

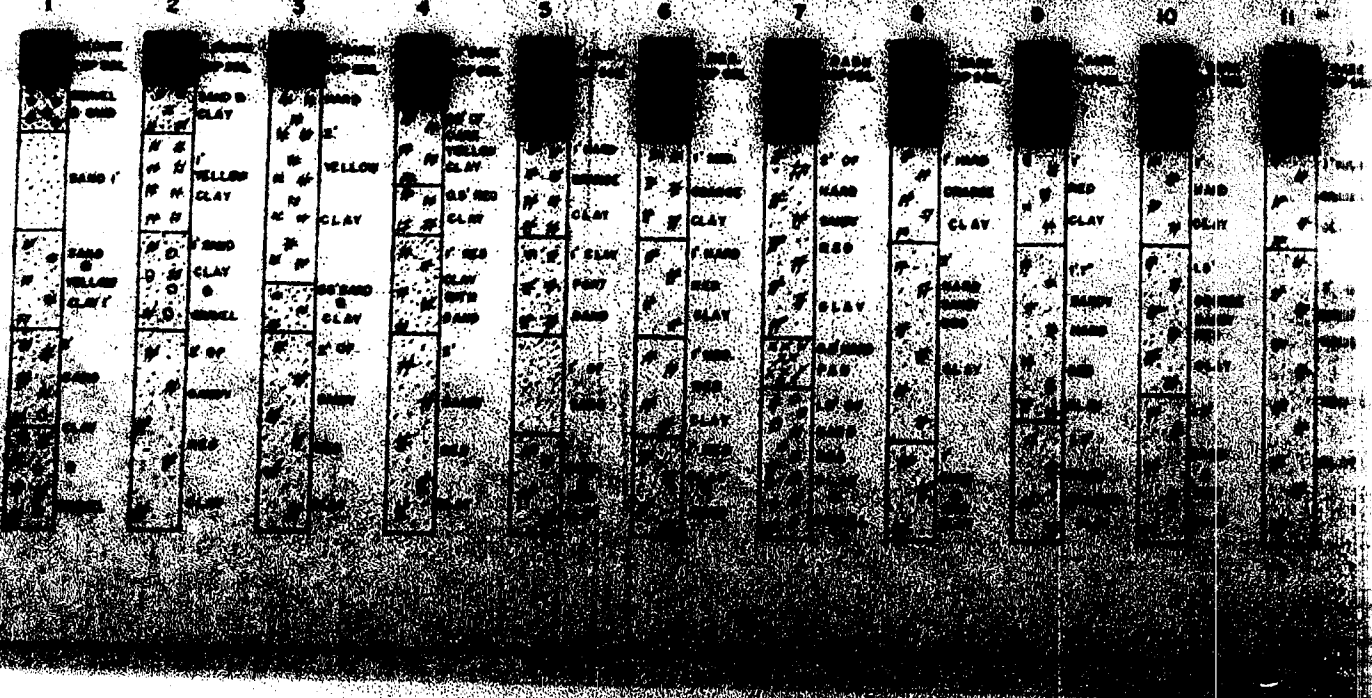
EXHIBITS

as sole owner and proprietor of the above described real estate lying within Hendricks County, Indiana, and that the subdivision will be known as...

