

MARTHA A. WOMACKS
MAR 10 11 25 8
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

3

Cross-Reference Instrument No.: 2002-0011112


AFFIDAVIT TO CORRECT SCRIVENER'S ERROR

The undersigned, each being duly sworn upon his or her oath deposes and says:

1. That on January 14, 2002, the undersigned, as special counsel for the City of Indianapolis, Department of Metropolitan Development, for this matter, prepared a "Declaration Of Covenants And Restrictions of The Fall Creek Place Development" (the "Declaration"), for specific real estate therein (the "Real Estate").
2. That on January 17, 2002, the Declaration was filed and recorded as Instrument No. 2002-001112 in the Office of the Marion County Recorder, in Marion County, Indiana.
3. That, due to a scrivener's error, page one of the Declaration, referencing previously platted subdivisions, referenced by plat book and page number, is erroneous and does not properly reference correct plat book numbers and page numbers in several instances.
4. That this Affidavit is made for the purpose of correcting the identified and referenced plat book numbers and page numbers, it having been the intention of the parties in executing and recording said Declaration that the plat book numbers and page numbers identified in Exhibit "A" attached hereto shall replace the original from page one.

Further affiant saith not.

Dated this 7th day of March, 2002



Mary E. Solada

03/07/02 03:55PM WANDA MARTIN MARION CTY RECORDER SJK 14.00 PAGES: 3

Inst # 2002-0045635

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Mary E. Solada, who acknowledged execution of the foregoing Affidavit.

Witness my hand and Notarial Seal this 7th day of March, 2002.

Kristina M. May
KRISTINA M MAY, Notary Public

My Commission Expires: 7/13/07

My County of Residence: MARION

This instrument prepared by: Mary E. Solada, Esq., Bingham McHale LLP, 2700 Market Tower, 10 West Market Street, Indianapolis, Indiana 46204.

Exhibit "A"

WHEREAS, the Real Estate is part of a development previously platted as Douglas Park PB 10 P21, Martindale's "Lincoln Park" Add. 2nd Section PB 9 P168, Martindale's "Lincoln Park" Add. PB 8 P189 & PB 9 P116, Martindale's "Lincoln Park" Add. 3rd Section PB 10 P74, Martindale's "Lincoln Park" Add. PB 8 P189 & PB 9 P 116, William E. Stevenson's Peck Sub. PB 13, P17, Martindale's "Lincoln Park" Pt. 1st Section PB 8 P189 & COR PB 9 P 116, Pt. Bruce Place PB 6 P122, J.A. & M. Bruce's Add. PB 11 P11, W. Wright's TR's Park Av. Add. PB 9 P133, Hadley & Hamilton's Sub. PB 10 P139, Hadley's Sub. PB 12 P151, and Minerva Hittle's Sub. PB 16 P113 in the Office of the Recorder of Marion County, Indiana;

6

**FIRST AMENDMENT TO DECLARATION OF COVENANTS
AND RESTRICTIONS OF THE
FALL CREEK PLACE DEVELOPMENT**

This ^{1st} Amendment to Declaration (hereinafter referred to as the "Amendment"), made this ^{09th} day of ~~August~~, 2002 by the Consolidated City of Indianapolis, Indiana by and through its Department of Metropolitan Development, on behalf of the Metropolitan Development Commission of Marion County, Indiana, acting in its capacity as the Redevelopment Commission of Marion County (hereinafter referred to as the "Declarant"), as joined in by the Additional Declarants (See Exhibit A attached hereto) ("Additional Declarants").

WHEREAS, a Declaration of Covenants and Restrictions of the Fall Creek Place Development was prepared under date of January 14, 2002 and was recorded in the Office of the Marion County Recorder on January 17, 2002 as Instrument #2002-0011112 and has been amended from time to time (the "Declaration");

WHEREAS, the Additional Declarants, being the owners of the properties listed on Exhibit B attached hereto (the "Additional Real Estate"), desire to amend the Declaration to subject the Additional Real Estate to the Declaration;

THEREFORE, the parties hereby agree as follows:

1. That the Additional Real Estate listed on Exhibit B attached hereto and made a part hereof shall hereby be subject to the Declaration and the parties listed above as Additional Declarants join in this Amendment for such purpose.

IN WITNESS WHEREOF, the above noted Declarant and Additional Declarants hereby make this Amendment to Declaration as set forth above.

