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CROSS REFERENCE 9909931

Instrument 9909928932
9909928932
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 05-12-1999 At 03:43:44 pm.
DEC EDV RES 20.00

Cross Reference:
Instrument No. 9809803531; Instrument No. 98099807599; Instrument No. 9809818475;
Instrument No. 9809822380; Instrument No. 9809833851; Instrument No. 9809846675;
Instrument No. 9809866217; Instrument No. 9809871789; Instrument No. 9809906385;

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

THIS NINTH SUPPLEMENTAL DECLARATION, made this 6th day of May, 1999, by
CIB 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 further amended by that certain Fifth Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated August 17, 1998 and recorded of record in the Office of the Recorder of Hamilton County on August 20, 1998 as Instrument No. 9809846675; as further amended by that certain Sixth Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated November 13, 1998 and recorded of record in the Office of the Recorder of Hamilton County, Indiana on November 18, 1998 as Instrument No. 9809866217; as further supplemented by that certain Seventh Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated December 7, 1998 and recorded of record in the Office of the Recorder of Hamilton County, Indiana on

December 14, 1998 as Instrument No. 9809871789; and as further supplemented by that certain Eighth Supplemental Declaration of Condominium Ownership of Courtyard Lakes dated January 26, 1999 and recorded of record in the Office of the Recorder of Hamilton County, Indiana on February 1, 1999 as Instrument No. 9909906385; (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 10 ("Tract 10") in Exhibit "A", attached hereto and incorporated herein and Tract 10 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 10 have been met and Declarant, by execution of this Ninth Supplemental Declaration, desires to subject Tract 10 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 Ninth Supplemental Declaration shall mean the following:

"Tract 10 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 10), as prepared and certified by David B. Huffman, a licensed professional engineer, under date of April 5, 1999, 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 10 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 10 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 is one (1) Building containing four (4) Condominium Units each on Tract 10 as of the date hereof, as shown on the Tract 10 Plans (the "Tract 10 Plans"). Such Building is identified on the Tract 10 Plans as Building 13. 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 10 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 10 Floor Plans.** Pursuant to Indiana Code 32-1-6-12, the floor plans of the

buildings affected by this Ninth Supplemental Declaration were recorded on the 12TH day of MAY 1999, in the Office of the Recorder of Hamilton County, Indiana as Document No. 946947293

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., an Indiana Limited Liability Company

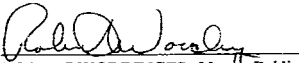
BY: 
Charles J. Burnworth, Managing Member

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 6 day of MAY, 1999.

My Commission Expires:
12/8/2006


ROBERT WORDINGER, Notary Public
My County of Residence:
Delaware

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

EXHIBIT "A"

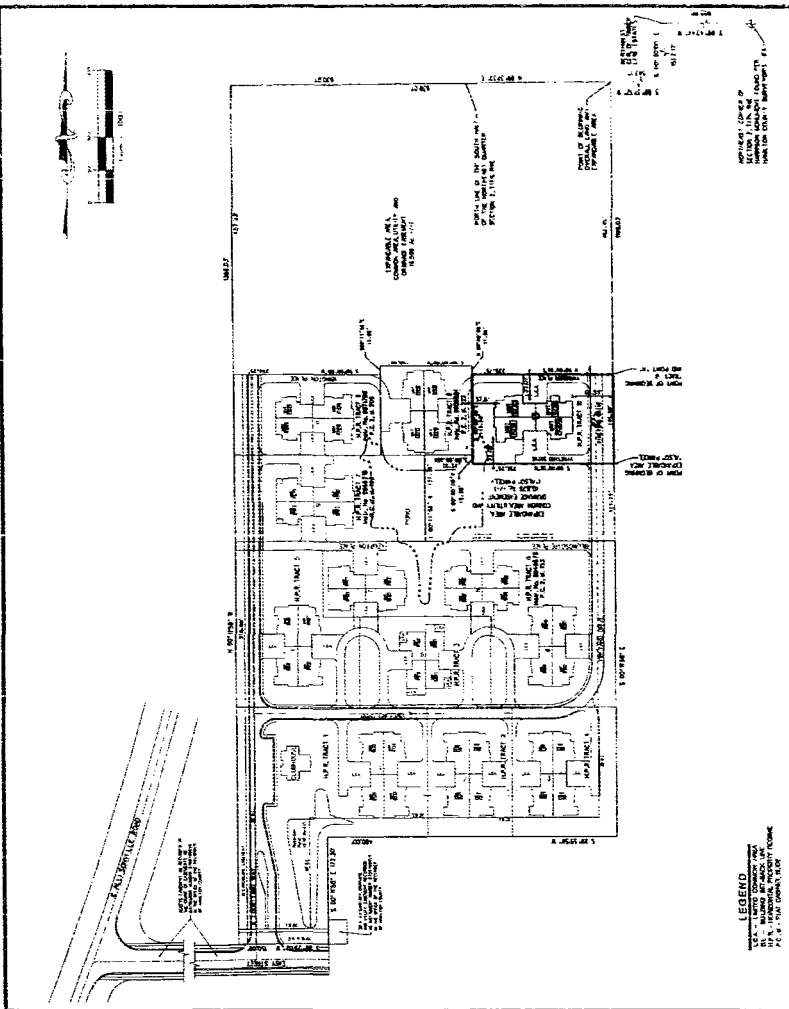
(Perimeter Legal Description of "Tract 10" to consisting of Building "13")