- 1. FENCE PROTECTIVE RESIDENTIAL AREA. The following Covenants, in their entirety shall apply to all of CALIBRE SUBDIVISION. Said Subdivision being located in Hendricks County, Indiana.
2. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes, nor shall any lot be further subdivided.
3. LABELING QUALITY AND SIZE. The ground floor area of the house, exclusive of any story open porches and garages, shall not be less than 1200 square feet for a structure of more than one story.
4. UTILITY BUILDINGS. A utility building may be constructed on each lot, the maximum size to be no more than 20 feet by 20 feet, or its equivalent square footage.
5. LOT AREA AND MINUM. No dwelling shall be erected or placed upon any lot having a width of less than 100 feet at the building line, nor shall any building be erected or placed on any lot having an area of less than 20,000 square feet.
6. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street lines than the minimum building set-back lines shown on the recorded plat.
7. BASEMENT. Basement for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the four seven and one-half (7 1/2) feet for each lot.
8. NUISANCES. 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. TEMPORARY STRUCTURE. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot at any time, as a residence, either temporarily or permanently.
10. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, a pony, horse or other household pets may be kept, provided that they are not kept, or bred or maintained for any commercial purpose and do not create or constitute a nuisance.
11. DUMPING AND WASTE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trees, garbage or other wastes shall not be kept except in sanitary containers.
12. WATER SUPPLY. No individual water supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with standards and recommendations of the Hendricks County Board of Health.
13. SEWAGE SYSTEM. No individual sewage disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with requirements, standards and recommendations of the Hendricks County Board of Health.
14. LIGHT OBSTRUCTION AT INTERSECTIONS. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the roadway 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 twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended.
15. FENCES. Ornamental fences of continuous shrub plantings, which would in any serve the purposes of a fence shall be permitted between the front lot line and the minimum set-back line only if the maximum height is thirty-six inches.
16. STORAGE TANKS. If one tank may be above ground and in the open, but shielded from public view as much as possible. Oil tanks shall be either buried or located within the house or garage area so that they are completely concealed from outside view.
17. SIGNS. No sign, of any kind shall be displayed to the public view, on any lot, except one sign of not more than five square feet, advertising the property for sale or for rent, or signs used by a builder to identify the property during the construction and sales period.
18. TREES. Trees shown here to run with the land and shall be maintained by the owner of the land. All persons abutting under them for a period of 21 years from the date that these covenants are recorded, after which the same shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots then being recorded, agreeing to change said covenants in whole or in part.
19. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity, and shall be available against any person violating or attempting to violate any covenant either to restrain violation or to recover damages.
20. LIABILITY. Invalidity of any one of these covenants shall not affect the validity of any of the other provisions.
21. ASSIGNMENT. Covenants of any lots shall pass with the land and shall be binding on the heirs, assigns and all other persons claiming under them.
22. No lot is to be used for any other purpose than a residential building and shall be used for residential purposes only.

HOLE NO.

SOILS PROFILE FOR







13981

BOOK 142 PAGE 318

GAILCREST SUBDIVISION

Section Four

Covenants & Restrictions

1. Minimum square footage of 1800, except for lots # 51, 28, 29, 50, 24, 49, 52, 53, 54, and 55, shall be no less than 1500 square feet.
2. Structure must be at least 60% masonry of brick or stone exterior.
3. Must have at least a two car attached garage.
4. Driveways to garage must be hard surface of pavement or concrete.
5. Properties must be residential only, with no buisness signs displayed in the subdivision.
6. The only pets allowed are of the domestic variety, cats, dogs, etc. with no kennels allowed.
7. Owners are allowed to have a mini barn structure other than residence.
8. Subject to developer approval of building plans and specifications.
9. Other detailed requirements and restrictions as shown on paragraph number one through twenty one, also apply to section four.

*Frank Harper*  
 -----  
 Owner

State of Indiana  
County, Hendicks

Subscribed and sworn to before me, a notary public in and for said County and State.

This 10<sup>th</sup> day of December 1993.

*Barbara L. Ford*  
 -----  
 Barbara L. Ford, Notary  
 My commission expires January 27, 1994

ENTERED FOR RECORD

BOOK 142 JUL 6 1994 AM 9:10  
 Page 318  
*Jay Bradley*  
 HENDRICKS COUNTY RECORDER

COVENANTS AND RESTRICTIONS  
FOR  
GAILCREST ESTATE SUBDIVISION  
DANVILLE, INDIANA

1. The covenants for Section Four (4) of Gailcrest Estates, Hendricks County shall be as follows:
2. **LAND USE AND BUILDING TYPE:** No lot shall be used except for single family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling not to exceed two stories in height and a private attached garage for at least two cars. Exterior of dwelling shall be at least 65% brick or stone veneer. No vinyl or aluminum siding. All homes must be on either crawl space or basement with 8/12 pitch, or as approved by Architectural Committee.
3. **BUILDING LINE:** Front yard set back lines, and side yard set back lines on corner lots are to be shown on plat, between which lines and the property lines of the street there shall be no buildings or structure erected or maintained. Side yard set back lines on all other lots shall be according to county minimum.
4. **UTILITY EASEMENTS AND DRAINAGE:** "Utility Easements" as shown shall be reserved for the use of public utilities for the installation of water, sewer, gas, tile and for electric or telephone lines, poles, ducts, pipes, etc. on, over, under and to said easement for local public use. These easements are not for the use of and shall not be used for high voltage electric transmission lines or high pressure liquid transmission pipe lines, except by written permission of the owner of the land at the time said transmission is to be constructed. "Drainage Easements" reserved as drainage swales are to be maintained by owner such that the water from any adjacent lot shall have adequate drainage along such swale and cannot be blocked to prevent the flow of natural drainage, even if specified easement is not shown on plat. All easements shown as "Utility Easements" are also to be considered drainage easements and are subject to all restrictions and maintenance assessments of drainage easements. No permanent, or any easements shown upon plat and owners of lots shall take their titles subject to the rights of the above easement; no sump pump can be discharged into the street after a house is completed. The discharge of a sump pump must be installed underground with plastic pipe or vitrified tile to those designated areas.

