DAYHUFF ESTATES MINOR PLAT

PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 13 NORTH, RANGE 2 EAST, MORGAN COUNTY, INDIANA

OWNERS & DEVELOPERS
MARTIN WITTE & OYCIE HENDERSON
P.O. BOX 41, MOORESVILLE, IN. 46158

OWNER OF RECORD:

MARTIN WITTE AND OYCIE HENDERSON PER INSTRUMENT NUMBER 200500489
THERE ARE NO IMPROVEMENTS ON THE LOTS

DEDICATION OF DAYHUFF MINOR PLAT

The undersigned, Martin Witte and Oycie Henderson, owners of the real estate shown and described hereon, do hereby certify that they have platted and subdivided the same into four (4) lots to be known as Dayhuff Estates Minor Plat, and do hereby establish the following dedications upon all covenants and restrictions to run with the land and to be binding upon all future owners, heirs and assigns:

1. Each of the lots hereby created shall be subject to the covenants and restrictions as shown and recorded hereon, in addition to those rules, regulations or conditions as required by Agencies of the Town of Mooresville, Morgan County or any other government entities.
2. The twenty-five (25) foot wide strip along the north side of the subject parcel, shown hereon as right-of-way, is hereby dedicated to the public for roadway purposes.
3. The shared private road within the fifty (50) foot wide access and utility easement along the east line of this Minor Plat is to be used by the owner's of Lot 2, Lot 3 and Lot 4 and maintained on a share and share alike basis by those lot owners.

This declaratory statement of certification and approval to run with the land is hereby so declared and executed this 26 day of August, 2005.

Martin Witte

Oycie Henderson

State of Indiana)
County of Morgan)

Before me, the undersigned, a Notary Public, personally appeared Martin Witte and Oycie Henderson and acknowledged the execution of this instrument to be their voluntary act and deed.

Witness my Hand and Seal this 26 day of August 2005.

Signed Notary Public

Ross O. Holloway
Printed or Typed

Resident of Morgan County.

My Commission Expires: 8/28/2009

DAYHUFF ESTATES COVENANTS AND RESTRICTIONS

This document amends covenants and restrictions for all Lots in Dayhuff Estates, a Minor Plat; Lying in part of the Northeast Quarter of Section 17, Township 13 North, Range 2 East, Morgan County, Indiana.

All purchasers, their heirs and assigns, of Lots in Dayhuff Estates, shall take title subject to the following covenants and restrictions and shall be bound thereby.

1. Land Use. All parcels herein are for residential use only, limited to a single family dwelling per parcel. There shall be no further division of any lot in Dayhuff Estates.
2. Drainage. Owner of each parcel shall take their title subject to the rights of others to use the natural ravines, swales and valleys for the conveyance of stormwater. No owner shall impede or hinder, in any way, the passage of stormwater through or across their lot. Each owner shall provide adequate structures to convey stormwater where improvements are constructed across swales, valleys, and ravines.
3. Signs. No sign 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.
4. Vacant Lot Maintenance. No trash shall be allowed to accumulate on any parcel in this unplatted division. If sold lots are not maintained, the developer shall have the option to maintain the property, by removing trash or debris and charge the owner a reasonable fee.
5. 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.
6. Animals. No livestock or poultry of any kind shall be raised, bred or kept on any lot. All animals shall be restricted to owners' property unless the animal is on a leash accompanied by the owner. No animals of any type shall, be kept or bred.
7. Nuisance. No noxious or offensive activity of any kind 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.
8. 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
9. Architectural Design. The developer 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 developer also shall approve any technical variation or exception from any construction requirements. No reasonable design may be denied.
10. Dwelling Restrictions. No mobile home, trailer or other portable device or outbuilding, garage or basement shall be used as 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.
11. Building Type. No dwelling shall exceed two and one-half (2 ½) stories in height. One (1) residential accessory building shall be allowed per parcel. The accessory building shall not exceed 1000 square feet in size, and said accessory building shall be of similar/complimentary construction materials as the dwelling structure on that parcel.
12. Dwelling Quality and Size. The ground floor of the dwelling structure, exclusive of porches, basements and garages, shall be not less than one-thousand five-hundred (1800) square feet for a one-story dwelling nor less than one-thousand two hundred (1200) square feet for a dwelling of more than one-story, with a minimum of four-hundred (400) square feet on the second level. The first story of the dwelling shall be full brick/masonry construction. The second story of each dwelling be a balanced fifty per cent (50 %) brick/masonry construction. Exceptions to masonry requirements shall be made at the discretion of the developer.
13. 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 6/12 pitch and shingles shall be asphalt, cedar or fiberglass.
    c. 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 developer, considering specific lot characteristics.
    d. All construction, finish grading, sidewalks and landscaping shall be completed within one (1) year of the start of construction, acts of God and unusual weather or destruction of work in progress excepting.
    e. All owners and their builders/contractors shall be responsible for and maintain the job site in a reasonable, sightly order, containing all trash and debris within the lot and properly disposed of or removed.
    f. All owners and their builders/contractors shall be responsible for and repair or restore any damage during construction, whether or not inadvertent or unavoidable.
14. Erosion and Sediment Control. Each owner and their builders/contractors shall be responsible for erosion and sediment control on their lot in accordance, with Title 327, Article 15, Indiana Administrative Code, commonly referred to as "Rule 5". Erosion and sediment control measures shall include but are not limited to: silt fencing, storm inlet protection, bank protection with erosion control blankets, sodding, mulch seeding and/or a combination thereof. If the Developer, or any duly authorized agency of State or Federal Government finds that an owner or their builder/contractor has not taken adequate erosion and sediment control measures then appropriate action will be taken against the lot owner or their builder/contractor to enforce compliance with this provision.
15. Enforcement. The right to enforce these covenants by injunction or to seek damages for violation or other remedy is dedicated to the owners of the lots herein and the developer. The covenants and restrictions shall remain in full force and unchanged in perpetuity unless otherwise agreed by a two-thirds vote of lot owners, one vote for each lot owned. Invalidation of any covenant or restriction herein by judgment, court order or otherwise, shall not affect any other covenant or restriction. Violation of a covenant or restriction shall not cause forfeiture or reversion of title.