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

Commencing at the northeast corner of said section, marked with a Harrison monument; thence along the North Line of said section, South 89 degrees 43 minutes 44 seconds West (assumed bearing) 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 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, South 00 degrees 00 minutes 00 seconds East 1527.17 feet 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 along said north line, South 89 degrees 31 minutes 32 seconds West 547.11 feet; thence South 00 degrees 11 minutes 58 seconds East 462.45 feet to the POINT OF BEGINNING; thence continuing South 00 degrees 11 minutes 58 seconds East 145.50 feet; thence South 90 degrees 00 minutes 00 seconds West 236.25 feet; thence North 00 degrees 00 minutes 00 seconds East 15.00 feet to the southeast corner of Horizontal Property Regime, Courtyard Lakes Tract 9, Building 12, the plat of which is recorded in Plat Cabinet 2, slide 222 in the office of the Recorder of said county; thence along the east line thereof, continuing North 00 degrees 00 minutes 00 seconds East 130.50 feet thence North 90 degrees 00 minutes 00 seconds East 235.75 to the POINT OF BEGINNING; containing 0.788 acres, more or less; subject to rights-of-way, easements, and restrictions.

EXHIBIT "B"

(Site Plan and Floor Plans of Building on "Tract 10" as certified by project Engineer)



LEGEND
 --- UNITS
 --- COMMON AREAS
 --- WALLS OF UNITS
 --- WALLS OF COMMON AREAS
 --- DRIVEWAYS
 --- PARKING SPACES
 --- DRIVEWAY 1
 --- DRIVEWAY 2
 --- DRIVEWAY 3
 --- DRIVEWAY 4

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
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HORIZONTAL PROPERTY REGIME
COURTYARD LAKES TRACT 10, BUILDING 13
OVERALL BOUNDARY EXHIBIT

PREPARED FOR:
 CJB ENTERPRISES

PREPARED BY:
 JAMES R. HARRIS, JR.
 ATTORNEY AT LAW
 1000 WEST 10TH AVENUE
 DENVER, COLORADO 80202

EXHIBIT "C"

The Percentage Interest appertaining to each of the respective Condominium Units is 2.08% as of the date of this Ninth 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 10, 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 Ninth Supplemental Declaration and the submission of Tract 10 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 6th day of May, 1999.

GENEVA LEASING ASSOCIATES, INC.

By: [Signature]
Printed: John F. Slade
Title: Vice President

STATE OF ILLINOIS)
) SS:
COUNTY OF KANE)

Before me, a Notary Public in and for said County and State, personally appeared John F. Slade, known to me to be the Vice 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 7th day of May, 1999.

My County of Residence: Kane

[Signature]
Notary Public - Signature
Tanya M. Burnidge
Notary Public - Printed

My Commission Expires: 7-15-02

