

MAR 20 1997

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DECLARATION OF COVENANTS AND RESTRICTIONSFOR DEER RUN

JOHN A. NAUERT and NANCY ANN GRZENDA, Declarants make the following declaration,

WITNESSETH:

Declarants are the owners of certain real estate in Shelby County, Indiana, which real estate is more particularly described as follows:

Beginning at a point 330 feet West of the northeast corner of the west half of the southeast quarter of Section 27, Township 13 North, Range 7 East and running thence west 60 feet; thence south 435.6 feet; thence west 537.4 feet; thence south 2239.4 feet to the south line of said half quarter section; thence east 597.4 feet; thence north 2675 feet to the point of beginning, containing 31.31 acres, more or less, in all.

Twenty five (25) acres off of the entire west side of the west half of the southeast quarter of section twenty seven (27) in township thirteen (13) north, and range seven (7) east.

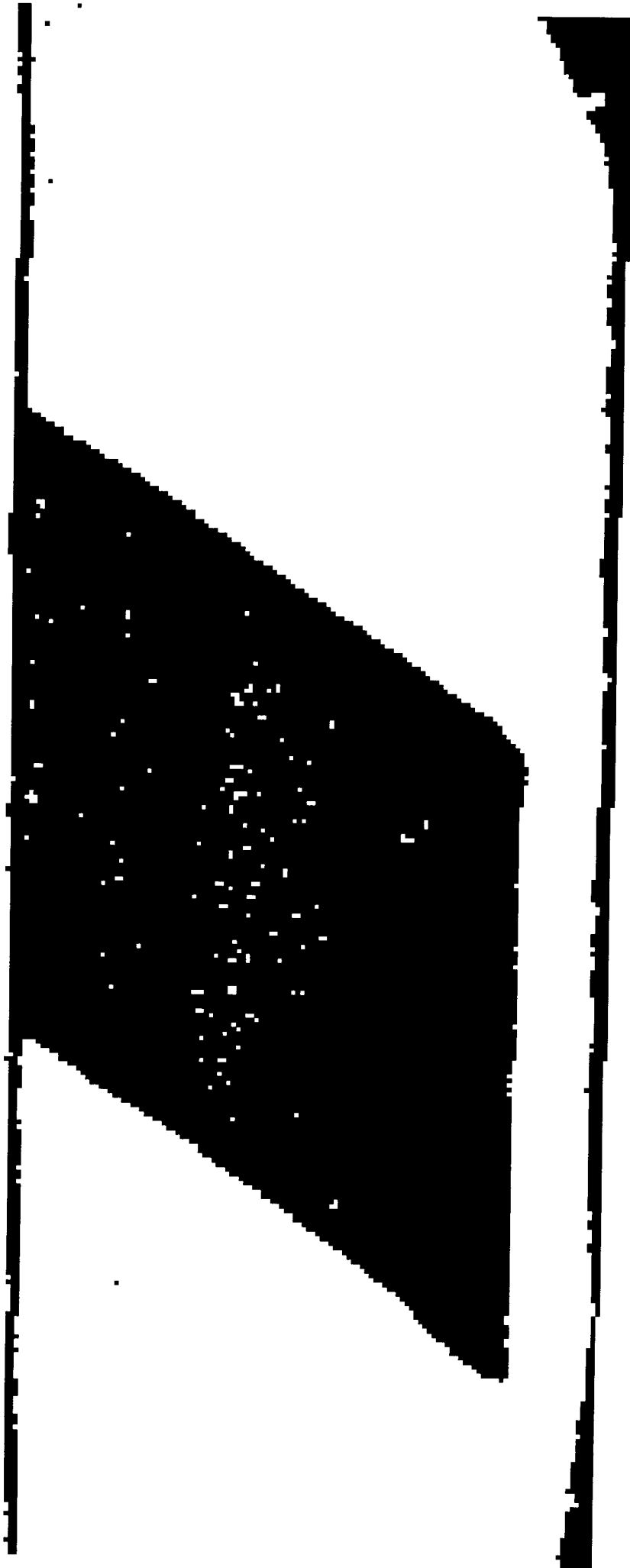
EXCEPT, Beginning at the northwest corner of the southeast quarter of section 27, township 13 north, range 7 east, in Addison Township, Shelby County, Indiana; and running thence north 90 degrees 00 minutes 00 seconds east (assumed bearing) 100.00 feet along the north line of said quarter section to a masonry nail; thence south 00 degrees 50 minutes 30 seconds east 435.65 feet to an iron pipe, thence north 90 degrees 00 minutes 00 seconds west 100.00 feet to an iron pipe, thence north 00 degrees 50 minutes 30 seconds west 435.65 feet along the west line of said quarter section to the point of beginning, containing 1.00 acres, more or less.

