

BAILEY'S HAMILTON HIGHLANDS, SECOND SECTION
Deed Record 135 page 276
Recorded August 7, 1950

Entry No.

Page No.

AMENDMENT TO THE BUILDING RESTRICTION IN BAILEY'S HAMILTON HIGHLANDS,
SECOND SECTION, RECORDED IN RECORD 134 PAGES 587-588 IN RECORDER'S
OFFICE, HAMILTON COUNTY, INDIANA

WHEREAS, Chester F. Bailey and Ruth Bailey, his wife, are the
owners of all of the lots in Bailey's Hamilton Highlands, Second
Section, the plat of which is recorded in Deed Record 134, page
587-588 in the Recorders' Office of Hamilton County, Indiana, and

WHEREAS, Chester F. Bailey and Ruth Bailey, his wife, the owners as
tenants by the entirety of all the lots in said addition believe it
to be to the best interests of the present owners of said lots and
to those persons who shall hereafter acquire the ownership of one
or more of said lots to amend certain provisions in the building
restriction now of record in the plat of said addition recorded as
aforesaid,

NOW THEREFORE it is resolved by the undersigned, constituting all
the lot owners of said addition that:

1. No one story house shall be erected upon any of said lots
having less than 960 square feet on the foundation exclusive of
open porches, garages, or appurtenances.
2. No two story house shall be erected upon any of said lots having
less than 780 square feet on the foundation exclusive of open por-
ches, garages, and appurtenances.

That the above amendments shall be recorded in the Recorder's office
of Hamilton County and constitute a part of said building restric-
tions in said plat; and any restrictions heretofore adopted in con-
flict with the above amendment are to be of no force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this
5th day of August, 1950.

Chester F. Bailey
Ruth Bailey

STATE OF INDIANA)
HAMILTON COUNTY)SS:

Personally appeared before me, a Notary Public in aforesaid county
and state, Chester F. Bailey and Ruth Bailey, his wife, and acknow-
ledged execution of the foregoing amendments to be their voluntary
act and deed.

Witness my hand and Notarial Seal this 5th day of August, 1950.

My comm. exp. Sept. 26, 1952

Jos. W. Selvage
Notary Public (Seal)

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Approved this 7th day of August, 1950 by the Board of Commissioners of Hamilton County, Indiana.

F. C. Hohn
Perry T. McClintock (seal)

Attest: Harry C. Griffin
Auditor Hamilton County

Approved this 7 day of August, 1950 by the Hamilton County Planning Commission.

O. V. Winks
Chairman of Hamilton County
Planning Commission

BAILEY'S
PLAT OF HAMILTON HIGHLANDS - 1st Section
Deed Record 134 page 547-548
Recorded December 30, 1949

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We, the undersigned, Chester F. Bailey and Ruth Bailey, his wife, owners of the above described real estate, hereby certify that they do hereby lay-off, plat and subdivide the same in accordance with this plat and certificate. This Subdivision shall be known and designated as "BAILEY'S HAMILTON HIGHLANDS 1ST SECTION."

The Roadways are hereby dedicated to the public. Newly dedicated Roadways are to be constructed by grading 30' feet wide and drained, graveled 20' feet wide and 6" inches deep before being accepted for maintenance by the Hamilton County Highway Department.

Building lines as shown on this plat in feet back from the property lines of the streets are hereby established between which lines and the street property lines there shall be erected no structure of any kind other than one-story open porches.

No building nor any part thereof shall be built within five feet of any lot, except should any owner own a lot and all or part of an adjoining lot such owner may build a residence and/or accessory outbuildings across or nearer than five feet to the dividing line of said lots, but not closer than five feet to his property line.

This subdivision shall be known and designated as a residential subdivision of single-family dwellings.

The tract of ground on which each dwelling and accessory building is erected or maintained shall be not less than 27,000^{sq} square feet in area and have a frontage on the street of not less than 90' feet in width.

No one-story house shall be erected upon any of said lots having less than 832^{sq} square feet on the foundation, exclusive of open porches, garages or appurtenances. No two-story house shall be erected upon any of said lots having less than 670^{sq} square feet on the foundation, exclusive of open porches, garages and appurtenances.

The plans and specifications of each house to be erected in this subdivision shall, prior to such erection, be approved in writing by a committee of one. Until another committee is appointed as hereinafter provided the committee shall be the duly appointed and constituted chairman of the Aoning Board of Hamilton County, Indiana, at the time said approval is requested.

This approval shall be based upon the house, maintaining, in the opinion of the committee, the proper standard in said subdivision as to external design and material.