**CONSOLIDATED CITY OF INDIANAPOLIS,
Acting by and through its DEPARTMENT OF
METROPOLITAN DEVELOPMENT, on behalf of the
METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, acting in its capacity as the
REDEVELOPMENT COMMISSION**

By Mauri Plambeck
Mauri Plambeck, Director

subject to the acceptance
for transfer

3486 AUG-98

MARTHA A. WOMACKS

08/09/02 01:49PM WANDA MARTIN MARION CTY RECORDER

JMN 20.00 PAGES: 6

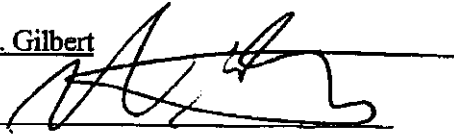
Inst # 2002-0150156

ADDITIONAL DECLARANTS

Name

Ronald M. Gilbert

Signature:



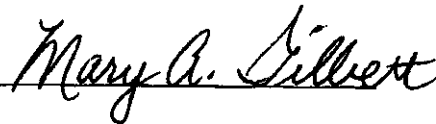
2218 N. Delaware, Indianapolis, IN 46205

Address

Name

Mary A. Gilbert

Signature:



2218 N. Delaware, Indianapolis, IN 46205

Address

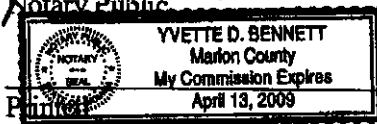
This Instrument prepared by Kyle A. Schmutzler Esq., Bingham McHale LLP, 10 W. Market Street,
2700 Market Tower, Indianapolis, IN 46204, (317) 635-8900

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Maury Plambeck, Director of the Department of Metropolitan Development, who acknowledged execution of the foregoing Amendment to Declaration for and on behalf of said Department and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 9th day of August, 2002.

Yvette D. Bennett
Notary Public



Commission Expiration Date

County of Residence

STATE OF INDIANA)
) SS: 308 46 7653
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Ronald M. Gilbert, who acknowledged execution of the foregoing Amendment to Declaration, and who having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 5th day of August, 2002.

Patricia L Demaree
Notary Public

Patricia L. Demaree
Printed

9-10-07
Commission Expiration Date
Marion # 461986
County of Residence

STATE OF INDIANA)
) SS: 308 46 7653
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Mary A. Gilbert who acknowledged execution of the foregoing Amendment to Declaration and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 5th day of August, 2002.

Patricia L Demaree
Notary Public

Patricia L Demaree
Printed

9-10-07
Commission Expiration Date
Marion # 461986
County of Residence

EXHIBIT A

ADDITIONAL DECLARANTS

Ronald M. and Mary A. Gilbert

EXHIBIT B

ADDITIONAL REAL ESTATE

2218 N. Delaware

Martindales Lincoln Pk Add 1st Sec L5 B3 Parcel #1020559

①

**SECOND AMENDMENT TO DECLARATION OF COVENANTS
AND RESTRICTIONS OF THE
FALL CREEK PLACE DEVELOPMENT**

This Second Amendment to Declaration (hereinafter referred to as the "Amendment"), made this 16th day of Sept., 2002, by the Consolidated City of Indianapolis, Indiana by and through its Department of Metropolitan Development, on behalf of the Metropolitan Development Commission of Marion County, Indiana, acting in its capacity as the Redevelopment Commission of Marion County (hereinafter referred to as the "Declarant"), as joined in by the Additional Declarants (See Exhibit A attached hereto) ("Additional Declarants").

WHEREAS, a Declaration of Covenants and Restrictions of the Fall Creek Place Development was prepared under date of January 14, 2002 and was recorded in the Office of the Marion County Recorder on January 17, 2002 as Instrument #2002-0011112 and has been amended from time to time (the "Declaration");

WHEREAS, the Additional Declarants, being the owners of the properties listed on Exhibit B attached hereto (the "Additional Real Estate"), desire to amend the Declaration to subject the Additional Real Estate to the Declaration;

THEREFORE, the parties hereby agree as follows:

1. That the Additional Real Estate listed on Exhibit B attached hereto and made a part hereof shall hereby be subject to the Declaration and the parties listed above as Additional Declarants join in this Amendment for such purpose.

IN WITNESS WHEREOF, the above noted Declarant and Additional Declarants hereby make this Amendment to Declaration as set forth above.

