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FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS OF THE COMMONS PROPERTY OWNERSHIP

Greenwood Commons - Section 8
Meadow Lakes - Section 2
Glen Oak Commons - Section 5

THIS FIFTH SUPPLEMENTAL DECLARATION made this 24TH day of JANUARY 1993, by YEAGER REALTY COMPANY, L.P. and JEROME MARTIN d/b/a MYLAND DEVELOPMENT COMPANY being hereinafter referred to as 'Declarant',

WITNESSETH:

WHEREAS, the following facts are true:

A. Declarant has interest in certain real estate located in Johnson County, Indiana, more particularly described in the attached Exhibit 'A', Exhibit 'B', and Exhibit 'C', which are incorporated herewith by reference (hereinafter respectively referred to as 'Greenwood Commons Section 8', 'Meadow Lakes Section 2' and 'Glen Oak Commons Section 5').

B. Declarant has heretofore executed a Declaration of Covenants and Restrictions of The Commons Property Ownership which was recorded in the office of the Recorder of Johnson County, Indiana, as Instrument No 02-14614 (the "Declaration") to encompass initially or ultimately components of The Commons known as Glen Oak, the Greenwood Commons or Meadow Lakes, initially Glen Oak Sections 1 and 2, Greenwood Commons Section 5 and Meadow Lakes Section 1 were subjected to the Declaration. The Declaration provided that additional real estate could be subjected to the terms and conditions of the Declaration.

C. Greenwood Commons Section 8, Meadow Lakes Section 2 and Glen Oak Commons Section 5, are part of the Additional Tract described in paragraph 19 of the Declaration. Paragraph 19 of the Declaration provides that all or part of the Additional Tract may be annexed to and become a part of The Commons and incorporated into the Declaration with the owners thereof becoming members of The Commons Homeowners Association, Inc., in accordance with the provisions of paragraph 19 of the Declaration upon the filing of a Supplemental Declaration by Declarant and the Final Plat of this real estate being incorporated into The Commons. All conditions relating to the annexation of the Exhibit 'A', Exhibit 'B' and Exhibit 'C' realty to make

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it subject to the Declaration have been met and Declarant by execution of this Fifth Supplemental Declaration hereby incorporate Greenwood Commons Section 9, Meadow Lakes Section 2 and Glen Oak Commons Section 5 into The Commons development and the Declaration.

NOW, THEREFORE, Declarant makes this Supplemental Declaration as follows:

1. Declaration. Declarant hereby expressly declares that Greenwood Commons Section 9, Meadow Lakes Section 2 and Glen Oak Commons Section 5, shall be held, conveyed and transferred in accordance with the provisions of the Declaration as if such had originally been included in the Declaration and shall hereafter be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions and provisions of the Declaration as such may be amended from time to time. Greenwood Commons Section 9, Meadow Lakes Section 2 and Glen Oak Section 5, hereafter and for all purposes shall be included in the definition of Tract as defined in paragraph 1(a) of the Declaration.

2. Description of Additional Sections. Greenwood Commons Section 9 consists of 36 lots numbered Lots 257 - 291 inclusive as designated on the plat for this Section.

Meadow Lakes Section 2, consists of 14 lots numbered Lots 45 - 58 inclusive as designated on the plat

for this Section.

Glen Oak Commons Section 5 consists of 7 lots numbered Lots 165 - 168 inclusive and Lots 213 - 215 inclusive as designated on the plat for this Section.

The legal description for a given lot in a given Section for the additional realty may appear as follows:

Lot _____ in (Subdivision Name), (Section Number), a subdivision in Johnson County, Indiana, as per plat thereof, recorded on _____ as Instrument No. _____, in the Office of the Recorder of Johnson County, Indiana.

The Greenwood Commons component of The Commons now consists of 115 lots numbered Lots 1 - 25 inclusive, and Lots 255 - 344 inclusive and encompasses Greenwood Commons, Sections 6, 7, 8 and 9.

The Meadow Lakes component of The Commons now consists of 68 lots numbered Lots 1 - 58 inclusive and encompasses Meadow Lakes Sections 1 and 2.

