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Shirley Nolot  
CLARK COUNTY RECORDER  
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**SEVENTH AMENDMENT**

**DECLARATION OF THE HARBOURS**

**HORIZONTAL PROPERTY REGIME**

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**SEVENTH AMENDMENT**  
**DECLARATION OF THE HARBOURS**  
**HORIZONTAL PROPERTY REGIME**  
**(CONCERNING AN AMENDMENT TO THE BY-LAWS)**

EXPLANATION OF AMENDMENT

This document is the Seventh Amendment (the “**Seventh Amendment**”) of the Declaration of the Harbours Horizontal Property Regime, which was filed as Instrument No. 3210085 (Miscellaneous Drawer 32) in the Clark County, Indiana Recorder’s office on 6-13-2000, (the “**Declaration**”) and thereafter amended by the Amendments listed on **EXHIBIT A** attached hereto and made a part hereof. (The Plans were filed as instrument number 3210087 in Condo Plat Book 1, Page 59, in the Clark County, Indiana Recorder’s Office on 6-13-2000, and supplemented on September 14, 2000, by Instrument No. 3216054, and amended on July 11, 2001, by Instrument No. 200115096, and on October 16, 2001 by Instrument No. 200122863., and on August 28, 2002, by Instrument No. 200221382.)

The purpose of this Seventh Amendment is to document an amendment to the Code of By-Laws of the Harbours Condominium Association Inc., as more specifically explained below:

1. All initially-capitalized terms not otherwise defined in this Seventh Amendment shall have the meanings set forth in the Declaration unless the context clearly indicates otherwise.
2. The Code of By-Laws of the Harbours Condominium Association Inc. are attached as an exhibit to the above referenced Declaration.

3. The above referenced By-Laws provide, in part, that the By-Laws may be amended in the same manner and to same extent as the Declaration. (See Article Seven of the By-Laws.)

4. Section Twenty-Five of the Declaration provides that the Declarant may amend the Declaration until the control of the Regime is turned over to the Association, subject to certain additions which do not apply to the By-Law Amendment which is the subject of this Seventh Amendment to the Declaration.

5. As of the time of this Seventh Amendment, the Declarant is still in control of the Regime pursuant to various provisions contained in the Declaration.

6. This Seventh Amendment involves Sections 3.01 and 3.03 of the By-Laws and pertain, respectively, to the number of members on the Board of Directors and, to directorship terms.

AMENDMENT  
(CONCERNING SECTION 3.01 AND 3.03 OF THE BY-LAWS)

By virtue of the authority established in Section Twenty-Five of the Declaration, operating in conjunction with Article Seven of the By-Laws, the Declarant hereby amends Sections 3.01 and 3.03 of the Code of By-Laws of the Harbours Condominium Association, Inc. to read as follows:

Section 3.01. Board of Directors. The affairs of the Association shall be governed and managed by the Board of Directors (herein sometimes collectively called "Board" and individually called "Directors"). The initial Board of Directors shall be comprised of three (3) persons appointed by Declarant. Upon the expiration of the term of the initial Board of Directors as provided in Section 2.06 herein above, the Board shall have nine (9) members. No person shall be eligible to serve as a Director unless he is an owner or is an attorney, agent, or employee of Declarant.

Section 3.03. Term of Office and Vacancy. One-Third (1/3) of the Board of Directors shall be elected at each annual meeting of the Association, subject to limitations set forth in Section 2.06 above, except for the initial annual meeting at which a Co-Owner's-elected Board of Directors is elected. At that meeting, all nine (9) members of the Board shall be elected. Directorship position shall be for a term of three (3) years, except that the initial terms shall be staggered so as to assure that, at all annual meetings following the first annual meeting, one-third (1/3) of the directors shall be elected. The specifics concerning this initial staggered term process shall be as determined by the initial declarant-appointed Board of Directors. Any vacancy or vacancies occurring in the Board shall be filled by a vote of a majority of the remaining Directors or by vote of the Co-Owners if a Director is removed in accordance with Section 3.04 of this Article III.


**IN WITNESS WHEREOF**, the undersigned hereby execute this Seventh Amendment:

**DECLARANT:**

Dated: APRIL 12, 2004

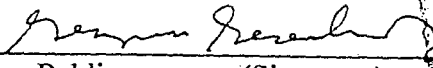
THE HARBOURS AT RIVERPOINT, L.P.  
a Delaware limited partnership

By: Creekstone/Overbrook, LLC, a  
Delaware Limited Liability Company,  
its sole general partner.