5. **ARCHITECTURAL CONTROL:** No out-buildings shall be erected. Inground swimming pools will be approved by the Architectural Committee. Information concerning this committee may contact Gailcrest, Inc. The ground floor of the main structure, exclusive of open porches and garages shall not be less than 1,600 square feet for houses of one story and at least 1,800 square feet of houses of more than one story. (Determination of sufficiency and adequacy of the term "ground floor of main structure" with respect to dwelling of tri-level, bi-level and one and one half story dwelling shall rest exclusively with the Architectural Committee.)
6. **BUILDING LOCATION:** No building shall be located on any lot nearer to the front lot line, nor nearer to the side street lines than the minimum set back line shown on the record plat or contained in these covenants and restrictions. For the purpose of this restriction, eaves, steps and open porches which may include a screened porch, shall not be considered a part of the building, provided, however, that this shall not be constructed to permit any portion of a building on a lot to encroach upon another lot.
7. **NUISANCES:** No noxious or offensive activity shall be carried out upon lot, nor shall anything be done which may become an annoyance or nuisance to the neighborhood. This included, but is not limited to, the tearing down or rebuilding of vehicles.
8. **TEMPORARY AND OTHER STRUCTURES:** No structures of a temporary character, trailer, basement, tent, shack, garage, barn, kennel, cement slab that would serve as a basketball court, tennis court, paddle ball court or similar activity. Other building, satellite discs, solar panels, above ground pools or radio antennas that extend more than 5 feet above the uppermost height of the roof shall be place on any lot. For the purpose of this covenant, structures needed and used by the builders shall be allowed to remain during the building period.
9. **LIVESTOCK AND POULTRY:** No animals, livestock, or poultry of any kind shall be housed, bred, or kept on any lot except family pets, which may be kept provided they are not kept, bred, or maintained for commercial purposes, and not to create or constitute a nuisance. Small animals, which are not family pets such as rabbits, may be kept as 4-H projects, but must be removed within 30 days after a 4-H show.

10. GARAGE AND REFUSE DISPOSAL: No lots shall be used or maintained as a dumping ground for rubbish, garbage or other waste, and same shall not be kept except in sanitary containers out of view from street except on days of collection. There shall be no use of exterior or outside incinerators or burners for the burning of trash.
11. SIGHT DISTANCE AT INTERSECTION: No fence, wall hedge, or shrub planting with obstructs sight lines at elevations between two feet and six feet above the 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 twenty five feet from the intersection of the street line. The same sight line limitations shall apply on lot within ten feet from the intersection of a street's property line with edge of driveway. No trees shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at such height to prevent obstruction of such sight lines.
12. FENCES: Fences, walls or continuous shrub planting which would in any way serve the purpose of a fence, shall not be erected until approved, in writing, by the Architectural Committee. Privacy and protection fences around a swimming pool shall be no further than ten feet (10) out from the pool's water edge. No fences shall be constructed in front yards
13. SIDEWALKS AND PRIVATE DRIVES: All private drives shall be paved of blacktop or concrete; sidewalks of concrete. Both must be installed according to local code and requirements and must be completed at time of construction and before occupancy.
14. STORAGE TANKS: Oil, gas or gasoline storage tanks shall either be buried or located within the house or garage area so they are completely concealed from out-side view.
15. SIGNS: No sign of any kind shall be displayed to the public view on any lot, except for one sign of not more than five square feet, advertising the property for sale or for rent, or signs used by a builder to advertise the property during construction and sales period.
16. VEHICLE REGULATIONS: No vehicle of more than 3/4 ton hauling capacity shall be parked on any homesite while making a delivery or pickup. No car, truck, or trailer that is not in operational condition and bearing the current year's license plate shall be permitted to remain on any homesite unless kept within a garage. No boat, trailer, or motorhome shall be permitted to remain on any homesite for more than five days unless kept within a garage.

