

DOKER TRACE, SECTION III

division in part of the Northwest Quarter and part of the Northeast Quarter of Section 6, Township 13 North, Range 2 East, Brown Township, Hamilton County, Indiana.

Refuse Disposal. No outside storage of equipment, supplies, debris and unlicensed or inoperative (including unlicensed or inoperative recreation or boats) shall be permitted. Trash, garbage or cans shall not be kept except in sanitary containers. Containers for the storage of such materials shall be kept in neat and sanitary condition. No incinerators or trash burners shall be allowed.

No animals, livestock or poultry of any kind shall be bred or kept on any lot except that each lot shall be allowed three (3) total of either dogs, cats, or other pets to be kept on any lot, provided they are not used or maintained for any commercial purposes. All animals shall be restricted to owners' property unless the animal is on a leash accompanied by the lot owner.

No noxious or offensive activity shall be suffered or allowed to continue which may annoy or become a nuisance to the neighborhood or the neighborhood, nor shall any unlawful activity be allowed whatsoever.

Mechanics. Except for minor or routine repair and maintenance of the owners' personal vehicles, no welding, reconstruction, overhauling, painting or other auto mechanics, whether for hire or otherwise, shall be permitted.

Architectural Control Committee. An architectural control committee shall review and approve all plans for the construction of any building on any lot.

Dwellings constructed on lots number 84 through 91, inclusive, and lots number 93 and 94 shall meet the following requirements in addition to those requirements cited elsewhere in this document: The ground floor of the dwelling structure, exclusive of porches, basements and garages, shall be not less than one-thousand five-hundred (1500) square feet for a one-story dwelling nor less than one-thousand seven-hundred fifty (1750) square feet for a dwelling of more than one-story, with a minimum of nine-hundred (900) square feet on the ground level. The front elevation of the dwelling shall be a balanced sixty (60) percent brick or stone.

17. Construction requirements.

a. Overhang (eaves) shall be a minimum of twelve (12) inches, excluding any exterior finish.

b. The roof shall have a minimum of 5/12 pitch and shingles shall be asphalt, cedar or fiberglass. For lots number 84 through 91, inclusive, and lots number 93 and 94 the minimum roof pitch shall be 6/12.

c. Exterior building materials shall be limited to brick, stone, natural stained or painted wood or vinyl siding. No log cabins, modular or mobile homes shall be permitted.

d. After construction, all lots shall be graded and landscaped. The grading shall be so as to provide positive drainage from the house as constructed. To insure positive drainage the ground shall slope away from the house.

18. Enforcement. The right to enforce the provisions of this section shall be reserved to the owners of the lots dedicated to the owners of the lots. The architectural control committee shall remain in full force for twenty-five (25) years from the date this plat is recorded, at which time it shall automatically extend for successive five (5) year periods unless otherwise agreed by the owners. After the initial term, the restrictions may also be amended by the owners; an owner will be allowed to request the invalidation of any covenant, restriction, court order or other restriction. The enforcement of any restriction shall not cause forfeiture of the lot.

ROOKER TRACE COVENANTS AND RESTRICTIONS

All purchasers, their heirs and assigns, of lots in ROOKER TRACE, SECTION III, shall take title subject to the following covenants and restrictions and shall be bound thereby.

