

RESOLUTION AUTHENTICATING MAINTENANCE AND INSURANCE AGREEMENT

The undersigned, being the duly authorized secretary of the Harbour Pointe Homeowners Association, Inc., authenticates the attached *Maintenance and Insurance Agreement* this 23RD day of January, 2008, as follows:

1. Harbour Pointe Condominium Regime ("Harbour Pointe") is organized pursuant to the Indiana Horizontal Property Act as a condominium regime located in Monroe County, Indiana. The Harbour Pointe Homeowners Association, Inc., ("Association") was formed pursuant to the Indiana Horizontal Property Act as a governing body for Harbour Pointe with the powers and duties as specified in the Declaration of Harbour Pointe Condominium recorded as Miscellaneous Book 154, pages 72 through 133, in the office of the Recorder of Monroe County, Indiana, as amended ("Declaration"), together with the Association By-Laws.

2. Certain Owners of condominium units within Harbour Pointe executed a *Maintenance and Insurance Agreement* whereby the Owners shall be individually responsible for maintenance, repair, and replacement of capital components of their respective Units and provide for insurance for casualty loss or damage in consideration for a reduction in homeowners association assessments.

3. Harbour Pointe Homeowners Association, Inc. by and through it's Board of Administrators ratified and approved the attached *Maintenance and Insurance Agreement*.

4. The undersigned, being the duly appointed secretary of the Harbour Pointe Homeowners Association, Inc., certifies that the attached *Maintenance and Insurance Agreement* is authentic and was duly executed and shall be maintained in the business records of Harbour Pointe Homeowners Association, Inc.

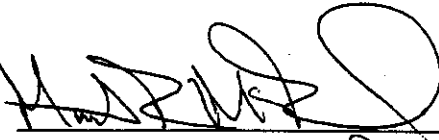
**HARBOUR POINTE HOMEOWNERS
ASSOCIATION, INC.**


Linda D. Pressley, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Linda D. Pressley, Secretary of Harbour Pointe Homeowners Association Inc. and acknowledged the execution of the foregoing *Resolution Approving Maintenance and Insurance* Agreement to be their free and voluntary act and deed for the uses and purposes therein expressed.

Dated this 23rd day of January, 2008.


Printed: Matthew R. McFarland
Notary Public

I reside in Vigo County, Indiana
My commission expires: 4-11-2015.



MATTHEW R. MCFARLAND
Resident of Vigo County, IN
Commission Expires: April 11, 2015

This instrument prepared by: Thomas E. Densford, **Bauer & Densford**, Attorneys at Law, 608 W. Third Street, Post Office Box 1332, Bloomington, Indiana 47402-1332, (812) 334-0600. Thomas E. Densford affirms under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

MAINTENANCE AND INSURANCE AGREEMENT

THIS MAINTENANCE AND INSURANCE AGREEMENT ("Agreement") made by and between HARBOUR POINTE HOMEOWNERS ASSOCIATION, INC. and the undersigned Owners effective January 1, 2008.

RECITALS

1. Harbour Pointe Condominium Regime ("Harbour Pointe") is organized pursuant to the Indiana Horizontal Property Act as a condominium regime located in Monroe County, Indiana.
2. The parties executing this Agreement and identified below as Owners each own a condominium unit in Harbour Pointe.
3. The Harbour Pointe Homeowners Association ("Association") was formed pursuant to the Indiana Horizontal Property Act as a governing body for Harbour Pointe with the powers and duties as specified in the Declaration of Harbour Pointe Condominium recorded as Miscellaneous Book 154, pages 72 through 133, in the office of the Recorder of Monroe County, Indiana, as amended ("Declaration"), together with the Association By-Laws.
4. The condominium units owned by Owners each is a detached, single-family dwelling having the appearance of and many of the characteristics of a subdivision lot (hereinafter the "Estate Unit").
5. The remaining condominium units in Harbour Pointe are located within multi-unit buildings, having the appearance and the characteristics of a more traditional condominium development (hereinafter the "Traditional Units").
6. The Estate Units are substantially larger than a Traditional Unit, increasing the Association's maintenance, repair and capital reserve portion of the budget and increasing insurance costs per unit greater than a Traditional Unit.
7. The Estate Units require substantially greater expenditure per square foot than a Traditional Unit for maintenance and repairs in accordance with the duties and responsibilities of the Association as stated in the Declaration.
8. The Estate Units incur a substantially greater insurance expense per square foot than is attributable to the Traditional Units.
9. Owners of the Estate Units and Association desire to reach an equitable arrangement whereby Owners shall be individually responsible for maintenance, repair, and replacement of capital components of the Estate Units to include provision for insurance for casualty loss or damage of the Estate Units and for provision of insurance for casualty loss or damage to the Estate Units in consideration for a reduction in assessments to be paid by the Estate Unit Owners.

