

200
2 mutations

206006

BOOK 179 PAGE 111

RECORDED
A.M. — P.M. 3:50
✓ SEP 03 1987 ✓
✓ *Eric Kelly* ✓
RECORDER MONROE CO IN

SECOND AMENDED DECLARATION
OF
GENTRY QUARTERS CONDOMINIUM
Phase III Expansion

Filed for Record 9-3, 1987
Recorded in Misc. Book 179,
Pages Through ,
In the Office of the Recorder
of Monroe County, Indiana
Instrument Number 206006

Consisting of 13 Pages,
Numbered 1 through 5,
and
Exhibits A to E

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

SECOND AMENDED DECLARATION

OF

GENTRY QUARTERS CONDOMINIUM
Phase III Expansion

THIS SECOND AMENDED DECLARATION, and the exhibits which are attached hereto and made a part hereof, are made and executed this 30th day of AUGUST, 1987, by Gentry Quarters Development Co., Inc. (hereinafter called the "Declarant"), for itself, its successors, grantees and assigns, pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of paragraph 29 of that certain Declaration of Expandable Condominium for Gentry Quarters Phase I Condominium duly filed for record on September 29, 1986, as Instrument No. 190327, in Miscellaneous Book 170 at pages 257 through 319, and First Amended Declaration of Gentry Quarters Condominium Phase II Expansion duly filed for record on May 28, 1987 as Instrument No. 200909, in Miscellaneous Book 176 at pages 441 through 452, the Office of the Recorder of Monroe County, Indiana.

Statement of Purposes

By Declaration of Expandable Condominium dated September 25, 1986, and recorded on September 29, 1985 as Instrument No. 190327 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 five (5) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of thirty-six (36) 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 property designated as the "expansion 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 "expansion area" referred to in the Declaration, thereby adding new units and new common areas and facilities to the existing units and existing 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 29. 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. Definition. 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 III and (ii) 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 Gentry Quarters Condominium as if such had originally been included in the 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 Bylaws, 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 be incorporated herein by reference and made a part hereof as though fully set out herein.

3. Description of Phase I, Phase II, and Phase III 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 property described in the Declaration of Expandable Condominium for Gentry Quarters, Phase II property described in the First Amended Declaration of Gentry Quarters Condominium, and the Phase III property described in Exhibit A attached hereto. The composite description of the Phase I, Phase II, and Phase III real property is described and identified in Exhibit B attached hereto and made a part hereof.

4. Descriptions of Buildings. Paragraph 5. of the Declaration, as amended, is hereby further amended to reflect the addition of buildings and units as herein set forth:

Gentry Quarters Phase III will consist of one (1) multi-unit residential building. The building is designated as "G", as shown on the Master Site Plan, a copy of which is attached hereto and made a part hereof as Exhibit "C", which Master Site Plan shows the location of Phase III and the location of the building on the real property described in Exhibit A attached hereto and constituting Phase III of Gentry Quarters and its location with respect to every other

building thereon and the ceiling and floor elevations of each unit. The building (G) contains a total of eight (8) separate units consisting of three (3) basic floor plan types including:

- 1FA = 600 sq. ft., 1 bedroom flat
- 1FE = 680 sq. ft., 1 bedroom flat
- 2FB = 880 sq. ft., 2 bedroom flat

The number of stories in each building, the number of units, 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>
G	2 - 1FA 4 - 1FE 2 - 2FB	8	No	3

Said multi-unit buildings and the new units located therein are more particularly described and defined in the plans and specifications of said buildings, a copy of which plans and specifications is attached hereto and made a part hereof as Exhibit "D", shall in all particulars of the buildings, including the layout, number of stories, the number of rooms, the location, building designation, new unit numbers and dimensions of the units. Such plans bear the verified statement of Smith-Quillman and Associates certify that said plans are actual copies of portions of the plans of the buildings 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 plans 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 area 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 each 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 29(c) of the Declaration, and its 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 obtain the percentage interest in the aggregate common areas and facilities in each new unit as shown on the aforesaid "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 obtain for each existing unit that share in the aggregate common areas and facilities shown in aforesaid Exhibit "E".

The new units added hereby shall be designated for the purposes of identification in connection with all conveyances of the same as being a part of "Gentry Quarters Phase 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 First Amended Declaration, the Declaration, the Act, the Bylaws, 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 in the property identified in this Second Amended Declaration are incorporated into the Declaration, as amended, 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 9-2, 1987, as Instrument No. 205936.

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 Amended Declaration to be executed this day and year first above written.

GENTRY QUARTERS DEVELOPMENT CO, INC.

