

BILLIE L. BRETANX  
MARION COUNTY AUDITOR

NOV 22 1 55 PM '07

OFFICE OF THE COUNTY AUDITOR  
SHELBY COUNTY COURTHOUSE  
COURT SQUARE  
INDIANAPOLIS, IN 46204

**Cross Reference: Instrument Nos. 2006-75610, 2006-75611,  
2007-0037971, and 2007-0037972**

**SECOND AMENDMENT TO DECLARATION OF HORIZONTAL PROPERTY OWNERSHIP FOR THE 757 MASS AVE CONDOMINIUMS AT THE BEILOUNY BUILDING HORIZONTAL PROPERTY REGIME**

**THIS SECOND AMENDMENT TO DECLARATION OF HORIZONTAL PROPERTY OWNERSHIP FOR THE 757 MASS AVE CONDOMINIUMS AT THE BEILOUNY BUILDING HORIZONTAL PROPERTY REGIME** (hereinafter, the “Second Amendment”), made as of the 20<sup>th</sup> day of November, 2007, by **MASS AVENUE DEVELOPERS, LLC**, an Indiana limited liability company (the “Declarant”), evidences the following:

**WITNESSETH:**

**WHEREAS**, Declarant constructed a four and one-half (4½) story building, together with one (1) level of underground parking, commonly known as the “Beilouny Building” located at 757 Massachusetts Avenue, Indianapolis, Indiana;

**WHEREAS**, Declarant submitted the Beilouny Building to the Horizontal Property Law of the State of Indiana, Indiana Code § 32-1-6-1 *et. seq.*, as the same may be amended from time to time (the “Act”), by the execution and recording of that certain Declaration of Horizontal Property Ownership for The 757 Mass Ave Condominiums at the Beilouny Building recorded May 23, 2006, in the Office of the Recorder of Marion County, Indiana, as Instrument No. 2006-75610 (the “Declaration”);

**WHEREAS**, Declarant recorded a set of building floor plans (the “Floor Plans”) for The 757 Mass Ave Condominiums at the Beilouny Building (the “Condominium”), on May 23, 2006, in the Office of the Recorder of Marion County, Indiana, as Instrument No. 2006-75611;

**WHEREAS**, pursuant to Section 6.2 of the Declaration, Declarant may amend or supplement the Plans, from time to time, to change the interior design and arrangement of the Condominium units and to alter the boundaries between the Condominium units;

**WHEREAS**, pursuant to Section 11.4 of the Declaration, Declarant may amend or supplement the Declaration, from time to time, to implement any changes in the Condominium permitted to be made by the Declarant under the Declaration;

**WHEREAS**, Declarant amended the Declaration pursuant to a First Amendment to Declaration of Horizontal Property Ownership for The 757 Mass Ave Condominiums at the Beilouny Building dated March 6, 2007, and recorded in the Office of the Recorder of Marion County, Indiana, as Instrument No. 2007-0037971 on March 13, 2007, (“First Amended Declaration”);

**WHEREAS**, Declarant amended the Floor Plans for the Condominium pursuant to The Building Plans for the Replat of Units 405-406 Beilouny Condominiums dated January 29, 2007 and recorded in the Office of the Recorder of Marion County, Indiana, as Instrument No. 2007-0037972 on March 13, 2007, (“First Amended Floor Plans”);

**WHEREAS**, subsequent to the recording of the Declaration, the First Amended Declaration, the Floor Plans, and the First Amended Floor Plans, Declarant assigned the Common Area parking spaces among each of the Condominium units;

**WHEREAS**, the assignment of the parking spaces to each of the Condominium units results in a change of Common Area to Limited Area;

**WHEREAS**, Declarant further desires to correct the Exhibit “C” of the Declaration and the reference therein to Units “501” and “502”, which should have instead been Units “500” and “501”, respectively; and

**WHEREAS**, pursuant to the authority reserved to Declarant under Section 11.4 of the Declaration, Declarant now desires to supplement and amend the Floor Plans, as amended, for the Condominium to reflect the assignment of the parking spaces to each of the Condominium units as more particularly shown in The Building Plans for The Replat of the Common Area Parking to Limited Area Beilouny Condominiums (“Replat”), a copy of which is attached hereto as Attachment “1” and made a part hereof; and to correct the inadvertent reference to Units “501” and “502” with respect to the individual percentage interest allocated to each

condominium unit as set forth in Exhibit "C" of the Declaration, all as more particularly described on Attachment "2", attached hereto and made a part hereof.

