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Book 143 Page 257

THE CONSTITUTION AND REGULATIONS  
OF  
FIRE STATION ROAD SUBDIVISION ASSOCIATION

WHEREAS, the undersigned John H. Fewell and Caroline Fewell are owners of certain real estate located in Morgan County, State of Indiana, known as Fire Station Road Subdivision (See Exhibit "A"), and

WHEREAS, the undersigned, consisting of more than 2/3 of the members of the association entitled to vote as defined, do now elect said constitution and regulations, pursuant to the power reserved therein, and do now declare the following:

1. No swine shall be permitted. No more that a total of two (2) of other livestock shall be permitted and no livestock shall be permitted to be raised for commerce. No more that four (4) domestic pets will be permitted and all animals shall be securely confined to the property of their owner.
  2. No mobile home, motor home, shack, tent, boat basement, garage, outbuilding or temporary structure shall be used for a temporary or permanent residence.
  3. No noxious activity shall be carried on upon any lot or anything be done thereon which may be or may become a public or private nuisance.
  4. All exterior fronts or residences shall be of masonry except that wood construction of redwood, cedar, or poplar or pine logs or the equivalent shall be permitted.
  5. All driveways constructed for access onto tracts shall be constructed in such a manner as not to obstruct any existing drainage or utilities along the access roads or easements.
  6. No trailer, camper, boat, motor home, or unlicensed motor vehicle may be stored on any property in open view.
  7. Each property owner shall be required to keep his property in a neat and sightly manner, free of debris, and to provide for regular trash pick-up.
  8. There shall be no open burning of rubbish or trash.
  9. The Association shall elect a President on or before November 1, of each year. The President shall be responsible for and to see to maintenance of the roadways and enforcement of these restrictions. His election shall be by a majority vote of members present and voting at a meeting held upon notice to all property owners of record, provided that until such time as John H. Fewell and Caroline Fewell shall cease to be the owners of at least one-half (1/2) of the total number of tracts which are subject to these restrictions, John H. Fewell shall be entitled to be President.
- The roadway depicted in Exhibit "B" shall be maintained as an easement for access to the various tracts. The owner of each tract shall be assessed the cost of one hundred dollars (\$100.00) per year. Such assessments shall be paid into a separate account and each member shall be entitled to a full and complete disclosure of the use thereof. In no event may such funds be used for any purpose other than the maintenance of roadways described herein. A general plan for maintenance shall be submitted to the Association for approval but the President shall have the sole discretion as to the determination as to the timing of roadway work and the amount of material to be applied at any particular time. It shall be the responsibility of the declarants of these restrictions to construct an initial roadway consisting of a six (6) inch aggregate base to be constructed on or before January 1, 1997. No funds from the maintenance assessment shall be used for the purpose of roadway construction or for maintenance prior to January 1, 1997, or the date of completion of said roadways by declarants in accordance with the standards of this provision, whichever date is earlier.

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10. Assessments shall be due and payable to the President on or before February 1, of each calendar year and if not paid by March 31 of each calendar year shall become a lien on real estate owned by the person or persons liable for such assessment which lien may be foreclosed by the Association in the same manner and procedure as to applicable for the foreclosure of mortgages then in effect.

11. Each owner and their builders/contractors shall be responsible for erosion and sediment control on their lot in accordance with Title 327, Article 15, Indiana Administrative Code, commonly referred to as "Rule 5". Erosion and sediment control measures shall include but are not limited to: silt fencing, storm inlet protection, bank protection with erosion control blankets, sodding, mulch seeding and/or a combination thereof. Owners and their builders/contractors shall not allow mud, silt, or building debris to collect on sidewalks, streets, or drainage swales. If the Developer or any duly authorized agency of State or Federal government finds that an owner or their builder/contractor has not taken adequate erosion and sediment control measures, then appropriate action will be taken against the lot owner and/or builder/contractor to force compliance with this provision.

12. The right to enforce these provisions by injunction together with the right to cause removal by due process of law is reserved to the members, provided however, that violation will not result in a forfeit or reversion of title.

IN WITNESS WHEREOF, this Constitution and Regulations of Fire Station Road Subdivision Association has been executed this 11<sup>th</sup> day of December, 1996.

John H. Fewell  
John H. Fewell

Caroline Fewell  
Caroline Fewell

STATE OF INDIANA     )  
  ) ss  
COUNTY OF MORGAN    )

Before me, a Notary Public in and for said County and State, there appeared John H. Fewell and Caroline Fewell, to me known, who affixed their signatures hereto acknowledging the same to be their free acts and deeds.