NOW THEREFORE, in consideration of the mutual covenants expressed herein, Association for itself and on behalf of all Owners of Units in Harbour Pointe and the undersigned Owners agree as follows:

1. The Owners of the Estate Units shall be individually responsible for maintenance and repair, including capital replacement for their respective Estate Units. Each Owner shall maintain his Estate Unit in good order and repair to a standard at least as favorable as the Association maintains the Traditional Units. Maintenance and repair as required by Owners of the Estate Units shall include:
 - a. Maintenance, repair and replacement of the structural and mechanical components of the residence.
 - b. Maintenance and repair of driveways and sidewalks appurtenant to the Estate Unit.
 - c. Lawn care of the lawn and ground appurtenant to the Estate Unit except for mowing, such lawn care to include mulching, weeding, pruning and maintaining plants, trees and shrubs.
 - d. Maintenance of the lawn area appurtenant to the unit for erosion control.
 - e. Maintenance, repair and replacement of utility lines (gas, water and electric) from the utility meter to the residence.
 - f. Maintaining full insurance coverage at replacement costs for the estate unit with an endorsement naming Harbour Pointe Homeowners Association, Inc. as an additional insured.
2. Association shall provide services to Estate Units including:
 - a. Lawn mowing;
 - b. Chemical weed treatment of lawns;
 - c. Fall leaf removal;
 - d. Snow removal on roads and driveways (sanding as necessary);
 - e. Maintenance of roads, Association swimming pool, pool house, tennis court, front entry signs and plantings, trash removal bins, street lights and mailbox structure;
 - f. Trash removal;
 - g. Utilities within common areas up to meter serving individual estate units (gas water and electric);

h. Errors and omissions insurance for officers and directors; liability insurance for the Association and its officers, agents and employees;

i. Hazard and all risk insurance for the roads, pool and tennis court;

j. Management of common area maintenance and general Association management;

k. Real estate taxes, if any, attributable to common areas.


3. If an Estate Unit Owner fails to maintain the unit to an acceptable standard, the Association, on thirty (30) days written notice to an Owner, may undertake maintenance or repair of the Owner's Estate Unit as necessary to maintain the condition of the Estate Unit to an acceptable standard.
4. If Association is required to undertake repair or maintenance or capital replacement of an Estate Unit, the cost and expenses incurred by the Association, together with interest thereon at eighteen percent (18%) per annum shall be the personal liability of the then Owner of the Estate Unit and the Association shall be entitled to file a lien against the Estate Unit consistent with and on the same terms and provisions as the Association may file liens for unpaid Association assessments as stated in the Declaration. If Association suffers unrecoverable losses (e.g. Owner of personal liability discharged in bankruptcy and Association is unable to recover liquid assessments and related costs through an assessment lien) Association shall assess all Harbour Pointe Owners on a per square foot basis the actual loss incurred by the Association.
5. If an Estate Unit Owner and Association disagree as to the scope or reasonableness of maintenance demanded by Association, the parties agree to submit the dispute to arbitration by a three-member panel. The Estate Unit Owner and Association shall appoint a panel, comprised of three members experienced in property management. One member of the panel shall be appointed by the Estate Unit Owner. One member of the panel shall be appointed by the Association. The third member shall be agreed upon by the two appointed members of the panel. The parties shall submit the information and evidence to the panel regarding the issue of repair or maintenance required to be performed on the Estate Unit and the decision of the panel as to the scope and reasonableness of repair shall be final and binding on the parties.
6. Each Estate Unit Owner shall maintain all-peril insurance covering the Estate Unit, at full replacement cost. The Association shall be named as an additional insured. If the Unit Owner fails to maintain in full force and effect the required insurance, the Association may place forced insurance coverage on the Estate Unit and the cost of the insurance together with interest at 18% per annum shall be assessed to the Estate Unit Owner the same as Association assessments to all Harbour Pointe Unit Owners.
7. The Association shall adjust Association's assessments to the Estate Unit Owners and shall reduce the Association assessments by the portion of the assessment as determined by the annual budget attributable to maintenance or repair and capital replacement reserve for the Estate Units and reduction of insurance costs to the Association by

deleting insurance coverage of the Estate Units. The Estate Units shall remain subject to assessment by the Association for other services, including maintenance of all amenities and common areas, lawn care and landscaping on the Estate Unit lot, management fees and liability insurance.