**NOW, THEREFORE**, for and in consideration of the premises, Declarant hereby makes this Second Amendment and sets forth and declares the following:

1. Incorporation of Recitals. Each of the above recitals are hereby made a part of and incorporated into this First Amendment.

2. Definitions. Unless specifically defined herein, capitalized words used herein shall have the same meanings ascribed to them in the Declaration.

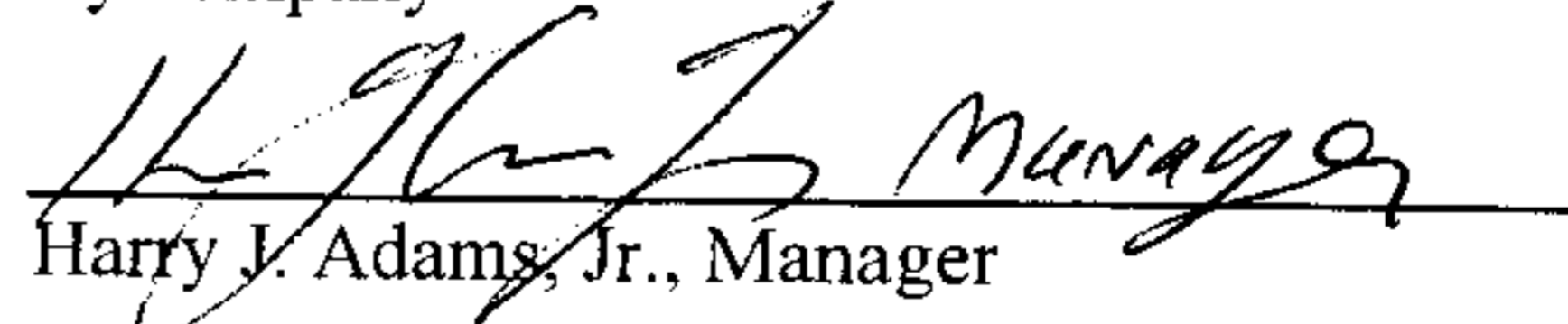
3. Declaration of Parking Spaces. Declarant hereby expressly declares that the Floor Plans, as amended, shall be amended and supplemented by the Replat, attached hereto as Attachment "1", with respect to the assignment of the Common Area parking spaces among the Condominium Units. The Declaration, as amended, shall be supplemented to provide for an Exhibit "E", attached hereto as Attachment "3", which sets forth the assignment of parking spaces to each Condominium unit as Limited Area.

4. Percentage Interest. The Exhibit "C" of the Declaration, as amended, which sets forth the "Percentage Interest" of each Condominium "Owner" in the "Common Areas" and the "Limited Areas" as described and defined in the Declaration is hereby superseded in its entirety and replaced by the Exhibit "C" attached hereto as Attachment "2".

5. All other Terms Binding. Except as provided herein, all other terms and provisions of the Declaration, as amended, shall remain unchanged and continue in effect, provided, however, should any term or condition contained in this Second Amendment conflict with any term or provision contained in the Declaration, as amended, the terms and conditions of this Second Amendment shall control.

**IN WITNESS WHEREOF**, the undersigned has caused this Second Amendment to be executed the day and year first above written.

Mass Avenue Developers, LLC, an Indiana limited liability company

By:   
Harry J. Adams, Jr., Manager

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared Harry J. Adams, Jr., by me known to be the manager of Mass Avenue Developers, LLC, an Indiana limited liability company, who acknowledged the execution of the foregoing Second Amendment to Declaration of Horizontal Property Ownership for The 757 Mass Ave Condominiums at the Beilouny Building Horizontal Property Regime, for and on behalf of said limited liability company.


