

the undersigned, **Sweet Briar Development, LLC**, by Corby D. Thompson, Chief Operating Officer, of Hamilton County, in the State of Indiana, hereby lay off, plat and subdivide into lots and streets and do hereby dedicate for public use any of said streets not previously dedicated, in accordance with the within plat. The following restrictions, limitations and covenants are hereby imposed and shall run with the land contained in said plat.

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The within plat shall be known and designated as Sweet Briar Section 5, a Subdivision in the Town of Fishers, Delaware Township, Hamilton County, in the State of Indiana.

Not more than one building shall be erected or used for residential purposes on any lot in this subdivision.

For all lots (R4-C zoning), the area of the main structure, exclusive of one-story open porches and garages, shall be not less than one thousand three hundred (1300) square feet in the case of a one-story structure, not less than one thousand six hundred (1600) square feet in the case of a multiple story structure. All garages shall be attached to the residence dwelling and be a minimum of two car size.

Utility easements shown on the within plat are reserved as an easement for use by the city or county in which this subdivision is located, owners in this subdivision and public utility companies for the installation, use, maintenance, repair and removal of sewers, water lines, utility poles, wire and other facilities and utilities necessary or incidental to the common welfare and use and occupancy for residential purposes of the houses to be erected in this subdivision. No building or other structure, except walks or driveways, shall be erected or maintained upon, over, under or across any such utility easement for any use except as set forth herein. The owners in this subdivision shall retain their title to the land contained in such utility easement subject to the perpetual easement herein reserved.

Drainage easements shown on the within plat are reserved for the drainage of storm water, whether by swale, ditch or storm sewer. No structure other than storm water drainage structures, retaining walls, or elevated walks and driveways shall be erected in, on, over, under or across any such easement except that a drainage easement may also be used as a utility easement, and structures permitted in a utility easement may be erected therein, provided that they do not interfere with the flow of water. The owners in this subdivision shall take their title to the land contained in such drainage easement subject to the perpetual easement herein reserved.

Drainage, utility and sewer easements on the within plat are also reserved for use by Hamilton Southeastern Utilities for the construction, extension, operation, inspection, reconstruction, maintenance, and removal of sanitary sewers. All drainage easements, utility easements and other easements shall include the right of ingress/egress for Hamilton Southeastern Utilities.

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Homeowner's Association and/or individual lot owner is responsible for all repairs and replacement to retaining/landscaping/entrance walls and landscaping which are located within a sanitary sewer or utility easement due to the construction or maintenance of the sanitary sewer utilities.

Homeowner's Association and/or individual lot owner is responsible for all maintenance, repair and replacement of all sump pumps, force mains and gravity laterals from the residence to its connection to the sanitary sewer main.

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ement or concrete, including driveways and sidewalks, shall not be constructed on or within one (1) foot horizontal distance of sanitary sewer manhole castings.

Discharge of clearwater sources (roof drains, foundation drains, sump pumps, etc.) into sanitary sewer is prohibited.

The Homeowner's Association and/or individual lot owner is responsible for all repairs and replacement to retaining/landscaping/entrance walls and landscaping which are located within a sanitary sewer or utility easement due to the construction or maintenance of the sanitary sewer facilities.

All homeowners not serviced by gravity sanitary sewer service are responsible for all maintenance, repair and replacement of all grinder/ejector pumps, force mains and gravity laterals from the residence to its connection to the sanitary sewer main.

Grade changes across sanitary sewer facilities must be approved in writing by Hamilton Southeastern Utilities, Inc.

The drip line of all trees must be located a minimum of ten (10) feet from the center of sanitary sewers and manholes and no trees shall be planted directly over building sewers (laterals).

All landscaping, mounding, lighting, fencing, signage, retaining/landscaping/entrance walls, irrigation lines, etc. shall be placed within ten (10) feet of the center of the sanitary sewer infrastructure.

The Homeowner's Association will be responsible for all repairs to decorative (surfaces other than broom finished concrete or asphalt) private streets due to construction or maintenance of the sanitary sewer facilities.

Fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between three (3) and twelve (12) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines extended to a line connecting points forty (40) feet from the intersection of said street lines extended. The same sight line limitations shall apply to all lots within ten (10) feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No driveway shall be located within seventy five (75) feet of the intersection of two street centerline lines.

The event storm water drainage from any lot or lots flows across another lot, provision shall be made to permit such drainage to continue without restrictions or reduction, across the downstream lot and into the natural drainage channel or course, even though no specific drainage easement for such flow of water is provided on the within plat.

Drainage Maintenance: On drainage easements, the Town of Fishers shall be responsible for the care, maintenance, repair and/or replacement of actual structures in place, such as sewer pipes, manhole castings, etc., and each property owner as it pertains to their lot shall maintain surface drainage systems and open swales. The Town shall have access rights over and across said easement.

The right to enforce the within restrictions, limitations and covenants by injunction is hereby dedicated and reserved to the owners of lots in this subdivision, their heirs and assigns, who shall be entitled to such relief within being required to show any damage of any kind to such owner or owners, by or through any such violation or attempted violation. Said provisions shall be and continue in full force and effect for a period of twenty (20) years from the recorded date of this plat and thereafter unless and until by a vote of the then owners of a two-thirds majority of the total lots in this subdivision it is agreed to change the covenants in whole or in part. Invalidity of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

The owners of Lots within Sweet Briar Section 5 shall be subject to an additional declaration of restrictions recorded in Hamilton County, Indiana, Instrument # 95-230.

We, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original instrument as recorded in Hamilton County, Indiana, Instrument # 95-230, dated November 1998.

Notary Public, LLC

[Signature]
by D. Thompson, Chief Operating Officer

STATE OF INDIANA)
COUNTY OF HAMILTON) SS:



I, Corby D. Thompson, Notary Public, in and for the County and State, personally appeared Corby D. Thompson, Chief Operating Officer and acknowledged execution of the foregoing instrument as his voluntary act and deed, for the purposes therein expressed.

In witness my hand and notarial seal this 25th day of November, 1998.

[Signature]
Notary Public
County of Residence: Hamilton

Wanna Hansen
Notary Public
My commission expires: May 18, 1999

This instrument

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COMMISSION

UNDER AUTHORITY OF THE STATE OF FISHERS AS F

ADOPTED BY FISHERS TOWN

[Signature]
PRESIDENT
[Signature]
SECRETARY
DIRECTOR

SWEET BRIAR

SECTION 5 SECONDARY PLAT PART OF THE S.W.1/4 AND PART OF THE S.E.1/4 SECTION 29-T18N-R5E HAMILTON COUNTY, INDIANA

State of Indiana,
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Part of the southwest quarter and the southeast quarter of Section 29, Township 18 North, Range 5 East in Hamilton County, Indiana, being more particularly described as follows:

LAND DESCRIPTION

Beginning at the northwest corner of the said southeast quarter section; thence North 89 degrees 31 minutes 58 seconds East (assumed bearing) along the north line of said quarter section a distance of 440.32 feet; thence South 00 degrees 16 minutes 22 seconds East a distance of 605.81 feet to the Northeast corner of Sweet Briar Section 4, the plat of which is recorded as Instrument Number 9809835154 in the Office of the Recorder of said Hamilton County, Indiana (the next 10 described courses being along the northerly line thereof); thence North 90 degrees 00 minutes 00 seconds West a distance of 176.88 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 33.21 feet to a curve having a radius of 25.00 feet, the radius point of which bears North 90 degrees 00 minutes 00 seconds West; thence southwesterly along said curve an arc distance of 39.27 feet to a point which bears South 00 degrees 00 minutes 00 seconds East from said radius point; thence North 90 degrees 00 minutes 00 seconds West a distance of 96.50 feet; thence North 00 degrees 00 minutes 00 seconds East a distance of 82.50 feet; thence North 90 degrees 00 minutes 00 seconds West a distance of 297.10 feet; thence South 03 degrees 30 minutes 00 seconds West a distance of 80.96 feet to a curve having a radius of 375.00 feet, the radius point of which bears North 05 degrees 26 minutes 55 seconds East; thence westerly along said curve an arc distance of 69.06 feet to a point which bears South 16 degrees 00 minutes 00 seconds West from said radius point; thence North 74 degrees 00 minutes 00 seconds West a distance of 120.07 feet to a curve having a radius of 425.00 feet, the radius point of which bears South 16 degrees 00 minutes 00 seconds West; thence westerly along said curve an arc distance of 102.31 feet to a point on the east line of Sweet Briar Section 1, the plat of which is recorded as Instrument Number 9561311 in the Office of the Recorder of said Hamilton County, Indiana, said point bearing North 02 degrees 12 minutes 25 seconds East from said radius point (the next three described courses being along the easterly line of said Sweet Briar Section 1); thence North 00 degrees 00 minutes 00 seconds East a distance of 439.42 feet; thence North 14 degrees 28 minutes 07 seconds East a distance of 122.38 feet; thence North 00 degrees 31 minutes 11 seconds West a distance of 35.00 feet to the north line of said southwest quarter section; thence North 89 degrees 28 minutes 49 seconds East along said north line a distance of 410.95 feet to the Point of Beginning. Containing 12.287 acres, more or less.

THIS SUBDIVISION CONSISTS OF 44 LOTS NUMBERED 197 THROUGH 240 TOGETHER WITH STREETS, EASEMENTS AND PUBLIC WAYS AS SHOWN ON THE WITHIN PLAT.

THE SIZE OF LOTS AND WIDTHS OF STREETS AND EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

CROSS-REFERENCE IS HEREBY MADE TO SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 95-60110 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE IS NO CLAIM OR CLAIMS OF INTEREST FROM THE LATTER OF WHICH REVEALED BY THE

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WITNESS MY SIGNATURE THIS 16TH DAY OF NOVEMBER 1998

Edward D. Giacoletti

EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR
INDIANA - #S0560



COMMISSION CERTIFICATE:

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P.L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

ADOPTED BY THE TOWN PLAN COMMISSION AT A MEETING HELD Nov 24 1998

FISHERS TOWN PLAN COMMISSION

John D. Zabelo
PRESIDENT JOHN ZABELO
Wesley G. Buscher
SECRETARY JONATHAN ISSACS
DIRECTOR WESLEY G. BUSCHER

This instrument prepared by Corby D. Thompson, Chief Operating Officer of Sweet Briar Development, LLC