

WARRANTY DEED

THIS INDENTURE WITNESSETH, that FRED GOLDSMITH, of Morgan County, in the State of Indiana, CONVEYS and WARRANTS TO MARK PEDEN, as Trustee to Reconvey, of Morgan County, in the State of Indiana, for Reconveyance of Real Estate and One Dollar (\$1.00) and other valuable consideration, the following described real estate in Morgan County, in the State of Indiana:

(As per description, plat and easement attached hereto and made a part hereof)

also known as GOLDSMITH WOODS, all upon the following RESTRICTIONS to run with the real estate herein described and any subsequent conveyance of any portion thereof, all as covenants running with the land and all successors in title or interest whatsoever:

1.0 Public Roads. In the event the County of Morgan or municipality or jurisdiction shall accept the roads as finally constructed into the public highway system, such roads as finally constructed and roadways so designated on any plat or survey shall be dedicated to the public.

2.0 Private Roads.

- 2.1 Until acceptance as public highways or otherwise, the roads and roadways shall be mutual easements fifty (50) feet in width as described in the plat and easement of Goldsmith Woods for the benefit of the several owners of tracts in Goldsmith Woods.
- 2.2 The cost of maintaining and repairing such roads in good, serviceable condition shall be borne by the several owners by assessments, which shall be liens against the real estate subordinate to any purchase money mortgage, PROVIDED:
- (a) Tract 1 shall be assessed pro rata as a partial tract because of its smaller acreage, but all other tracts shall be equally assessed.
  - (b) Assessments not to exceed \$1,000 per tract per year shall be determined by the Trustee of Goldsmith Road Trust until twelve (12) tracts are sold and conveyed, whereupon the majority of the tract owners shall determine and approve the Trustee's budget and amount of the assessment.
  - (c) All assessments are payable within thirty (30) days of receipt of notice to the Trustee of the Goldsmith Road Trust under the terms and conditions of that Trust, together with interest, cost of collection, and attorney fees for delinquent assessments.

- (d) For any matter requiring action by tract owners, each tract shall have one (1) vote and a partial tract shall have a proportionate vote.

3.0 Culverts. All driveway culverts shall be approved by the Goldsmith Road Fund Trustee as to adequate length and diameter. No driveway shall be constructed unless the Trustee has determined the necessity of a culvert.

4.0 Use. The real estate shall be exclusively used for residential purposes with one single-family dwelling per tract. No commercial activity or commercial agriculture shall be permitted.

5.0 Construction/Type/Size/Health.

- 5.1 All new dwellings shall contain no less than one thousand five hundred (1,500) square feet of living area exclusive of porches, decks, patios, garages and such. (Provided, this provision shall not apply to one existing dwelling).
- 5.2 All construction shall be new.
- 5.3 All dwellings shall be served by approved septic or private sewage systems or water systems; provided, that hookup on public sewer or water systems shall satisfy this provision.
- 5.4 No mobile home, modular or sectional house, manufactured housing, garage, basement or temporary structure shall be a residence either temporarily or permanently.
- 5.5 No dwelling or accessory buildings shall be constructed within sixty (60) feet of the centerline of the roadway.
- 5.6 General public utility easements are hereby dedicated within the fifty (50) foot roadway right of way or otherwise as designated upon a plat or survey of Goldsmith Woods.
- 5.7 No animals whatsoever, except household pets and personal pleasure animals, such as a horse, shall be permitted.
- 5.8 No noxious, offensive or illegal activity or activity constituting a nuisance shall be permitted.

6.0 Enforcement. Enforcement of these provisions is reserved to Grantor and all other owners of the real estate so restricted, generally known as Goldsmith Woods, by injunction, with the right to cause non-conforming or non-approved use or structures removed by process of law. Violation of any provision shall not result in forfeiture or reversion of title and failure to enforce or prosecute any provision or its invalidity shall not be construed as a waiver of the right of enforcement or validity of any remaining provision.

7.0 Acceptance. Grantee's recordation of this conveyance shall constitute acceptance, and any subsequent conveyance by reference to this deed book and page shall incorporate these restrictions by reference.

This deed is intended as and for a prior conveyance dated and recorded November 1, 1988 in Deed Record 321, pages 157-162, in order to correctly describe Goldsmith Woods by surveyed description and amend the restrictions and covenants.

IN WITNESS WHEREOF, Grantor has executed this deed of conveyance this 9th day of December, 1988.