Witness my hand and Notarial Seal this 20th day of November, 2007

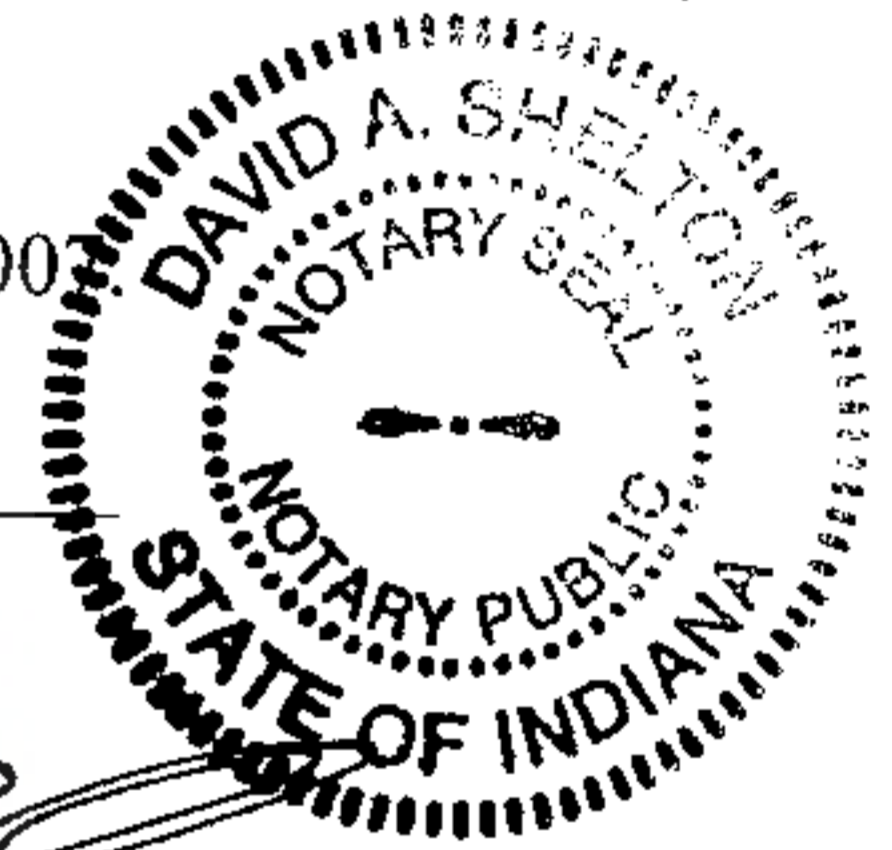
County of Residence:

DAVID A. SHELTON  
Notary Public, State of Indiana  
County of Marion  
My Commission Expires Jul. 18, 2008

Notary Public - Printed

Commission Expires:

  
Notary Public - Signature



This Instrument Prepared by David A. Shelton, Attorney at Law.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. By: David A. Shelton