1. Land Use. All lots herein are for residential use only, limited to a single family dwelling per lot.
2. Street Dedication. All areas shown and designated as streets, if not heretofore dedicated, are hereby dedicated to the public.
3. Building Location. No building shall be located on any lot nearer to the front lot line, or nearer to the side street line than the setback lines per Mooresville building codes and this plat. For the purpose of this covenant, eaves, steps and open porches shall not be considered a part of the building; provided, however, that this shall not be construed to permit construction of any building on any lot to encroach upon any other lot unless the other lot, or part thereof, is owned by the same owner. The division of a lot for the purpose of creating an additional building site is prohibited.
4. Utility Strips. Areas, including access, designated as utility strips on the plat are dedicated as easements for the installation and maintenance of utilities reasonably and conveniently required. No structures shall be erected on or maintained within such areas. Maintenance is the responsibility of the owner.
5. Drainage Strips. Areas designated as drainage easements on the plat are dedicated as easements for drainage of water. No structures shall be erected or maintained within such areas and drainage shall not be restricted. Maintenance is the responsibility of the lot owner.
6. Fences. No fence shall be erected on or about any lot or lot line with intent to obstruct vision, light, or air. All fences are to be erected reasonable so as to enclose the property and decorate the same without hindrance or obstruction of any other property. Stockade or privacy fences shall be constructed of wood, brick, or stone and if over a height of forty-eight (48) inches, shall not be permitted any closer to the front of the lot than the front of the dwelling structure. All fences shall be maintained in good repair.
7. Signs. No signs of any kind shall be displayed to the public view on any lot except for one sign of not more than five (5) square feet advertising the property for sale or rent. No more than four (4) signs no larger than five (5) square feet shall be allowed by builder or others to advertise the property during construction; however, any sign required by law may be displayed during the construction period in addition to the permitted signs. This covenant has no application to marketing or promotional signs of the developer while lots are being sold.
8. Vacant Lot Maintenance. Vacant lots shall be maintained per the following terms: No trash shall be allowed to accumulate and grass or growth shall not be over eight (8) inches in height. Unsold lots shall be mowed and maintained by the developer. If sold lots are not mowed and maintained, the developer shall have the option to mow, or maintain the property, by removing trash or debris and charge the owner a reasonable fee.

A subdivision in part of the N Fractional Section 6, Township Morgan County, Indiana.

US AND RESTRICTIONS

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9. Storage and Refuse Disposal. No outside storage of equipment, materials, supplies, debris and unlicensed or inoperative vehicles, (including unlicensed or inoperative recreation vehicles or boats) shall be permitted. Trash, garbage or other wastes shall not be kept except in sanitary containers. All equipment for the storage of such materials shall be kept in a clean and sanitary condition. No incinerators or trash burning shall be allowed.

10. Animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that each lot shall be allowed three (3) total of either dogs, cats, or other household pets to be kept on any lot, provided they are not kept, bred or maintained for any commercial purposes. All animals shall be restricted to owners' property unless the animal is on a leash accompanied by the lot owner.

11. Nuisance. No noxious or offensive activity shall be suffered or permitted to continue which may annoy or become a nuisance to a neighbor or the neighborhood, nor shall any unlawful act or activity be allowed whatsoever.

12. Auto Mechanics. Except for minor or routine repair and maintenance of the owners' personal vehicles, no welding, restoration, reconstruction, overhauling, painting or other type of auto mechanics, whether for hire or otherwise, shall be permitted.

13. Architectural Control Committee. An architectural control committee shall review and approve all plans for the construction of residential dwelling houses and accessory buildings to promote harmony of design and compatibility with existing structures. The committee also shall approve any technical variation or exception from any construction requirements. No reasonable design may be denied. The committee shall initially consist of two (2) developer's representatives. The developer shall make all appointments until all lots are sold in all present and subsequent sections of Rooker Trace Subdivision. Thereafter, the committee shall consist of five (5) resident owners.

14. Dwelling Restrictions. No mobile home, trailer or other portable device or outbuilding, garage or basement shall be used as a residence. This provision shall not be construed to prevent a builder from using such for material or tool storage or office during the period of construction or a temporary office for developer's marketing or promotional purposes.

15. Building Type. No dwelling shall exceed two and one-half (2 1/2) stories in height and an attached private garage for at least two (2) cars. One (1) residential accessory building, such as a mini-barn, not to exceed exterior measurements of twelve by twelve (12 x 12) feet, shall be permitted per lot, and said accessory building must observe building setback line. The accessory building shall be of wood construction, including exterior siding and shall have asphalt, cedar or fiberglass shingles.

