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RECORDER MONROE CO., IN

SECOND AMENDED DECLARATION  
OF  
HORIZONTAL PROPERTY OWNERSHIP  
OF  
MADISON PARK CONDOMINIUMS

Recorded in the Office of the Recorder  
of Monroe County, Indiana

Consisting of Pages 1 through 7  
and Exhibits A, C, D, and E

Prepared By:

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SECOND AMENDED DECLARATION  
OF  
HORIZONTAL PROPERTY OWNERSHIP  
OF  
MADISON PARK CONDOMINIUMS

THIS SECOND AMENDED DECLARATION, and the attached exhibits, are made and executed this 2<sup>nd</sup> day of May, 1998, by CFC, Inc. ("Declarant"), pursuant to the provisions of the Indiana Horizontal Property Act and in accordance with the terms and provisions of Articles 26 and 30 of the Declaration of Horizontal Property Ownership, Horizontal Property Regime for Madison Park Condominiums, duly filed for record on June 27, 1991, as Instrument No. 108527, in the Office of the Recorder of Monroe County, Indiana ("Declaration"), and as amended in the First Amended Declaration of Madison Park Condominiums, duly filed for record on September 3, 1992, as Instrument No. 215088, in the Office of the Recorder of Monroe County, Indiana ("First Amended Declaration").

Statement of Purposes

WHEREAS, by the Declaration, the Declarant submitted certain real property to the provisions of the Indiana Horizontal Property Act, and created the condominium form of ownership with respect to an initial two (2) non-contiguous multi-unit residential buildings located on the real property described therein, containing an aggregate of sixteen (16) separate units, all as more particularly described in Article 5 of the Declaration.

WHEREAS, by the Declaration, the Declarant also reserved the right to annex certain real estate designated as the Development Area whose approximate boundary was described in Exhibit F of the Declaration, and thereby to add additional or new units to the Condominium.

WHEREAS, by the First Amended Declaration, the Declarant annexed a portion of the real estate in the Development Area and added eight (8) New Units in one multi-unit residential building and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration.

WHEREAS, in this Second Amended Declaration, the Declarant desires to annex additional real estate in the Development Area and to add eight (8) New Units in one multi-unit residential building and New Common Areas and Facilities to the Existing Units and Common Areas and Facilities created by the Declaration and the First Amended Declaration.

NOW THEREFORE, the Declarant, for the purposes set forth, pursuant to the provisions in Articles 26 and 30 of the Declaration, and in accordance with and by means of the powers reserved or conferred upon it, hereby amends said Declaration as follows:

Paragraph A. Definitions. The definitions used and set forth in the Declaration shall be applicable to this Second Amended Declaration. The terms defined in the Declaration shall be deemed to include the real property (as described in the attached Exhibit A), the New Units, and the New Common Areas and Facilities added by this Second Amended Declaration.

Article 1 of the Declaration shall be amended to read as follows:

1. Definitions.

*Certain terms as used in this Declaration and Exhibits and any amended Declarations and Exhibits shall be defined as follows, unless the context clearly indicates a different meaning. The terms Buildings, Common Areas and Facilities, Condominium, Limited Areas and Facilities, Property or Condominium Property, and Unit shall include the new Buildings, Common Areas and Facilities, Condominium, Limited Areas and Facilities, Property or Condominium Property, and Units that have been added by the First Amended Declaration and the Second Amended Declaration.*

\* \* \* \*

(k) *"Condominium Documents" shall mean this Declaration and the attached Exhibits, the First Amended Declaration, and the Second Amended Declaration, subject to amendment from time to time. The Exhibits are as follows:*

*Exhibit A -- Legal Descriptions*

*Exhibit B -- By-Laws of the Homeowners Association*

*Exhibit C -- Master Site Plan/Floor Plans*

*Exhibit D -- Plans and Specifications*

*Exhibit E -- Unit Designations*

*Exhibit F -- Legal Description of Expansion Area*

\* \* \* \*

**Paragraph B. General Description of the Property.** Article 4 of the Declaration is hereby amended, so that henceforth the Condominium Property shall consist of the property described in the Declaration, the property annexed in the First Amended Declaration, and the property annexed in this Second Amended Declaration, all described in the amended and attached Exhibit A. The real property described in and identified on Exhibit A, the Building 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 become a part of the Madison Park Condominiums, as if such had originally been included in the Declaration.

