* This is all there is for Sec. 3

Same as CCR's for Sec. 1 & 2, Sec. 3A & 3B

Book: C Page: 746- A&B Instrument Number: 1996-000746 Seq: 2

C-746B

BRUNNEMER RIDGE SUBDIVISION – SECTION THREE – WHITELAND, INDIANA
RESTRICTIVE COVENANTS

Sheet 2 of 2

THIS SUBDIVISION SHALL BE KNOWN AS BRUNNEMER RIDGE, SECTION THREE, CONTAINING TWENTY-NINE (29) LOTS.
LOTS ARE NUMBERED AS FOLLOWS:
LOTS NUMBERED 34 THROUGH 37
LOT NUMBER 89
LOTS NUMBERED 113 THROUGH 136

THE STREETS AND SIDEWALKS, IF NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO PUBLIC USE.

Strips of ground marked "U.E." and/or "D.E.", are reserved for the use of Public Utilities and/or Drainage Facilities. Strips of ground marked "S.S.E." are reserved for Sanitary Sewer Facilities. Within these Easements, no structure, fence, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of Utilities, Sanitary Sewers, or which may alter or obstruct the flow of surface water through the drainage channels. The designated location of these Easements can be found on Sheet 1 of this recorded Plat, labeled "Brunnemer Ridge, Section Three Final Plat".

All Lots in this Subdivision and all present and future owners or occupants thereof shall be subject to the following development standards, conditions and restrictions, which shall run with the land:

1. Use of Lots: All lots in this subdivision shall be used solely for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any residential lot herein, other than one detached single-family dwelling and a private attached garage for cars. No dwelling shall have less than a full size 2 car or more than a 3 car attached garage, unless otherwise approved by the Architectural Control Committee. All dwellings shall have either a basement or crawl space foundation, specifically, wood foundations will not be permitted. Carports with open sides will not be permitted. All driveways and vehicle parking areas shall be hard surface with either concrete, brick or asphalt. No gravel or stone driveways will be permitted. No portion of any lot may be sold or subdivided so that there will be thereby created a greater number of lots than the original number platted.
2. Minimum Living Space: The ground floor of all multi-story dwellings constructed in this subdivision, exclusive of one-story open porches, garages and other areas not considered living areas, shall be not less than 1,200 square feet of finished and livable floor area, and the second floor shall be not less than 1,000 square feet of living area making a total aggregate of 2,200 minimum square feet of living area for both floors. In the case of a one-story structure, the ground floor area, exclusive of open porches and garages, shall be not less than 1,700 square feet of finished and livable floor area. Basement floor areas shall not be counted in the above square footages and shall be in addition thereto. Notwithstanding the foregoing, the Committee may in its discretion approve construction of a dwelling that does not comply with the foregoing requirements if in the Committee's discretion the design and size of the dwelling will be compatible with the other dwellings in the subdivision and will not detract from their value.
3. Building Set-Backs: No building shall be located on any lot nearer to the front lot line or nearer to the side street than the minimum building set-back lines shown on the recorded plat. No building shall be located nearer than 12 feet to a side yard line, and the total side yard set-back (both sides) must be at least 27 feet. No building shall be erected closer than thirty (30) feet to the rear lot line.
4. Temporary Construction: No construction of shacks, out-houses, out-buildings, storage barns or the like shall be erected or situated on any lot herein. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be permitted to remain on any lot or used on any lot at any time as a residence, either temporarily or permanently. All job sites must remain neat and clean during construction. If the Developer is not satisfied with the appearance of a construction site, after 10 days' notice thereof to the owner of the respective Lot, the Developer may cause the site to be cleaned and may assess such charges specifically against the owner thereof.
5. Parking, Storage, Pools: All motor vehicles belonging to members of a household shall have permanent parking spaces in garages or driveways and no disabled vehicle shall be stored on any residential lot. Also no boat, motorcycle, trailer, camper or motor home of any kind (including, but not in limitation thereof, house trailers, camper trailers, or boat trailers) shall be kept or parked upon any lot unless kept from view of neighboring residences and streets by being in a garage.
6. Signs: No sign of any kind shall be displayed to the public view on any lot, except signs used by an approved builder to advertise the property during the construction period, as approved by the Developer. Signs advertising property for rent are specifically prohibited. Violation of this sign restriction will result in Fifty Dollars ($50.00) per day liquidation damages payable to the Developer until such time as the Homeowners Association owns and is responsible for the maintenance of the common areas, at which time such liquidated damages shall be payable to the said association. The Developer and/or Homeowners Association shall approve all signs deemed appropriate by the Committee advertising properties for sale, which signs shall be uniform in design and placed as the Committee shall determine proper.
7. PLANS AND SPECIFICATIONS TO BE SUBMITTED TO COMMITTEE
   a. All plans, drawings and blueprints of proposed homes will be of professional quality and drawn to a scale of not less than 1/4" = 1'. All plot plans shall be drawn to a scale of not less than 1" = 30'.
   b. The following plans will be submitted for each element of new construction: front elevation; rear elevation; side elevation; floor plan of each floor; foundation plan.
   c. Specifications of major building material, i.e. brick, stone, wood, etc.
   d. A plot plan which will provide and identify the following items: proposed location of house and driveway on lot; location of any easements and undisturbed areas; location of proposed fences, screening, walkways, walls. Existing and proposed grades; location of all trees outside of the building and parking areas which are of a 12 inch caliper diameter or larger; and the type of trees designated on the plot plan. NOTE: A sample plot plan shall be made available by the Architectural Control Committee.