16. Dwelling Quality and Size. The ground floor of the dwelling structure, exclusive of porches, basements and garages, shall be not less than one-thousand two-hundred (1200) square feet for a one-story dwelling nor less than one-thousand six-hundred (1600) square feet for a dwelling of more than one-story, with a minimum of nine-hundred (900) square feet on the ground level. The first story, front elevation, of the dwelling shall be a balanced thirty (30) percent brick or stone.

17. Dwellings constructed on lots number 84 through 91, inclusive, and lots number 93 and 94 shall meet the following requirements in addition to those requirements cited elsewhere in this document. The ground floor of the dwelling structure, exclusive of porches, basements and garages, shall be not less than one-thousand five-hundred (1500) square feet for a one-story dwelling nor less than one-thousand seven-hundred fifty (1750) square feet for a dwelling of more than one-story, with a minimum of nine-hundred (900) square feet on the ground level. The front elevation of the dwelling shall be a balanced sixty (60) percent brick or stone.

17. Construction requirements.

a. Overhang (eaves) shall be a minimum of twelve (12) inches, excluding any exterior finish.

b. The roof shall have a minimum of 5/12 pitch and shingles shall be asphalt, cedar or fiberglass. For lots number 84 through 91, inclusive, and lots number 93 and 94 the minimum roof pitch shall be 6/12.

c. Exterior building materials shall be limited to brick, stone, natural stained or painted wood or vinyl siding. No log cabins, modular or mobile homes shall be permitted.

d. After construction, all lots shall be graded and landscaped. The grading shall be so as to provide positive drainage from the house as constructed. To insure positive drainage the ground shall slope away from the dwelling a minimum of one (1) inch per foot, for the first six (6) feet outside the perimeter of the foundation, or as determined by the Architectural Control Committee, considering specific lot characteristics.

e. All driveways and sidewalks are to be of concrete according to the building requirements of the Town of Mooresville and as required by the developer. The location shall be approved by the Architectural Control Committee.

f. A tree of the same species as the name of the street on which the dwelling fronts shall be planted and maintained in the front of each dwelling. If the dwelling is on a corner lot two (2) trees are required. One species of tree of the same name as each street bordering the lot, and the trees shall be planted adjacent to the street of the same name. In addition, two (2) white pines shall be planted and maintained at the rear of the lot. The location of the trees shall be approved by the Architectural Control Committee. Owners shall replace any such tree that is not living.

g. All construction, finish grading, sidewalks and landscaping shall be completed within six (6) months of the start of construction, acts of God and unusual weather or destruction of work in progress excepting.

h. All owners and their builders/contractors shall be responsible for and maintain the job site in a reasonable, slightly order, containing all trash and debris within the lot and properly disposed of or removed.

i. All owners and their builders/contractors shall be responsible for and repair or restore any damage during construction, whether or not inadvertent or unavoidable, including but not limited to curbs, sidewalks, gutters, streets, drainage area, utilities or other improvements.

18. Enforcement. the right to injUNCTION or to seek damages dedicated to the owners of the architectural control cor remain in full force for two years unless otherwise agreed in this section. After the judgment, court order or o other covenant or restrictive restriction shall not cause f

DEVELOPERS CERTIFICATE

The declaratory statement of deed and covenants, to run with the declared and executed by the unde CORPORATION, owners of said PRO

OCTOBER, 1992

Christopher M. Crouch, President

State of Indiana)
County of Morgan)

Before me, the undersigned, a Christopher M. Crouch and Environmental Development Cor execution of this instrument to