8. Upon execution of this Agreement, and upon presentation by an Estate Owner, execution of this Agreement by all Estate Unit Owners and presentment to Association of proof of insurance required by this Agreement, Association shall refund to each Estate Unit Owner, that portion of the reserve fund attributable to the Owner's Estate Unit.
9. This Agreement shall be binding upon the parties, their successors and assigns, heirs, personal representatives and successors in interest to the Estate Unit. Successors in interest to the Estate Unit shall be obligated to comply with and are bound by the terms of this Agreement. Notice of this Agreement shall be annotated on the record deeds for each Owner of an Estate Unit executing this Agreement. The obligations of this Agreement shall run with the land.
10. This Agreement may be executed in multiple conforming copies

**HARBOUR POINTE OWNERS
ASSOCIATION, INC.**

By:


A. RANDY NALVI (Name Printed)

President

ESTATE UNIT OWNERS:

Julie P. Wallman

Unit Designation: Bldg. 17, Unit 1 Deed Record Instrument Number: 2005005290

Clint D. Wallman

James V. Fogarty, Jr.

Unit Designation: Bldg. 16, Unit 1 Deed Record Instrument Number: 2001008873

Susan R. Mitsos

Tadd L. Loucks

Unit Designation: Bldg. 15, Unit 1 Deed Record Instrument Number: 2005013363

Jennifer E. Garant

Richard E. Hoefler

Unit Designation: Bldg. 14, Unit 1 Deed Record Instrument Number: 2006016669

Vera L. Hoefler


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Herbert E. Parks

Unit Designation: Bldg. 8, Unit 1 Deed Record Instrument Number: 00217724, Bk. 404, pg. 703

Gordon R. McPike, as Trustee of the Trust Created by Gordon R. McPike, dated August 16, 2007

Unit Designation: Bldg. 7, Unit 1 Deed Record Instrument Number: 2007017549

John P. Sacchini

Unit Designation: Bldg. 4, Unit 1 Deed Record Instrument Number: 00209408, Bk. 400, pg. 577

James H. Marks

Rebecca S. Marks

Unit Designation: Bldg. 3, Unit 1 Deed Record Instrument Number: 2007016182

James L. Perry

Wendy L. Perry

Unit Designation: Bldg. A-1 Deed Record Instrument Number: 1999024164

Jennifer L. Eads

Unit Designation: Bldg. 12, Unit B Deed Record Instrument Number: 2006008411

Brian S. Stratman

Jennifer L. Stratman

Unit Designation: Bldg. 12, Unit A Deed Record Instrument Number: 2007005174

Dorothy Marie Martin, as Trustee of the Dorothy M. Martin Declaration of Trust dated June 14, 2002

Unit Designation: Bldg. 11B, Unit 1 Deed Record Instrument Number: 2002016212

Kurt D. Hudson

Jennifer L. Hudson

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Unit Designation: Bldg. 12, Unit A

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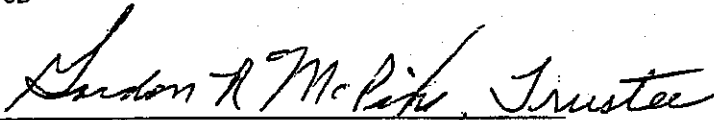
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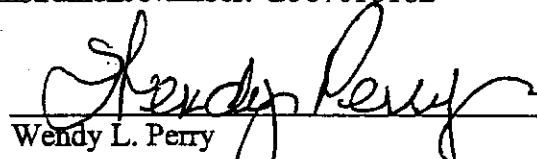
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Dennis E. Dollens

Trustees under The Dollens Living Trust, dated January 20, 1998

Unit Designation Bldg. 11-A

Judith A. Dollens

Deed Record Instrument Number: 2005022237

George R. Lambert, Trustee of the George R. Lambert 1985 Trust

Unit Designation: Bldg. 22, Unit 2 Deed Record Instrument Number: 2004018595

Gloria J. Harris

Unit Designation: Bldg. 9, Unit 1 Deed Record Instrument Number: 2006014133

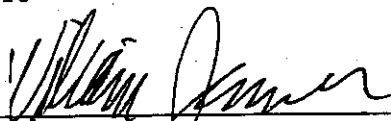
David A. Pressley

Unit Designation: Bldg. 6, Unit 1

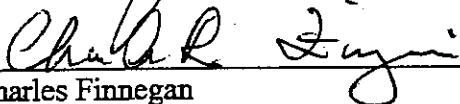
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Linda D. Pressley

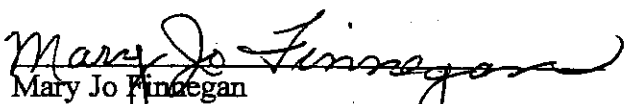
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William Jenner


Ann Jenner


Charles Finnegan

Unit Designation: Bldg. 5, Unit 1


Mary Jo Finnegan

Deed Record Instrument Number: 2007000865

Michael L. Merritt

Unit Designation: Bldg. 2, Unit 1

49

Thanh Hong Merritt

Deed Record Instrument Number: 00515622, Bk. 439, pg.