17. VIOLATIONS: Enforcement shall be by proceeding at law by said Developer, Land Owner, Homeowners Association or their assignee or the Hendricks County Planning Commission in equity against any person(s), partnership(s) or corporations(s) violating or attempting to violate any covenants either to restrain the violation or to recover damages. These restrictions shall insure to and be enforceable on any single family dwelling unit or common area surrounding thereof in this addition and any judgement for costs on account of legal action brought to enforce said restrictions, or any of them, shall carry with it attorney's fees for plaintiff's attorney, including, but not limited to, all trial fees and appeal fees, which shall attach to and be a lien upon any real estate owned by the defendant in this addition.
18. MAIL BOXES: As long as a mail box is required to be installed at a street location for Postal delivery, said mail box must be supported and mounted on 4" x 4" wood material, preferably of a treated variety. Any exception, such as a decorative enclosure or support must be approved in writing by the Architectural Committee.
19. GAZEBOS: Free standing gazebos are permitted if design and location is approved by the Architectural Committee.
20. ENTRANCE EASEMENT: Entrance easement shown on said plat is an easement reserved by the developer in favor landscaping, planting and other beautifications and for the erection and maintenance of a facade, wall, or other structure or device designed to display the name of Gailcrest Estate Subdivision.
21. USE OF SANITARY SEWER EASEMENTS: Public utility companies shall have the same rights to use sanitary easements shown on the plat that are reserved for said companies in utility easements.



In witness whereof, the undersigned have set their hands and signatures this 10<sup>th</sup> day of December 1993.

Mary L. Myers  
Mary L. Myers

Frank H. Myers  
Frank H. Myers

State of Indiana, Hendricks County ss:

Before me, the undersigned, a Notary Public in and for said County, and State this 10<sup>th</sup> day of December 1993, personally appeared and acknowledged the execution of the foregoing COVENANTS AND RESTRICTIONS FOR GAILCREST ESTATES SUBDIVISION.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

Barbara L. Ford  
Barbara L. Ford

Residing in Hendricks County,  
Indiana

My commission Expires: January 27, 1994

This instrument prepared by Frank H. Myers

*addendum to covenants & restrictions*

*see plat 149 p 508-09*

ENTERED FOR RECORD

44837

BOOK 132 PAGE 180

AUG 13 1992 M 1:20 COVENANTS AND RESTRICTION

BOOK 132  
HENDRICKS COUNTY RECORDER

FOR GAILCREST ESTATES SUBDIVISION DANVILLE, INDIANA

1. The covenants for Section Five (5) of Gailcrest Estates, Hendricks County shall be as follows:
2. LAND USE AND BUILDING TYPE: No lot shall be used except for single family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling not to exceed two stories in height and a private attached garage for at least two cars. Exterior of dwelling shall be at least 65 % brick or stone veneer. No vinyl or aluminum siding. All homes must be either crawl space or basement with 8/12 pitch, or as approved by the Architectural Committee.
3. BUILDING LINE: Front yard set back lines, and side yard set back lines on corner lots are to be shown on plat, between which lines and the property lines of the street there shall be no buildings or structures erected or maintained. Side yard set back lines on all other lots shall be according to county minimum.
4. UTILITY EASEMENTS AND DRAINAGE: "Utility Easements" as shown shall be reserved for the use of public utilities for the installation of water, sewer, gas, tile and for electric or telephone line, poles, ducts, pipes, etc. on, over, under and to said easement for local public use. These easements are not for the use of and shall not be used for high voltage electric transmission lines or high pressure liquid transmission pipe lines, except by written permission of the owner of the land at the time said transmission is to be constructed. "Drainage Easements" reserved as drainage swales are to be maintained by owner such that the water from any adjacent lot shall have adequate drainage along such swale and cannot be blocked to prevent the flow of natural drainage, even if specified easement is not shown on plat. All easements shown as "Utility Easements" are also to be considered drainage easements and are subject to all restrictions and maintenance assessments of drainage easements. No permanent, or other, structures are to be erected or maintained upon any easements shown upon plat and owners of lots shall take their titles subject to the rights of the above easement; no sump pump can be discharged into the street after a house is completed. The discharge of a sump pump must be installed underground with plastic pipe or vitrified tile to those designated areas.
5. ARCHITECTURAL CONTROL: No out-buildings shall be erected. in-ground swimming pools will be approved by the Architectural Committee. Information concerning this committee may contact Gailcrest Inc. The ground floor of the main structure, exclusive of open porches and garages shall not be less than 1,600 square feet for houses of one story and at least 1,800 square feet of houses of more than one story. (Determination of sufficiency and adequacy of the term "ground floor of main structure" with respect to dwelling of tri-level, bi-level and one and one half story dwelling shall rest exclusively with the Architectural Committee).

