

NORMANDY FARMS - SECTION TWO SUBDIVISION
COVENANTS, LIMITATIONS AND RESTRICTIONS

1. NAME. This Subdivision shall be known and designated as NORMANDY FARMS - SECTION TWO, a Subdivision located in Indianapolis, Marion County, Indiana.

2. STREET DEDICATION. The streets shown and not heretofore dedicated are hereby dedicated to the public.

3. LAND USE AND PERMITTED STRUCTURES. All lots shall be used exclusively for residential purposes. No structure or building shall be erected, altered, placed or permitted to remain on any lot other than one (1) single-family dwelling, one (1) private, attached garage and such other out buildings as are usual and incidental to the use of each lot for single-family residential purposes.

4. SUBDIVISION OF LOTS. No lot in Section Two shall be subdivided to form units of less area, nor shall more than one (1) single-family dwelling be erected, altered, placed or permitted to remain on any lot.

5. TYPE, SIZE AND NATURE OF CONSTRUCTION PERMITTED AND APPROVALS REQUIRED. No single-family dwelling, garage, out building, swimming pool, tennis court or other recreational facility shall be erected, placed or altered on any lot without the prior written approval of the Building Control Committee to be established in accordance with paragraph 6 of these Subdivision Restrictions. Such approval shall be obtained prior to the commencement of construction and shall take into account restrictions as to the type of materials, exterior facade, design, layout, location, landscaping and finished grade elevations. Approvals will be considered upon the submission of satisfactory plans, including a plot plan, building plans showing floor areas and elevations, specifications, landscaping plan and such other data or information as may be reasonably requested, all subject to the following minimum standards.

(a) Any single-family dwelling erected, placed or altered on any lot shall have a minimum ground floor area, exclusive of open porches and garages, of 2,500 square feet in the case of a structure having one story, and 1,500 square feet in the case of a structure higher than one story. The determination of sufficiency and adequacy of the term "ground floor area" with respect to single-family dwellings of tri-level, bi-level and one and one-half story design shall refer exclusively with the Building Control Committee.)

(b) No single-family dwelling, garage, out building or other structure of any kind shall be erected on any lot and all materials incorporated into the construction thereof shall be new, except that used brick, weathered barn siding, or the like, or interior design features utilizing other than new materials, may be approved by the Building Control Committee. Trailers, mobile homes, tents, barns, sheds, garages, barns or other structures shall be placed or constructed on any lot at any time for use as either a temporary or permanent residence or for any other purpose, except as may be otherwise provided in connection with the construction of a single-family dwelling on a lot.

(c) No fence, wall, hedge or shrub planting which obstructs the line of sight between buildings or between any street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right of way lines and a line connecting points 2 1/2 feet from the intersection of the street lines extended. The same site line limitations shall apply to any lot within 10 feet from the intersection of a street line with the edge of a driveway pavement or alley line.

(d) Every single-family dwelling, garage, out building or other structure permitted to be constructed or remain on any lot shall be completed on the exterior within one (1) year from the start of construction, including at least one (1) coat of paint, stain or varnish on any exterior wood surfaces. All such structures must be completed and the site graded, sodded or seeded and reasonably landscaped within one (1) year from the date of the commencement of construction thereof. During the period of construction of any structure on any lot, the lot shall be kept and maintained in a slightly and orderly manner and no trash or other rubbish shall be permitted to accumulate unreasonably on any such lot.

(e) No dwelling, garage, out building or other structure permitted to be constructed or to remain on any lot by these Subdivision Restrictions

placed on or constructed on any lot at any time for use as either a temporary or permanent residence or for any other purpose, except a single-family dwelling, shall be in accordance with the construction of a single-family dwelling on a lot.

(c) No fence, wall, hedge or shrub planting which obstructs either line-of-sight or view to the street shall be placed or permitted to remain on any corner lot within the triangle area formed by the street right-of-way lines and a line connecting points 25 feet from the intersection of the street lines extended. The same site-line limitations shall apply to any lot within 10 feet from the intersection of a street line with the edge of a driveway pavement or alley line.

(d) Every single-family dwelling, garage, out building or other structure permitted to be constructed or remain on any lot shall be completed on the exterior within one (1) year from the start of construction, including at least one (1) coat of paint, stain or varnish on any exterior wood surfaces. All such structures must be completed and the site graded, sodded or seeded and reasonably landscaped within one (1) year from the date of the commencement of construction thereof. During the period of construction of any structure on any lot, the lot shall be kept and maintained in a slightly up-burly manner and no trash or other rubbish shall be permitted to accumulate unreasonably on any such lot.

(e) No dwelling, garage, out building or other structure permitted to be constructed or to remain on any lot by these Subdivision Restrictions shall be located on any lot near the front line of the subject lot nearer than the minimum building set-back lines as shown on the recorded plat.

6. BUILDING CONTROL COMMITTEE. The Building Control Committee shall be composed of three (3) members to be selected within the sole discretion of Normandy Farms Development Co. as the developer of this subdivision, or its designated nominee. Individual members of the Building Control Committee shall be subject to appointment and removal within the sole discretion of Normandy Farms Development Co. or its designated nominee. Normandy Farms Development Co. may, at the option, and at any time, transfer the rights, title and responsibility of the Building Control Committee to the Board of Directors ("Board") of the Normandy Farms Property Owners' Association, Inc., an Indiana not-for-profit corporation, in which event the Board shall function as the Building Control Committee for purposes of these Subdivision Restrictions. The Building Control Committee's approval or disapproval as required by these Subdivision Restrictions shall only be effective if in writing. In the event that a written approval is not received from the Building Control Committee within twenty (20) days from the date of receipt of any plans required to be submitted by these Subdivision Restrictions, the failure to receive such written approval shall be considered as the disapproval of any such plans submitted.