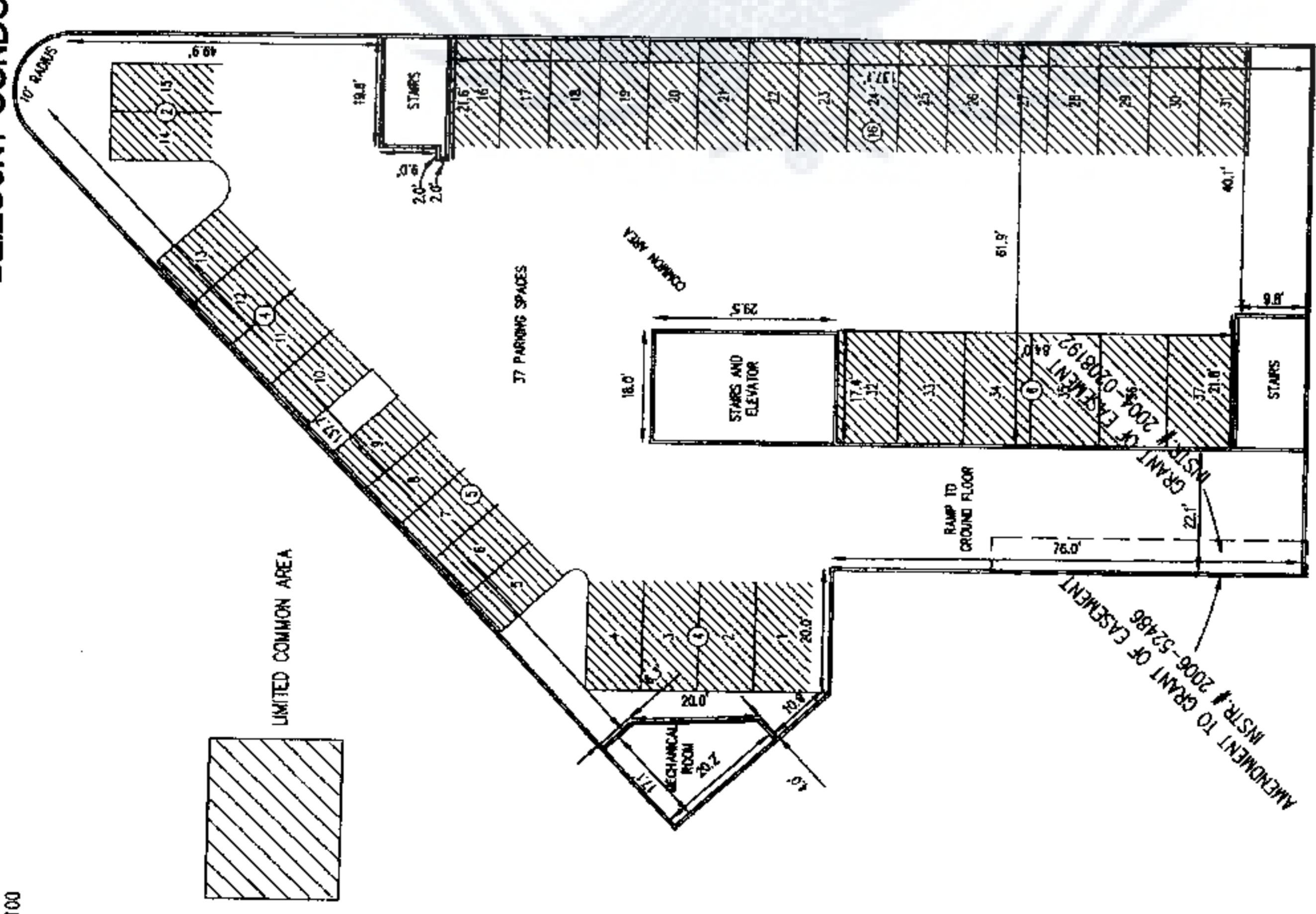
12/12/07  
El Bony

ATTACHMENT "1"



THIS INSTRUMENT PREPARED BY:  
 Bryan F. Catlin,  
 Registered Land Surveyor  
 Indiana #910012  
 The Schneider Corporation  
 8501 Otis Avenue  
 Indianapolis, Indiana 46216-1037  
 Phone: 317-826-7100

# THE BUILDING PLANS FOR THE REPLAT OF THE COMMON AREA PARKING TO LIMITED AREA BELLOUNY CONDOMINIUMS



NOTE:  
 CROSS-REFERENCE IS HEREBY MADE TO SURVEY PLAT RECORDED AS  
 INSTRUMENTS NUMBERED 030158094 AND 030107125 IN THE OFFICE  
 OF THE RECORDER OF MARION COUNTY, INDIANA.  
 THIS AMENDMENT TO THE BELLOUNY CONDOMINIUMS IS TO RESERVE  
 PARKING SPACES FOR INDIVIDUAL LIVING UNITS.

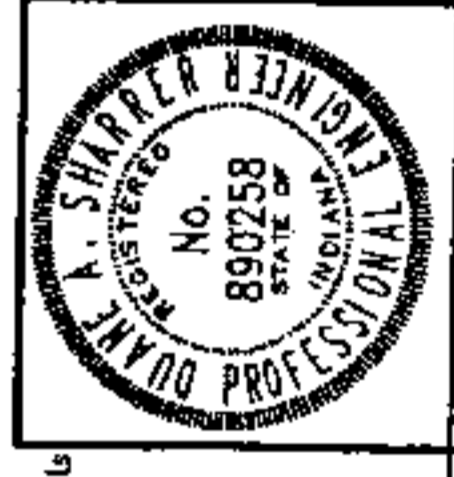
L101	
TOTAL	16,200 sq. ft.
TOTAL	37 PARKING SPACES

SPACES	UNIT NO.
1,2,3,4	501
5,6	401
7	206
8,9	304
10, 11	303
12	404
13	302
14,15	403
16,17	402
18,19	203
20,21	307
22,23	405
24,25	301
26,27	406
28	205
29	306
30	207
31	202
32,33,34	500
35	204
36,37	407

SEE CHART FOR UNIT TYPE SQUARE FOOTAGE  
 LOWER FLOOR - SCALE: N.T.S.  
 FINISH FLOOR ELEVATION = 707.04  
 CEILING ELEVATION = 716.94

ENGINEER'S CERTIFICATE  
 This is to certify that the above referenced set of floor plans fully and accurately depicts the layout, location, unit numbers, and dimensions of the condominium units or built.