MOORESVILLE PLAN COMMISSION CERTIFICATION

UNDER AUTHORITY PROVIDED BY IC-36-7-4 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO, AND BY AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF TRUSTEES OF THE TOWN OF MOORESVILLE, INDIANA, THIS PLAT AND DEDICATION WAS GIVEN APPROVAL BY THE TOWN OF MOORESVILLE AT A MEETING HELD ON THE

25th DAY OF August, 2005

MOORESVILLE PLAN COMMISSION APPROVAL BY:

PRESIDENT — SECRETARY

Michael C. Young — PRINTED

Joyce D. Simmons — PRINTED

DESCRIPTION OF DAYHUFF ESTATES MINOR PLAT

Part of the Northeast Quarter of Section 17, Township 13 North, Range 2 East, Morgan County, Indiana, described as follows:

Commencing at an iron pin with aluminum cap found per the county records, in the county road which marks the Northeast corner of the Northeast Quarter of Section 17; thence with the North Line of the above captioned quarter section, and in the county road, South 87 degrees 49 minutes 45 seconds West (assumed bearing), 689.61 feet to an iron survey nail with washer engraved "Holloway F. N. 46, and the POINT OF BEGINNING of the Dayhuff Minor Plat herein described; thence continuing with said North Line and in the county road, South 87 degrees 49 minutes 45 seconds West, 628.97 feet to a point referenced by an iron spike found North no degrees 36 minutes 07 seconds West, 0.58 feet; thence South no degrees 36 minutes 07 seconds East, 438.99 feet, to a iron pin set with cap engraved "Holloway Engr Firm No. 46"; thence North 87 degrees 49 minutes 45 seconds East, 263.49 feet to an iron pin set with cap engraved "Holloway F. N. 46"; thence South 25 degrees 52 minutes 31 seconds West, 85.34 feet, to an iron pin set with cap engraved "Holloway Firm No. 46"; thence North 87 degrees 49 minutes 45 seconds East, 79.57 feet to an iron pin set with cap engraved "Holloway Engr Firm No. 46"; thence South no degrees 35 minutes 31 seconds East, 621.09 feet (a record distance of 621.00 feet) to an iron pin found; thence South 87 degrees 51 minutes 30 seconds West, 331.25 feet (a record distance of 330.00 feet to a point referenced by an iron pin found North 90 degrees no minutes no seconds East, 1.27 feet; thence South no degrees 32 minutes 31 seconds East, 357.63 feet to an iron pin set with cap engraved "Holloway F. N. 46"; thence North 81 degrees 29 minutes 22 seconds East, 660.26 feet to an iron pin set with cap engraved "Holloway F. N. 46"; thence North no degrees 32 minutes 31 seconds West, 1419.98 feet to the point of beginning.