Leonard D. Moline

Unit Designation: Bldg 1D, Unit 1

Debra L. Moline

Deed Record Instrument Number: 2005011400

Patrick A. Shoulders

Unit Designation: Bldg. B-1, Unit 1 Deed Record Instrument Number: 2006015603

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CLARESE D. ROBERTS
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN BRONX COUNTY
REG #01R0607990
MY COMM. EXP JULY 22, 2012



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Judith A. Dollens

Trustees under The Dollens Living Trust, dated January 20, 1998

Unit Designation Bldg. 11-A

Deed Record Instrument Number: 2005022237

George R. Lambert, Trustee of the George R. Lambert 1985 Trust

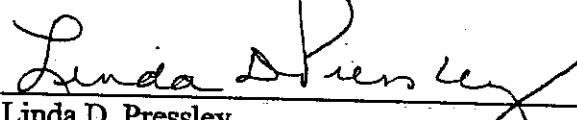
Unit Designation: Bldg. 22, Unit 2 Deed Record Instrument Number: 2004018595

Gloria J. Harris

Unit Designation: Bldg. 9, Unit 1 Deed Record Instrument Number: 2006014133



David A. Pressley



Linda D. Pressley

Unit Designation: Bldg. 6, Unit 1

Deed Record Instrument Number: 00615285, Bk. 449, pg. 616

William Jenner

Ann Jenner

Charles Finnegan

Mary Jo Finnegan

Unit Designation: Bldg. 5, Unit 1

Deed Record Instrument Number: 2007000865

Michael L. Merritt

Thanh Hong Merritt

Unit Designation: Bldg. 2, Unit 1

Deed Record Instrument Number: 00515622, Bk. 439, pg. 49

Leonard D. Moline

Debra L. Moline

Unit Designation: Bldg 1D, Unit 1

Deed Record Instrument Number: 2005011400

Patrick A. Shoulders

Lisa L. Shoulders

Unit Designation: Bldg. B-1, Unit 1

Deed Record Instrument Number: 2006015603

David L. Allen

David L. Allen

Cathy A. Allen

Cathy A. Allen

Unit Designation: Bldg. 1, Unit 1 Deed Record Instrument Number: 2003026864.

274651\16912-8

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AEROSPACE

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2 / 2

David L. Allen Duplicate LP

 David L. Allen
 Unit Designation: Bldg. 1, Unit 1

Cathy A. Allen

 Cathy A. Allen
 Deed Record Instrument Number: 2003026864

27465116912-8

James H. Marks

 James H. Marks
 Unit Designation: Bldg. 3, Unit 1

Rebecca S. Marks

 Rebecca S. Marks
 Deed Record Instrument Number: 2007016182

James L. Perry Duplicate

 James L. Perry
 *Unit Designation: Bldg. A-1

Wendy L. Perry

 Wendy L. Perry
 Deed Record Instrument Number: 1999024164

James L. Perry
 Unit Designation: Bldg. A-1

Wendy L. Perry
 Deed Record Instrument Number: 1999024164

Jennifer L. Hads

 Jennifer L. Hads
 Unit Designation: Bldg. 12, Unit B

Deed Record Instrument Number: 2006008411

Leonard D. Moline

 Leonard D. Moline
 Unit Designation: Bldg 1D, Unit 1

Debra L. Moline

 Debra L. Moline
 Deed Record Instrument Number: 2005011400

Dennis E. Dollens

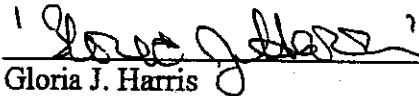
Judith A. Dollens

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Lisa L. Shoulders

Unit Designation: Bldg. B-1, Unit 1 Deed Record Instrument Number: 2006015603

Tom Densford

From: Tom Densford
Sent: Wednesday, January 30, 2008 3:35 PM
To: 'Randy Nahvi'; Bruce Wallace; 'pegasus.properties@gmail.com'
Subject: Maintenance and Insurance Agreement

I received a recorded copy of the Maintenance and Insurance Agreement. If you like, I can scan the document so that it can be circulated to members electronically?

At a minimum, the Agreement should be included with the Corporate Record book (which I have); the Association RIS "really important stuff" file and the Pegasus management file.

Let me know.

Tom.

*Thomas E. Densford
Bauer & Densford
608 West Third Street
Post Office Box 1332
Bloomington, IN 47402-1332
(812) 334-0600
(812) 336-0215 fax*

1/30/2008

January 29, 2008

Mr. Thomas E. Densford
BAUER & DENSFORD
608 W. Third Street
P.O. Box 1332
Bloomington, IN 47402-1332

RE: Harbour Pointe Homeowners Association
Our File No.: 16912-8

Dear Tom:

Enclosed please find a copy of the recorded Maintenance and Insurance Agreement.

Very truly yours,



Michael L. Carmin

MLC/mjk
Enclosure

278837\16912-8

RECEIVED
JAN 30 2008