By Ronald J. Killion
Ronald J. Killion, President

By Ben A. Beard
Ben A. Beard, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

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

WITNESS my hand and Notarial Seal this 30th day of AUGUST,



My Commission Expires:
July 8, 1988

Michael L. Carmichael
Notary Public

Printed Name: MICHAEL L. CARMICHAEL

Residing in Monroe County, IN

EXHIBIT A

GENTRY QUARTERS PHASE III EXPANSION

A part of the Southwest quarter of Section 2, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southwest corner of said quarter; thence South 88 degrees 21 minutes 38 seconds East along the south line of said quarter 181.55 feet; thence leaving said south line North 0 degrees 03 minutes 29 seconds West 398.77 feet to the point of beginning; thence continuing along the same line North 0 degrees 03 minutes 29 seconds West 108.49 feet to the southwest corner of Gentry Quarters Phase II as recorded in Plat Book 3, page 58, in the office of the Recorder of Monroe County, Indiana; thence along the south line of Gentry Quarters Phase II South 88 degrees 25 minutes 00 seconds East 178.94 feet to the west right-of-way of College Mall Road; thence South 1 degree 35 minutes 21 seconds West along said right-of-way 119.82 feet; thence leaving said right-of-way North 89 degrees 55 minutes 54 seconds West 70.59 feet; thence North 0 degrees 08 minutes 12 seconds West 11.29 feet; thence South 89 degrees 51 minutes 48 seconds West 20.62 feet; thence North 0 degrees 08 minutes 12 seconds West 5.11 feet; thence South 89 degrees 51 minutes 48 seconds West 84.19 feet to the point of beginning, containing 0.46 acre, more or less.

EXHIBIT B

GENTRY QUARTERS PHASES I, II, and III

A part of the Southwest quarter of Section 2, Township 8 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

COMMENCING at the southwest corner of said quarter; thence South 88 degrees 21 minutes 38 seconds East along the south line of said quarter 181.55 feet; thence leaving said south line North 0 degrees 03 minutes 29 seconds West 398.77 to the point of beginning; thence continuing along the same line North 0 degrees 03 minutes 29 seconds West 564.69 feet; thence South 88 degrees 06 minutes 45 seconds East 192.00 feet to the west right-of-way of College Mall Road; thence South 0 degrees 47 minutes 50 seconds East along said right-of-way 1.49 feet; thence continuing along said right-of-way South 1 degree 35 minutes 22 seconds West 573.32 feet; thence leaving said right-of-way North 89 degrees 55 minutes 54 seconds West 70.59 feet; thence North 0 degrees 08 minutes 12 seconds West 11.29 feet; thence South 89 degrees 51 minutes 48 seconds West 20.62 feet; thence North 0 degrees 08 minutes 12 seconds West 5.11 feet; thence South 89 degrees 51 minutes 48 seconds West 84.19 feet to the point of beginning, containing 2.40 acres, more or less.

EXHIBIT C

MASTER SITE PLAN

GENTRY QUARTERS PHASE III EXPANSION

The Master Site Plan for Gentry Quarters Phase III dated the 29 day of July, 1987, prepared by Stephen L. Smith, Registered Land Surveyor, entitled "Master Site Plan-Gentry Quarters Phase 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 No. 3 as Instrument No. 205934. Said Master Site Plan is incorporated herein by reference as though fully set out herein.

EXHIBIT D
PLANS AND SPECIFICATIONS
GENTRY QUARTERS PHASE III EXPANSION

The plans and outline specifications for Gentry Quarters Phase III more particularly described in the architectural and related drawings for Gentry Quarters Phase 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 No. 3 at pages 92, 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

GENTRY QUARTERS PHASE I, PHASE II, and PHASE III

<u>Unit Designation</u> <u>Bldg.</u>	<u>Unit</u>	<u>Floor</u> <u>Plan</u>	<u>Square</u> <u>Footage</u>	<u>Percentage</u> <u>Interest</u>	<u>Address</u>
A	A-1	3THA	1,200	2.890	1202 College Mall Rd. Bloomington, Indiana
A	A-2	3THA	1,200	2.890	1204 College Mall Rd. Bloomington, Indiana
A	A-3	1FA	600	1.444	1206 College Mall Rd. Bloomington, Indiana
A	A-4	1FA	600	1.444	1208 College Mall Rd. Bloomington, Indiana
A	A-5	2FB	880	2.118	1210 College Mall Rd. Bloomington, Indiana
A	A-6	2FB	880	2.118	1212 College Mall Rd. Bloomington, Indiana
B	B-1	1FB	600	1.444	1222 College Mall Rd. Bloomington, Indiana
B	B-2	1FA	600	1.444	1224 College Mall Rd. Bloomington, Indiana
B	B-3	1FA	600	1.444	1226 College Mall Rd. Bloomington, Indiana
B	B-4	1FA	600	1.444	1228 College Mall Rd. Bloomington, Indiana
B	B-5	1FA	600	1.444	1230 College Mall Rd. Bloomington, Indiana
B	B-6	1FA	600	1.444	1232 College Mall Rd. Bloomington, Indiana
B	B-7	2FB	880	2.118	1234 College Mall Rd. Bloomington, Indiana
B	B-8	2FB	880	2.118	1236 College Mall Rd. Bloomington, Indiana
C	C-1	3THA	1,200	2.890	1242 College Mall Rd. Bloomington, Indiana
C	C-2	2FA	840	2.022	1244 College Mall Rd. Bloomington, Indiana
C	C-3	1FB	600	1.444	1246 College Mall Rd. Bloomington, Indiana
C	C-4	2FA	840	2.022	1248 College Mall Rd. Bloomington, Indiana
C	C-5	1FC	670	1.613	1250 College Mall Rd. Bloomington, Indiana
C	C-6	2FB	880	2.118	1252 College Mall Rd. Bloomington, Indiana
C	C-7	2FC	1,230	2.970	1254 College Mall Rd. Bloomington, Indiana
D	D-1	2FA	840	2.022	1262 College Mall Rd. Bloomington, Indiana