**CONSOLIDATED CITY OF INDIANAPOLIS,
Acting by and through its DEPARTMENT OF
METROPOLITAN DEVELOPMENT, on behalf of the
METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, acting in its capacity as the
REDEVELOPMENT COMMISSION**

By: *Maury Plambeck*
Maury Plambeck, Director

MARTHA A. WOMACKS
CLERK
439019 SEP 19 2002
BUILT FOR TAXATION
SUBJECT TO FINAL RECEIPTANCE
FOR TRANSFER

ADDITIONAL DECLARANTS

Name

Connie Childress

Signature: Connie Childress

2428 N Park (Formerly 2432 N. Park) Indianapolis, IN 46205
Address

This Instrument prepared by Kyle A. Schmutzler Esq., Bingham McHale LLP, 10 W. Market Street,
2700 Market Tower, Indianapolis, IN 46204, (317) 635-8900

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Maury Plambeck, Director of the Department of Metropolitan Development, who acknowledged execution of the foregoing Amendment to Declaration for and on behalf of said Department and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 16th day of September 2002.

Gala S. McGoy
Notary Public

GALA S. MCGOY
Printed

February 21, 2008
Commission Expiration Date
Marion
County of Residence

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Connie Childress, who acknowledged execution of the foregoing Amendment to Declaration, and who having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 4th day of September 2002.

Linda S. Hirst
Notary Public

Linda S. Hirst
Printed

3-15-07
Commission Expiration Date
Hancock
County of Residence

EXHIBIT A

ADDITIONAL DECLARANTS

Connie Childress

EXHIBIT B

ADDITIONAL REAL ESTATE

2428 N. Park (Formerly 2432 N. Park)

J A & M Bruces Add L94 Parcel #1023364

37

MARTHA A. WOMACKS
MARION COUNTY RECORDER
497366 OCT 31 8
SUBJECT TO FINAL ACCEPTANCE
EQUITY TRANSFER

**THIRD AMENDMENT TO DECLARATION OF COVENANTS
AND RESTRICTIONS
FALL CREEK PLACE DEVELOPMENT**

This Third Amendment to Declaration (hereinafter referred to as the "Third Amendment"), made this 28th day of October, 2003 by the Consolidated City of Indianapolis, Indiana by and through its Department of Metropolitan Development, on behalf of the Metropolitan Development Commission of Marion County, Indiana, acting in its capacity as the Redevelopment Commission of Marion County (hereinafter referred to as the "Declarant").

WHEREAS, a Declaration of Covenants and Restrictions of the Fall Creek Place Development was prepared under date of January 14, 2002, and was recorded in the Offices of the Marion County Recorder on January 17, 2002 as Instrument #2002-0011112;

WHEREAS, a First Amendment To Declaration of Covenants and Restrictions of the Fall Creek Place Development was prepared under date of August 9, 2002 and was recorded in the Office of the Marion County Recorder on August 9, 2002 as Instrument # 2002-0150156, a Second Amendment To Declaration of Covenants and Restrictions of the Fall Creek Place Development was prepared under date of September 16, 2002 and was recorded in the Office of the Marion County Recorder on September 19, 2002 as Instrument #2002-0178316 (the Declaration and all amendments shall be referred to herein as the "Declaration"); and

WHEREAS, the Declarant wishes to further amend the Declaration.

THEREFORE, the Declaration is hereby amended as follows:

1. Exhibit A, Exhibit B and Exhibit C, attached hereto and made a part hereof, shall amend and restate Exhibit A, Exhibit B and Exhibit C of the Declaration.
2. All other terms and provisions of the Declaration are hereby ratified and affirmed.

IN WITNESS WHEREOF, the above noted Declarant hereby make this Third Amendment to Declaration as set forth above.

Inst # 2003-0236152
10/31/03 01:23PM WANDA MARTIN MARION CTY RECORDER LHM 80.00 PAGES: 36

**CONSOLIDATED CITY OF INDIANAPOLIS,
Acting by and through its DEPARTMENT OF
METROPOLITAN DEVELOPMENT, on behalf of the
METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, acting in its capacity as the
REDEVELOPMENT COMMISSION**

By: *Maury Plambeck*
Maury Plambeck, Director

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Maury Plambeck, Director of the Department of Metropolitan Development, who acknowledged execution of the foregoing Fourth Amendment to Declaration for and on behalf of said Department and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 30th day of October, 2003.