This covenant shall remain in full force and effect until such time as by a vote of the owners of a majority of the twelve lots in this subdivision this covenant is declared null and void, or another method of approval is adopted.

No building for commercial purposes shall be erected or maintained on any of said lots in this subdivision. No outside toilet shall be maintained on any of said lots herein.

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No noxious or offensive practice, trade or activity shall be carried on upon any lot herein. No hogs or cattle shall be kept on any of said lots in this subdivision.

No trailer, tent, shack, basement, garage, barn or other outbuildings erected in this subdivision shall be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

No person or persons of any race other than the Caucasian race shall own, use, lease or occupy any lot or structure in this subdivision, excepting that this covenant shall not prevent occupancy by a domestic servant or servants not of the Caucasian race domiciled with an owner or tenant of the Caucasian race.

Public or private water supply and/or sewage disposal systems may be located, constructed and maintained to serve any lot or lots in this subdivision, providing they meet with the approval of the Indiana State Board of Health. No septic tank or absorption field shall be constructed, located or maintained, nor shall any other method of sewage disposal be installed or employed in this subdivision, except as recommended and approved by said Health Authority.

The right to enforce the foregoing covenants and provisions by injunction, together with the right to cause the removal by due process of law of any structure or sanitary provision erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of lots in this subdivision, their grantees, heirs and assigns, who shall be entitled to such relief, with attorney's fees, without being required to show any damage, of any kind to any such owner or owners by or through any such violation or attempted violation.

Invalidation of any of these covenants by judgement or court order shall in no wise invalidate any other covenants herein, which shall remain in full force and effect. All the above restriction and/or covenants shall be considered real covenants and shall bind each lot in whomsoever's hands it may come, and shall run with the land.

The foregoing covenants and provisions shall remain in full force and effect until September 1, 1969, at which time said covenants shall be automatically extended for successive periods of ten years, unless by a vote of a majority of the lots it is agreed to change said covenants in whole or in part.

Witness our signatures this 6th day of September, 1949.

Chester F. Bailey
Ruth Bailey

County of Marion)
State of Indiana)ss

Before me, a Notary Public in and for said County and State, personally appeared Chester F. Bailey and Ruth Bailey, and each separately and severally acknowledged the execution of the foregoing instrument as his and her voluntary act and deed for the use and purposes therein expressed and affixed their signatures thereto.

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Witness my signature this 6th day of September, 1949

Alfred T. Noll
Notary Public.

My commission expires Oct. 18 1951.

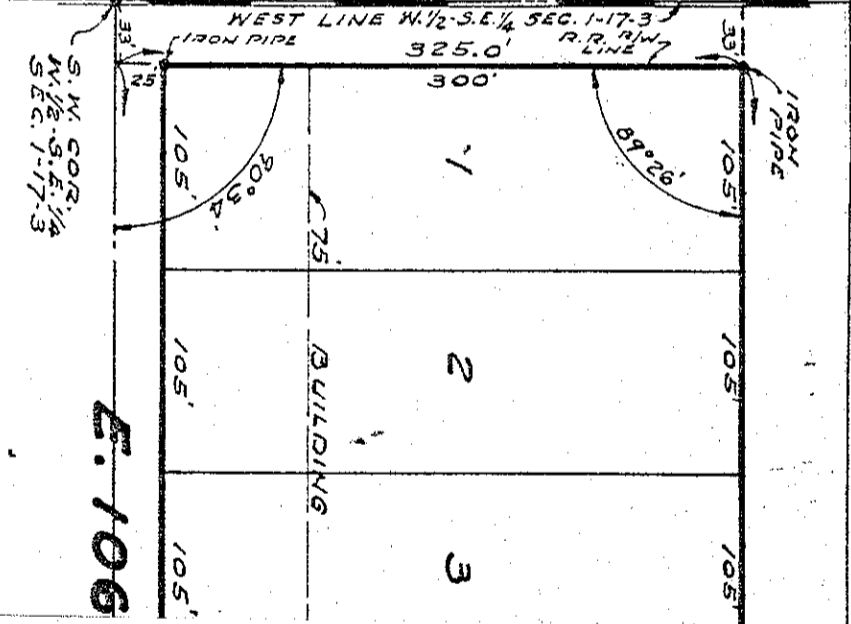
Approved Sept. 6, 1949
O. V. Winks, Chair.
Planning Commission

Approved Sept. 6-49
M. H. Foulke
Glenn E. Miller
F. C. Hohn
Board of Commissioners
of Hamilton County, Indiana

Attest Charles S. Crooks, Auditor Hamilton Co.

The above is a true copy recorded December 30, 1949.
Carrie H. Roberts, R. H. C.

MONON R.R.