The Glen Oak Commons component of The Commons now consists of 113 lots numbered Lots 26 - 74 inclusive, Lots 108 - 168 inclusive and Lots 213 - 215 inclusive and encompasses Glen Oak Commons, Sections

1, 2, 3, 4 and 5.

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3. **Easements.** Regardless of the method of development of any other part of the Additional Tract and whether or not all or any part of the remaining Additional Tract becomes subject to the Declaration, Declarant reserves to itself, its successors and assigns, for the use and benefit of that part of the Additional Tract not becoming subject to the Declaration, the right and easement to enter upon the streets and common area of these Sections of The Commons to provide ingress and egress to the Additional Tract.

Declarant hereby grants to the owner in Greenwood Commons Section 8, Meadow Lakes Section 2 and Glen Oak Commons Section 5, the right and easement to enter upon any streets and roadways that may exist in the remaining part of the Additional Tract to provide ingress and egress to these Sections as may be necessary.

It is the purpose and intent of the easements herein granted and reserved to provide free and unrestricted use and access across the roadways and streets of the Tract and the Additional Tract no matter how developed, for the owners of the Tract and the Additional Tract, their guests, invitees and all public and quasi-public vehicles, including but not limited to, police, fire and emergency vehicles, trash and garbage collections, post office vehicles and privately owned delivery vehicles.

4. **Acceptance and Ratification.** All present and future owners, mortgagees, tenants and occupants of the Lots shall be subject to and shall comply with the provisions of the Declaration, Articles of Incorporation and By-Laws incorporated by reference into the Declaration, and the rules and regulations as adopted by the Board of Directors as each may be amended from time to time. The acceptance of a deed of conveyance or the act of occupancy of any Lot shall constitute an agreement that the provisions of the Declaration, the Articles of Incorporation, the By-Laws and rules and regulations, as each may be amended and supplemented from time to time are accepted and ratified by each owner, tenant or occupant and all such provisions shall be covenants running with the land and shall be binding on any person having at any time any interest or estate in a Lot or Tract as if such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof. All persons, corporations, partnerships, trusts, associations or other legal entities that may occupy, use, enjoy, or control a Lot or Lots or any part of the Tract in any manner shall be subject to the Declaration, the Articles of Incorporation, the By-Laws and the rules and regulations applicable thereto as each may be amended or supplemented from time to time.

6. Plans of Gift-taxed Commons Section B, Meadow Lakes Section 2 and Glen Oak Commons Section 5. The plats of these Sections are incorporated into the Declaration and this Fifth Supplemental Declaration by reference and will be filed in the Office of the Recorder of Johnson County, Indiana.

IN WITNESS WHEREOF, the undersigned has caused this Supplemental Declaration to be executed the day and year first above written.

MYLAND DEVELOPMENT COMPANY

By *Jerome Martin*
Jerome Martin

YEAGER REALTY COMPANY, L.P.

By *Robert K. Yeager*
Robert K. Yeager, General Partner

STATE OF INDIANA)
COUNTY OF JOHNSON) SS:

I, Jerome Martin, a Notary Public in and for said County and State, personally appeared Jerome Martin, who acknowledged the execution of the foregoing Fifth Supplemental Declaration of Covenants and Restrictions of The Commons Property Ownership.

Witness my hand and Notarial Seal this 22nd day of JUNE, 1999.

Marilyn J. Degen
Notary Public

My Commission Expires: _____
January 6, 1999
Printed _____
County of Residence: JOHNSON

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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public, in and for said County and State, personally appeared Robert K. Yeager, General Partner of Yeager Realty Company, L.P., who acknowledged the execution of the foregoing Fifth Supplemental Declaration of Covenants and Restrictions of The Commons Property Ownership on behalf of said Indiana Limited Partnership.

WITNESS my hand and Notarial Seal this 29th day of January, 1998.