<u>Unit Designation</u>		<u>Floor</u>	<u>Square</u>	<u>Percentage</u>	<u>Address</u>
<u>Bldg.</u>	<u>Unit</u>	<u>Plan</u>	<u>Footage</u>	<u>Interest</u>	
D	D-2	1FA	600	1.444	1264 College Mall Rd. Bloomington, Indiana
D	D-3	1FC	670	1.613	1266 College Mall Rd. Bloomington, Indiana
D	D-4	2FA	840	2.022	1268 College Mall Rd. Bloomington, Indiana
D	D-5	2FD	1,200	2.890	1270 College Mall Rd. Bloomington, Indiana
D	D-6	2FC	1,230	2.970	1272 College Mall Rd. Bloomington, Indiana
D	D-7	2FB	880	2.118	1274 College Mall Rd. Bloomington, Indiana
E	E-1	1FA	600	1.444	1282 College Mall Rd. Bloomington, Indiana
E	E-2	1FB	600	1.444	1284 College Mall Rd. Bloomington, Indiana
E	E-3	1FA	600	1.444	1286 College Mall Rd. Bloomington, Indiana
E	E-4	1FA	600	1.444	1288 College Mall Rd. Bloomington, Indiana
E	E-5	1FA	600	1.444	1290 College Mall Rd. Bloomington, Indiana
E	E-6	1FA	600	1.444	1292 College Mall Rd. Bloomington, Indiana
E	E-7	2FB	880	2.118	1294 College Mall Rd. Bloomington, Indiana
E	E-8	2FB	880	2.118	1296 College Mall Rd. Bloomington, Indiana
F	F-1	1FA	600	1.444	1302 College Mall Rd. Bloomington, Indiana
F	F-2	1FD	715	1.821	1304 College Mall Rd. Bloomington, Indiana
F	F-3	1FD	715	1.821	1306 College Mall Rd. Bloomington, Indiana
F	F-4	1FA	600	1.444	1308 College Mall Rd. Bloomington, Indiana
F	F-5	1FA	600	1.444	1310 College Mall Rd. Bloomington, Indiana
F	F-6	1FD	715	1.821	1312 College Mall Rd. Bloomington, Indiana
F	F-7	1FD	715	1.821	1314 College Mall Rd. Bloomington, Indiana
F	F-8	1FA	600	1.444	1316 College Mall Rd. Bloomington, Indiana
F	F-9	2FE	1,000	2.407	1318 College Mall Rd. Bloomington, Indiana

<u>Unit Designation</u> <u>Bldg.</u> <u>Unit</u>	<u>Floor</u> <u>Plan</u>	<u>Square</u> <u>Footage</u>	<u>Percentage</u> <u>Interest</u>	<u>Address</u>
F F-10	2FE	1,000	2.407	1320 College Mall Rd. Bloomington, Indiana
G G-1	1FE	680	1.637	1322 College Mall Rd. Bloomington, Indiana
G G-2	1FE	680	1.637	1324 College Mall Rd. Bloomington, Indiana
G G-3	1FA	600	1.444	1326 College Mall Rd. Bloomington, Indiana
G G-4	1FE	680	1.637	1328 College Mall Rd. Bloomington, Indiana
G G-5	1FE	680	1.637	1330 College Mall Rd. Bloomington, Indiana
G G-6	1FA	600	1.444	1332 College Mall Rd. Bloomington, Indiana
G G-7	2FB	880	2.118	1334 College Mall Rd. Bloomington, Indiana
G G-8	2FB	880	2.118	1336 College Mall Rd. Bloomington, Indiana
		<u>41,540</u>	<u>100.000</u>	