

The undersigned, Boulder Creek Development, LLC, owners and developer of said real estate shows and described herein, do hereby lay off plat and subdivide said real estate, in accordance with the within plat.

This subdivision shall be known and designated as "BOULDER CREEK" and shall be subject to the following restrictions which shall operate as perpetual covenants.

Front building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets there shall be erected and maintained no buildings and structures.

A perpetual easement is hereby granted to any local public utility or municipal department, their successors and assigns, within the area shown on the plat and marked "drainage and utility easement (D, & U, E)" to install, lay, construct, renew, operate, maintain and remove conduits, cables, pipes, poles and wires, overhead and underground, with all necessary braces, guys, anchors, and other equipment for the purpose of serving the subdivision and other property with telephone, electric and gas, sewer and water service as a part of the respective utility systems. No permanent building or trees shall be placed on said area as shown on the plat and marked "drainage and utility easement (D, & U, E)", but same may be used for garden, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid user of or the rights herein granted. The owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of the other lots in this subdivision.

1. Drainage Swales (Ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Hancock County Drainage Board (Commissioners). Property owners must maintain these swales as sodded grass ways or other non-eroding surfaces. Water from roof or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts are installed as set out in 7.1.47 of the Hancock County Subdivision Control Ordinance.
2. Any property owner altering, changing or damaging the drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail to repair said damage, after which time, if no action is taken, the Hancock County Drainage Board (Commissioners) will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owner for immediate payment.
3. No fence, wall, hedge tree or shrub planting shall obstruct sight lines and elevations between 2.5 and 8 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 and a line connecting points 40 feet from the intersection of said street lines (40 feet for minor street and 75 feet for arterial streets) or in the case of a rounded property corner from the intersection to the street right-of-way lines extended. The same sight line limitation shall apply to any lot within 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 70 feet of the intersection of two street lines. The developers agree to require the maintenance of all common areas, more specifically, the areas surrounding the proposed retention area, and restrict the installation of any addition mounding or privacy fence from a line perpendicular to the South wall of a storage structure located on the property of the Erwins and continuing South to the Southern most property line of the development. However, the covenant will in no way limit or restrict the developers and or home-owners from landscaping the South property line of said development.
4. No sump pump drains or other drains shall outlet on to the street. No drainage structures shall be located within driveway limits.
5. No trees shall be planted in the road right-of-way.
6. The developer shall be the initial Architectural Control Committee, which Committee shall regulate the external design, appearance and location of residences, buildings, structures, fences, swimming pools, or other improvements placed on any lot or common area in the subdivision.
7. All lots in this subdivision shall be designated as residential lots. No lot shall be further subdivided to create additional building lots. No building shall be located nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the plat. On lots 9 through 12 no residence shall have the front of the structure located any further from the minimum building line than five (5) feet. The front shall be defined as the closest point of the structure to the street right-of-way. No accessory building shall be located closer to any front or side lot line than the required minimum front and side yard distance for the primary dwelling. No accessory building shall be located closer to any rear lot line than 15 feet, but in no case shall it encroach upon any easement.
8. All residential construction on any lot must be complete within one (1) year after the starting date, including final grading.
9. All driveways shall be paved with concrete, asphalt, or other all-weather surface materials as approved by the owner or its assigns. No gravel or stone driveways will be permitted. No additional parking will be permitted on a lot other than the existing driveway and an appropriate turn around.
10. The parking of any type or kind of vehicle shall not be permissible upon any lot or street, other than temporary parking by guests and invitees of any owner. Except within enclosed garage, no motor home, boat, recreational vehicle of any type, semi-tractor, trailer, inoperative or unlicensed vehicle shall be parked or repaired on any lot in this subdivision, or in any street thereon. This covenant shall in no way allow temporary parking or permanent parking on streets for which Hancock County has passed ordinances prohibiting such.

11. The minimum in the Development below ground story structures shall be one-story and shall have a two (2) foot minimum setback from the front and side lot lines.
12. All lots in the subdivision shall be developed in accordance with the model home, shack, boat, or other structure which shall be permitted on the lot.
13. All structures except used unless specifically specified otherwise shall be constructed in accordance with the Architectural Control Committee approved in the plat and exterior to the conform to the complete set submitted. All such plans shall show landscaping and flowers, and environment.
14. No construction (including, swimming pools and water on any lot in the subdivision) shall be permitted without the approval of the Architectural Control Committee.
15. Outbuildings shall be located on the lot on which they are located. No outbuildings shall be located on any other lot in the subdivision.
16. During, and after the construction of a structure, the owner shall keep the lot free of any debris within forty (40) feet of the structure.
17. All water systems shall be installed in accordance with the regulations of the local health department.
18. All lots on which construction is permitted shall be attractive in appearance.
19. No obnoxious signs shall be placed on any lot in the subdivision.
20. No satellite dishes shall be placed within the subdivision.
21. Devices for sale shall be approved by the Architectural Control Committee.
22. In-ground swimming pools shall be permitted.
23. No animals, including dogs, cats and any other animals shall be kept on any lot in the subdivision.
24. Fencing shall be constructed in accordance with the Architectural Control Committee approved in the plat.