My Commission Expires: _____

January 8, 1998

William J. Dixon
Notary Public

William J. Dixon

Printed

County of Residence: Marion

This instrument prepared by:
Raymond Good, #7201-40
Attorney at Law
SCENIC, GOOD & SCHELL
144 N. Delaware Street
Indianapolis, IN 46204-2661
317294-3008
#1.Yeager@Sthrup.com

EXHIBIT "A"
GREENWOOD COMMONS, SECTION 9
LEGAL DESCRIPTION

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 14 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN IN JOHNSON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID HALF QUARTER SECTION; THENCE NORTH 89 DEGREES 58 MINUTES 04 SECONDS EAST, 415.48 FEET ALONG THE SOUTH LINE OF SAID HALF QUARTER SECTION TO THE POINT OF BEGINNING; (THE FOLLOWING SIX (6) DESCRIBED COURSES BRING ALONG THE EASTERLY LINE OF GREENWOOD COMMONS-SECTION 5 AS RECORDED AS INSTRUMENT NUMBER 92014024 IN PLAT BOOK C, PAGE 542 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA) THENCE NORTH 00 DEGREES 01 MINUTES 56 SECONDS WEST, 50.00 FEET; THENCE NORTH 34 DEGREES 45 MINUTES 04 SECONDS WEST, 260.08 FEET; THENCE NORTH 14 DEGREES 25 MINUTES 36 SECONDS EAST, 155.88 FEET; THENCE NORTH 02 DEGREES 23 MINUTES 07 SECONDS EAST, 98.01 FEET; THENCE NORTH 08 DEGREES 40 MINUTES 14 SECONDS WEST, 339.64 FEET; THENCE NORTH 13 DEGREES 40 MINUTES 14 SECONDS WEST, 119.67 FEET; (THE FOLLOWING SEVEN (7) DESCRIBED COURSES BEING ALONG THE SOUTHERLY LINE OF GREENWOOD COMMONS-SECTION 6 AS RECORDED AS INSTRUMENT NUMBER 9301881 IN PLAT BOOK C, PAGES 588 A AND B IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA) THENCE NORTH 81 DEGREES 19 MINUTES 19 SECONDS EAST, 181.25 FEET; THENCE SOUTH 12 DEGREES 09 MINUTES 17 SECONDS EAST, 6.22 FEET; THENCE NORTH 77 DEGREES 00 MINUTES 43 SECONDS EAST, 50.00 FEET; THENCE NORTH 12 DEGREES 58 MINUTES 17 SECONDS WEST, 13.00 FEET; THENCE NORTH 77 DEGREES 00 MINUTES 43 SECONDS EAST, 180.00 FEET; THENCE SOUTH 41 DEGREES 42 MINUTES 42 SECONDS EAST, 136.13 FEET; THENCE SOUTH 08 DEGREES 40 MINUTES 07 SECONDS EAST, 81.13 FEET; (THE FOLLOWING THREE (3) DESCRIBED COURSES BEING ALONG THE WESTERLY AND SOUTHERLY LINES OF GREENWOOD COMMONS-SECTION 8 AS RECORDED AS INSTRUMENT NUMBER 9301883 IN PLAT BOOK C, PAGES 580 A AND B IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA) THENCE CONTINUING SOUTH 08 DEGREES 40 MINUTES 07 SECONDS EAST, 384.74 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 07 SECONDS EAST, 258.88 FEET; THENCE SOUTH 85 DEGREES 15 MINUTES 50 SECONDS EAST, 269.01 FEET; (THE FOLLOWING THREE (3) DESCRIBED COURSES BEING ALONG THE SOUTHWESTERLY LINE OF GREENWOOD COMMONS-SECTION 7 AS RECORDED AS INSTRUMENT NUMBER 17968 IN PLAT BOOK C, PAGES 317 A AND B IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA) THENCE SOUTH 76 DEGREES 45 MINUTES 43 SECONDS EAST, 210.00 FEET; THENCE NORTH 13 DEGREES 14 MINUTES 07 SECONDS EAST, 14.03 FEET; THENCE SOUTH 64 DEGREES 16 MINUTES 31 SECONDS EAST, 169.98 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 56 SECONDS WEST, 340.00 FEET ALONG THE WESTERLY LINE OF GREENWOOD COMMONS-SECTION 1 AS RECORDED AS INSTRUMENT NUMBER 5645 IN PLAT BOOK C, PAGES 227 AND 228 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, TO A POINT ON THE SOUTH LINE OF SAID HALF QUARTER SECTION; THENCE SOUTH 89 DEGREES 58 MINUTES 04 SECONDS WEST, 1187.49 FEET ALONG SAID SOUTH LINE TO THE BEGINNING POINT OF THIS DESCRIPTION, CONTAINING 17.55 ACRES, MORE OR LESS.