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BAILEY'S HAMILTON HIGHLANDS, FIRST SECTION
Deed Record 135 page 275
Recorded August 7, 1950

Entry No.

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AMENDMENT TO THE BUILDING RESTRICTIONS IN BAILEY'S HAMILTON HIGHLANDS, FIRST SECTION, RECORDED IN RECORD 134 PAGES 547 & 8 IN RECORDER'S OFFICE, HAMILTON COUNTY, INDIANA.

WHEREAS, Chester F. Bailey and Ruth Bailey, his wife; John H. Schurmann and Marie Schurmann, his wife; Malcolm J. Lawson and Thelma I. Lawson, his wife; are the owners respectively, of all the lots in Bailey's Hamilton Highlands, First Section, the plat of which is recorded in Deed Record 134, pages 547 and 548 in the Recorder's Office of Hamilton County, Indiana, and,

WHEREAS, the owners of the several lots in said addition believe it to be to the best interests of the present owners of said lots and to those persons who shall hereafter acquire the ownership of one or more of said lots to amend certain provisions in the building restrictions now of record in the plat of said addition recorded as aforesaid.

NOW THEREFORE, It is resolved by the undersigned, constituting all the lot owners of said addition that:

1. No one story house shall be erected upon any of said lots having less than 960 square feet on the foundation exclusive of open porches, garages, or appurtenances.
2. No two story house shall be erected upon any of said lots having less than 780 square feet on the foundation exclusive of open porches, garages, and appurtenances.

That the above amendments shall be recorded in the Recorder's Office of Hamilton County and constitute a part of said building restrictions in said plat; and any restrictions heretofore adopted in conflict with the above amendment are to be of no force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 5th day of August, 1950.

Malcolm J. Lawson
Thelma I. Lawson
John H. Schurmann
Chester F. Bailey
Ruth Bailey

State of Indiana)
Hamilton County)ss

Personally appeared before me, a Notary Public in aforesaid county and state, Chester Bailey, Ruth Bailey, Malcolm J. Lawson, Thelma I. Lawson, John Schurmann, & Marie Schurmann, and acknowledged the execution of the foregoing amendments to be their voluntary act and deed.

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Witness my hand and Notarial Seal this 5th day of August, 1950.

My comm. exp. Sept 26, 1952.

Jos. W. Selvage
Notary Public (Seal)

Approved this 7th day of August by the Board of Commissioners of
Hamilton County, Indiana.

Attest: Harry C. Griffin
Auditor Hamilton County

F. C. Hohn
Perry H. McClintock
Board of Commissioners (seal)

Approved this 7 day of August, 1950 by the Hamilton County Planning
Commission.

O. V. Winks
Chairman of Hamilton County
Planning Commission.

BAILEY'S HAMILTON HIGHLAND 2nd Section
Deed Record 134 pages 587-588
Recorded February 6, 1950.

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I, the undersigned, hereby certify that the within plat is true and correct and represents a survey of part of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ Section 1, Township 17 North, Range 3 East, in Hamilton County, Indiana, being more particularly described as follows: Beginning at a point 243 ft. East and 325 ft. North of the Southwest corner of the West $\frac{1}{2}$ of the said $\frac{1}{4}$ sec., running thence North and parallel to the West line of the said $\frac{1}{4}$ sec. a distance of 500 ft. to a point, thence East and parallel to the South line of the said $\frac{1}{4}$ sec. a distance of 388.20 ft. to a point, said point being located on the circumference of a circle having a radius of 60 ft., the point of which being located at a point 830 ft. North and 690.95 ft. East of the Southwest corner of the said $\frac{1}{4}$ sec., thence in and along the arc of said curve in a clockwise direction a distance of 146.36 ft. to a point, thence in a Northeasterly direction a distance of 107.95 ft. to a point, said point being 950 ft. North and 809.75 ft. East of the Southwest corner of the said $\frac{1}{4}$ sec., thence East and parallel to the South line of the said $\frac{1}{4}$ sec., a distance of 206.20 ft. to a point, thence South and parallel to the West line of the said $\frac{1}{4}$ sec. a distance of 625 ft. to a point, thence West and parallel to the South line of the said $\frac{1}{4}$ sec. a distance of 772.95 ft. to a point or place of beginning, containing in all 9.72 acres more or less, subject however, to all legal highways and rights of way.

This subdivision consists of 9 lots numbered from 13 to 21 both inclusive.

The width of streets and size of lots are shown on this plat in figures denoting feet and decimal parts thereof.

Witness my signature this 2nd day of February 1950.