Witness my Hand and Seal this

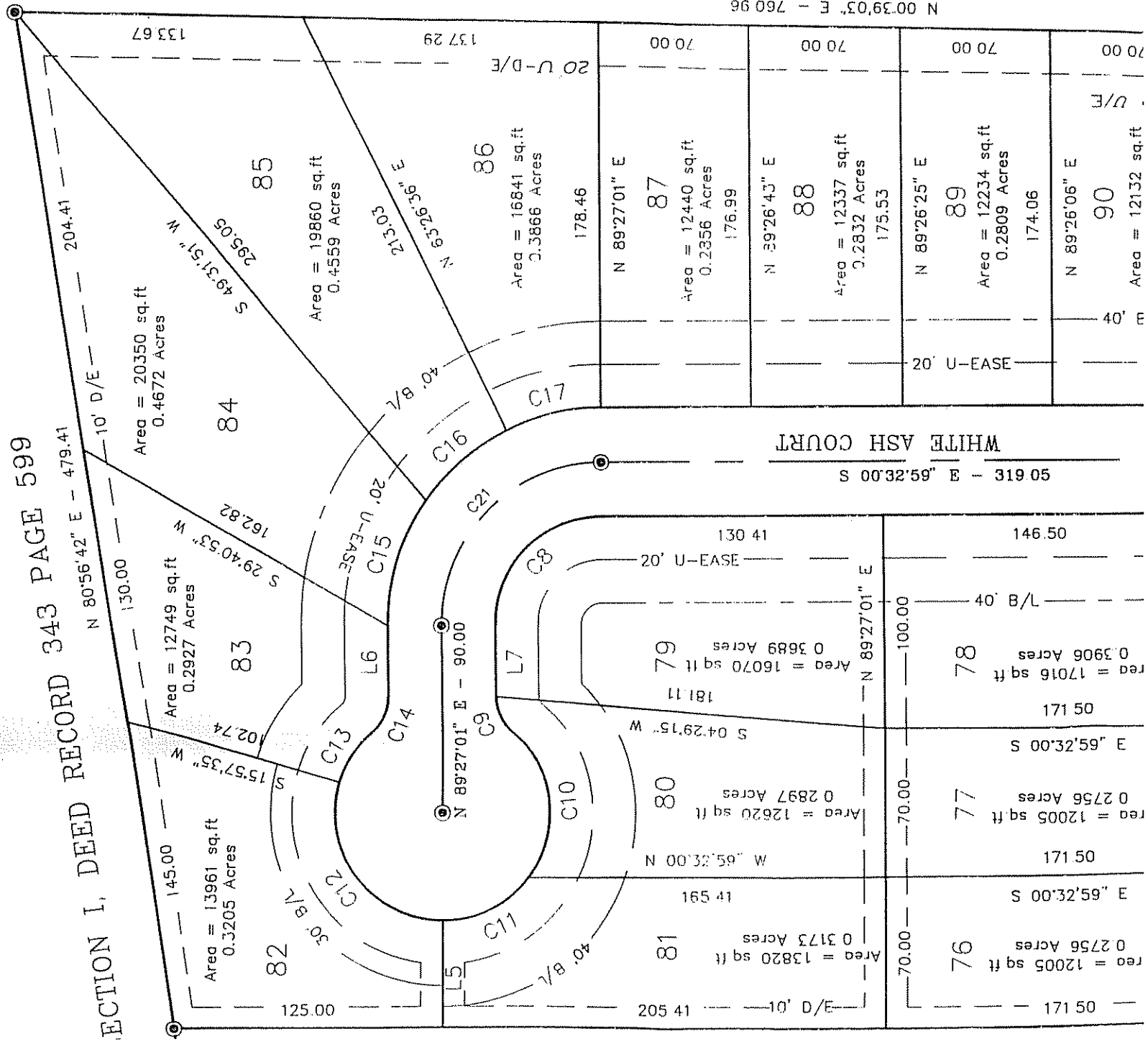
Resident of Mooresville

My Commission Expires: 10/31/92

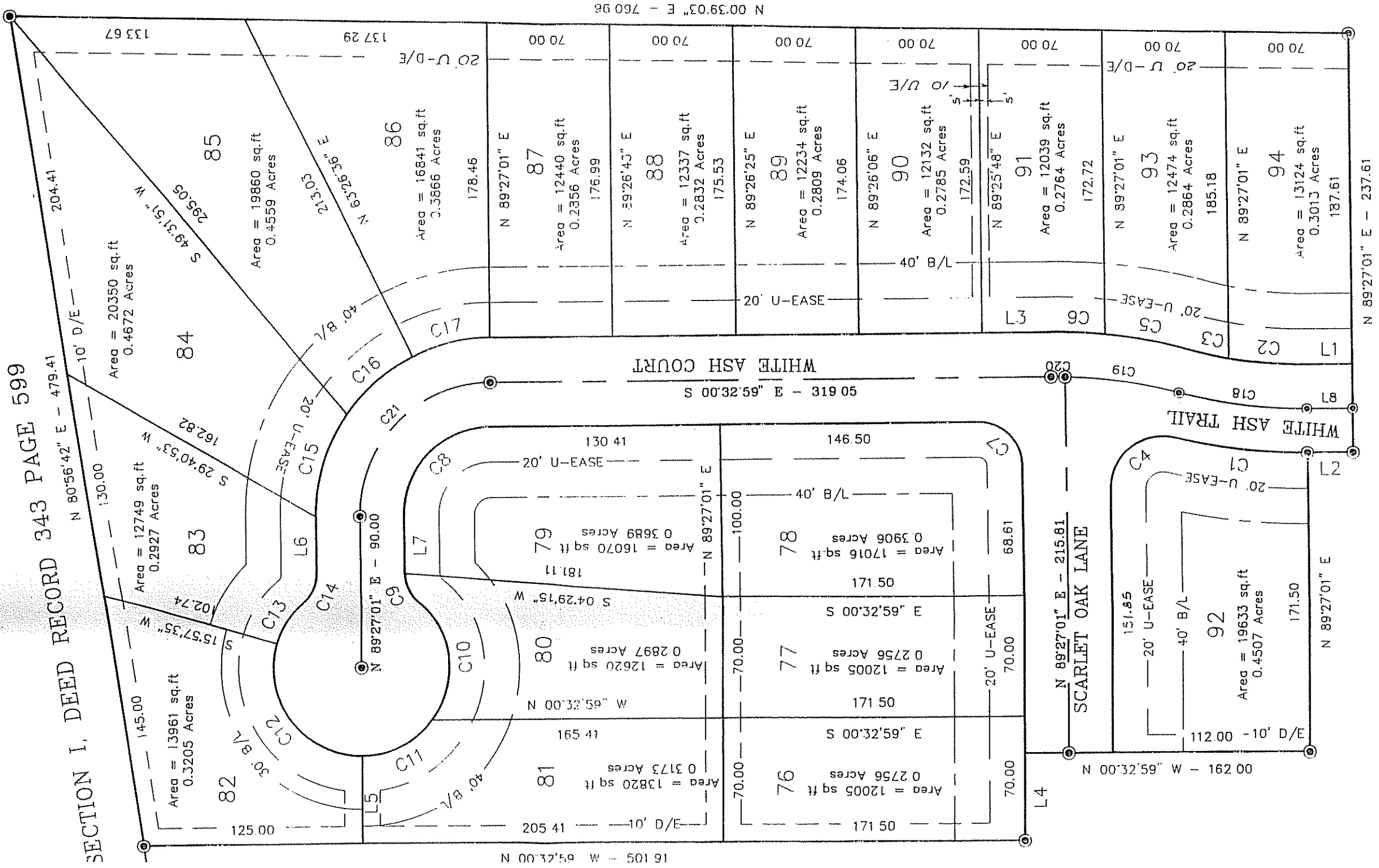
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SECTION I, DEED RECORD 343 PAGE 599



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