Such real property, Building and other improvements shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration, the First Amended Declaration, this Second Amended Declaration, the Act, the Articles of Incorporation, the Amended Articles of Incorporation, the By-Laws, and Rules and Regulations, adopted from time to time in connection with the Condominium Property, all as may be amended from time to time, said Declarations and the attached Exhibits being incorporated by reference and made a part as though fully set out.

**Article 4 of the Declaration shall be amended to read as follows:**

4. *General Description of the Property.*

*The Condominium Property consists of the real property described in Exhibit A of the Declaration, annexed by Exhibit A of the First Amended Declaration, and annexed by Exhibit A of the Second Amended Declaration, all of which property is described in the attached Exhibit A, and the Buildings and other improvements erected and to be erected and all articles of personal property intended for common use in connection therewith.*

**Paragraph C. Description of Buildings.** Article 5 of the Declaration is hereby amended to reflect the addition of a Building and Units by this Second Amended Declaration. Madison Park Condominiums, Phase Two (B) will consist of one multi-unit residential building, containing a total of eight (8) New Units. The Building is designated as Building 4 as shown on the Floor Plan for Phase Two (B), amended and attached as Exhibit C, which Floor Plan further shows the location of the Building on the real property, described in attached Exhibit A, and the Building's location with respect to other Buildings.

Building 4 and the New Units located therein are more particularly described and defined in the Plans and Specifications for Phase Two (B), amended and attached as Exhibit D. Included as a part of Exhibit D is the Verified Statement of George S. Ridgway, certifying that the Floor Plan is an actual copy of portions of the Plans and

Specifications for the Building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of buildings.

Article 5 of the Declaration shall be amended to read as follows:

5. Description of Buildings.

*Madison Park Condominiums (Phases I, Two and Two (B)) consists of thirty-two (32) Units located in four multi-unit residential buildings. The Buildings are designated as 1, 2, 3, and 4, as shown on the Floor Plans in the attached Exhibit C. The Floor Plans show the locations of the Buildings on the real property and their locations with respect to the other Buildings, the layout, elevation, Unit numbers, and Unit dimensions.*

*The Buildings are more particularly described and defined in the Plans and Specifications of the Buildings, a copy of which Plans and Specifications are attached as Exhibit D, showing all particulars of the Buildings.*

*The Plans and Specifications for Phase I bear the verified statement of Odle McGuire & Shook Corporation, Inc. The Verified Statement of Odle McGuire Shook Corporation, Inc. for Phase Two has been recorded. The Verified Statement of George S. Ridgway for Phase Two (B) is attached as part of Exhibit D. The verified statements certify that the Master Site Plan/Floor Plans are actual copies of portions of the Plans and Specifications for the Buildings as filed with and approved by the City of Bloomington, the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of buildings.*

Article 28 of the Declaration shall be amended to read as follows:

28. Floor Plans.

*The Floor Plans setting forth the layout, location, identification number, Building designation and dimensions for all Units and the Property are incorporated into this Declaration by reference. The Floor Plans, attached as Exhibit C, have been filed in the Office of the Recorder of Monroe County, Indiana.*

**Paragraph D. Description of Units.** Exhibit E of the Declaration is hereby amended to reflect the addition of New Units and New Common Areas and Facilities, by this Second Amended Declaration. The Unit designation 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 the amended and attached Exhibit E.

**Paragraph E. Percentage Interest in Common Areas and Facilities.** The percentage interest of each Unit, both Existing Units and New Units, in the Common Areas and Facilities (both Existing Common Areas and Facilities and New Common Areas and Facilities) is based upon the adjusted square footage of each Condominium Unit (both Existing Units and New Units) 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, is specified on attached Exhibit E.

The percentage interests in the Aggregate Common Areas and Facilities are calculated on the basis as set forth in Article 6(a) of the Declaration, and this reallocation is accomplished as follows:

(a) Declarant, to the extent necessary, exercises all rights of revocation conferred upon it by the Declaration by all Unit Owners of Existing Units, and 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 attain the percentage interest in the Aggregate Common Areas and Facilities in each New Unit as shown on Exhibit E.

