

SETTLED

SIXTH AMENDMENT

DECLARATION OF THE HARBOURS

HORIZONTAL PROPERTY REGIME

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SIXTH AMENDMENT
DECLARATION OF THE HARBOURS
HORIZONTAL PROPERTY REGIME

EXPLANATION OF AMENDMENT

This document is the Sixth Amendment (the "Sixth 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, (the "Declaration") and thereafter amended by the Amendments listed on EXHIBIT A attached hereto and made a part hereof 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 October 16, 2001 by Instrument No. 200122863. The purpose of this Sixth Amendment is to combine Units 312 and 313 into one Unit in accordance with Section 23.B 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, Gary M. Davis, a resident of Jeffersonville, Clark County, Indiana (the "Owner 312") is the Owner of Unit 312;

WHEREAS, The Harbours at RiverPointe, L.P., a Delaware limited partnership (the "Owner 313") is the Owner of Unit 313;

WHEREAS, Owner 312 desires to purchase and Owner 313 desires to sell Unit 313;

WHEREAS, simultaneously herewith, and pursuant to a Purchase Agreement dated July 18, 2002, Owner 313 transfers ownership of Unit 313 by a Warranty Deed to Owner 312;

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

WHEREAS, the Owners, joined by the Association, desire to amend the Declaration to combine Units 312 and 313 into one Unit in accordance with Section 23.B(a-c) of the Declaration.

NOW THEREFORE; the Declaration is hereby amended as follows:

AMENDMENTS

1. In accordance with Section 23.B(a-c) of the Declaration, Owner 312 and Owner 313 desire to combine Units 312 and 313 into one Unit, which combined Unit shall be described hereafter as Unit 312. 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, made a part hereof and marked as Exhibit B. The floor plan for the Interior Changes are filed in Condo Plat Book 1, Page 59, Instrument No. 2002_____ In the Office of the Recorder of Clark County, Indiana.
2. The Percentage Interest of the combined Unit 312 shall be .9349% which is equal to the Percentage Interests of Units 312 and 313, added together, as reflected on Exhibit C described in Section 14.A of the Declaration.

3. Except for the combination of Units 312 and 313 into one Unit described hereafter as Unit 312 and the reduction in the number of Units in the Building from one hundred eighty-five (185) Units to one hundred eighty-four (184) units, no other units are affected hereby.
4. Except as expressly modified hereby, the Declaration shall remain unmodified and in full force and effect.


IN WITNESS WHEREOF, the undersigned have caused this Sixth Amendment to be executed on the date indicated therein.

OWNER:

Dated: August 23, 2002


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

OWNER:

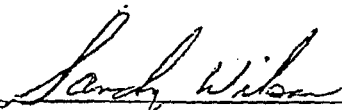
Dated: 8-27, 2002


Gary M. Davis

ASSOCIATION:

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

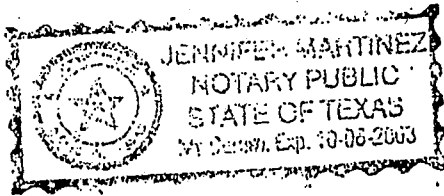
Dated: 8-27, 2002


Sandy Wilson, President

TEXAS
STATE OF INDIANA)
HARRIS) SS:
COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for said County and State, this 23 day of August, 2002, personally appeared Alan D. Feinsilver, and acknowledged the execution of the above and foregoing Amendment.

WITNESS my hand and notarial seal.



Jennifer Martinez
Notary Public
Printed Name: Jennifer Martinez

My commission expires: 10-6-2003
My county of residence is: Harris

STATE OF INDIANA)
) SS:
COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for said County and State; this 27th day of August, 2002, personally appeared Gary M. Davis, and acknowledged the execution of the above and foregoing Amendment.

WITNESS my hand and notarial seal.

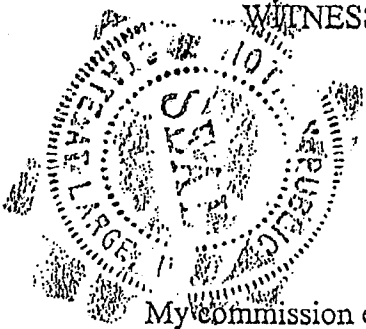
Pamela K. Thompson
Notary Public
Printed Name: Pamela K. Thompson

My commission expires: 3/22/2009
My county of residence is: Clark

STATE OF INDIANA)
) SS:
COUNTY OF CLARK)

Before me, the undersigned, a Notary Public in and for said County and State, this 27th day of August, 2002, personally appeared Sandy Wilson, and acknowledged the execution of the above and foregoing Amendment.

WITNESS my hand and notarial seal.