SUBJECT TO ALL LEGAL EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

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EXHIBIT "B"
MEADOW LAKES, SECTION 2
LEGAL DESCRIPTION

A PART OF THE EAST HALF OF SECTION 36 AND THE EAST HALF OF THE
SOUTHEAST QUARTER OF SECTION 25 ALL IN TOWNSHIP 14 NORTH, RANGE
3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN WHITE RIVER TOWNSHIP,
JOHNSON COUNTY, INDIANA, BRING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID HALF SECTION; THENCE
SOUTH 89 DEGREES 07 MINUTES 04 SECONDS WEST, 1344.85 FEET ALONG
THE SOUTH LINE OF SAID HALF SECTION; THENCE NORTH 00 DEGREES 14
MINUTES 40 SECONDS EAST, 2091.63 FEET ALONG THE WEST LINE OF
SAID HALF SECTION; THENCE NORTH 76 DEGREES 01 MINUTES 07 SECONDS
EAST, 936.89 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 76 DEGREES 01 MINUTES 07 SECONDS EAST, 288.47 FEET;
THENCE NORTH 00 DEGREES 18 MINUTES 30 SECONDS EAST, 868.03 FEET;
THENCE SOUTH 89 DEGREES 15 MINUTES 07 SECONDS WEST, 527.10 FEET;
THENCE SOUTH 41 DEGREES 01 MINUTES 32 SECONDS EAST, 118.74 FEET;
THENCE SOUTH 02 DEGREES 28 MINUTES 57 SECONDS EAST, 111.45 FEET;
THENCE SOUTH 38 DEGREES 00 MINUTES 52 SECONDS WEST, 128.15 FEET;
THENCE SOUTH 43 DEGREES 50 MINUTES 48 SECONDS EAST, 51.43 FEET;
THENCE SOUTH 14 DEGREES 12 MINUTES 38 SECONDS EAST, 116.74 FEET;
THENCE SOUTH 75 DEGREES 47 MINUTES 30 SECONDS EAST, 113.85 FEET;
THENCE SOUTH 14 DEGREES 12 MINUTES 30 SECONDS EAST, 130.00 FEET;
THENCE SOUTH 75 DEGREES 47 MINUTES 30 SECONDS WEST, 25.14 FEET;
THENCE SOUTH 14 DEGREES 12 MINUTES 30 SECONDS EAST, 183.85 FEET;
TO THE BEGINNING POINT OF THIS DESCRIPTION, CONTAINING 8.880
ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL EASEMENTS, RIGHTS OF
WAYS AND RESTRICTIONS OF RECORD.

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EXHIBIT "C"
GLEN OAK COMMONS, SECTION 5
LEGAL DESCRIPTION

A PART OF THE EAST HALF OF SECTION 36, TOWNSHIP 14 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN WHITE RIVER TOWNSHIP, JOHNSON COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID HALF SECTION; THENCE SOUTH 80 DEGREES 07 MINUTES 04 SECONDS WEST, 1344.85 FEET ALONG THE SOUTH LINE OF SAID HALF SECTION; THENCE NORTH 00 DEGREES 14 MINUTES 40 SECONDS EAST, 1229.99 FEET ALONG THE WEST LINE OF SAID HALF SECTION; SOUTH 89 DEGREES 43 MINUTES 18 SECONDS EAST, 767.84 FEET; THENCE NORTH 82 DEGREES 59 MINUTES 14 SECONDS EAST, 131.58 FEET; THENCE NORTH 66 DEGREES 35 MINUTES 49 SECONDS EAST, 41.26 FEET; THENCE NORTH 58 DEGREES 13 MINUTES 50 SECONDS EAST, 51.53 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, 97.00 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 38 SECONDS WEST, 18.24 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 22 SECONDS EAST, 200.00 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 38 SECONDS EAST, 48.24 FEET; THENCE SOUTH 81 DEGREES 35 MINUTES 42 SECONDS EAST, 71.00 FEET; THENCE SOUTH 62 DEGREES 43 MINUTES 38 SECONDS EAST, 51.20 FEET; THENCE SOUTH 75 DEGREES 09 MINUTES 47 SECONDS EAST, 83.27 FEET; THENCE SOUTH 52 DEGREES 43 MINUTES 38 SECONDS WEST, 47.07 FEET; THENCE SOUTH 37 DEGREES 26 MINUTES 04 SECONDS WEST, 26.56 FEET; THENCE SOUTH 21 DEGREES 02 MINUTES 37 SECONDS WEST, 3.38 FEET; THENCE NORTH 33 DEGREES 41 MINUTES 43 SECONDS WEST, 184.63 FEET; THENCE SOUTH 20 DEGREES 11 MINUTES 02 SECONDS WEST, 16.34 FEET; THENCE SOUTH 21 DEGREES 02 MINUTES 38 SECONDS WEST, 109.14 FEET; THENCE NORTH 70 DEGREES 23 MINUTES 10 SECONDS WEST, 50.58 FEET; THENCE NORTH 71 DEGREES 42 MINUTES 50 SECONDS WEST, 80.65 FEET; THENCE NORTH 81 DEGREES 35 MINUTES 51 SECONDS WEST, 2.000 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL EASEMENTS, RIGHTS OF WAYS AND RESTRICTIONS OF RECORD.