Given my hand and seal at Indianapolis, Indiana, this 19th day of  
 November, 2007.  
 Duane A. Sherrer  
 Registered Professional Engineer  
 Indiana #890258



STATE OF INDIANA } SS  
 COUNTY OF MARION }  
 Before me a notary public in and for said county and state, personally appeared Duane A. Sherrer, Registered Professional Engineer, and acknowledged the execution of this instrument as his/her voluntary act and deed and offered his signature thereto.  
 Witness my signature and seal this 19th day of November, 2007.  
 My commission expires 10-18-08  
 Notary Public  
 Printed Name: Carolyn C. Thomas



757 MASS AVE CONDOMINIUMS  
 AT THE BELLOUNY BUILDING  
 AMENDED  
 SHEET 18

THIS INSTRUMENT PREPARED BY:  
 Bryan F. Catlin  
 Registered Land Surveyor  
 Indiana #910012  
 The Schneider Corporation  
 8901 Otis Avenue  
 Indianapolis, Indiana 46216-1037  
 Phone: 317-828-7100

# THE BUILDING PLANS FOR THE REPLAT OF THE COMMON AREA PARKING TO LIMITED AREA BELOUNY CONDOMINIUMS

NOTE:  
 CROSS-REFERENCE IS HEREBY MADE TO SURVEY PLAT RECORDED AS INSTRUMENTS NUMBERED  
 02015894 AND 03017125 IN THE OFFICE OF THE RECORDER OF MARION COUNTY, INDIANA.

This Amendment to the Belouny Condominiums, recorded as Instrument No. 2006-75811 in the  
 Office of the Recorder of Marion County, Indiana, is to reserve parking spaces as limited common  
 areas for individual living units as shown herein. Anything else shown is for information only.  
 In Testimony whereof, witness the signatures of Owner and Declarant this \_\_\_\_\_ day of  
 \_\_\_\_\_, 2007.

Owner:  
 Kram Avenue Developers, LLC, an Indiana Limited Liability Company, authorized to do business in  
 Indiana

By: \_\_\_\_\_  
 (Harry J. Adams Jr.) Title (Managing Member)