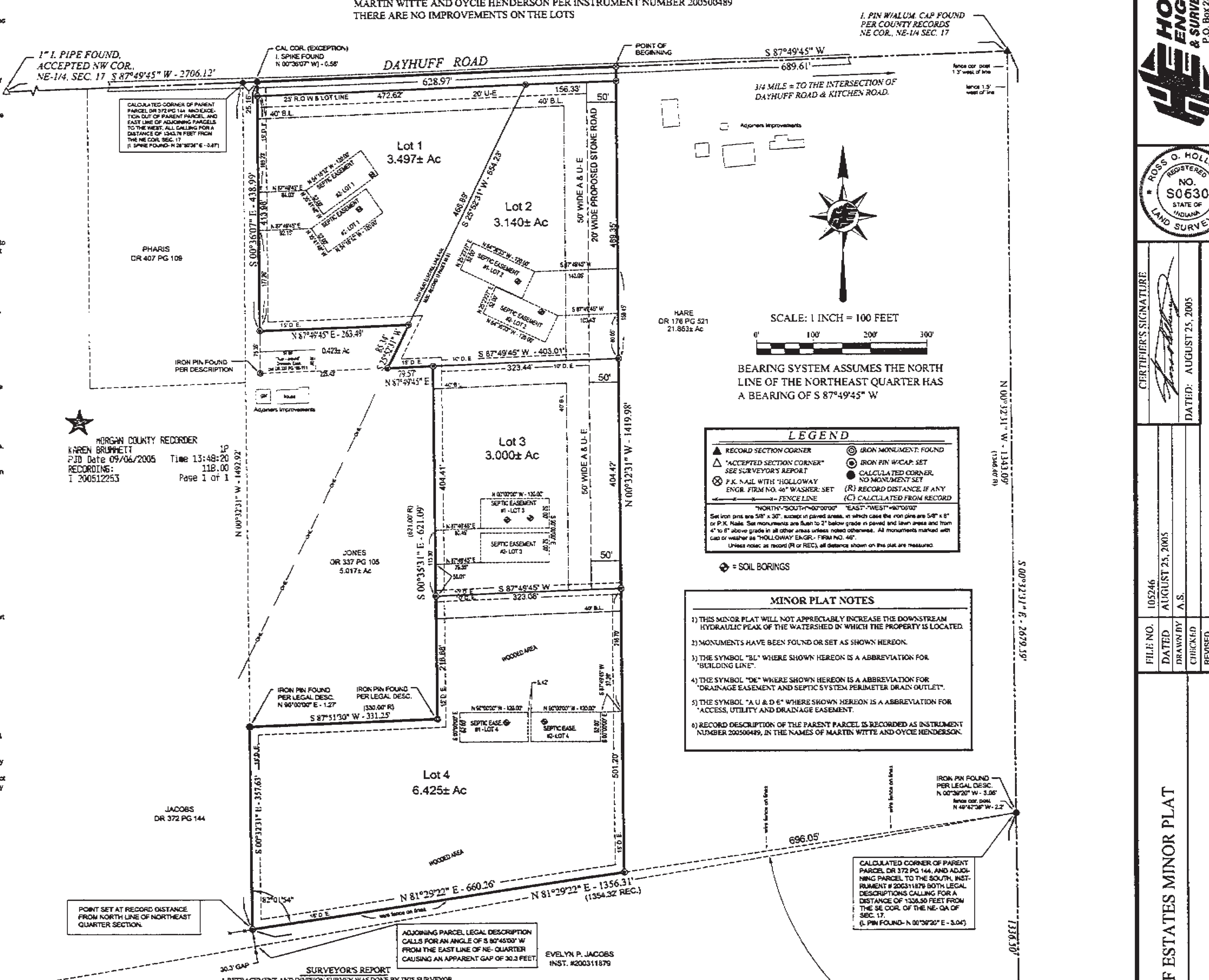
Containing 16.423 acres more or less, and subject to the right-of-way for the county road along the North Line of the parcel and to any other right-of-ways, easements or restrictions of record or observable.

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

SEP 06 2005

Mae Cooper
Auditor, Morgan County

MORGAN COUNTY RECORDER
KAREN BRUMMETT
PID Date 09/06/2005 Time 13:48:20
RECORDING: 118.00
I 200512253 Page 1 of 1



BEARING SYSTEM ASSUMES THE NORTH LINE OF THE NORTHEAST QUARTER HAS A BEARING OF S 87°49'45" W

LEGEND

- ▲ RECORD SECTION CORNER
- △ "ACCEPTED SECTION CORNER" SEE SURVEYOR'S REPORT
- ⊗ P.K. NAIL WITH "HOLLOWAY ENGR. FIRM NO. 46" WASHER: SET
- —x—x— FENCE LINE
- ◎ IRON MONUMENT: FOUND
- ◉ IRON PIN W/CAP: SET
- ● CALCULATED CORNER, NO MONUMENT SET
- (R) RECORD DISTANCE IF ANY
- (C) CALCULATED FROM RECORD

"NORTH"-"SOUTH"=N0°00'00" "EAST"-"WEST"=N90°00'00"

Set iron pins are 5/8" x 30", except in paved areas, in which case the iron pins are 5/8" x 6" or P.K. Nails. Set monuments are flush to 2" below grade in paved and lawn areas and from 4" to 8" above grade in all other areas unless noted otherwise. All monuments marked with cap or washer as "HOLLOWAY ENGR. - FIRM NO. 46". Unless noted as record (R) or REC), all distance shown on this plat are measured.