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GREENWOOD COMMONS COVENANTS AND RESTRICTIONS

- A. All dwellings constructed upon any lot in this development shall conform to the following requirements:
1. All dwelling exteriors shall have One Hundred (100) percent masonry construction, except gables and upper walls in two-story homes which can have wood siding.
 2. There shall be no vinyl or aluminum siding on any dwelling.
 3. No satellite dishes shall be permitted on any lot in this subdivision.
 4. No outside storage building will be permitted.
 5. No wood fences will be permitted.
 6. The ground floor living area of all single story dwellings shall contain not less than 1,500 square feet and no two (2) story dwelling shall contain less than 1,000 square feet of living area on the ground floor, provided the total living area shall not be less than 2,000 square feet total on all two stories (exclusive of open porches, garages, and other areas not considered living area).
 7. All dwellings shall have at least a two (2) car attached garage.
 8. No house shall be constructed on a "slab" floor. All houses shall have crawlspaces or have basements where practical.
 9. Above ground pools are not permitted.

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**MEADOW LAKES
COVENANTS AND RESTRICTIONS**

All dwellings constructed upon any homestead in this development shall conform to the following restrictions:

1. All dwelling exteriors shall have all brick fronts. Multi-story dwellings shall have brick on the lower level. Exceptions include porches, breezeways, windows, and entries.
2. There shall be no aluminum siding on any dwelling.
3. No satellite dishes larger than 24" shall be permitted on any lot in this subdivision.
4. Outside storage building shall match the colors of the homestead.
5. Galvanized chain link fences shall not be permitted. Fences shall not extend forward of the rear corner of the dwelling. No wood fences shall be permitted on lots backing to the lakes.
6. The living area of dwellings:
R10A (South of the Pipeline):
A. All single story dwellings shall not contain less than 1,200 square feet.
B. Two (2) story dwelling shall contain not less than 750 square feet of living area on the ground floor, provided the total living area shall not be less than 1,500 square feet total (exclusive of open porches, garages, and other areas not considered living area).
- R11 (North of the Pipeline):
A. All single story dwellings shall not contain less than 1,200 square feet.
B. Two (2) story dwelling shall contain not less than 900 square feet of living area on the ground floor, provided the total living area shall not be less than 1,500 square feet total (exclusive of open porches, garages, and other areas not considered living area).

7. All dwellings shall have at least a two (2) car attached garage.
8. Above ground pools are not permitted.
9. Windows shall be constructed of vinyl or wood. Aluminum windows shall not be permitted.
10. Front yards shall be sodded; landscaping shall consist of a minimum of two trees and ten shrubs.
11. Mailbox shall be installed, at his expense, a standardized mailbox and yard light.
12. Participation in the Homeowner's Association is mandatory.
13. Foundations shall be either a slab or on a crawlspace.

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BOOK 108 PAGE 163
JEAN HARMON
JOHNSON COUNTY RECORDER

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