

STONE GATE SEC. 1

KNOW ALL MEN BY THESE PRESENTS: THAT GENE A. BIEML, HENRY SCHEID AND WILLIAM VAN HOY, JR. OF JOHNSON COUNTY, STATE OF INDIANA, BEING THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED REAL ESTATE IN JOHNSON COUNTY, STATE OF INDIANA, TO-WIT:

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 14 NORTH, RANGE 3 EAST, SITUATED IN WHITE RIVER TOWNSHIP, JOHNSON COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF THE AFORESAID HALF-QUARTER SECTION; PROCEED THENCE NORTH 88°30'06" EAST (THE BEARING COMPUTED FROM A COMPASS OBSERVATION) ALONG THE SECTION LINE, FOR A DISTANCE OF 997.07 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 88°30'06" EAST, WITH THE SECTION LINE, FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°40'36" EAST, FOR A DISTANCE OF 200.00 FEET; THENCE NORTH 88°30'06" EAST, FOR A DISTANCE OF 293.51 FEET; THENCE SOUTH 00°40'36" EAST, FOR A DISTANCE OF 1972.88 FEET; THENCE SOUTH 88°28'11" WEST, FOR A DISTANCE OF 634.30 FEET; THENCE NORTH 00°44'54" WEST, FOR A DISTANCE OF 912.61 FEET; THENCE SOUTH 88°28'11" WEST, FOR A DISTANCE OF 703.56 FEET TO A POINT ON THE WEST LINE OF SAID HALF-QUARTER SECTION; THENCE NORTH 00°44'54" WEST, WITH THE SECTION LINE, FOR A DISTANCE OF 51.00 FEET; THENCE NORTH 88°28'11" EAST, FOR A DISTANCE 703.56 FEET; THENCE NORTH 00°44'54" WEST, FOR A DISTANCE OF 1009.59 FEET; THENCE NORTH 88°30'06" EAST, FOR A DISTANCE OF 293.26 FEET; THENCE NORTH 00°40'36" WEST, FOR A DISTANCE OF 200.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 29.8368 ACRES, MORE OR LESS, AND BEING SUBJECT TO ALL LEGAL RIGHTS-OF-WAY OR EASEMENTS OF RECORD.

DO HEREBY SUBDIVIDE SAID REAL ESTATE INTO LOTS AND STREETS IN ACCORDANCE WITH THE PLAT HEREON, SAID SUBDIVISION TO BE KNOWN AS "STONEGATE", IN WHITE RIVER TOWNSHIP, JOHNSON COUNTY, INDIANA. THIS SUBDIVISION CONSISTS OF 75 LOTS, NUMBERED FROM 1 TO 75, BOTH INCLUSIVE WITH STREETS AS SHOWN HEREON. THE SIZE OF THE LOTS AND WIDTHS OF THE STREETS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF. ALL STREETS AND PARTS OF ROADS, AS SHOWN ON THIS PLAT AND IF HERETOFORE NOT DEDICATED, ARE HEREBY DEDICATED TO PUBLIC USE.

THERE ARE STRIPS OF GROUND MARKED "UTILITY AND DRAINAGE STRIPS" SHOWN ON THIS PLAT WHICH ARE HEREBY RESERVED FOR PUBLIC UTILITIES, NOT INCLUDING TRANSPORTATION COMPANIES, FOR THE INSTALLATION AND MAINTENANCE OF POLES, MAINS, SEWERS, DRAINS, DUCTS, LINES AND WIRES. PURCHASERS OF LOTS IN THIS SUBDIVISION SHALL TAKE TITLE SUBJECT TO THE EASEMENTS HEREBY CREATED AND SUBJECT AT ALL TIMES TO THE RIGHTS OF PROPER AUTHORITIES TO SERVICE THE UTILITIES AND THE EASEMENTS HEREBY CREATED, AND NO PERMANENT STRUCTURE OF ANY KIND, AND NO PART HEREOF, EXCEPT FENCES, SHALL BE BUILT, ERECTED OR MAINTAINED ON SAID "UTILITY AND DRAINAGE STRIPS".