Herbert Bloemker
Registered Engineer #1836 State of Indiana

We, the undersigned, Chester F. Bailey and Ruth Bailey, his wife, owners of the above described real estate, hereby certify that they do hereby lay-off, plat and subdivide the same in accordance with this plat and certificate. This subdivision shall be known and designated as BAILEY'S HAMILTON HIGHLANDS 2ND SECTION.

The roadways are hereby dedicated to the Public. Newly dedicated Roadways are to be constructed by grading 30 ft. wide and drained, gravled 20 ft. wide and 6 inches deep before being accepted for maintenance by the Hamilton County Highway Department.

Building lines as shown on this plat in feet back from the property lines of the streets are hereby established, between which lines and the street property lines there shall be erected no structure of any kind other than one-story open porches.

No building nor any part thereof shall be built within 5ft. of any line of any lot, except should any owner own a lot and all or part of an adjoining lot such owner may build a residence and or accessory out buildings across or nearer than 5ft. to the dividing line of said lots, but not closer than 5ft. to his property line.

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This subdivision shall be known and designated as a residential subdivision of single family dwellings.

The tract of ground on which each dwelling and accessory building is erected or maintained, shall be not less than 27,000 sq. ft. in area, nor less than 90' in width.

No one-story house shall be erected upon any of said lots having less than 832 sq. ft. on the foundation, exclusive of open porches, garages or appurtenances. No two-story house shall be erected upon any of said lots having less than 670 sq. ft. on the foundation, exclusive of open porches, garages and appurtenances.

The plans and specifications of each house to be erected in this subdivision shall, prior to such erection, be approved in writing by a committee of one. Until another committee is appointed as herein after provided, the committee shall be the duly appointed and constituted chairman of the Zoning Board of Hamilton County, Indiana, at the time said approval is requested. This approval shall be based upon the house maintaining, in the opinion of the committee, the proper standard in said subdivision as to external design and material.

This covenant shall remain in full force and effect until such time as a vote of the owners of a majority of the nine lots in this subdivision, this covenant is declared null and void, or another method of approval is adopted.

No building for commercial purposes shall be erected or maintained on any of said lots in this subdivision.

Not outside toilet shall be maintained on any of said lots herein.

No noxious or offensive practice, trade or activity shall be carried on upon any lot herein. No hogs or cattle shall be kept on any of said lots in this subdivision.

No trailer, tent, shack, basement, garage, barn or other outbuildings erected in this subdivision shall be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

No person or persons of any race other than the caucasian race shall own, use, lease or occupy any lot or structure in this subdivision, excepting that this covenant shall not prevent occupancy by a domestic servant or servants not of the caucasian race domiciled with an owner or tenant of the caucasian race.

Public or private water supply and or sewage disposal systems may be located, constructed and maintained to serve any lot or lots in this subdivision, providing they meet with the approval of the Indiana State Board of Health. No septic tank or absorption field shall be constructed, located or maintained, nor shall any other method of sewage disposal be installed or employed in this subdivision, except as recommended and approved by said Health Authority.

The right to enforce the foregoing covenants and provisions by injunction, together with the right to cause the removal by due process of law of any

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structure or sanitary provision erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of lots in this subdivision, their grantees, heirs and assigns, who shall be entitled to such relief, with attorney's fees, without being required to show any damage of any kind to any such owner or owners by or through any such violation or attempted violation.

Invalidation of any of these covenants by judgement or court order shall in no wise invalidate any other covenant herein, which shall remain in full force and effect. All the above restrictions and or covenants shall be considered real covenants and shall bind each lot in whomsoever's hands it may come, and shall run with the land.

The foregoing covenants and provisions shall remain in full force and effect until March 1, 1970, at which time said covenants shall be automatically extended for successive periods of 10 years, unless by a vote of a majority of the owners of the lots it is agreed to change said covenants in whole or in part.

Witness our signatures this 2nd day of February 1950.

Chester F. Bailey
Ruth Bailey

County of Marion }
State of Indiana }ss

Before me, a Notary Public in and for said County and State, personally appeared Chester F. Bailey and his wife, Ruth Bailey, and each separately and severally acknowledged the execution of the foregoing instrument as his and her voluntary act and deed for the uses and purposes therein expressed and affixed their signatures thereto.