(b) Declarant, exercising rights conferred upon it by the Declaration, vests undivided interests in the Aggregate Common Areas and Facilities to the Owners of all Units (both Existing Units and New Units) as tenants in common, in accordance with their respective percentages of ownership. Such interests shall not be separated from the Units to which they appertain and shall be deemed to be conveyed or encumbered with the Units even though such interests are not expressly mentioned or described in the conveyance.

The New Units shall be designated for purposes of identification in connection with all conveyances of the same as being part of Madison Park Condominiums.

**Paragraph F. Exhibits.** Exhibits A, C, D, and E of the Declaration are hereby amended and shall read as attached to this Second Amended Declaration.

Except as set forth herein, the Declaration and Exhibits shall remain in full force



EXHIBIT A  
LEGAL DESCRIPTIONS

PHASE I

Lots 3 and 4 and part of Lots 1 and 2 of Howe's Addition to the City of Bloomington, Monroe County, Indiana, and the alley vacated by Ordinance 90-14 to Vacate a Public Parcel, dated April 5, 1990 and recorded April 19, 1990 in Miscellaneous Record 19 Page 01 in the office of the Recorder of Monroe County, Indiana, and part of Smith Avenue right-of-way located between Lots 1, 2 and 3 of Howe's Addition and Seminary Lot 32 in the City of Bloomington vacated by Ordinance 91-19 to Vacate a Public Parcel dated April 17, 1991 and recorded April 25, 1991 in Miscellaneous Record 207 Page 295-295A in the office of the Recorder of Monroe County, Indiana, bounded and described as follows: Beginning at an iron pin found in place at the Southwest corner of Lot 4 in said Subdivision; thence North along the East right-of-way of Madison Street (right-of-way line being the basis of bearings for this description), 63.04 feet to an iron pin found in place; thence North along the East right-of-way line of Madison Street, 63.03 feet to the South right-of-way line of Smith Street; thence North 89 degrees 43 minutes 31 seconds East, 86.83 feet; thence North 78 degrees 25 minutes 33.7 seconds East 20.42 feet; thence South 89 degrees 45 minutes 38.09 seconds East, 108.00 feet; thence South 68 degrees 03 minutes 9.82 seconds East, 8.01 feet; thence South 89 degrees 43 minutes 31 seconds West, 3.79 feet; thence South 00 degrees 30 minutes 21 seconds East, 62.92 feet to a point; thence North 89 degrees 44 minutes 36 seconds West, 86.77 feet; thence South 00 degrees 08 minutes 59 seconds West, 62.91 feet; thence South 89 degrees 16 minutes 19 seconds West, 132.11 feet to the point of beginning and containing 0.533 acres, more or less.

PHASE TWO

A part of Seminary Lot Number Thirty-Two (32) in the City of Bloomington, Monroe County, State of Indiana, bounded and described as follows: Beginning at the southwest corner of said Seminary Lot Number Thirty-Two (32) at the intersection of the east line of Madison Street with the north line of Smith Street; thence north along the east line of Madison Street (basis of bearings), 126.90 feet; thence north 89 degrees 32 minutes 53 seconds east, 106.07 feet; thence south, 22.79 feet; thence west, 5.47 feet; thence south, 70.80; thence east, 16.21 feet; thence south, 25.10 feet; thence west, 9.99 feet; thence south, 4.54 feet to the north line of Smith Street; thence south 78 degrees 24 minutes 56 seconds west, 20.39 feet along the north line of Smith Street; thence south 89 degrees 43 minutes 31 seconds west, 86.83 feet to the point of beginning and containing 0.306 acres more or less.

