of Directors, as each may be amended from time to time, and the Courtyard Lakes Condominium is thereby expanded to include Tract 6 and all such Condominium Units, Buildings, Common Areas and Limited Areas

located thereon as part of the Tract as defined in the Declaration.

3. **Description of Buildings.** There are three (3) Buildings containing four (4) Condominium Units each on Tract 6 as of the date hereof, as shown on the Tract 6 Plans (the "Tract 6 Plans"). Such Buildings are identified on the Tract 6 Plans as Building 6, Building 7 and Building 8. A description of the Buildings and the Condominium Units contained therein is set forth in Exhibit "B", attached hereto and hereby made a part hereof by this reference and the Tract 6 Plans shall be deemed part of the Plans as defined in the Declaration.

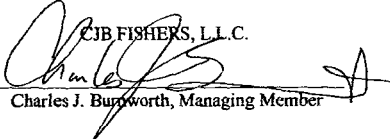
4. **Percentage Interest.** The Percentage Interest in the Common Areas and Limited Areas appertaining to each Condominium Unit as set forth in Exhibit "E" to the Declaration is hereby modified as set forth in Exhibit "C" attached hereto and made a part hereof.

5. **Acceptance and Ratification.** The acceptance of a deed of conveyance or the act of occupancy of a Condominium Unit shall constitute an agreement that the provisions of this Supplemental Declaration, the Declaration, the Articles, 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 each Owner, tenant or occupant, and all such provisions shall be covenants running with the land and shall bind any person having at any time any interest or estate in a Condominium Unit as if those provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof.

6. **Tract 6 Floor Plans.** Pursuant to Indiana Code 32-1-6-12, the floor plans of the buildings affected by this Fifth Supplemental Declaration were recorded on the 20th day of August, 1998, in the Office of the Recorder of Hamilton County, Indiana as Document No. 9009846676 JA.

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

DECLARANT:

CJB FISHERS, L.L.C.
BY: 
Charles J. Burnworth, Managing Member

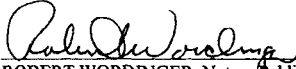
PLEASE SEE ACKNOWLEDGEMENT - NEXT PAGE

STATE OF INDIANA)
)SS:
COUNTY OF DELAWARE)

Before me, a Notary Public in and for said county and state, personally appeared **Charles J. Burnworth**, who being first duly sworn by me upon his oath, stated that he is the **Managing Member of CJB FISHERS, L.L.C.**, an Indiana limited liability company, that he is duly authorized to execute the foregoing on its behalf, that any statements or representations of fact contained therein are true, and he acknowledged execution of the foregoing.

Witness my hand and Notarial Seal this 17 day of AUGUST, 1998.

My Commission Expires:
12/8/1998


ROBERT WORDINGER, Notary Public
My County of Residence:
Delaware



This Instrument prepared by Ms. Eryn Massey-Bibbee, Director of Condominium Operations, CJB Enterprises, 3417 West Bethel Avenue, Suite "E", Muncie, Indiana 47304, (765) 286-4444.

EXHIBIT "A"

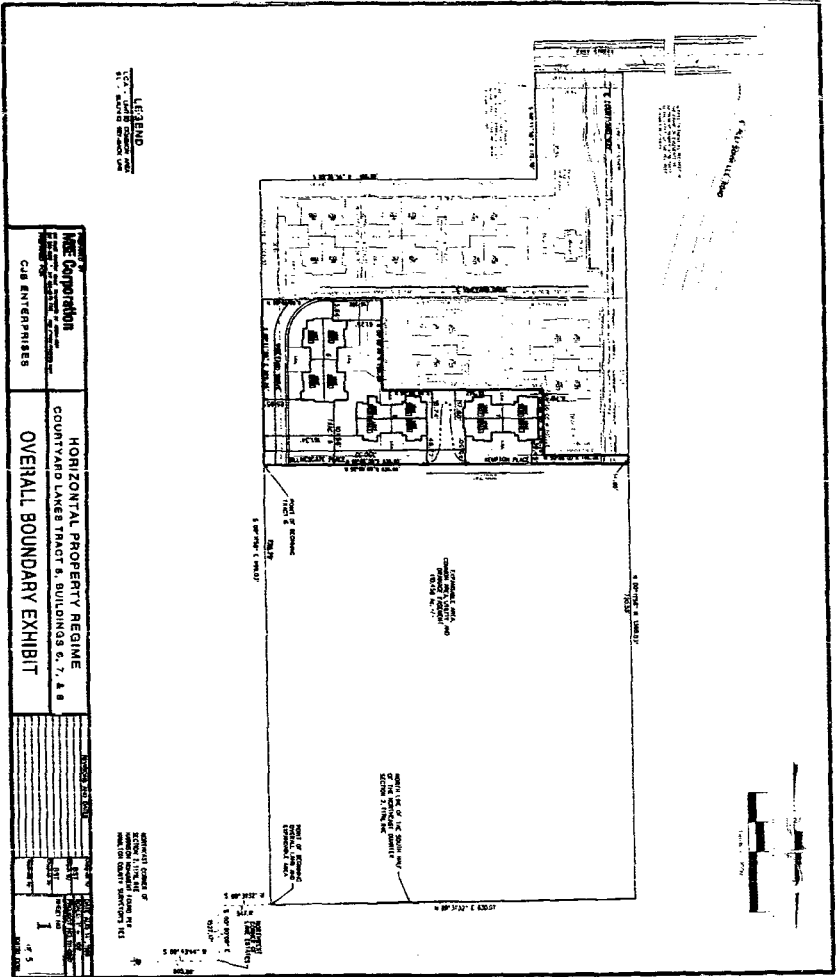
(Perimeter Legal Description of "Tract 6" to consist of Buildings "6", "7" and "8")