THERE ARE STRIPS OF GROUND MARKED "UTILITY AND DRAINAGE STRIPS" SHOWN ON THIS PLAT WHICH ARE HEREBY RESERVED FOR PUBLIC UTILITIES, NOT INCLUDING TRANSPORTATION COMPANIES, FOR THE INSTALLATION AND MAINTENANCE OF POLES, MAINS, SEWERS, DRAINS, DUCTS, LINES AND WIRES. PURCHASERS OF LOTS IN THIS SUBDIVISION SHALL TAKE TITLE SUBJECT TO THE EASEMENTS HEREBY CREATED, AND NO PERMANENT STRUCTURE OF ANY KIND, AND NO PART THEREOF, EXCEPT FENCES, SHALL BE BUILT, ERECTED OR MAINTAINED ON SAID "UTILITY AND DRAINAGE STRIPS".

THERE ARE STRIPS OF GROUND MARKED DRAINAGE EASEMENT WHICH ARE HEREBY RESERVED FOR THE INSTALLATION AND MAINTENANCE OF DRAINAGE IMPROVEMENTS. PURCHASERS OF LOTS IN THIS SUBDIVISION SHALL TAKE THEIR TITLE SUBJECT TO THE EASEMENT HEREBY CREATED AND SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND NO PERMANENT STRUCTURE OF ANY KIND SHALL BE BUILT, ERECTED OR MAINTAINED ON SAID DRAINAGE EASEMENTS.

THE LOTS IN THIS SUBDIVISION AND THE USE OF THE LOTS IN THIS SUBDIVISION BY PRESENT AND FUTURE OWNERS OR OCCUPANTS SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS, WHICH SHALL RUN WITH THE LAND:

1. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES. NO BUILDINGS SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN AS STATED UNDER THE ZONING AS SPECIFIED IN THE JOHNSON COUNTY ZONING ORDINANCE 68-8, AS AMENDED AND NOW EFFECTIVE IN JOHNSON COUNTY.
2. NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE CONSTRUCTION PLAN AND SPECIFICATIONS AND A PLAN SHOWING THE LOCATION OF THE STRUCTURE HAVE BEEN APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AS TO QUALITY OF WORKMANSHIP AND MATERIALS, HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES, AND AS TO LOCATION WITH RESPECT TO TOPOGRAPHY AND FINISH GRADE ELEVATION.
 - A. NO FENCE OR WALL SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT NEARER TO ANY STREET THAN THE MINIMUM BUILDING SET-BACK LINE UNLESS SIMILARLY APPROVED, AND IN NO CASE SHALL BE GREATER THAN THREE AND ONE-HALF (3 1/2) FEET IN HEIGHT. APPROVAL SHALL BE PROVIDED IN PART TEN (10).
 - B. NO SINGLE STORY DWELLING SHALL HAVE A GROUND FLOOR AREA LESS THAN 1200 SQUARE FEET AND NO TWO STORY DWELLING SHALL HAVE A GROUND FLOOR AREA LESS THAN 950 SQUARE FEET.
 - C. EACH DWELLING SHALL HAVE AT LEAST A TWO-CAR GARAGE, BUT OPEN SIDED CARPORTS ARE SPECIFICALLY PROHIBITED.
3. NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LINE THAN THE MINIMUM BUILDING SET-BACK LINES SHOWN ON THE RECORDED PLAT FOR THE PURPOSES OF THIS COVENANT, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS A PART OF THE BUILDING, PROVIDED, HOWEVER, THAT THIS SHALL NOT BE CONSTRUED TO PERMIT ANY PORTION OF A BUILDING ON A LOT TO ENCROACH UPON ANOTHER LOT.
4. ANY MOTOR VEHICLE WHICH IS INOPERATIVE AND NOT BEING USED FOR NORMAL TRANSPORTATION SHALL NOT BE PERMITTED TO REMAIN ON ANY LOT.
5. 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.
6. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR PERMANENTLY.
7. THE ARCHITECTURAL CONTROL COMMITTEE IS COMPOSED OF THREE MEMBERS, APPOINTED BY THE DEVELOPER. A MAJORITY OF THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT FOR IT. IN THE EVENT OF DEATH OR RESIGNATION OF ANY MEMBER OF THE COMMITTEE, THE REMAINING MEMBERS SHALL HAVE FULL AUTHORITY TO DESIGNATE A SUCCESSOR.
 - A. THIS AFOREMENTIONED ARCHITECTURAL CONTROL COMMITTEE MAY BE ELECTED BY THE MAJORITY OF THE LOT OWNERS WHEN THE FOLLOWING STEPS HAVE BEEN TAKEN:
 1. NOTICE IS SERVED UPON THE ARCHITECTURAL CONTROL COMMITTEE THAT AN ELECTION HAS BEEN REQUESTED, SAID NOTICE BEING SIGNED BY FIFTY PERCENT OF THE FEE TITLE OWNERS OF THE LOTS IN THIS SUBDIVISION.
 2. NOMINATIONS FOR SAID COMMITTEE MUST BE MADE IN WRITING TO THE ARCHITECTURAL CONTROL COMMITTEE AND SAID NOMINATIONS MUST BE SIGNED BY AT LEAST TEN PERCENT OF THE FEE TITLE OWNERS, EACH LOT HAVING ONE VOTE, ELECTION WILL BE HELD WITHIN THIRTY DAYS AFTER NOMINATIONS WILL BE CLOSED AFTER THIRTY DAYS HAS BEEN SERVED UPON THE ARCHITECTURAL CONTROL COMMITTEE. THE ELECTION WILL THEN BE HELD AT THE TIME AND PLACE SELECTED BY THE ARCHITECTURAL CONTROL COMMITTEE, BALLOTS SHALL BE CAST IN WRITING AND ONE VOTE WILL BE CAST FOR EACH LOT IN THE SUBDIVISION.
 - B. ALL DRIVES INTO THESE LOTS SHALL BE HARD SURFACED AND CONSTRUCTED IN A MANNER BEFITTING THE OTHER LOTS IN THE NEIGHBORHOOD. SAID DECISION AND JUDGEMENT ON CONSTRUCTION AND MAINTENANCE OF THESE DRIVES SHALL BE UNDER THE CONTROL OF THE ARCHITECTURAL CONTROL COMMITTEE.
8. THE ARCHITECTURAL CONTROL COMMITTEE APPROVAL OR DISAPPROVAL AS REQUIRED IN THESE COVENANTS SHALL BE IN WRITING, IN THE EVENT THE COMMITTEE OR ITS DESIGNATED REPRESENTATIVES FAIL TO APPROVE OR DISAPPROVE WITHIN 30 DAYS AFTER PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED TO IT, OR IN ANY EVENT, IF NO SUIT TO ENJOIN THE CONSTRUCTION HAS BEEN COMMENCED PRIOR TO THE COMPLETION THEREOF, APPROVAL WILL NOT BE REQUIRED AND THE RELATED COVENANTS SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.
9. NO DOWNSPOUTS SHALL BE CONNECTED TO OR CAUSED TO DISCHARGE RAINWATER INTO ANY SANITARY SEWER.
10. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE PROFESSIONAL SIGN OF NOT MORE THAN ONE SQUARE FOOT, ONE SIGN OF NOT MORE THAN FIVE SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT, OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.