6. **BUILDING LOCATION:** No building shall be located on any lot nearer to the front lot line, nor nearer to the side street lines than the minimum set back line shown on the record plat or contained in these covenants and restrictions. For the purpose of this restriction, eaves, steps and open porches which may include a screened porch, shall not be considered a part of the building, provided, however, that this shall not be constructed to permit any portion of a building on a lot to encroach upon another lot.
7. **NUISANCES:** No noxious or offensive activity shall be carried out upon lot, nor shall anything be done which may become an annoyance or nuisance to the neighborhood. This includes, but is not limited to, the tearing down or rebuilding of vehicles.
8. **TEMPORARY AND OTHER STRUCTURES:** No structures of a temporary character, trailer, basement, tent, shack, garage, barn kennel, cement slab that would serve as a basketball court, tennis court, paddle ball court or similar activity. Other buildings, satellite discs, solar panels, above ground pools or radio antennas that extend more than 5 feet above the uppermost height of the roof shall be placed on any lot. For the purpose of this covenant, structures needed and used by the builders shall be allowed to remain during the building period.
9. **LIVESTOCK AND POULTRY:** No animals, livestock, or poultry of any kind shall be housed, bred, or kept on any lot except family pets, which may be kept provided they are not kept, bred, or maintained for commercial purposes, and not to create or constitute a nuisance. Small animals, which are not family pets such as rabbits, may be kept as 4-H projects, but must be removed within 30 days after a 4-H show.
10. **GARBAGE AND REFUSE DISPOSAL:** No lots shall be used or maintained as a dumping ground for rubbish, garbage or other waste, and same shall not be kept except in sanitary containers out of view from street except on days of collection. There shall be no use of exterior or outside incinerators or burners for the burning of trash.
11. **SIGHT DISTANCE AT INTERSECTION:** No fence, wall hedge, or shrub planting which obstructs sight lines at elevations between two feet and six feet above the 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 twenty five feet from the intersection of the street line. The same sight line limitations shall apply on lot's within ten feet from the intersection of a street's property line with edge of driveway. No trees shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at such height to prevent obstruction of such sight lines.
12. **FENCES:** Fences, walls or continuous shrub planting which would in any way serve the purpose of a fence, shall not be erected until approved, in writing, by the Architectural Committee. Privacy and protection fences around a swimming pool shall be no further than ten feet (10) out from the pool's water edge. No fences shall be constructed in front yards or side yards.

132-152

13. **SIDEWALKS AND PRIVATE DRIVES:** All private drives shall be paved of blacktop or concrete; sidewalks of concrete. Both must be installed according to local code and requirements and must be completed at time of construction and before occupancy.
14. **STORAGE TANKS:** Oil, gas or gasoline storage tanks shall either be buried or located within the house or garage area so they are completely concealed from out-side view.
15. **SIGNS:** No sign of any kind shall be displayed to the public view on any lot, except for one sign of not more than five square feet, advertising the property for sale or for rent, or signs used by a builder to advertise the property during construction and sales period.
16. **VEHICLE REGULATIONS:** No vehicle of more than 3/4 ton hauling capacity shall be parked on any home site while making a delivery or pickup. No car, truck, or trailer that is not in operational condition and bearing the current year's license plate shall be permitted to remain on any home site unless kept within a garage. No boat, trailer, or motorhome shall be permitted to remain on any homesite for more than five days unless kept within a garage.
17. **VIOLATIONS:** Enforcement shall be by proceedings at law by said developer, land owner, home owners association or their assignee or the Hendricks County Planning Commission in equity against any person(s), partnership(s) or corporation(s) violating or attempting to violate any covenants either to restrain the violation or to recover damages. These restrictions shall insure to and be enforceable on any single family dwelling unit or common area surrounding thereof in this addition and any judgement for costs on account of legal action brought to enforce said restrictions, or any of them, shall carry with it attorney's fees for plaintiff's attorney, including, but not limited to, all trial fees and appeal fees, which shall attach to and be a lien upon any real estate owned by the defendant in this addition.
18. **MAIL BOXES:** As long as a mail box is required to be installed at a street location for postal delivery, said mail box must be supported and mounted on 4" x 4" wood material, preferably of a treated variety. Any exception, such as a decorative enclosure or support must be approved in writing by the Architectural Committee.
19. **GAZEBOS:** Free standing gazebos are permitted if design and location is approved by the Architectural Committee.
20. **ENTRANCE EASEMENT:** Entrance easement shown on said plat is an easement reserved by the developer in favor of the committee, as defined on said plat, for landscaping, planting and other beautifications and for the erection and maintenance of a facade, wall, or other structure or device designed to display the name of Gailcrest Estate Subdivision.
21. **USE OF SANITARY SEWER EASEMENTS:** Public utility companies shall have the same rights to use sanitary easements shown on the plat that are reserved for said companies in utility easements.