Tommy Williams
Notary Public
Tommy Williams
Printed



9-29-2009
Commission Expiration Date
Marion
County of Residence

TABLE OF CONTENTS

1	GENERAL OVERVIEW	4
1.1	Introduction	
1.2	Intent of Guidelines	
1.3	Overall Design Concept	
2	APPLICATION PROCEDURES	8
2.1	Introduction	
2.2	Review Procedures	
2.3	Schedule	
2.4	Design Review Fees	
2.5	Submittal Requirements	
2.6	Construction Period and Project Completion Review	
2.7	Appeal Procedure	
2.8	Amendment Process	
3	SITE LAYOUT AND LANDSCAPE GUIDELINES	13
3.1	Site Design and Space	
3.2	Building Heights and Proportions	
3.3	Parking	
3.4	Driveways	
3.5	Walks	
3.6	Fencing and Walls	
3.7	Landscaping	
3.8	Lighting	
3.9	Mailboxes and Address Markers	
3.10	Signage	
3.11	Mounted Equipment	
4	ARCHITECTURAL GUIDELINES	20
4.1	General Design Features	
4.2	Roof	
4.3	Foundations	
4.4	Front and Side Porches	
4.5	Windows and Window Trim	
4.6	Exterior Doors and Trim	
4.7	Siding and Decorative Trim	
4.8	Brick	
4.9	Garages	
4.10	Bump-Outs	

- 4.11 Chimneys
- 4.12 Shutters
- 4.13 Accessory Structures

APPENDIX A - Definitions 27

APPENDIX B - Approvals 28

EXHIBITS

Exhibit A Builders Guide for New Construction

Exhibit B Master Development Plan

Exhibit C Required Lot Sign

Exhibit D Required Lighting

Exhibit E Required Mail Box

Exhibit F Required Address Marker

1. GENERAL OVERVIEW

1.1 INTRODUCTION

The redevelopment of Fall Creek Place involves the building of approximately three hundred forty (340) new homes that will comprise of single family detached homes and attached townhomes. In addition, approximately forty-six (46) existing homes are slated for rehabilitation. The overall map and master plan for Fall Creek Place is provided in Exhibit B for reference. Coupled with the revitalization of commercial nodes, the existing features and design remnants of a turn of the century urban neighborhood has been planned with "new urbanism" design principles to provide a guiding blueprint for the revitalization of Fall Creek Place.

These Guidelines do not seek to impose an overriding style or an artificial theme, however, they will assist the City of Indianapolis in successfully re-establishing positive design character inherent in this neighborhood during the early 1900's.

1.2 INTENT OF GUIDELINES

The intent of these Guidelines is to establish minimum standards of design consistent with the level of development, character, and quality desired for Fall Creek Place. The requirements are intended to assist developers, contractors and homeowners in the planning, design and construction of site improvements, homes and to establish and maintain a neighborhood community image that is consistent with the Master Plan in place for Fall Creek Place.

The Design Guidelines are not a "building code," but rather recommendations for quality design. They are the criteria by which house plans will be reviewed and approved or disapproved and, therefore, will be carefully followed. It should be noted, however, that there are certain requirements, which may not be deviated from.

These Guidelines apply to all properties within Fall Creek Place including, and are in addition to the requirements of government jurisdictions. They will serve as the basis for review of residential construction by the Design Review Committee (DRC) as defined by the Fall Creek Place Homeowners Association documents. All standards set forth herein are subject to the criteria established in current Federal, State, or local regulations, whichever is most restrictive. These guidelines shall not impose any requirements in violation of applicable Federal, State, or local regulations.

In addition, the DRC shall review plans of all proposed modifications, additions or alterations made to existing units, structures, or open space areas.

These Guidelines are intended to serve for the life of the project and accordingly may be amended by the Fall Creek Place Homeowners Association. Such amendments will be adopted as addenda to this document. The DRC reserves the right to waive or vary any of the procedures or standards set forth herein at its sole discretion for good cause shown. As an example, but not limited to, it may consider individually the merits of any project due to special site conditions. Any project reviewed for special consideration must be shown to benefit the specific site, adjacent areas, or the neighborhood community as a whole and any such waiver must be in writing prior to commencement of improvements.

By encouraging quality and attention to detail throughout the neighborhood community, the aesthetic harmony, natural tranquillity and overall historical significance of the neighborhood community standards at Fall Creek Place will be enhanced and preserved through the DRC and Design Guidelines.

