

5

FIRST AMENDMENT OF DECLARATION OF HORIZONTAL PROPERTY OWNERSHIP FOR THE RESERVE AT BROAD RIPPLE HORIZONTAL PROPERTY REGIME

THIS FIRST AMENDMENT is made this 19 day of July, 2004, by WESTFIELD RESERVE, LLC, an Indiana limited liability company (Declarant).

WITNESSETH:

A. Declarant is the sole owner of the fee simple title to the following described real estate located in Marion County, Indiana, to-wit:

See legal description attached hereto, made a part hereof and marked as Exhibit A.

B. On or about January 30, 2004, Declarant executed a Declaration of Horizontal Property Ownership for The Reserve at Broad Ripple Horizontal Property Regime which was recorded in the Office of the Recorder of Marion County, Indiana on February 5, 2004, as Instrument No. 2004-34286 (the Declaration). Attached to the Declaration is the Code of By-Laws of The Reserve at Broad Ripple Horizontal Property Regime. The Declaration, all Supplemental Declarations and By-Laws are incorporated herein by reference and all of the terms and definitions as described therein are hereby adopted and shall have the same meaning in this First Amendment.

C. The purpose of this First Amendment is to clarify Declarant's original intent as defined in Paragraph 18(g) of the Declaration.

NOW, THEREFORE, Declarant, with the approval of all of the Board of Directors of The Reserve at Broad Ripple Owners Association, Inc., makes this First Amendment to the Code of By-Laws of The Reserve at Broad Ripple Condominium and of The Reserve at Broad Ripple Owners Association, Inc. as follows:

1. Article 6, Restrictions, Entry and Rules and Regulations, Section 6.1(g) shall be deleted and the following shall be substituted in its place:

"No Owner shall install hardwood floors or other hard surfaced floors on the first floor of any of the Broadway Units except in the designated areas more particularly described on Exhibit B attached hereto and incorporated herein by this reference. These permitted areas shall include a portion of the kitchen floor, utility room, main floor bathroom and entire upper loft level. Any Owner who desires hard surfaced floors in any area other than those described herein, must seek written approval from the Board prior to installation of said hard surfaced floors. Any Owner who installs hard surfaced floors without prior written approval from the Board, is subject to all costs associated with

MARTIN & WISNACKS

24 04 2004

ADDED FOR THE RECORD FOR THE RECORD

the removal of said floors, including any all attorneys' fees incurred by the Board to enforce said removal."

EXECUTED the day and year first above written.

WESTFIELD RESERVE, LLC

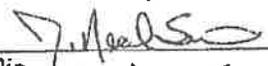
By:   
Printed: Steve Pittman  
Title: Member

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF MARION        )

Before me, a Notary Public in and for said County and State, personally appeared Steve Pittman, by me known and by me known to be the Member of WESTFIELD RESERVE, LLC, who acknowledged the execution of the foregoing FIRST AMENDMENT OF THE RESERVE AT BROAD RIPPLE HORIZONTAL PROPERTY REGIME on behalf of said limited liability company.

WITNESS my hand and Notarial Seal this 19 day of July, 2004.

Notary Public

  
J. NEAL SMITH

Commission expires  
7-8-2012  
County of Residence  
Hamilton

This instrument prepared by Steve Pittman, and upon recording the same shall be returned to such party at PO Box 554 Carmel, IN 46082.

## EXHIBIT A

### The Reserve at Broad Ripple HPR – Legal Description

Per Instrument No. 2002-0158497:

Lots number 10 to 22, both inclusive, and all that part of vacated Hamilton Avenue (now Winthrop Avenue) lying South of the south line of North Drive in North Ripple, now in the City of Indianapolis, as per plat thereof recorded in Plat Book 16, page 59, in the office of the Recorder of Marion County, Indiana.