EXHIBIT A  
LEGAL DESCRIPTIONS  
(CONTINUED)

PHASE TWO (B)

PART OF SEMINARY LOT 32 IN THE CITY OF BLOOMINGTON, MONROE COUNTY, STATE OF INDIANA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 79.00 FEET NORTH 00 DEGREES 44 MINUTES 03 SECONDS WEST OF THE SOUTHEAST CORNER OF SAID SEMINARY LOT 32; THENCE NORTH 00 DEGREES 44 MINUTES 03 SECONDS WEST, 79.75 FEET TO A POINT; THENCE SOUTH 89 DEGREES 32 MINUTES 53 SECONDS WEST, 141.91 FEET TO A POINT; THENCE SOUTH 00 DEGREES 23 MINUTES 17 SECONDS WEST, 25.57 FEET TO A POINT; THENCE SOUTH 89 DEGREES 32 MINUTES 53 SECONDS WEST, 25.57 FEET TO A POINT; THENCE SOUTH, 22.79 FEET TO A POINT; THENCE WEST, 5.47 FEET TO A POINT; THENCE SOUTH, 70.80 FEET TO A POINT; THENCE EAST, 16.21 FEET TO A POINT; THENCE SOUTH, 25.10 FEET TO A POINT; THENCE WEST, 9.99 FEET TO A POINT; THENCE SOUTH, 4.54 FEET TO A POINT; THENCE NORTH 89 DEGREES 43 MINUTES 31 SECONDS EAST, 52.04 FEET TO A POINT; THENCE NORTH 00 DEGREES 23 MINUTES 17 SECONDS WEST, 75.00 FEET TO A POINT; THENCE NORTH 89 DEGREES 43 MINUTES 31 SECONDS EAST, 116.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT C  
FLOOR PLANS

PHASE I

See Plat Cabinet "HB", Envelope 105  
In the Office of the Recorder of  
Monroe County, Indiana

PHASE TWO

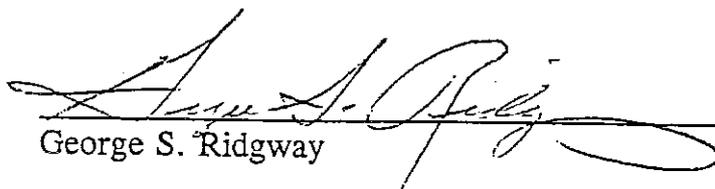
See Plat Cabinet "B" Envelope 114  
In the Office of the Recorder of  
Monroe County, Indiana

PHASE TWO (B)

Recorded in the Office of the Recorder of  
Monroe County, Indiana

VERIFIED STATEMENT

I, the architect/engineer for Madison Park Condominiums Phase 2(B), Building Four, hereby certify to the best of my knowledge that the floor plans of Madison Park Condominiums, Phase Two (B), dated March of 1998, reasonably and accurately copy portions of the plans of the building as filed with the City of Bloomington, the municipal authority having jurisdiction over the issue of permits for construction and as filed with and approved by the State of Indiana, the governmental subdivision having jurisdiction over the construction design release, and also show particulars of the building including the general layout, number of stories, building elevation, building designation, unit numbers, and dimensions of units. Such floor plans fully and accurately depict the layout, location, unit numbers and dimensions of the condominium units as built.

  
George S. Ridgway

State of Indiana     )  
                                  ) SS:  
County of Monroe    )

Subscribed and sworn to before me, a Notary Public in and for said County and State, the 21<sup>st</sup> day of April, 1998.

My Commission Expires:

June 2, 1998

  
Notary Public  
Printed Name: Theodore J. Ferguson  
County of Residence: MONROE

**EXHIBIT D**  
**PLANS and SPECIFICATIONS**

**PHASE I**

See Plat Cabinet "HB", Envelope 105  
In the Office of the Recorder of  
Monroe County, Indiana

**PHASE TWO**

See Plat Cabinet B, Envelope 114  
In the Office of the Recorder of  
Monroe County, Indiana