IN WITNESS WHEREOF, I have hereto affixed my signature and official seal this 11<sup>th</sup> day of December, 1996.



Ann A. Marvel  
Printed: \_\_\_\_\_

Ann A. Marvel  
Morgan County Resident  
My Commission Expires:  
1-25-1999



9710262

Book 148 Page 55

AMENDMENT TO THE CONSTITUTION AND REGULATIONS  
OF  
FIRE STATION ROAD SUBDIVISION ASSOCIATION

WHEREAS, John H. Fewell and Caroline Fewell (Developers) caused to be recorded in the office of the Morgan County Recorder on December 16, 1996, the Constitution and Regulations of Fire Road Station Subdivision Association and plat of Fire Station Road Estates Subdivision in Miscellaneous Record Book 143, page 257-9.

WHEREAS, pursuant to said Constitution and Regulations, two-thirds (2/3) of the members of the Association entitled to vote as defined, elected said Constitution and Regulations pursuant to the power reserved therein;

NOW, THEREFORE, two-thirds (2/3) of its membership and developers cause to be recorded this Amendment to the Constitution and Regulations of Fire Station Road Subdivision Association:

1. No HUD code homes (sectionals or mobile homes), duplexes, motor homes, shack, tent, boat basement, garage, outbuilding, or temporary structure shall be used for a temporary or permanent residence.
2. All residences must be single family dwellings.
3. All residences and parcels shall be used for residential purposes; no retail businesses.
4. All exterior fronts of residences shall be of masonry except that of wood construction of redwood, cedar, poplar, or pine logs shall be permitted.
5. Minimum square footage for residences shall be fourteen hundred (1400) sq.ft. for a single story and seventeen hundred (1700) sq.ft. for a double story.
6. All residences must have an attached garage.
7. Exterior surfaces of outbuildings must match the residence and be completed in a timely fashion.
8. All driveways constructed for access onto parcels shall be constructed in such a manner as not to obstruct any existing drainage or utilities along the access roads or easements.
9. No swine shall be permitted. No more than a total of two (2) of other livestock shall be permitted and no livestock shall be permitted to be raised for commerce. No more than four (4) domestic pets will be permitted and all animals shall be securely confined to the property of their owner.
10. Each parcel owner shall be required to keep his property in a neat and sightly manner, free of debris, and to provide for regular trash pick-up.
11. No noxious activity shall be carried on upon any parcel or anything be done thereon which may be or may become a public or private nuisance.
12. There shall be no open burning of rubbish or trash.



13. No trailer, camper, boat, motor home, or unlicensed motor vehicle may be stored on any property in open view that might detract from the appearance of the residence or parcel.

14. No parcels can be removed from Fire Station Road Estates.

15. No parcel can be subdivided into anything less than two (2) acres.

16. Each residence or parcel owner will have one (1) vote per lot in the homeowner's association.

17. Amendments to the Constitution and Regulations of Fire Station Road Estates can be added at anytime with a two-thirds (2/3) majority vote of homeowner association members.

18. The association shall elect a President and Secretary on or before November 1, of each year. The President and Secretary shall be responsible for and see to maintenance of the roadways and enforcement of these restrictions. Their election shall be by a majority vote of the members present and voting at a meeting held upon notice to all parcel owners of record, provided that until such time as John H. Fewell and Caroline Fewell shall cease to be the owners of at least one-half (1/2) of the total number of parcels which are subject to these restrictions, John H. Fewell shall be entitled to be President.

19. The roadway depicted in Exhibit "B" shall be maintained as an easement for access to the various parcels. The owner of each parcel whose property touches Volunteer Lane shall be assessed one hundred dollars (\$100.00) per year. Such assessments shall be paid into a separate account, and each member shall be entitled to a full and complete disclosure of the use and status thereof. In no event may such funds be used for any purpose other than maintenance and snow removal of the roadways described herein. A general plan of maintenance shall be submitted to the Association for approval, with a two-thirds (2/3) majority of voting members deciding as to the determination of the timing of roadway work and the amount of material to be applied at any particular time. It shall be the responsibility of the declarants of these restrictions to construct an initial roadway consisting of a six (6) inch aggregate base to be constructed on or before January 1, 1997. No funds from the maintenance assessment shall be used for the purpose of roadway construction or for maintenance prior to January 1, 1997, or the date of completion of said roadways by declarants in accordance with the standards of this provision, whichever date is earlier.

20. Assessments shall be due and payable to the President on or before February 1 of each calendar year and if not paid by March 31 of each calendar year, shall become a lien on real estate owned by the person or persons liable for such assessment which lien may be foreclosed by the Association in the same manner and procedure as is applicable for the foreclosure of mortgages then in effect. Assessments shall begin on February 1, 1998.