In witness whereof, the undersigned have set their hands and signatures this 23<sup>rd</sup> day of July 1994.

Mary L. Myers  
MARY L. MYERS

Frank H. Myers  
FRANK H. MYERS

STATE OF INDIANA, HENDRICKS COUNTY ss:

Before me, the undersigned, a Notary Public in and for said County and State, this 23 day of July personally appeared and acknowledged the execution of the foregoing COVENANTS AND RESTRICTIONS FOR GAILCREST ESTATES SUBDIVISION.

In WITNESSS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

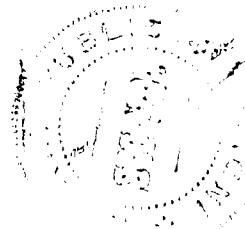
Maurice F. Collier  
MAURICE F. COLLIER

Residing in Hendricks County, Indiana.

My commission expires:

9-28-93

This instrument prepared by FRANK H. MYERS.



15589

BOOK 149 PAGES

FROM: Home-owners Gailcrest Estates Subdivision, Section 5  
 TO: Developer, Gailcrest Estates Subdivision  
 SUBJECT: Addendum to Covenants and Restrictions

8X132 P18

The following addendum to above mentioned covenants and restrictions are requested, subject to the following:

1. The addendum is requested to allow for a mini-barn.
2. The mini-barn must comply with the following restrictions:
  - a. Building will be constructed with wood, no vinyl or aluminum.
  - b. Exterior color will be in coordination with the residential structure.
  - c. Height will be restricted to 12 feet.
  - d. Total square feet of base will not exceed 120 square feet.
  - e. Location and structure must be approved by developer.
  - f. Building permit must be obtained from Hendricks County Building and Planning.
  - g. Violation of this addendum will constitute a \$5,000.00 assessment damage to be paid to the developer.
  - h. This addendum applies to all present and future home owners.

ENTERED FOR RECORD

SEP 13 1995

d. 1.10

300X

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*Jay Bradley*  
HENDRICKS COUNTY RECORDER

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Page

508-09

By affixing my signature to this document, I agree to the addendum and request it be approved by the developer and filed with the Hendricks County Recorder.

NAME	ADDRESS	PHONE
<i>[Signature]</i>	267 Myerwood Dr	745-1288
<i>[Signature]</i>	Lot 60 Gailcrest Sect. on 5	745-4797
<i>[Signature]</i>	262 Myerwood Dr	745-4564
<i>[Signature]</i>	306 Myerwood Dr	785-2319
<i>[Signature]</i>	352 Myerwood Dr	745-3224
<i>[Signature]</i>	284 Myerwood Drive	745-7331
<i>[Signature]</i>	436 Myerwood Drive	745-6302
<i>[Signature]</i>	245 Myerwood Drive	745-0640
<i>[Signature]</i>	2879 Crestwood Lane	745-6636

Approved:

*[Signature]*

Developer:

*[Signature]*

Date:

9/5/95

Prepared by: Herbert R. Fair *Herbert R. Fair*

This document signed before me this 5<sup>th</sup> day of September  
1995. *Barbara L. Ford*  
Notary Public Barbara L. Ford

My commission expires January 27, 1998  
Hendricks County, State of Indiana.