

③ (m)  
Simon

Shirley Nolot  
CLARK COUNTY RECORDER  
Clark County Recorder  
I 200121415  
C2 Date 09/27/2001  
Page 1 of 9  
Time 16:12:56  
9P

*Re-recorded*

Shirley Nolot  
CLARK COUNTY RECORDER  
Clark County Recorder  
I 200122867  
C2 Date 10/16/2001  
Page 1 of 13  
Time 14:28:26  
13A

### FIFTH AMENDMENT

## DECLARATION OF THE HARBOURS HORIZONTAL PROPERTY REGIME

DULY ENTERED FOR TAXATION  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

SEP 27 2001

*Barbara Hase*  
AUDITOR CLARK COUNTY

TABLE OF CONTENTS

Page No.

EXPLANATION OF AMENDMENT ..... 1  
RECITALS ..... 1  
AMENDMENTS ..... 2

FIFTH AMENDMENT

DECLARATION OF THE HARBOURS

HORIZONTAL PROPERTY REGIME

EXPLANATION OF AMENDMENT

This document is the Fifth Amendment (the "Fifth Amendment") of the Declaration of the Harbours Horizontal Property Regime, which was filed as Instrument No. 10085 in Miscellaneous Drawer 32 of the Clark County, Indiana Recorder's Office on June 13, 2000, and thereafter amended by the amendments listed on Exhibit "A" attached hereto ("the "Declaration") and the Plans were filed as Instrument No. 3210087 in Condo Plat Book 1, Page 59 of the Clark County, Indiana Recorder's Office on June 13, 2000 and supplemented on September 14, 2000 by Instrument No. 3216054, and as amended on July 11, 2001 by Instrument No. 200115096 and on ~~August~~ <sup>October</sup> 16, 2001 by Instrument No. 2001 ~~2286~~ 3. The purpose of this Fifth Amendment is to combine Units 419 and 420 into one Unit in accordance with Section 23.B(a) of the Declaration.

RECITALS

WHEREAS, all initially-capitalized terms not otherwise defined herein shall have the meanings set forth in the Declaration unless the context clearly indicates otherwise;

WHEREAS, The Harbours at RiverPointe, L.P., a Delaware limited partnership (the "Owner") is the Owner of Units 419 and 420;

WHEREAS, the applicable requirements of the Declaration have been complied with concerning this Fifth Amendment; and

WHEREAS, the Owner, joined by the Association, desires to amend the Declaration to combine Units 419 and 420 into one Unit in accordance with Section 23.B(a) of the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

## AMENDMENTS

1. In accordance with Section 23.B(a) of the Declaration, Owner desires to combine Units 419 and 420 into one Unit which combined Unit shall be described hereafter as Unit 419. Copies of any and all necessary permits issued by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the Interior Changes (as defined in Section 23.B of the Declaration) are attached hereto as Exhibit B. The floor plan for the Interior Changes are filed in Condo Plat Book 1, Page 59, Instrument No. 200122863 of the Clark County, Indiana records.

2. The Percentage Interest of the combined Unit 419 shall be 0.8427% which is equal to the Percentage Interests of Units 419 and 420, added together, as reflected on Exhibit D described in Section 14.A of the Declaration.

3. Except for the combination of Units 419 and 420 into one Unit described hereafter as Unit 419 and the reduction in the number of Units in the Building from one hundred and eighty-six (186) Units to one hundred and eighty-five (185) Units, no other Units are affected hereby.

4. Except as expressly modified hereby, the Declaration shall remain unmodified and in full force and effect.

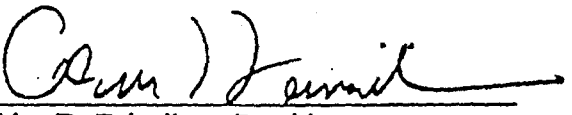
[Signatures on following page]

IN WITNESS WHEREOF, the undersigned has caused this Fifth Amendment to be executed this 6 day of SEPT., 2001.