In order to maintain a high quality residential development, certain criteria for new homes have been established by the committee. This committee will be composed of members designated by L.R. Green Development Corporation. This committee will remain the sole source of approval until such authority is turned over to the homeowners association by L.R. Green Development Corporation after completion of the subdivision. These criteria may vary from section to section within the development area and may change from time to time within specific areas or sections but will always be set in a fashion to maintain a high quality residential atmosphere.

The committee has the right to promulgate and enforce rules to "regulate the external design, appearance, use, location, and maintenance of land and improvements subject to the restrictions in such a manner as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography". In order to satisfy this responsibility, the committee shall take the following action:

a. Approve or disapprove plans and specifications for all proposed new construction on land subject to the restrictions.
b. Approve or disapprove plans and specifications for all improvements of property on land subject to the restrictions. The committee shall determine that buildings and grounds subject to the restrictions are maintained in a satisfactory manner consistent with the restrictions.
c. Colors of homes and improvements will generally be a subdued, earthen tones or white and shall be consistent with other structures in the immediate area. No aluminum, vinyl, or 4 X 8 siding.
d. In order to preserve the overall aesthetic appearance of the development, only one (1) type of mailbox will be permitted and shall be designated by the Architectural Control Committee.

8. No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
9. No oil drilling, oil development operation, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for used in boring for oil or natural gas shall be erected, maintained or permitted on any lot. All gas and oil tanks must be concealed.
10. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except dogs, cats, or other normal household pets may be kept if they are confined in a fenced enclosure or within the principal building, and provided that they are not kept, bred or maintained for any commercial purpose.
11. No lot shall be used or maintained as a dumping ground for rubbish, trash or garbage, waste matter or material shall be kept only in sanitary containers, and all incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. During the construction of a residence all construction and waste shall be kept in an enclosure on the subject lot and not permitted to be strewn about. It is the responsibility of the individual builder to dispose of all excess building material, trash, waste, etc., from the subject lot.
12. No fence, wall, hedge or shrub planting which obstructs the sight line at elevations between two and six feet above roadways, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street property lines, or in the case of a rounded property corner, from the intersection of the street property lines extended, the same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway pavement.
13. All power and telephone lines are to be underground.
14. Fences, trees, and shrubs are not permitted within the limits of the street right-of-way, nor are they permitted within four (4) feet in any direction of a fire hydrant or between the hydrant and the right-of-way line.
15. Each lot shall be kept in a neat and pleasing manner. Small bushes, shrubs or screen planting between 4 and 10 feet above the ground shall not be permitted. It is the intention of this restriction to assure that all lots and surroundings present a park-like appearance.
16. No individual water supply system or sewage disposal system shall be permitted on any lot.
17. Any field tile or underground drain which is encountered during construction of any improvement within this subdivision shall be perpetuated, and all owners of lots in this subdivision and their successors shall comply with the Indiana Drainage Code of 1965, and all amendments thereto.
18. Swales, drainage ditches, and rear or side yard swales shall not be obstructed by structures, fences, planting, fill or other material which may damage, interfere, alter or obstruct the flow of surface water through the drainage channels. If a lot owner desires to construct a fence within the confines of any of the above mentioned drainage ways, the location and type of fence must first be approved by the Town of Whiteland to insure that proper drainage flows will not be affected. Upon completion of the fence installation, the Town of Whiteland reserves the right to order the fence to be removed or reconstructed if perpetuation of surface drainage is damaged or obstructed as a result of the fence construction. The expense of the removal and/or reconstruction shall be the sole responsibility of the lot owner and not the Town of Whiteland. All fences must also be approved by the Architectural Control Committee as to type, size, and material to insure a desired appearance consistent with the overall aesthetics of the subdivision. No fence may be constructed on any lot unless at least 50% of the fence material is wrought iron.