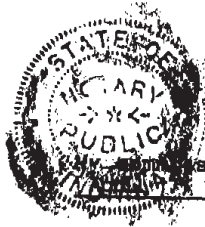
*Fred Goldsmith*  
FRED GOLDSMITH

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF MORGAN )

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF MORGAN )

Before me, a Notary Public in and for said County and State, personally appeared Fred Goldsmith, who acknowledged execution of the foregoing Warranty Deed to be his voluntary act and deed for the use and purposes expressed therein and who, being duly sworn, stated the representations contained therein to be true.

WITNESS my hand and Notarial Seal this 9th day of December, 1988.



(Signature) *Ralph M. Foley*  
(Printed) Ralph M. Foley  
Notary Public  
Residing in Morgan Co., IN

Commission expires: 1992

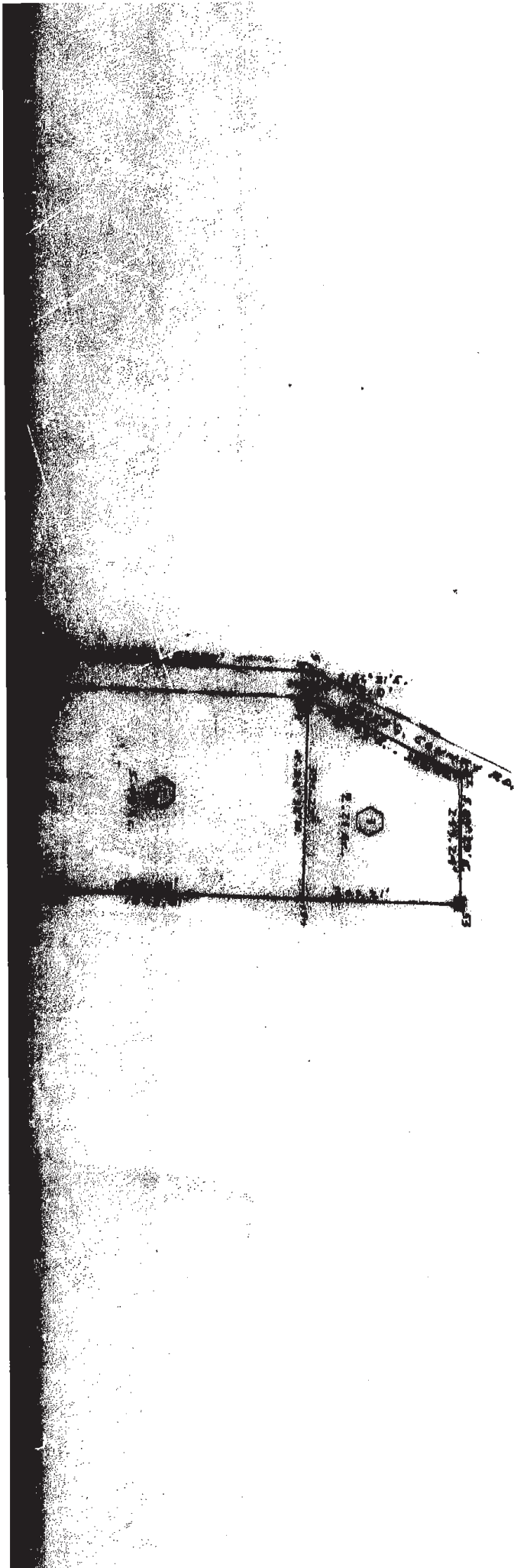
This instrument prepared by Ralph M. Foley, Attorney at Law.