#### EXCEPT:

A part of Lots 17, 18, 19, 20 and vacated Hamilton Avenue, all in North Ripple, an addition to the Town of Broad Ripple, the plat of which is recorded in Plat Book 16, Page 59 in the Office of the Recorder of Marion County, Indiana, described as follows:

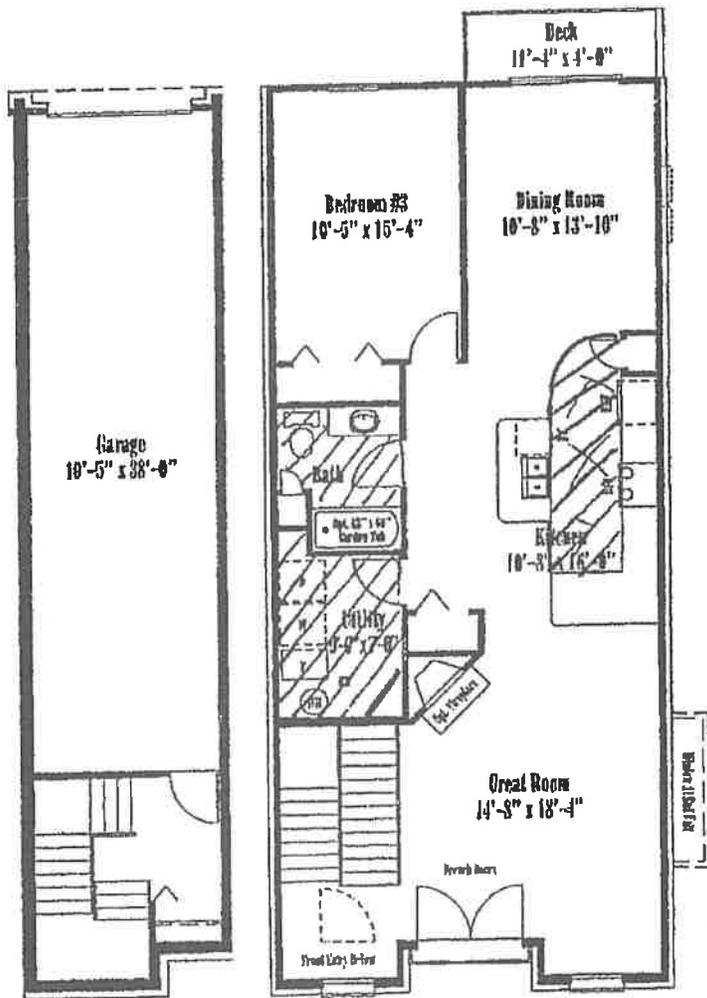
Beginning on the south line of said Lot 17, at a point 1.14 feet West of the southeast corner of said lot; thence North 44 degrees 56 minutes 15 seconds East, 144.98 feet; thence North 40 degrees 21 minutes 49 seconds East, 125.40 feet; thence North 44 degrees 56 minutes 15 seconds East 75.00 feet; thence North 10 degrees 04 minutes 14 seconds West 61.03 feet; thence North 36 degrees 39 minutes 18 seconds East, 92.80 feet to the northern corner of said Lot 20; thence South 31 degrees 00 minutes 00 seconds East, 148.60 feet along the western line of North Drive to the eastern corner of said lot; thence South 31 degrees 00 minutes 00 seconds West, 89.85 feet along the northern line of Westfield Boulevard; thence South 58 degrees 30 minutes 00 seconds West, 347.20 feet, continuing along last said line; thence North 90 degrees 00 minutes 00 seconds West, 15.54 feet to the point of beginning and containing 0.765 acres, more or less.

Subject to legal highways, rights of way and easements of record.