19. These restrictions are hereby declared to be covenants running with this land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years, at any time following recordation, the covenants may be changed providing an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or part.
20. Enforcement shall be proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violations or to recover damages. Invalidation of any to the other provisions which shall remain in full force and effect.
21. All utilities in the subdivision to be installed underground.
22. These covenants may be enforced by lot owners or officials of the governmental unit of which the subdivision is a part.
23. A homeowners association to which each property owner is entitled to one vote as outlined in the Bylaws of the Association, is established to serve the community. This association to be funded by dues to be paid periodically as directed by the association by each property owner. Failure to pay association fees will cause a lien to be filed against the property.
DRAINAGE COVENANT PER JOHNSON COUNTY MASTER PLAN
Drainage swales (ditches) along dedicated roadways and within the right-of-way, or on dedicated easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the town of Whiteland, Indiana. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roofs or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the Town of Whiteland, Indiana. Any property owner altering, changing or damaging these drainage swales or ditches will be held responsible for such action and will be given 10 days notice by certified mail to repair said damage. After which time, if no action is taken, the town of Whiteland, Indiana will cause said repairs to be accomplished, and the bill for said repairs will be sent to the affected property owner for immediate payment.
24. No dwelling shall be erected or placed on any lot unless the exterior facing is comprised of at least forty percent (40%) masonry. No masonite, or vertical aluminum siding shall be used on exterior construction.
25. Two (2), two inch caliper trees shall be planted in each front yard. The type and species of these trees to be approved by the Architectural Control Committee.
26. SIDEWALKS: Sidewalks shall be constructed, which construction shall be the responsibility of the lot owner upon whose lot the sidewalk is to be constructed. All sidewalks to be constructed by lot owners shall be completed at such times as the driveway on the lot is constructed. All sidewalks shall be poured concrete, with expansion joints, such construction to be perpetual and continuous along the street frontages and across the driveway of each lot.
27. BASKETBALL GOALS: Basketball goals shall not be allowed in front (on the yard or driveways) of any front entry garage homes. Only side entry garage homes may apply to the committee for approval of basketball goals. Backboards of all basketball goals shall be translucent fiberglass with a black pole (or an approved equal). The committee reserves the right to approve or disapprove the location of all basketball goals. No basketball goals shall be attached to any structure.
28. ROOFING: All roofing materials must be of either wood or a dimensional asphalt/fiberglass shingle as approved by the Committee.

IN WITNESS WHEREOF, the undersigned owners of the Real Estate, have hereunto caused their names to be subscribed this 4th day of December, 1995.

Owners: Lawrence R. Green and Patricia S. Green

Signed: [signature] Lawrence R. Green

[signature] Patricia S. Green

State of Indiana)
) SS:
County of Johnson)

Before me, a Notary Public in and for the State of Indiana, personally appeared Lawrence R. Green and Patricia S. Green, owners of Brunnemer Ridge Subdivision, Section 3, and acknowledged the execution of this instrument as their voluntary act and deed as such owners for the uses and purposes hereinabove set forth.

Witness my hand and Notarial Seal this 4th day of December, 1995.

Signed: Matt Shepherd, Notary Public

Printed: MATT SHEPHERD

My Commission expires: April 26, 1998

County of Residence: Johnson

NOTARY PUBLIC SEAL INDIANA

This Plat is recommended for approval by the Town Council of Whiteland on the 11th day of December, 1995.

[signature] Fred Brinkman, President — [signature] David A. Kelley, Member

[signature] Norman L. Gabehart, Member — Don Calkos, Member

[signature] Roger Ford, Member

Approved by the Town of Whiteland Plan Commission at a meeting held on the 4th day of December, 1995.

[signature] Thomas G. Carroll, Chairman — [signature] N. Jane Davis, Secretary

ENTERED FOR TAXATION this 12th day of ~~December~~ January, 1996.

[signature] Deborah A. Shutts
~~Betty Stirlen~~ County Auditor
Debra Deborah A. Shutts

No. 96000844 RECEIVED FOR RECORD this 12th day of ~~December~~ January, 1996, at 3:47 P.M.

and Recorded in Plat Book "C", Pages 746 A+B

[signature] Jean Harmon, County Recorder

PREPARED BY:
KOE ENGINEERING & SURVEYING, INC.
70 East Main Street, Greenwood, IN 46143
PH: (317) 881-1337