# BOULDER CREEK

N 18, T15N, R6E (SUGAR CREEK TOWNSHIP)

~ COVENANTS ~

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11. The minimum square footage of living space of swellings constructed of various residential lots in the Development exclusive of porches, terraces, garages, carports, accessory buildings or basement below ground level shall contain no less than 1600 square feet of ground floor living area for a one story structure or 1200 square feet of ground floor area if higher than one-story, provided that higher than one-story shall have a minimum of 2000 square feet total living area and each dwelling shall have a two or three car attached garage.
12. All lots in this subdivision shall be used solely for residential purposes except for residences used as model homes during the sale and development of this subdivision. No motor home, trailer, tent, shack, boat, garage, basement, or outbuildings shall be used for temporary or permanent residential purposes on any lot in the subdivision. No dog kennel, junk yard, or commercial business of any kind will be permitted in this subdivision.
13. All structures on any lot in the subdivision shall be constructed with substantially all new material, except used brick is acceptable, and no used structures shall be relocated or placed on any such tract unless specifically submitted and approved by the Architectural Control Committee, which may make extensive restrictions concerning the same.
14. No construction shall be commenced, nor shall any building, structure or their improvements (including, without limitation, but not limited to landscaping, fences, walls, driveways, swimming pools and walkways) be erected, installed, removed, placed or altered (including changes in exterior on any lot in this plat until the building plans, specifications and site plans (hereinafter referred to as plans) showing the location thereof and of all improvements proposed, including driveway size and location and drainage, color and composition of all exterior materials to be used shall be submitted to the Architectural Control Committee with any other information and material the Architectural Control Committee may require. Such material is to be submitted in writing by the lot owner, and approved in writing by the Architectural Control Committee as to the compatibility of the interior and exterior design, appearance and location of the same with existing structures in this plat, and as to the conformity of the same with the intent of the covenants and restrictions set herein. Two (2) complete set of plans and specifications for any such proposed construction or improvement shall be submitted. There shall also be submitted, where applicable, any permits or reports required by law. All such plans shall be prepared by either a Registered Land Surveyor, Engineer or Architect (other than landscaping plans that do not contemplate any construction other than planting trees, shrubbery and flowers). The destruction of trees and vegetation and any other matter as may affect the environment and ecology of this subdivision shall be the proper concern of the Architectural Control Committee.
15. Outbuildings and their location must be approved by the Architectural Control Committee. Outbuildings shall be constructed of new materials and be similar in appearance with the residence on the lot on which the outbuilding is being built. Metal outbuildings shall not be permitted in any event. No outbuildings shall be permitted on lots 7 through 12. On lots 7 through 12 the storage areas shall be incorporated into the residence.
16. During, and at the conclusion of, the period of any construction activity on a lot, the builder performing such construction shall be required to keep his construction activity confined to such lot and shall keep all streets adjacent to such lot free of materials and debris and in a clean state. Without limiting the foregoing general requirements, a builder shall clean such adjacent streets within forty-eight (48) hours of any specific request therefore made by the Architectural Control committee.
17. All water systems and methods of sewage disposal in this subdivision are to be in compliance with the regulations or procedures by the State Board of Health or other civil authority having jurisdiction.
18. All lots on which construction has not begun must be mowed and maintained by the lot owner. After construction, the structure, grounds and recreational equipment shall be maintained in a neat and attractive manner.
19. No obnoxious or offensive trade shall be permitted upon any lot in this subdivision nor shall anything be done thereon which may be a nuisance or annoyance to the neighborhood. No refuse will be maintained on the lot. Garbage and trash will be kept in containers approved by the Architectural Control Committee which are not visible from the street, except on collection day.
20. No satellite dish or communication tower/antenna shall be allowed. Any TV reception antenna shall be placed within the attic of the main residence.
21. Devices for solar technology must be architecturally integrated within the primary residence and must be approved by the Architectural Control Committee.
22. In-ground swimming pools shall be placed behind the residence. Above ground pools will not be permitted.
23. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats and other household pets may be kept, provided they are not kept, bred or maintained for any Commercial purposes. Any animal so kept will not be permitted to roam at large within the subdivision and shall be confined to the owner's premises.
24. Fencing shall not exceed six (6) feet in height and no fence shall be placed closer to the front lot line than the rear of the primary residence. Chain-link fencing must be of dark vinyl coating type. All fencing must be maintained in good condition. All privacy fencing must be of a style adopted by the Architectural Control Committee and painted to match the color of the main residence. No farm type fencing shall be permitted except for that which borders the subdivision.

DULY ENTERED  
FOR TAXATION

DEC 11 2001

*Joseph D. Seltzer*