OWNER:

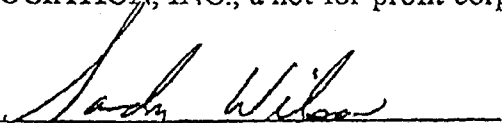
THE HARBOURS AT RIVERPOINTE, L.P.,  
a Delaware limited partnership

By: Creekstone/Overbrook, LLC, a Delaware  
limited liability company, its sole general  
partner

By:   
Alan D. Feinsilver, President

ASSOCIATION:

THE HARBOURS CONDOMINIUM  
ASSOCIATION, INC., a not-for-profit corporation

By:   
Sandy Wilson, President

**Attached Exhibits**

Exhibit A - Amendments to Declaration of The Harbours Horizontal Property Regime

Exhibit B - Permits for Interior Changes.

STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

Before me, the undersigned authority, personally appeared Alan D. Feinsilver, the President of Creekstone/Overbrook, LLC, a Delaware limited liability company, the sole general partner of The Harbours at RiverPointe, L.P., a Delaware limited partnership, who acknowledged the execution of the above and foregoing Fifth Amendment of the Declaration of The Harbours Horizontal Property Regime for and on behalf of said limited partnership.

Witness my hand this 6 day of September, 2001.

*Teresa J. Senne*

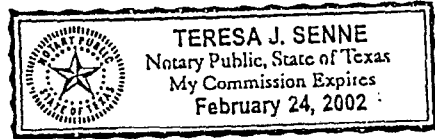
Notary Public in and for the State of Texas

Teresa J Senne

(printed name) Notary Public

My Commission Expires:

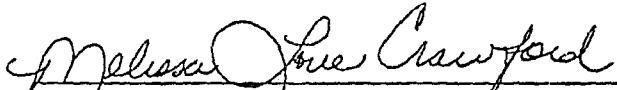
2/24/02



STATE OF INDIANA      §  
                                 §  
COUNTY OF CLARK    §

Before me, the undersigned authority personally appeared Sandy Wilson, President of The Harbours Condominium Association, Inc., who acknowledged the execution of the above and foregoing Fifth Amendment of the Declaration of The Harbours Horizontal Property Regime for and on behalf of said Association.

Witness my hand this 27<sup>th</sup> day of September, 2001.

  
Notary Public in and for the State of Indiana

Melissa Love CRAWFORD  
(Printed Name) Notary Public

My Commission Expires: 7-18-09

County of Residence: Clark

This Instrument Prepared By:

Creekstone/Overbrook LLC  
4545 Post Oak Place, Suite 100  
Houston, TX 77056

EXHIBIT A

Amendments to Declaration of The Harbours Horizontal Property Regime

First Amendment filed as Instrument No. 200103749 in Miscellaneous Drawer 33 of the Clark County, Indiana Recorder's Office on February 28, 2001.

Second Amendment filed as Instrument No. 200111626 in the Clark County, Indiana Recorder's Office on June 6, 2001.

Third Amendment filed as Instrument No. 200114254 in the Clark County, Indiana Recorder's Office on July 2, 2001.

Fourth Amendment filed as Instrument No. 200115097 in the Clark County, Indiana Recorder's Office on July 11, 2001.



Approved by State  
Board of Accounts  
for City of  
Jeffersonville  
—1988

022450

APPL FOR C/O PERMIT

CITY OF JEFFERSONVILLE—BUILDING COMMISSION  
DIVISION OF CODE ENFORCEMENT

PERMIT NUMBER: 0122376

ISSUE DATE: 04/06/01  
EXPIRATION DATE: 04/06/02

PERMISSION IS HEREBY GIVEN TO:

~~CONTRACTOR~~ SELF  
OWNER: HARBOURS, THE AT RIVERPOINTE

AND/OR

TO PERFORM THE FOLLOWING WORK:

NATURE OF WORK: EXISTING COMMERCIAL STRUCTURE RENOVATION OF 2 UNITS TO BE  
F CLASS OF WORK: A/R VALUATION:

AT THE FOLLOWING LOCATION:

TOWNSHIP/SUBDIVISION: CITY OF JEFFERSONVILLE

PROJECT: COF OF RENOVATION OF 1929 SQ FT OF EXISTING  
STRUCTURE PER PLANS AND APPLICATION ON FILE AND

ADDRESS: 640 W. RIVERSIDE DRIVE  
UNITS 419 AND 420

JEFFERSONVILLE, IN 47130

ZONING: R-2

TO BE USED AS: COMMERCIAL BUILDINGS

POWER LINES ARE DANGEROUS  
LOOK UP AND AVOID  
CALL 1-800-455-5447 FOR  
UNDERGROUND LOCATE

419/20

PERMIT FOR APPL FOR C/O IS APPROVED

Application is hereby made for a permit to erect or alter a structure as described herein or shown in accompanying plans and specifications, which structure is to be located as shown on the accompanying plot plan. The information which follows and the accompanying plans and specifications, with the representations therein contained, are made a part of this application, in reliance upon which the building commissioner is requested to issue a building permit. The foregoing does not apply to Improvement location permit.