11. NO OIL DRILLING, OIL DEVELOPMENT OPERATIONS, OIL REFINING, QUARRYING OR MINING OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT, NOR SHALL OIL WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL OR NATURAL GAS SHALL BE ERRECTED, MAINTAINED OR PERMITTED ON ANY LOT.
12. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSE.
13. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH OR GARBAGE. OTHER WASTE SHALL NOT BE KEPT, EXCEPT IN SANITARY CONTAINERS. EQUIPMENT FOR THE STORAGE OF DISPOSAL OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION.
14. NO FENCE, WALL, HEDGE, OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINE AT ELEVATIONS BETWEEN 2 AND 3 1/2 FEET ABOVE ROADWAY SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER NOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINE AND A LINE CONNECTING THEM AT POINTS 25 FEET FROM THE INTERSECTION OF THE STREET LINES, OR IN THE CASE OF A ROUNDED PROPERTY CORNER FROM THE INTERSECTION OF THE STREET LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN 10 FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY OR ALLEY EASEMENT. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.
15. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF 25 YEARS FROM THE DATE THESE COVENANTS ARE RECORDED. AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS THEM RECORDED, AGREEING TO CHANGE THEM IN WHOLE OR IN PART.
16. INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.
17. ENFORCEMENT SHALL BE BY PROCEEDINGS AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANT EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES.
18. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SANITARY SEWER SYSTEM SHALL BE PERMITTED ON ANY LOTS.
19. ANY FIELD TILE OR UNDERGROUND DRAIN WHICH IS ENCOUNTERED IN CONSTRUCTION OF ANY IMPROVEMENT WITHIN THIS SUBDIVISION SHALL BE PERPETUATED AND ALL OWNERS OF LOTS IN THIS SUBDIVISION AND THEIR SUCCESSORS SHALL COMPLY WITH THE INDIANA DRAINAGE CODE OF 1965, AND ALL AMENDMENTS THERETO.
20. THE ABOVE COVENANTS ARE SUBJECT TO ALL THE PREVAILING RULES AND REGULATIONS OF THE JOHNSON COUNTY PLAN COMMISSION, JOHNSON COUNTY, INDIANA, ITS ASSIGNS AND/OR SUCCESSORS.

IN WITNESS WHEREOF, THIS INDENTURE HAS BEEN EXECUTED BY THE UNDERSIGNED, GENE A. BIEHL, HENRY SCHEID AND WILLIAM VAN HOY, JR, FOR AND IN BEHALF OF SUCH OWNERSHIP, THE 22 DAY OF June, 1972.

BY: Gene A. Biehl Henry Scheid William Van Hoy, Jr.
 GENE A. BIEHL HENRY SCHEID WILLIAM VAN HOY, JR.

STATE OF INDIANA)
) SS:
 COUNTY OF JOHNSON)

I, THE UNDERSIGNED, A NOTARY PUBLIC, DULY COMMISSIONED TO TAKE ACKNOWLEDGEMENTS AND OATHS, IN THE STATE OF INDIANA, CERTIFY THAT GENE A. BIEHL, HENRY SCHEID AND WILLIAM VAN HOY, JR, AS THE OWNERS OF "STONEGATE", PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INDENTURE AS THEIR DULY AUTHORIZED ACT, THIS 22 DAY OF June, 1972.

[Signature]
 NOTARY PUBLIC

MY COMMISSION EXPIRES:
August, 1975

UNDER AUTHORITY PROVIDED BY CHAPTER 174 OF ACTS 147 AS AMENDED, AND UNDER THE ORDINANCES ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY:

THIS PLAT WAS GIVEN APPROVAL BY THE COUNTY OF JOHNSON AS FOLLOWS: APPROVED BY THE JOHNSON COUNTY PLANNING COMMISSION ON THE 17 DAY OF April, 1972.

Marlin H. Prince James Barnett
 MARLIN PRINCE, PRESIDENT JAMES BARNETT, SECRETARY

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS ON THE 14 DAY OF JUNE, 1972.

Eugene Barger Norman McMillan Maurice McCarry
 EUGENE BARGER NORMAN MC MILLAN MAURICE MC CARRY

ENTERED FOR TAXATION THIS 15th DAY OF June, 1972.

June M. Wood
 JUNE M. WOOD
 AUDITOR OF JOHNSON COUNTY

NO 044586

RECEIVED FOR RECORD THIS 15th DAY OF June, 1972 AT 10:00 A.M. OR P.M. AND RECORDED IN PLAT BOOK 7 PAGE 45 FEE 10.50

Mary E. Houglan
 MARY E. HOUGLAN
 RECORDER OF JOHNSON COUNTY

THIS INSTRUMENT PREPARED BY:
 MERRILL A. JONES & ASSOCIATES, INC., GREENWOOD, INDIANA