A part of Section 2, Township 17 North, Range 4 East in Hamilton County, Indiana, being more particularly described as follows:

Commencing at the Northeast Corner of said section, marked with a Harrison Monument; Thence South 89 degrees 43 minutes 44 seconds West (assumed bearing) along the North Line of said section 805.86 feet to the Northwest Corner of Timber Lane Estates as per plat thereof recorded in Plat Book 2, Page 149 in the Office of the Recorder of Hamilton County, Indiana; Thence South 00 degrees 00 minutes 00 seconds East 1527.17 feet along the West Line of said Timber Lane Estates and the West Line of Whitmire Glen as per plat thereof recorded in Plat Cabinet 1, Slide 42 in the Office of the Recorder of said county to a point on the West Line of Hickory Woods Phase 1, as per plat thereof recorded in Plat Book 13, Pages 149-150, in the Office of the Recorder of said county, said point being on the North Line of the South Half of the Northeast Quarter of said section; Thence South 89 degrees 31 minutes 32 seconds West along said North Line thereof 547.11 feet; Thence South 00 degrees 11 minutes 58 seconds East 725.75 feet to the POINT OF BEGINNING; Thence continuing South 00 degrees 11 minutes 58 seconds East 269.28 feet; Thence North 90 degrees 00 minutes 00 seconds West 207.96 feet; Thence North 00 degrees 00 minutes 00 seconds West 150.00 feet; Thence North 90 degrees 00 minutes 00 seconds West 276.85 feet; Thence North 00 degrees 00 minutes 00 seconds East 105.28 feet; Thence North 90 degrees 00 minutes 00 seconds West 146.08 feet; Thence North 00 degrees 11 minutes 58 seconds West 14.00 feet; Thence North 90 degrees 00 minutes 00 seconds East 630.00 feet to the POINT OF BEGINNING, containing 2.088 acres, more or less. Subject to any legal easements, highways and rights-of-way of record.

EXHIBIT "B"

(Site Plan and Floor Plans of Building on "Tract 6" as certified by project Engineer)



HMC Corporation	HORIZONTAL PROPERTY REGIME	SHEET NO. 1	OF 5
	COUNTY AND LINES TRACT S. BUILDINGS 6, 7, 4, 8		
OVERALL BOUNDARY EXHIBIT			
C/S ENTERPRISES			