◆ = SOIL BORINGS

MINOR PLAT NOTES

1) THIS MINOR PLAT WILL NOT APPRECIABLY INCREASE THE DOWNSTREAM HYDRAULIC PEAK OF THE WATERSHED IN WHICH THE PROPERTY IS LOCATED.
2) MONUMENTS HAVE BEEN FOUND OR SET AS SHOWN HEREON.
3) THE SYMBOL "BL" WHERE SHOWN HEREON IS A ABBREVIATION FOR "BUILDING LINE".
4) THE SYMBOL "DE" WHERE SHOWN HEREON IS A ABBREVIATION FOR "DRAINAGE EASEMENT AND SEPTIC SYSTEM PERIMETER DRAIN OUTLET".
5) THE SYMBOL "A U & D E" WHERE SHOWN HEREON IS A ABBREVIATION FOR "ACCESS, UTILITY AND DRAINAGE EASEMENT.
6) RECORD DESCRIPTION OF THE PARENT PARCEL IS RECORDED AS INSTRUMENT NUMBER 200500489, IN THE NAMES OF MARTIN WITTE AND OYCIE HENDERSON.

SURVEYOR'S REPORT

A RETRACEMENT AND DIVISION SURVEY WAS DONE BY THIS SURVEYOR DATED DECEMBER 11, 2003 AND RECORDED AS INSTRUMENT NUMBER 200400572 IN THE MORGAN COUNTY, RECORDER'S OFFICE. FOR ANY QUESTIONS CONCERNING THE BOUNDARY LINES OF THE MINOR PLAT SHOWN HEREON SEE THAT SURVEY AND ITS ACCOMPANYING SURVEYOR'S REPORT. THE DIVISION LOT LINES WERE ESTABLISHED AT THE CLIENTS REQUEST FOR THIS MINOR PLAT. THE 0.423 ACRE STRIP TAKEN OUT OF THE RECORD DESCRIPTION 16.846 ACRE PARCEL IS NOT FOR BUILDING PURPOSES AND IS TO BE DEEDED TO THE ADJOINER (JONES) OWNER OF THE 5.017 ACRE PARCEL.

SEPTIC EASEMENT

THE EASEMENTS SHOWN HEREON AS "SEPTIC EASEMENTS" ARE FOR THE CONSTRUCTION AND MAINTENANCE OF SINGLE-FAMILY RESIDENTIAL ON-SITE WASTEWATER DISPOSAL SYSTEM. EXCEPT FOR THE CONSTRUCTION OF THE DISPOSAL SYSTEM THE EASEMENT AREAS SHALL BE PROTECTED FROM VEHICLE OR CONSTRUCTION TRAFFIC AND ARE RESERVED EXCLUSIVELY FOR THE ON-SITE DISPOSAL SYSTEM INCLUDING AN ALTERNATE SYSTEM SHOULD THE ORIGINAL SYSTEM FAIL.

FLOOD INFORMATION STATEMENT:

THE ACCURACY OF ANY FLOOD HAZARD DATA SHOWN WITHIN THIS REPORT IS SUBJECT TO MAP SCALE UNCERTAINTY IN LOCATION OR ELEVATION ON THE REFERENCED FLOOD INSURANCE RATE MAP. ALL OF THE LAND WITHIN THE PLAT LIES ENTIRELY WITHIN THE FLOOD HAZARD ZONES "C" AS SCALED FROM COMMUNITY PANEL NO. 180176 0050 B OF THE FLOOD INSURANCE RATE MAPS FOR MORGAN COUNTY, INDIANA; DATED JUNE 01, 1981.

LAND SURVEY CERTIFICATION

I, Ross O. Holloway, an Indiana Registered Land Surveyor, hereby certify that, to the best of my information, knowledge and belief, this plat represents a land survey performed under my direct supervision, in compliance with Title 865, Art. 1, Ch. 12, of the Indiana Administrative Code and that the field work for said survey was completed on August 15, 2005.

Ross O. Holloway
Indiana Registered
Surveyor No. S0530
Dated: August 25, 2005.

PROJECT NAME:	DAYHUFF ESTATES MINOR PLAT
SHEET OR CLIENT NAME:	MARTIN WITTE
SHEET NUMBER	of
FILE NO.	105246
DATED	AUGUST 25, 2005
DRAWN BY	A.S.
CHECKED	
REVISED	
REVISED	
REVISED	

CERTIFIER'S SIGNATURE
DATED: AUGUST 25, 2005

ROSS O. HOLLOWAY REGISTERED NO. S0630 STATE OF INDIANA LAND SURVEYOR

HOLLOWAY ENGINEERING & SURVEYING
P.O. Box 234 Mooresville, IN. 46158
Ph: 317-831-7918
Holloway@HollowayEngineering.com