Tax statements to: 3495 E. Morgan Street  
Martinsville, IN 46151

DULY ENTERED FOR TAXATION  
*[Signature]*  
Recorder, Morgan County

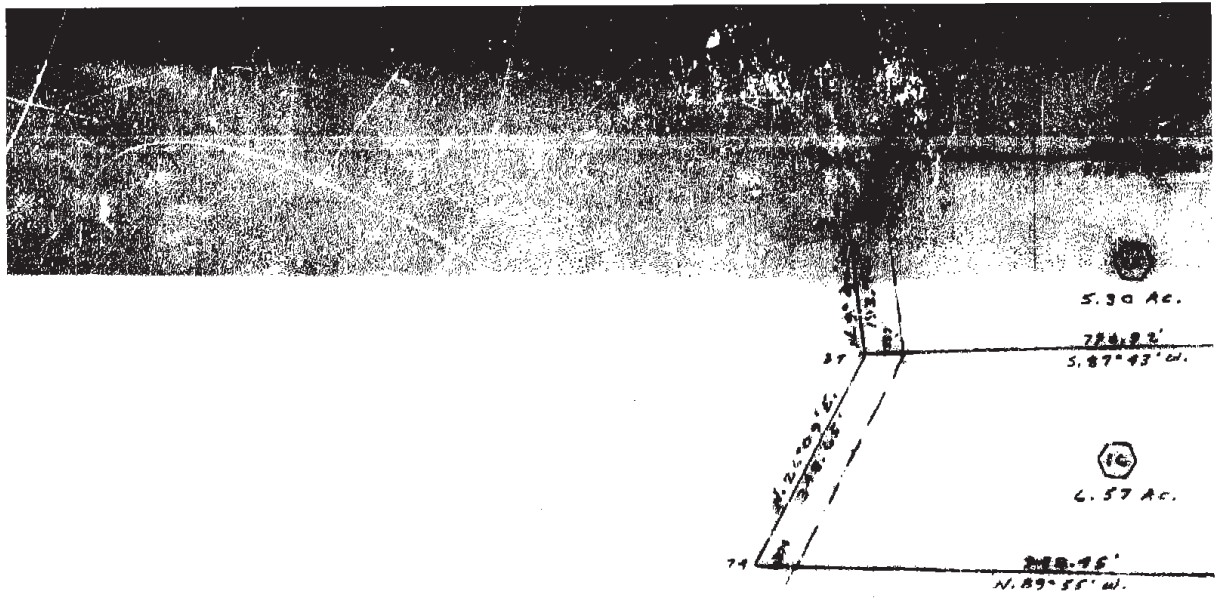
Blc 321 B 561

# GOLDSMITH WOODS









OVERALL DESCRIPTION GOLDSMITH WOODS

SUBDIVISION FROM GOLDSMITH

DESCRIPTION: A part of the Northeast Quarter of Section 35, Township 12 North, Range 1 East and part of the Southeast Quarter of Section 26, Township 12 North, Range 1 East, Morgan County, Indiana, more particularly described as follows, to-wit:

