

**FOURTH AMENDMENT TO THE DECLARATION OF
COVENANTS, EASEMENTS CONDITIONS AND RESTRICTIONS
FOR ARBOR GROVE**

This FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, EASEMENTS CONDITIONS AND RESTRICTIONS FOR ARBOR GROVE (hereinafter referred to as "Fourth Amendment") is made this 6th day of August 2004, by BAY COMMUNITIES, LLC, and Indiana Limited Liability Company (hereinafter referred to as "Developer").

Whereas, the originally filed Declaration of Covenants, Easements conditions and Restriction for Arbor Grove was recorded with the office of the Hamilton County Recorder on August 11, 2000, as document number 200000039852 (hereinafter referred to as "Original Declaration"), and

Whereas, the first Amendment to The Declaration of Covenants, Easements conditions and Restriction for Arbor Grove was recorded with the office of the Hamilton County Recorder on August 16, 2000, as document number 200000040545 (hereinafter referred to as "First Amendment"), and

Whereas, the Second Amendment to The Declaration of Covenants, Easements conditions and Restriction for Arbor Grove was recorded with the office of the Hamilton County Recorder on October 24, 2000, as document number 200000053223 (hereinafter referred to as "Second Amendment"), and

Whereas, the Third Amendment to The Declaration of Covenants, Easements conditions and Restriction for Arbor Grove was recorded with the office of the Hamilton County Recorder on October 15, 2002, as document number 200200077308 (hereinafter referred to as "Third Amendment"), and

Whereas the purpose of this Fourth Amendment is to extend the time period for which the Declarant is responsible for paying the deficit of the Association.

NOW, THEREFORE, Declarant hereby amends the Original Declaration as previously amended by amending Section III, paragraph A, subparagraph B, as follows: the sentence stating the time Class B memberships shall cease shall be changed to "The Class B membership shall cease and be converted to a Class A membership upon the earlier of the following: 1) 90% of homes on lots are deeded to Owners; or 2) January 1, 2006." This change extends the time the Declarant shall be responsible for paying any deficit the association incurs (deficits are anticipated until about 90% of the homes are sold).

IN WITNESS THEREOF, the Developer has caused the execution of this declaration as of the date first above written.

BAY COMMUNITIES LLC
an Indiana Limited Liability Company

BY: Bruce Sklare
Bruce Sklare, member
Dated: August 6th, 2004

STATE OF INDIANA

COUNTY OF HAMILTON

Before me, a Notary Public in and for said County and State, personally appeared Bruce Sklare, on behalf of Bay Communities, LLC, who acknowledged the execution of the foregoing.

WITNESS my hand and Notarial Seal this 6th day of August, 2004.

Jerry L March, NOTARY PUBLIC
County of Residence: Marion
Commission Expires: February 23, 2008

This instrument prepared by Bay Communities LLC.