21. Each owner and their builders/contractors shall be responsible for erosion and sediment control on their lot in accordance with Title 327, Article 15, Indiana Administrative Code, commonly referred to as "Rule 5". Erosion and sediment control measures shall include but are not limited to: silt fencing, storm inlet protection, bank protection with erosion control blankets, sodding, mulch seeding and/or a combination thereof. Owners and their builders/contractors shall not allow mud, silt, or building debris to collect on sidewalks, streets, or drainage swales. If the Developer or any duly authorized agency of State or Federal government finds that an owner or their builders/contractors has not taken adequate erosion and sediment control measures, then appropriate



action will be taken against the parcel owner and/or builder/contractor to force compliance with this provision.

22. The right to enforce these provisions by injunction together with the right to cause removal by due process of law is reserved to the members, provided however, that violation will not result in a forfeit or reversion of title.

23. The recordation of this amendment constitutes notice to future grantee. Recordation of any subsequent conveyance shall likewise be deemed as acceptance of these regulations whether or not the same shall be set out or referenced, but all conveyance may, by reference to the Deed Book and page specifically incorporate all the restrictive covenants set out herein.

24. Except as amended herein, the original Constitution and Regulations of Fire Station Road Subdivision Association shall remain in full force and effect.

DEFINITIONS. The following terms used in this Amendment to the Constitution and Regulations shall have the following meanings:

Parcel

"Parcel" refers to a tract or plot of land designated as such in Exhibit "B" and each tract or plot resulting from the division or combination of said parcels.

The ownership of one or more parcels for the purpose of a single residence is considered a single parcel for homeowner association purposes. This designation also applies to John H. Fewell and Caroline Fewell (Developers) and to L.S.I. Homes who intend to establish single residences on each of their various parcels.

Residence

"Residence" refers to the dwelling placed upon a parcel.

Association

"Association" refers to the Fire Station Road Subdivision Association the members of which are the parcel owners in the Fire Station Road Estates.

We the Members of Fire Station Road Subdivision Association, do hereby amend the Constitution and Regulations of Fire Station Road Subdivision Association as described herein this 8<sup>TH</sup> day of AUGUST, 1997

✓ Parcel No. 1 Owner(s)

Signature

*Caroline Fewell* *John Fewell*

Print

CAROLINE FEWELL  
John Fewell

Parcel No. 2 Owner(s)

Signature \_\_\_\_\_

Print \_\_\_\_\_

John Fewell A/K/A John H. Fewell

✓ Parcel No. 2A Owner(s) *John Fewell*  
Signature *Caroline Fewell*  
Print CAROLINE FEWELL  
John Fewell

Parcel No. 2B Owner(s) *John*  
Signature *Caroline Fewell Fewell*  
Print CAROLINE FEWELL  
John Fewell

✓ Parcel No. 3 (Revised) Owner(s)  
Signature *Caroline Fewell / John Fewell*  
Print CAROLINE FEWELL  
John Fewell

✓ Parcel No. 4 Owner(s)  
Signature *Caroline Fewell / John Fewell*  
Print CAROLINE FEWELL  
John Fewell

✓ Parcel No. 5 Owner(s)  
Signature *Caroline Fewell / John Fewell*  
Print CAROLINE FEWELL  
John Fewell

Parcel No. 6 Owner(s)  
Signature *Caroline Fewell / John Fewell*  
Print CAROLINE FEWELL  
John Fewell

✓ Parcel No. 7 Owner(s)  
Signature *Caroline Fewell / John Fewell*  
Print CAROLINE FEWELL  
John Fewell

Parcel No. 8A Owner(s)  
Signature \_\_\_\_\_  
Print \_\_\_\_\_

Parcel No. 8B Owner(s)  
Signature \_\_\_\_\_  
Print \_\_\_\_\_

Parcel No. 9 Owner(s)  
Signature \_\_\_\_\_  
Print \_\_\_\_\_

Parcel No. 10A Owner(s)  
Signature \_\_\_\_\_  
Print \_\_\_\_\_

Parcel No. 10AA Owner(s)  
Signature *William R. McKinney*  
Print WILLIAM R. MCKINNEY

Parcel No. 10B Owner(s)  
Signature *Glenn Nesta / Rhonda Nesta*  
Print GLENN NESTA / Rhonda Nesta

Parcel No. 11 Owner(s)  
Signature \_\_\_\_\_  
Print \_\_\_\_\_