

**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(q) 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

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: Steve Pittman

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.

J. Neal Smith
Notary Public
J. NEAL SMITH

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