STATE OF \_\_\_\_\_ } SS  
 COUNTY OF \_\_\_\_\_ }

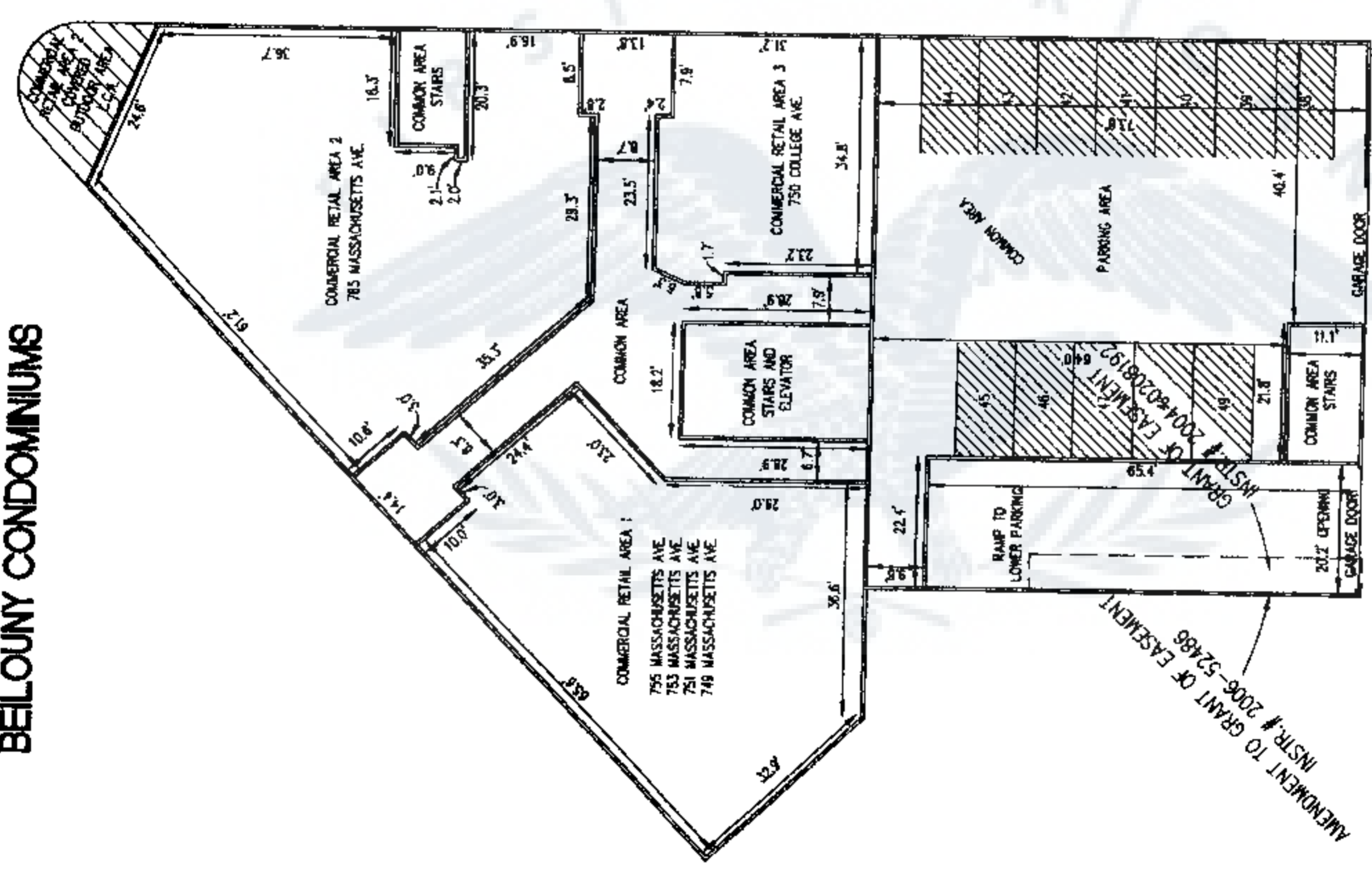
Before me, the undersigned, a notary public in and for said county and state, personally appeared  
 Harry J. Adams Jr., member of Kram Avenue Developers, LLC, an Indiana Limited Liability Company  
 authorized to do business in Indiana, and acknowledged the execution of this instrument on his/her  
 voluntary act and deed and affixed his signature thereto.

Witness my signature and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

My commission expires \_\_\_\_\_

Notary Public \_\_\_\_\_ County of residence \_\_\_\_\_

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_



101
PARKING W/RAMP - 6,001 sq. ft.
STAIRS/HALLWAY - 2,514 sq. ft.
COMM. #1 - 2,780 sq. ft.
COMM. #2 - 3,446 sq. ft.
COMM. #3 - 1,149 sq. ft.
TOTAL - 15,890 sq. ft.
TOTAL - 12 PARKING SPACES

PARKING SPACE RESERVATION	UNIT NO.
38	206
39	202
40	207
41	306
42, 43	201
44	401
45	305
46	205
47	RESERVED/NOT ASSIGNED
48	302
49	404

SEE CHART FOR UNIT TYPE SQUARE FOOTAGE  
 1ST FLOOR - SCALE: N.T.S.  
 FINISH FLOOR ELEVATION = 717.94  
 CEILING ELEVATION = 732.04

### REDACTION STATEMENT

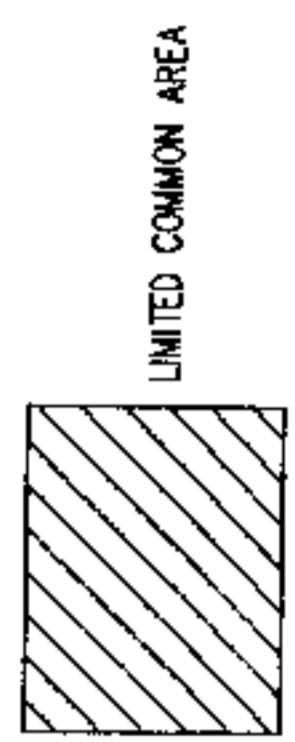
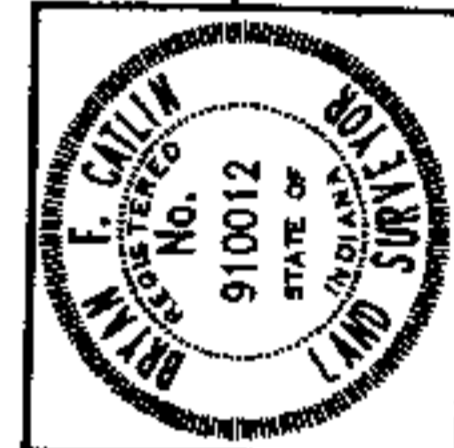
I affirm, under the penalties for perjury, that I have taken reasonable care to reflect each Social Security Number in this document, unless required by law.