Alfred F. Noll
Notary Public

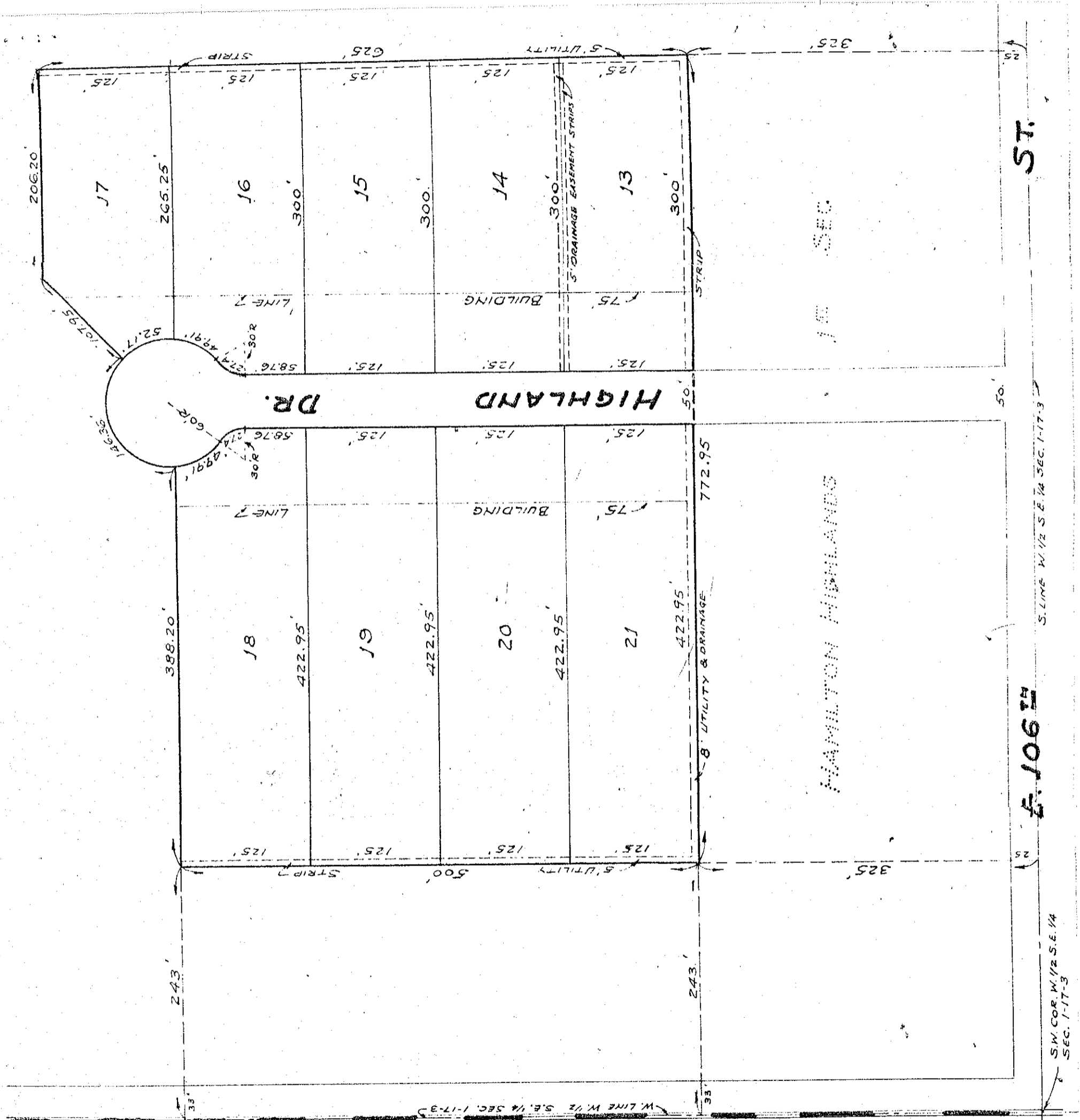
My commission expires Oct. 18-1951.

Approved Feb. 6-1950 { Glenn E. Miller
Commissioners of Hamilton County { F. C. Hohn
{ Perry H. McClintock

Approved 2-4-50 O. V. Winks Chair. Hamilton Co. Plan. Com.

The above is a true copy recorded February 6, 1950. Carrie H. Roberts, R. H. C.

**BAILEY'S
HAMILTON HIGHLANDS
2ND SECTION**



ST.

E. 106TH

S.W. COR. W 1/2 S.E. 1/4 SEC. 1-17-3

S. LINE W 1/2 S.E. 1/4 SEC. 1-17-3

HAMILTON HIGHLANDS

106 SEC

HIGHLAND DR.

BUILDING

BUILDING

5' DRAINAGE EASEMENT STRIP

8' UTILITY & DRAINAGE

5' UTILITY

5' UTILITY STRIP

LINE 7

LINE 7



206.20'

265.25'

300'

300'

300'

300'

388.20'

422.95'

422.95'

422.95'

422.95'

772.95'

243'

243'

325'

325'

50'

25'

25'

35'