It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intention on the part of this application, such as might, or would, operate to cause a refusal of this application, or any material alteration or change in the accompanying plans, specifications or structure made subsequent to the issuance of a permit in accordance with this application, without the approval of the building commission shall constitute sufficient ground for the revocation of this permit. No active work commenced within sixty (60) days of the above date will cause this permit to be null & void. Permit good for 365 days.

PLAN REV. COMMENTS: COF OF RENOVATION OF 1929 SQ FT OF EXISTING COMMERCIAL  
STRUCTURE PER PLANS AND APPLICATION ON FILE AND W/C

Signature of Applicant

Permit Fee: \$ 25.00

Cash: \_\_\_\_\_  
Check:             
Money Order: \_\_\_\_\_

Receipt No.: 1026

*Larry W. Becker*  
Building Commissioner

022449

Approved by State  
Board of Accounts  
for City of  
Jeffersonville  
-1995

**BUILDING PERMIT**  
**CITY OF JEFFERSONVILLE—BUILDING COMMISSION**  
**DIVISION OF CODE ENFORCEMENT**

PERMIT NUMBER: 0122375

ISSUE DATE: 04/06/01  
EXPIRATION DATE: 04/06/02

PERMISSION IS HEREBY GIVEN TO:  
CONTRACTOR: SELF AND/OR  
OWNER: HARBOURS, THE AT RIVERPOINTE

TO PERFORM THE FOLLOWING WORK:

NATURE OF WORK: RENOVATION OF 2 UNITS TO BE  
CLASS OF WORK: A/R VALUATION:

AT THE FOLLOWING LOCATION:

TOWNSHIP/SUBDIVISION: CITY OF JEFFERSONVILLE  
PROJECT: RENOVATION OF 1929 SQ FT OF EXISTING COMMERCIAL STRUCTURE  
PER PLANS AND APPLICATION ON FILE AND WJG PERMIT CALCULATED  
ADDRESS: 640 W. RIVERSIDE DRIVE  
UNITS 419 AND 420  
JEFFERSONVILLE, IN 47130  
ZONING: R-2  
TO BE USED AS: COMMERCIAL BUILDINGS

POWER LINES ARE DANGEROUS  
LOOK UP AND UNDER  
CALL 1-800-382-5844  
UNDERGROUND LOCATE

Application is hereby made for the erection or alteration of a structure as described herein or shown in accompanying plans and specifications, which structure is to be located as shown on the accompanying plot plan. The information which follows and the accompanying plans and specifications, with the representations therein contained, are made a part of this application, in reliance upon which the building commissioner is requested to issue a building permit. The foregoing does not apply to improvement location permit.

It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intention on the part of this application, such as might, or would, operate to cause a refusal of this application, or any material alteration or change in the accompanying plans, specifications or structure made subsequent to the issuance of a permit in accordance with this application, without the approval of the building commission shall constitute sufficient ground for the revocation of this permit. No active work commenced within sixty (60) days of the above date will cause this permit to be null & void. Permit good for 365 days.

PLAN REV. COMMENTS: RENOVATION OF 1929 SQ FT OF EXISTING COMMERCIAL STRUCTURE  
PER PLANS AND APPLICATION ON FILE AND WJG PERMIT CALCULATED

Permit Fee: \$ 115.74

Cash: \_\_\_\_\_  
Check:  \_\_\_\_\_  
Money Order: \_\_\_\_\_

Receipt No.: 1026

*Henry W. Decker*  
Building Commissioner

EXHIBIT B

Permits for Interior Changes

## CERTIFICATE OF OCCUPANCY

CITY OF JEFFERSONVILLE - BUILDING COMMISSION  
DIVISION OF CODE ENFORCEMENT

This certificate issued pursuant to the requirements of the Indiana Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City of Jeffersonville, Indiana.