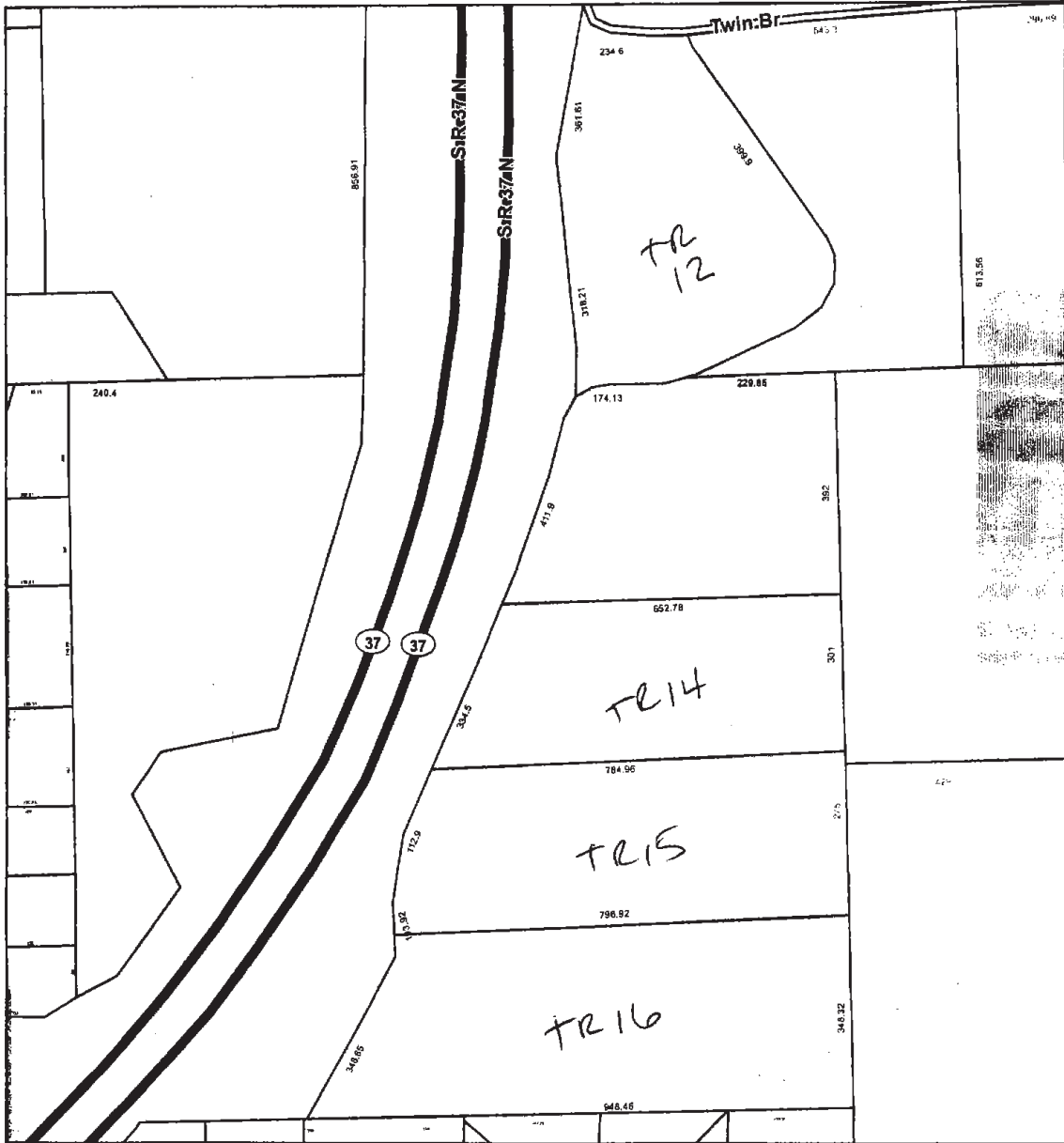
Commencing at the Southwest corner of the Northeast Quarter of the Northeast Quarter of Section 35, township and range aforesaid; thence traverse South 08 degrees 14 minutes West, 1314.32 feet to the Southeast corner of the Southwest quarter of the Northeast quarter of the aforesaid section; thence traverse North 09 degrees 58 minutes West, 746.45 feet to the Limited Access Right-of-way for State Road No. 37; thence traverse on said right-of-way North 26 degrees 09 minutes East, 348.65 feet; thence continue on said right-of-way North 09 degrees 40 minutes West, 198.42 feet; thence continue on said right-of-way, North 23 degrees 20 minutes East, 728.10 feet; thence continue on said right-of-way, North 07 degrees 24 minutes West, 318.21 feet; thence continue on said right-of-way, North 08 degrees 13 minutes East, 701.37 feet; thence continue on said right-of-way, North 21 degree 20 minutes East, 316.78 feet; thence continue on said right-of-way, North 02 degrees 27 minutes East, 138.88 feet; thence continue on said right-of-way, North 04 degree 38 minutes East, 477.57 feet; thence traverse South 04 degrees 31 minutes East, 28.07 feet; thence traverse North 27 degrees 09 minutes East, 220.48 feet; thence traverse South 07 degrees 27 minutes East, 208.24 feet to the Northeast corner of the Southwest quarter of the Southeast quarter of Section 26 of the aforesaid township and range; thence traverse South 04 degree 10 minutes West, 1549.01 feet to the Southwest corner of the Northeast quarter of the Southeast quarter of the aforesaid section; thence traverse South 08 degrees 08 minutes East, 871.14 feet to the center of Silver Creek; thence following said centerline South 23 degrees 46 minutes East, 741.08 feet; thence continue on said centerline South 18 degrees 27 minutes East, 581.48 feet; thence continue on said centerline South 12 degrees 15 minutes East, 700.15 feet; thence continue on said centerline South 10 degrees 25 minutes East, 541.07 feet to the east line of the Southwest quarter of the Northeast quarter of Section 35 of the aforesaid township and range; thence traverse on said east line, South 01 degree 02 minutes West, 228.87 feet to the Southeast corner of the Northeast quarter of the Northeast quarter of said section 35; South 07 degrees 04 minutes East, 248.88 feet back to the point of beginning.



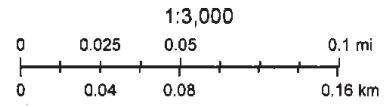




# Morgan County, IN



February 10, 2014



Sharon Weaver