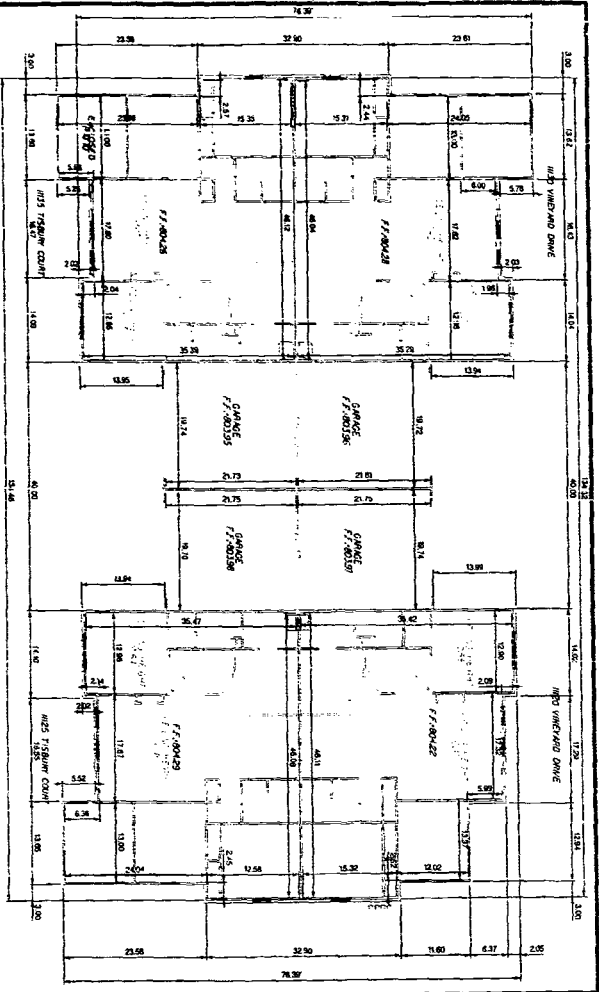
LEGEND

--- HMC CORPORATION

--- OVERALL BOUNDARY EXHIBIT

PREPARED BY
 HMC CORPORATION
 1000 E. 10th St.
 DENVER, CO 80202

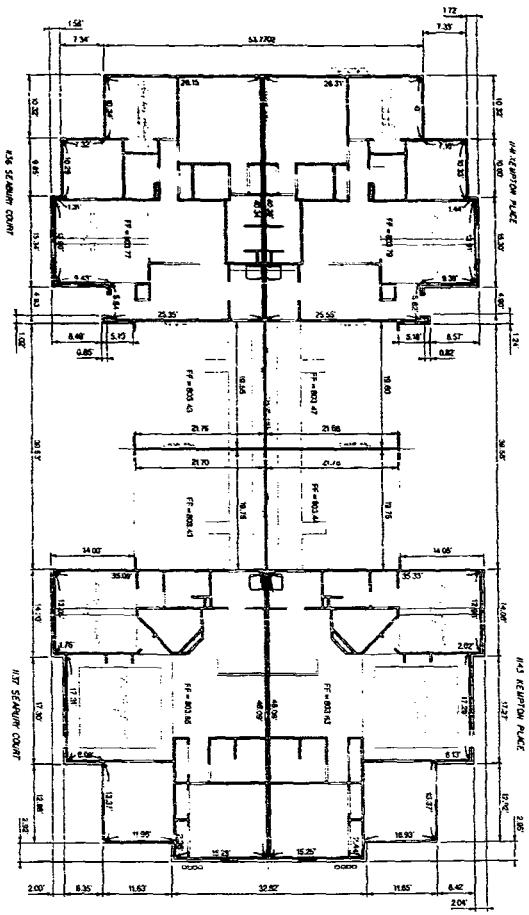




BUILDING NO.	UNIT NO.	ADDRESS	STREET ADDRESS	FLOOR NO. R.F.	BONUS	BINS
6	1101	1112	TREBURN COURT	1ST F.	1	2
	1102	1113	TREBURN COURT	2ND F.	1	2
	1103	1114	VINEYARD DRIVE	1ST F.	1	2
	1104	1115	VINEYARD DRIVE	2ND F.	1	2
	1105	1116	VINEYARD DRIVE	1ST F.	1	2
	1106	1117	VINEYARD DRIVE	2ND F.	1	2

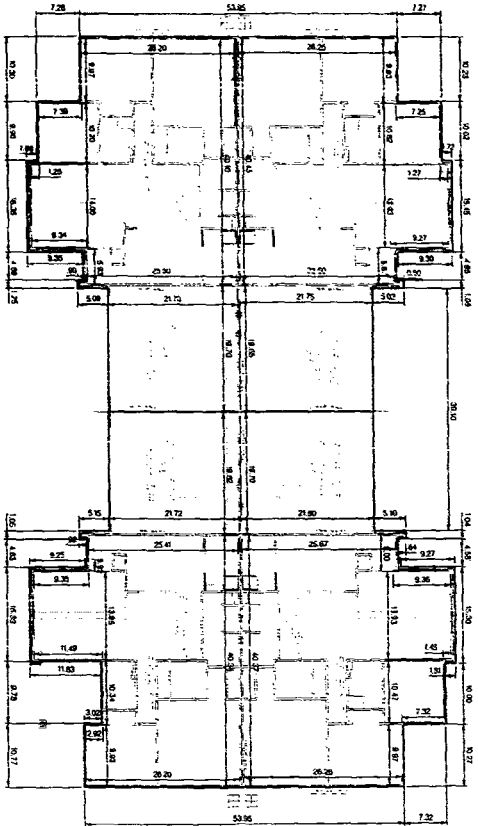
* TYPICAL CEILING HEIGHT IS 8'0" FEET UNLESS OTHERWISE NOTED.