7. TREE PRESERVATION PLAN AND REMOVAL OF TREES. Following written approval from the Building Control Committee as required by paragraph 5 of these Subdivision Restrictions, and prior to the alteration, site work, construction or installation of improvements or the removal of any trees from any lot within this subdivision, an owner shall submit to the ("Plan") construction of an accurate site plan of such lot at an appropriate scale and orientation to be attached to the construction or tree removal application. Any tree to be removed shall be submitted to the Department of Metropolitan Development of Marion County, Indiana, for review and written approval along with and at the same time application is made for issuance of an Improvement Location Permit. Prior to, during and following completion of the alteration, grading, construction or installation of improvements or any tree removal on any such lot, all requirements or conditions imposed upon receipt of written approval of Plan shall be complied with in all respects. Only those trees designated for removal by the Plan shall be cut, removed or destroyed and all trees designated for preservation by the Plan shall be permanently maintained and preserved by the owner of such lot and shall not be removed or cut down unless dead, dying, decayed or dangerous to life or property. Changes in the location of any improvements (including structures, driveways, sidewalks and the like) to be constructed on any lot which are specifically required by the Department of Metropolitan Development of Marion County to secure Plan approval shall be approved acceptable to the Building Control Committee without issuance of written approval of a revised plot plan.

8. FULL RECEPTACLES AND TRASH ACCUMULATION. Any use for the storage of fuel placed or maintained on any lot outside of any structure or other permitted by these Subdivision Restrictions shall be located below the surface of the ground. No refuse pile or any other unsightly or objectionable substance or trash shall be permitted to accumulate on any lot. The removal of trash, rubbish or other debris

9. ANIMALS. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot within this Subdivision except dogs, cats or other animals generally and customarily recognized as household pets, which may be kept if not for any commercial purposes.

10. MAINTENANCE OF UNDEVELOPED OR UNOCCUPIED LOTS. Owners of undeveloped or unoccupied lots within this Subdivision shall at all times keep and maintain such lots in an orderly manner, cutting weeds and other growth to be reasonably cut and prevent the accumulation of rubbish and debris thereon, all in accordance with standards with respect to lot maintenance established from time to time by the Building Control Committee.

11. NUISANCE. No noxious or offensive activities shall be carried on or permitted to exist on any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners of other lots. Any structure or building permitted to be constructed on any lot which may be in whole or in part destroyed by fire, wind storm or for any other reason shall be rebuilt and restored to its previous condition within a reasonable length of time. All debris shall be removed within a reasonable time after the occurrence.

12. SEWER SYSTEMS PROHIBITED. No individual sewage disposal system shall be installed for use or be used to provide for the disposal of sewage on any lot within this Subdivision. Sanitary sewer lines shall be available for hook-up and shall be installed by the sole and effective method to provide for sewage disposal.

13. WATER SUPPLY SYSTEMS. Individual water supply systems shall be permitted to be installed for use or be used to supply water to a single-family residence constructed on any lot within this Subdivision. The same or similar systems may also be installed or used for ancillary or auxiliary purposes.

14. FOR SALE OR ADVERTISING SIGNS. Prior to January 1, 1980, no sale sign or other advertising device or sign of any kind shall be erected or placed on any lot without prior written permission to display any such sign or advertising device by the Building Control Committee.

15. UTILITIES. The owner of the land shall be responsible for the installation, construction, operation and maintenance of gas, water, sewer, and other public improvements, whether under or above ground, for use of the owner's lot. "Gas Line Easements" on the record plat of this subdivision shall constitute easements for certain recreational purposes to those portions of the subdivision which are for recreational purposes developed in accordance with the subdivision restrictions and limitations for Normandy Farms Development as set forth in the office of the Recorder of Marion County, Indiana as Instr. No. 76-04805. "Drainage and Utility Easements" shall constitute easements of public utilities or drainage facilities as hereinafter specified in permitment structure or building permitted on any lot within this subdivision shall be erected or maintained within only designated easement areas.

16. RIGHT OF ENFORCEMENT. In the event of the violation of the restrictions and conditions and violation of any of the Subdivision Restrictions contained in the plat, subdivision restrictions, subdivision plat, or the designated easement, the persons in compliance from time to time of the lots in this Subdivision shall be entitled to claim and enforce them, and the Metropolitan Development Commission of the subdivision shall be entitled to claim and enforce them. These Subdivision Restrictions are enforceable in equity and all remedies, including damages, available under applicable Indiana law, with or without proceeding in actual damages, including the right to a civil or punitive relief or recovery provided by the presence of any building structure or facility, not in compliance with these Subdivision Restrictions, and shall be entitled to recover reasonable attorney's fees and other legal costs and expenses incurred as a result thereof.

17. GENERAL. These Subdivision Restrictions shall be read and construed together with the covenants, conditions and restrictions hereof which shall not be subject to amendment or alteration except by Normandy Farms Development Co., or its designated agent, and upon the written approval of the lot owner, owners of at least a majority of the lots in this subdivision, which amendment or change shall be recorded in the office of the Recorder of Marion County, Indiana.