**The Reserve**  
AT BROAD RIPPLE

**THE BROADWAY**

Designed for luxury living in a prime location



- Three Bedroom or Two Bedroom Master Suites
- Two Baths with Optional Garden Tub & Stand Alone Shower
- Spacious Living Room with Beautiful Natural Lighting
- Vaulted Ceilings with Optional Skylights
- Fireplace (optional)
- French Doors
- Custom Kitchens with Choice of Options
- Two Car Garage
- Private Deck

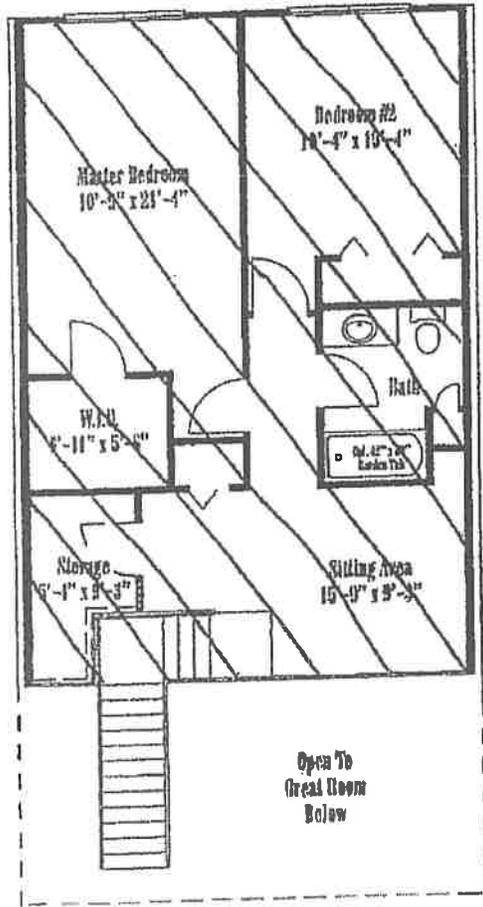
*/// Cross Hatched Area = Hard Surface Area on Main Level*

\* THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY. ALL DIMENSIONS, EXCEPT FINISHES, ARE TO FACE UNLESS OTHERWISE NOTED. FINISHES TO BE DETERMINED AT THE TIME OF ORDERING. THE RESERVE RESERVES THE RIGHT TO MODIFY ALL PLANS AND SPECIFICATIONS WITHOUT NOTICE OR LIABILITY. PLEASE GET YOUR SALES PERSON FOR DETAILS.

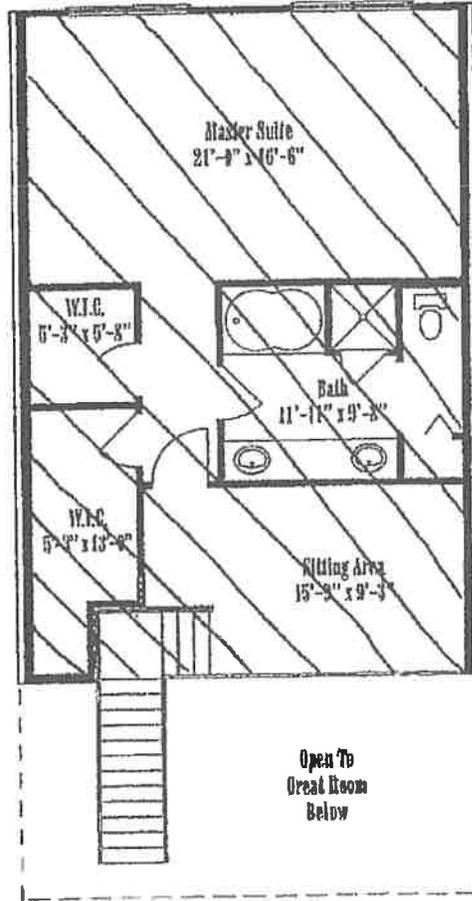
# The Reserve AT BROAD RIPPLE

## THE BROADWAY

### Loft Options



Three Bedroom Option



Master Suite Option

\* THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY. ALL DIMENSIONS, EXCEPT IN NOTES AND DIMENSIONS ARE APPROXIMATE. SEE ARCHITECT TO VIEW AND ARE SUBJECT TO CHANGE. THE BUYER RESERVES THE RIGHT TO MODIFY OR CHANGE THE PLAN, PERMIT OR SPECIFICATIONS WITHOUT NOTICE OR LIABILITY. PLEASE SEE YOUR SALES PROFESSIONAL FOR DETAILS.