BUILDING PERMIT NUMBER: 0122376

PROJECT: COF OF RENOVATION OF 1929 SQ FT OF EXISTING COMMERCIAL

BUILDING USE: COMMERCIAL BUILDINGS

TYPE: APPL FOR C/O

ZONING: R-2

BUILDING ADDRESS: 640 W. RIVERSIDE DRIVE  
UNITS 419 AND 420  
JEFFERSONVILLE, IN 47130

OWNER OF BUILDING: HARBOURS, THE AT RIVERPOINTE

OWNER ADDRESS: 1 RIVERPOINTE PLAZA 610  
DONALD L. BUCKLEY

CERTIFICATE OF OCCUPANCY ISSUED SUBJECT TO FOLLOWING CONDITIONS:

  
\_\_\_\_\_  
BUILDING COMMISSIONER

DATE: October 10, 2001

# NOTICE OF BUILDING INSPECTION

## TYPE OF INSPECTION

LOCATION: 419-420 Harbours  DATE: 8/16/01

- FOOTING
- FRAMING
- ROUGH-PLUMBING
- ROUGH-ELECTRIC
- ROUGH-HEATING
- OTHER
- CERTIFICATE OF OCCUPANCY

- A.) No obvious violations of Building Codes were found.
- B.) The following was found to be in violation of the State of Indiana Construction Codes and should be corrected before construction continues:

air gap needed on AC drain!

COMPLETED & INSPECTED ON 8/28/01  
*[Signature]*

*[Large Signature]*  
*[Signature]*

- C.) Please contact our office. We would like to discuss a construction matter.

Phone: 285-6415

INSPECTOR SA. L.W. - KTA  
BUILDING COMMISSIONER'S OFFICE  
Rm. 416, City-County Bldg.  
Jeffersonville, Indiana 47130-4071

022449

Approved by State  
Board of Accounts  
for City of  
Jeffersonville  
—1906

**BUILDING PERMIT**  
**CITY OF JEFFERSONVILLE—BUILDING COMMISSION**  
**DIVISION OF CODE ENFORCEMENT**

PERMIT NUMBER: 0122375

ISSUE DATE: 04/06/01  
EXPIRATION DATE: 04/06/02

PERMISSION IS HEREBY GIVEN TO:  
CONTRACTOR: SELF  
OWNER: HARBOURS, THE AT RIVERPOINTE

AND/OR

TO PERFORM THE FOLLOWING WORK:

NATURE OF WORK: EXISTING COMMERCIAL STRUCTURE RENOVATION OF 2 UNITS TO BE  
CLASS OF WORK: A/R VALUATION:

AT THE FOLLOWING LOCATION:

TOWNSHIP/SUBDIVISION: CITY OF JEFFERSONVILLE  
PROJECT: RENOVATION OF 1929 SQ FT OF EXISTING COMMERCIAL STRUCTURE  
PER PLANS AND APPLICATION ON FILE AND WJG PERMIT CALCULATED  
ADDRESS: 640 W. RIVERSIDE DRIVE  
UNITS 419 AND 420  
JEFFERSONVILLE, IN 47130  
ZONING: R-2  
TO BE USED AS: COMMERCIAL BUILDINGS

POWER LINES ARE DANGEROUS  
LOOK UP AND LIVE  
CALL 1-800-522-5844 FOR  
UNDERGROUND LOCATE

Application is hereby made for BUILDING PERMIT to erect or alter a structure as described herein or shown in accompanying plans and specifications, which structure is to be located as shown on the accompanying plot plan. The information which follows and the accompanying plans and specifications, with the representations therein contained, are made a part of this application, in reliance upon which the building commissioner is requested to issue a building permit. The foregoing does not apply to improvement location permit.

It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intention on the part of this application, such as might, or would, operate to cause a refusal of this application, or any material alteration or change in the accompanying plans, specifications or structure made subsequent to the issuance of a permit in accordance with this application, without the approval of the building commission shall constitute sufficient ground for the revocation of this permit. No active work commenced within sixty (60) days of the above date will cause this permit to be null & void. Permit good for 365 days.

PLAN REV. - COMMENTS: RENOVATION OF 1929 SQ FT OF EXISTING COMMERCIAL STRUCTURE  
PER PLANS AND APPLICATION ON FILE AND WJG PERMIT CALCULATED

Permit Fee: \$ 115.74  
Cash:   
Check:   
Money Order:   
Receipt No.: 1026

*Ray W. Baker*  
Building Commissioner