### SURVEYOR'S CERTIFICATE

This is to certify that the above described property was surveyed by the Schneider Corporation, under the direction of an Indiana Professional Land Surveyor and that the plat hereon shown is a correct representation of said survey. All distances are shown in feet and decimals thereof.

Given my hand and seal at Indianapolis, Indiana this 20th day of November, 2007.

By: Bryan F. Catlin  
 Registered Land Surveyor  
 Indiana #910012



757 MASS AVE CONDOMINIUMS  
 AT THE BELOUNY BUILDING  
 AMENDED  
 SHEET 1C

STATE OF INDIANA } SS  
 COUNTY OF MARION }

Before me a notary public in and for said county and state, personally appeared  
 Bryan F. Catlin, Registered Land Surveyor, and acknowledged the execution of this  
 instrument as his/her voluntary act and deed and offered his signature thereto.

Witness my signature and seal this 20th day of November, 2007.

My commission expires \_\_\_\_\_

Notary Public \_\_\_\_\_ County of residence \_\_\_\_\_

Printed Name SHANNON KURASALL Signature \_\_\_\_\_



ATTACHMENT "2"

EXHIBIT "C"

Percentage Interests

Pursuant to the provisions of Section 1.4 of the Declaration of Horizontal Property Ownership for the 757 Mass Ave Condominiums at the Beilouny Building Horizontal Property Regime, the percentage interest for the twenty-six (26) units in the Building located upon the Real Estate, known as the Beilouny Building is as follows:

<u>Unit</u>	<u>Square Footage</u>	<u>Percentage of Whole</u>
Commercial Unit #1	2,780	4.84%
Commercial Unit #2	3,446	6.00%
Commercial Unit #3	1,149	2.00%
Unit 201	2,543	4.42%
Unit 202	1,631	2.84%
Unit 203	2,268	3.95%
Unit 204	1,214	2.11%
Unit 205	1,652	2.87%
Unit 206	2,223	3.87%
Unit 207	2,172	3.78%
Unit 301	2,574	4.48%
Unit 302	1,667	2.90%
Unit 303	2,292	3.99%
Unit 304	1,217	2.12%
Unit 305	1,643	2.86%
Unit 306	2,239	3.90%
Unit 307	2,196	3.82%
Unit 401	2,540	4.42%
Unit 402	1,612	2.80%
Unit 403	2,295	3.99%
Unit 404	1,220	2.12%
Unit 405	1,460	2.54%
Unit 406	2,369	4.12%
Unit 407	2,212	3.85%
Penthouse 1 Unit 500	4,192	7.29%
Penthouse 2 Unit 501	4,669	8.12%
Total:	57,475	100%



ATTACHMENT "3"

EXHIBIT "E"

Parking Spaces

<u>Unit</u>	<u>Parking Space</u>
Unit 201	42 and 43
Unit 202	31 and 39
Unit 203	18 and 19
Unit 204	35
Unit 205	28 and 46
Unit 206	7 and 38
Unit 207	30 and 40
Unit 301	24 and 25
Unit 302	13 and 48
Unit 303	10 and 11
Unit 304	8 and 9
Unit 305	45
Unit 306	29 and 41
Unit 307	20 and 21
Unit 401	5, 6 and 41
Unit 402	16 and 17
Unit 403	14 and 15
Unit 404	12 and 49
Unit 405	22 and 23
Unit 406	26 and 27
Unit 407	36 and 37
Penthouse 1	32, 33, and 34
Unit 500	
Penthouse 2	1, 2, 3, and 4
Unit 501	
(Unassigned)	47