Horizontal Property Regime COUNTYARD LAKES TRACT 6, BUILDING 6, 7, 4, 6		BUILDING NO. 6	
OWNER: ACE Corporation ADDRESS: 1425 TREBURN COURT, SUITE 100, DALLAS, TEXAS 75245		TOTAL AREA: 78,307 TOTAL BONUS: 3	
SUBDIVISION: CUB ENTERPRISES		DATE: 11/11/83	



RECORD NO.	UNIT NO.	ADDRESS	FLOOR	ROOMS	STATUS
7	1101	SEANOR CO. RT.	1ST FLOOR	2	2
	1102	SEANOR CO. RT.	1ST FLOOR	2	2
	1103	SEANOR CO. RT.	1ST FLOOR	2	2
	1104	SEANOR CO. RT.	1ST FLOOR	2	2
	1105	SEANOR CO. RT.	1ST FLOOR	2	2
	1106	SEANOR CO. RT.	1ST FLOOR	2	2
	1107	SEANOR CO. RT.	1ST FLOOR	2	2
	1108	SEANOR CO. RT.	1ST FLOOR	2	2
	1109	SEANOR CO. RT.	1ST FLOOR	2	2
	1110	SEANOR CO. RT.	1ST FLOOR	2	2

ASE Corporation		HORIZONTAL PROPERTY REGIME	
CSE ENTERPRISES		COURTYARD LAKES TRACT 8, BUILDING 6, 7, & 8	
BUILDING NO. 7		UNIT NO. 4	



FLOOR	NO.	WFT	ADDRESS	STREET ADDRESS	SECTION	SECTION NO.	REMARKS	DATING
8	1	1198	1198	1198	1198	1198	1	2
	2	1198	1198	1198	1198	1198	2	2
	3	1198	1198	1198	1198	1198	3	2
	4	1198	1198	1198	1198	1198	4	2
	5	1198	1198	1198	1198	1198	5	2
	6	1198	1198	1198	1198	1198	6	2
	7	1198	1198	1198	1198	1198	7	2
	8	1198	1198	1198	1198	1198	8	2

Case Description		HORIZONTAL PROPERTY REGIME	
CUB ENTERPRISES		COURTYARD LAKES TRACT 6, BUILDING 6, 7, 8 & 9	
BUILDING No. 8		BLOCK NO. 5	

EXHIBIT "C"

The Percentage Interest appertaining to each of the respective Condominium Units is 2.75% as of the date of this Fifth Supplemental Declaration. Such Percentage Interest shall be subject to adjustment and alteration upon further expansion of Courtyard Lakes as provided in the Declaration.

CONSENT OF MORTGAGEE

THE UNDERSIGNED, Geneva Leasing Associates, Inc. being the holder of an existing mortgage on Tract 6, as defined in the above and foregoing Declaration, which mortgage was dated March 5, 1997, and recorded in the Office of the Recorder of Hamilton County, Indiana on March 18, 1997, as Instrument No. 97-09960 (the "Mortgage"), hereby consents to the recording of the above and foregoing Fifth Supplemental Declaration and the submission of Tract 6 to the provisions of the Horizontal Property Act of the State of Indiana, and further agrees that the Mortgage shall be subject to the provisions of the Act and the above and foregoing Declaration, the Exhibits attached thereto, and the documents incorporated therein as well as to future Amendments adding additional phases to the Regime pursuant to the expandable provisions of said Declaration. This Consent is not intended to constitute as a release of the Mortgage as to the real estate described in the Mortgage. The Mortgage shall remain in full force and effect as to said real estate therein described, as such description is modified and made subject to the Declaration of Horizontal Property Ownership.

EXECUTED this 18th day of August, 1998.

GENEVA LEASING ASSOCIATES, INC.

By: A. W. Massey
Printed: A. W. MASSEY
Title: PRESIDENT

STATE OF ILLINOIS)
) SS:
COUNTY OF Kane)

Before me, a Notary Public in and for said County and State, personally appeared A. W. Massey, known to me to be the President of Geneva Leasing Associates, Inc., and acknowledged the execution of the foregoing for and on behalf of said Bank.

Witness my hand and Notarial Seal, this 18th day of August, 1998.

My County of Residence: Kane
My Commission Expires: 6-28-00
Kathryn A. Dettke
Notary Public - Signature
Kathryn A. Dettke
Notary Public - Printed