By:   
Alan D. Feinsilver, President

STATE OF Indiana )  
COUNTY OF Floyd ) :ss

Before me the undersigned, a Notary Public for Floyd County, State of Indiana, personally appeared ALAN D. FEINSILVER, and acknowledged the execution of the above foregoing Amendment this 12<sup>th</sup> day of April, 2004.

  
Notary Public (Signature)  
George W. Gesenhues Jr  
Notary Public (Printed)

My Commission Expires:  
1|4|08

## **EXHIBIT A**

First Amendment filed on February 28, 2001 as instrument No. 200103749

Second Amendment filed on June 6, 2001 as Instrument No. 200111626

Third Amendment filed on July 2, 2001 as Instrument No. 200114254

Fourth Amendment filed on July 11, 2001 as Instrument No. 200115097

Fifth Amendment filed on October 16, 2001 as Instrument No. 200122867

Sixth Amendment filed on August 28, 2002 as Instrument No. 200221382

THIS INSTRUMENT PREPARED BY:

George W. Gesenhues, Jr.  
Indiana Attorney No. 7109-22  
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P.O. Box 1343 – 506 State St.  
New Albany, IN 47151-1343  
(812) 949-1000

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(1/2)  
Harbours

Shirley Nolot  
CLARK COUNTY RECORDER  
Filed for Record as Presented  
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EIGHTH AMENDMENT TO THE  
DECLARATION OF THE HARBOURS HORIZONTAL  
PROPERTY REGIME  
(CONCERNING AN AMENDMENT TO THE BY-LAWS)

This document is the Eighth Amendment (the "Eighth Amendment") of the Declaration of the Harbours Horizontal Property Regime, which was filed as Instrument No. <sup>3210085</sup>~~3120085~~ (Miscellaneous Drawer 32) in the Clark County, Indiana Recorder's Office on 6/13/00, (the "Declaration") and thereafter amended by the Amendments listed on Exhibit "A" attached hereto and made a part hereof.

The purpose of this Eighth Amendment is to document an Amendment to the Code of By-Laws of the Harbours Condominium Association, Inc. (the By-Laws), said By-Laws being Exhibit B to the Declaration.

By way of this Amendment, a new subsection is added to Section 3.07 of the By-Laws. This Amendment is adopted in accordance with the applicable provisions set forth in Article 7 of the By-Laws and Section 23.A. of the Declaration. The Amendment was duly adopted by the required vote of the Members at a meeting held November 15, 2005.



In accordance with the vote referenced above, the following is hereby added as Subsection (c) to Section 3.07 of the Code of By-Laws of the Harbours Condominium Association, Inc.:

- (c) Capital expenditures constituting repair or replacement of essential equipment and/or building elements reasonably deemed by the Board of Directors to be of an emergency nature, critical to operations, not exceeding \$50,000.00, and only when sufficient funding is on hand.

In witness of the foregoing, the undersigned hereby execute this Eighth Amendment to the Declaration of the Harbours Horizontal Property Regime:

THE HARBOURS CONDOMINIUM  
ASSOCIATION, INC.

BY:

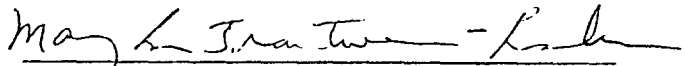


Kevin Zipperle, President

Date: 2-1-06

THE HARBOURS CONDOMINIUM  
ASSOCIATION, INC.

BY:



Mary Lou Trautwein-Lamkin, Secretary

Date: 2-1-06



(812) 545-1000

gov/ky/2009/01/01/amendment

## **EXHIBIT A**

First Amendment filed on February 28, 2001, as Instrument No. 200103749

Second Amendment filed on June 6, 2001, as Instrument No. 200111626

Third Amendment filed on July 2, 2001, as Instrument No. 200114254

Fourth Amendment filed on July 11, 2001, as Instrument No. 200115097

Fifth Amendment filed on October 16, 2001, as Instrument No. 200122867

Sixth Amendment filed on August 28, 2002, as Instrument No. 200221382

Seventh Amendment filed on April 13, 2004, as Instrument No. 200408777