Subject to the right of way of the public road along the entire north side thereof.

Also subject to a 16 foot wide access easement along the entire west side of the above described tract.

NOW THEREFORE, Declarants hereby declare that all of the real estate described above will be held, sold and conveyed as separate building lots of approximately 5 acres in size, subject to the following covenants and restrictions, which are established for the purpose of protecting the value and desirability of the real estate. The real estate shall be known as Deer Run.

Survey 3 Pg 343-354



- (a) Front set back 35 feet from the edge of the easement,
- (b) Side set back 25 feet from the lot line,
- (c) Rear set back 35 feet from the lot line.

5. No building shall be erected or located upon any tract exceeding 2 1/2 stories in height.

6. No commercial enterprise shall be permitted on any tract.

B. Animals:

1. The raising of livestock, poultry or other animals shall not be permitted, but this restriction shall not prohibit a family residing on a tract from having pet animals or horses, subject to the limitations herein set out:

- (a) The owner of any tract may have two horses per 5 acres. If the owner desires to construct outbuildings for the keeping of the horses he must secure the approval of a majority of the other owners of tracts in Deer Run.

2. No commercial dog kennel or hospital shall be permitted, but this shall not prohibit any family residing on any lot from having pet animals.

C. Health and Sanitation:

1. No private or semi-public water supply or sewage disposal system may be located upon or adjacent to any tract in Deer Run that is not in compliance with the regulations or procedures as provided by the Indiana State Board of Health or other civil authority having jurisdiction. No septic tank or absorption field shall be located or constructed except as approved by said health authority.

2. No weeds, underbrush, or other unsightly growth shall be permitted to grow or remain upon the premises, and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon.

MAR 20 1997

92 463
BOOK PAGE

D. Easement:

1. A 40' wide ingress, egress and utility easement is reserved for the use of the owners of tracts of real estate in Deer Run. The upkeep and maintenance shall be the responsibility of the owners of all tracts of real estate in Deer Run.

2. The owners of the tracts in Deer Run shall have the right to form a property owners association, the purpose of which will be to provide for the continuing maintenance of the roadway. Such association shall have the right to assess property owners for the purpose of maintaining the roadway and other matters in which the property owners may share a common interest.

E. Violations:

1. The breach of any of these covenants or restrictions by any person claiming by or through the declarants title to any tract in Deer run is enforceable by any other person claiming by or through the declarants title to any tract in Deer Run. Any owner shall have the right to proceed at law or in equity to compel compliance with the covenants and restrictions or to prevent the violation of the covenants and restrictions herein.

2. The invalidation of any one or more of these covenants or restrictions by judgment or court order shall not invalidate any other covenant or restriction. The remaining convenience and restrictions shall remain in full force and effect.

F. Amendment:

These covenants and restrictions may be amended by the declarants so long as the declarants hold title to a majority of the tracts in Deer Run. When the declarants no longer hold title to a majority of the tracts in Deer Run these covenants and restrictions may be amended by a vote of at least three-fourths of the owners of tracts in Deer Run.

MAR 20 1997

92 464
BOOK PAGE

G. Duration:

The covenants and restrictions herein established shall run with the title to the real estate and shall be binding upon all parties who own through or from the declarants any tract of real estate in Deer Run.

WITNESS the signature and seals of the declarants this 19 day of MARCH, 1997.

John A. Nauert (SEAL)
John A. Nauert

Nancy Ann Grzenda (SEAL)
Nancy Ann Grzenda

STATE OF INDIANA, COUNTY OF SHELBY, SS:

Before me the undersigned Notary Public, personally appeared John A. Nauert and Nancy Ann Grzenda, declarants, in the above Declaration of Covenants and Restrictions for Deer Run, and acknowledged the execution.

WITNESS my signature and official seal this 19 day of MARCH, 1997.

George L. Stubbs, Jr.
George L. Stubbs, Jr., Notary Public
A resident of Shelby County, Indiana

My Comm. Exp:
July 10, 2000

THIS INSTRUMENT PREPARED BY
George L. Stubbs, Jr.
Shelbyville, Indiana 46176

RECORDED FOR BY
20 day of Mar: 97
3:22 P. M and
Mar Record No. 72
460-464 of the tract
Shelby County, Indiana
Thomas B. Polley
SHELBY COUNTY RECORDER

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