Jessica E. Baker
Notary Public
Printed Name: Jessica E. Baker

My commission expires: 3-7-07
My county of residence is: Scott

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

EXHIBIT B

Building Permit for Interior Changes to Units 312 and 313

MISCELLANEOUS PERMITS

*Paid
Ch # 1621*

Office Use only

RCLE ONE:

Sub-Contractors

STRUCTURE: RESIDENTIAL COMMERCIAL INDUSTRIAL

Electric _____

SIGNS FENCE STORAGE BUILDING SPRINKLER SYS.

HVAC _____

C OF O IN-GROUND POOL ABOVE GROUND POOL

Plumbing _____

INTERIOR RENOVATION EXTERIOR RENOVATION DEMOLITION

Sprinklers _____

DATE: 8-21-02

Tap In _____

JOB ADDRESS: 1 RIVER POINTE PLAZA 312 + 313

Survey _____

CONTRACTOR: RICK PLUFF

CITY: JEFFERSONVILLE STATE: IN ZIP: 47130

PHONE: 283 218-8214

PROPERTY OWNER OR BUSINESS: GARY M. DAVIS

STREET ADDRESS: 1 RIVER POINTE PLAZA 312

25⁰⁰

CITY: JEFFERSONVILLE STATE: IN ZIP: 47130

PHONE: 218-8214

VALUE OF LABOR/MATERIAL: \$ 10,000

DIMENSIONS: _____ FLOOD ZONE DESIGNATION: _____

BRIEF DESCRIPTION: COMBINING TWO CARDS UNITS #312+313

SIGNATURE OF APPLICANT: Gary M Davis

CONTRACTOR'S # _____

EXHIBIT C

The Harbours Horizontal Property regime Percentage Interest.

The Harbours Horizontal Property Regime Percentage Interest

UNIT NO.	GROSS SQUARE FOOTAGE (±)	PERCENTAGE INTEREST
305	1,353	0.5911%
306	1,353	0.5911%
307	1,353	0.5911%
308	1,353	0.5911%
309	1,353	0.5911%
310	1,353	0.5911%
311	1,353	0.5911%
312	1,198	0.5234%
313	942	0.4115%
314	987	0.4312%
315	987	0.4312%
316	987	0.4312%
317	987	0.4312%
318	987	0.4312%
319	987	0.4312%
320	942	0.4115%
321	845	0.3691%
401	1,420	0.6203%
402	987	0.4312%
403	987	0.4312%
404	813	0.3552%
405	1,353	0.5911%
406	1,353	0.5911%
407	1,353	0.5911%
408	1,353	0.5911%
409	1,353	0.5911%
410	1,353	0.5911%
411	1,353	0.5911%
412	1,198	0.5234%
413	942	0.4115%
414	987	0.4312%
415	987	0.4312%
416	987	0.4312%
417	987	0.4312%
418	987	0.4312%
419	987	0.4312%
420	942	0.4115%
421	992	0.4334%
501	1,420	0.6203%
502	987	0.4312%
503	987	0.4312%
504	813	0.3552%
505	1,500	0.6553%
506	1,353	0.5911%
507	1,353	0.5911%
508	1,353	0.5911%
509	1,353	0.5911%
510	1,353	0.5911%
511	1,353	0.5911%
512	1,198	0.5234%

UNIT NO.	GROSS SQUARE FOOTAGE (±)	PERCENTAGE INTEREST
514	987	0.4312%
515	987	0.4312%
516	987	0.4312%
517	987	0.4312%
518	987	0.4312%
519	987	0.4312%
520	942	0.4115%
521	992	0.4334%
601	1,420	0.6203%
602	987	0.4312%
603	987	0.4312%
604	813	0.3552%
605	1,500	0.6553%
606	1,353	0.5911%
607	1,353	0.5911%
608	1,353	0.5911%
609	1,353	0.5911%
610	1,353	0.5911%
611	1,353	0.5911%
612	1,198	0.5234%
613	942	0.4115%
614	987	0.4312%
615	987	0.4312%
616	987	0.4312%
617	987	0.4312%
618	987	0.4312%
619	987	0.4312%
620	942	0.4115%
621	992	0.4334%
701	1,420	0.6203%
702	987	0.4312%
703	987	0.4312%
704	813	0.3552%
705	1,500	0.6553%
706	1,353	0.5911%
707	1,353	0.5911%
708	1,353	0.5911%
709	1,353	0.5911%
710	1,353	0.5911%
711	1,353	0.5911%
712	1,198	0.5234%
713	942	0.4115%
714	987	0.4312%
715	987	0.4312%
716	987	0.4312%
717	987	0.4312%
718	987	0.4312%
719	987	0.4312%
720	942	0.4115%