**PHASE TWO (B)**  
See Plans and Specifications  
Filed with the City of Bloomington

**EXHIBIT E**  
**UNIT DESIGNATIONS**

SECOND AMENDED  
EXHIBIT 'E'  
UNIT DESIGNATIONS

BUILDING	UNIT	FLOOR	LEVEL	DESIGN	SQUARE FOOTAGE	TOTAL SQUARE FOOTAGE	% OF COMMON AREA	ADDRESS
ONE	401	1ST & BASEMENT	778.3	2 BR & STORAGE	1,451			401 S. MADISON
	401G	BASEMENT	787.3	GARAGE	278	1729	3.75%	
ONE	403	1ST & BASEMENT	778.3	2 BR & STORAGE	1,451			403 S. MADISON
	403G	BASEMENT	787.3	GARAGE	278	1729	3.75%	
ONE	405	2ND & BASEMENT	788.3	2 BR & LOFT	1,277			405 S. MADISON
	405G	BASEMENT	787.3	GARAGE	339	1818	3.51%	
ONE	407	2ND & BASEMENT	788.3	2 BR & LOFT	1,277			407 S. MADISON
	407G	BASEMENT	787.3	GARAGE	339	1818	3.51%	
ONE	409	1ST & BASEMENT	778.3	2 BR & STORAGE	1,451			409 S. MADISON
	409G	BASEMENT	787.3	GARAGE	278	1729	3.75%	
ONE	411	1ST & BASEMENT	778.3	2 BR & STORAGE	1,451			411 S. MADISON
	411G	BASEMENT	787.3	GARAGE	278	1729	3.75%	
ONE	413	2ND & BASEMENT	788.3	2 BR & LOFT	1,277			413 S. MADISON
	413G	BASEMENT	787.3	GARAGE	339	1818	3.51%	
ONE	415	2ND & BASEMENT	788.3	2 BR & LOFT	1,277			415 S. MADISON
	415G	BASEMENT	787.3	GARAGE	339	1818	3.51%	
TWO	417	1ST	769.2	2BR		1089	2.37%	417 S. MADISON
TWO	419	1ST	769.2	2BR		1089	2.37%	419 S. MADISON
TWO	421	2ND	779.2	2BR & LOFT		1288	2.79%	421 S. MADISON
TWO	423	2ND	779.2	2BR & LOFT		1288	2.79%	423 S. MADISON
TWO	425	1ST	767.2	2BR		1089	2.37%	425 S. MADISON
TWO	427	1ST	767.2	2BR		1089	2.37%	427 S. MADISON
TWO	429	2ND	777.2	2BR & LOFT		1288	2.79%	429 S. MADISON
TWO	431	2ND	772.2	2BR & LOFT		1288	2.79%	431 S. MADISON
THREE	351	1ST & BASEMENT	778.97	2 BR & STORAGE	1,451			351 S. MADISON
	351G	BASEMENT	787.77	GARAGE	278	1729	3.75%	
THREE	353	1ST & BASEMENT	778.97	2 BR & STORAGE	1,451			353 S. MADISON
	353G	BASEMENT	787.77	GARAGE	278	1729	3.75%	
THREE	355	BASEMENT	788.97	2 BR & LOFT	1,277			355 S. MADISON
	355G	2ND	787.77	GARAGE	339	1818	3.51%	
THREE	357	BASEMENT	788.97	2 BR & LOFT	1,277			357 S. MADISON
	357G	2ND	787.77	GARAGE	339	1818	3.51%	
THREE	359	1ST & BASEMENT	778.97	2 BR & STORAGE	1,451			359 S. MADISON
	359G	BASEMENT	787.77	GARAGE	278	1729	3.75%	
THREE	361	1ST & BASEMENT	778.97	2 BR & STORAGE	1,451			361 S. MADISON
	361G	BASEMENT	787.77	GARAGE	278	1729	3.75%	
THREE	363	2ND	788.97	2 BR & LOFT	1,277			363 S. MADISON
	363G	BASEMENT	787.77	GARAGE	339	1818	3.51%	
THREE	365	2ND	788.97	2 BR & LOFT	1,277			365 S. MADISON
	365G	BASEMENT	787.77	GARAGE	339	1818	3.51%	
FOUR	332	1ST	787.5	2 BR		1224	2.66%	332 S. MORTON
FOUR	334	1ST	787.5	2 BR		1224	2.66%	334 S. MORTON
FOUR	336	2ND	777.5	2 BR		1224	2.66%	336 S. MORTON
FOUR	338	2ND	777.5	2 BR		1224	2.66%	338 S. MORTON
FOUR	340	1ST	787.5	2 BR		1224	2.66%	340 S. MORTON
FOUR	342	1ST	787.5	2 BR		1224	2.66%	342 S. MORTON
FOUR	344	2ND	777.5	2 BR		1224	2.66%	344 S. MORTON
FOUR	346	2ND	777.5	2 BR		1224	2.66%	346 S. MORTON
						48,052	100.00%	

Date: 05/13/98