It should be noted that a separate Builder's Guide for New Construction was prepared offering a more illustrative detailed guide for new residential construction. This guide is presented within the Design Guidelines as Exhibit A and will be referenced throughout the Design Guideline documents.

1.3 OVERALL DESIGN CONCEPT

Fall Creek Place will have a neighborhood community image and identity in harmony with the physical characteristics of the area, and a visual frame of reference. This visual framework consists of the streetscape; design treatment of public and private spaces (residences, open spaces, parks, etc.); and the expression of architecture and the built environment.

All of these elements are viewed from one common denominator: generally, to create harmony between an existing urban fabric and new elements to ensure that all new structures and uses are compatible with the prevailing historic character in the surrounding area.

In responding to the Fall Creek Place development, compatible designs should not seek to imitate the historic architecture found in Fall Creek Place, but should instead reflect their surroundings in terms of mass, scale, color, materials, and building arrangement. It is imperative to recognize the character of the site and the surrounding area. The diversity of land uses identified in the site analysis indicated that Fall Creek Place was once a thriving urban neighborhood, complete with civic and commercial uses providing support to its residents.

The Design Guidelines play a vital role in revitalizing Fall Creek Place development by identifying conditions where design opportunities and potentials exist. The elements of sequence, hierarchy, and their application through design treatment are influencing factors that contribute to the clarity of destination, arrival, and decision making for the traveler of the streets. Significant public input was obtained during the master planning process. A total of ten overall guiding principles should drive future physical improvements to the Fall Creek Place neighborhood. These are listed below:

1. **Residential Land Use.** Renovate selected existing homes and provide new housing options in varied price ranges while maintaining an architectural identity.
2. **Commercial Land Use.** Establish active commercial districts of appropriate scale and architecture in logical locations to bring neighborhood services and businesses to residents of Fall Creek Place.
3. **Civic Land Use.** Encourage existing civic uses including churches, schools, and community organizations to remain while new civic uses are established within the neighborhood engaging residents in local events.
4. **Surface Parking Lots.** Reevaluate existing surface parking lot areas for needed improvement, and identify new surface parking areas to serve commercial businesses and civic uses.
5. **Open Space and Parks.** Enhance existing open spaces and develop new parks centrally located recognizing the need for passive, active, and social recreation areas further enhancing the quality of neighborhood life.
6. **Gateways.** Identify existing and potential gateway opportunities at significant entrance locations throughout the study area to establish a sense of community and arrival within Fall Creek Place.
7. **Vehicular Traffic.** Maintain existing vehicular traffic flow directions and lanes and suggest improvements for driver clarification. Improve pedestrian safety and enhance the streetscape along corridors.
8. **Street Design Hierarchy.** Maintain existing street hierarchy while considering right-of-way and pavement width, number of traffic and parking lanes, traffic speed, signalized intersections, and alignment.

REVISED Declaration of Covenants and Restrictions of the Fall Creek Place Development EXHIBIT 'A'

Address	Dir	Street Name	Parcel #	Legal Description
114	E	22ND	1036320	Martindales Lincoln Pk Add 1st Sec L32 B2
517	E	23RD	1025977	Bruce Place 37FT E End 20FT N SIDE L17
319	E	24TH	1093530	Martindales Lincoln Pk Add 2nd Sec 43.70FT W END L15 & L16 ALSO 43.70FT X 1.5FT NW COR L14 B8
323	E	24TH	1068148	Martindales Lincoln Pk Add 2nd Sec 93FT E END L16 & 5.5FT N SIDE OF 93.5FT E END L15 B8
509	E	24TH	1056168	M BRUCES SUB J A & M BRUCES ADD L11
523	E	24TH	1031011	T L SUTHERLANDS SUB J A & M BRUCES ADD L4
163	E	25TH	1039025	Martindales Lincoln Pk Add 3rd SEC 50FT W END L14 & L15 B15
610	E	25TH	1052262	Wrights Pk Ave ADD 32FT E OF 72FT W END L1 & 5FT S & ADJ
614	E	25TH	1017333	Wrights Pk Ave ADD 38FT E OF 104FT W END L1 & 5FT S OF & ADJ
620	E	25TH	1044295	Wrights Pk Ave ADD 40FT E END L1 & 5FT S OF & ADJ
2210	N	ALABAMA	1066797	Martindales Lincoln Pk ADD 1ST SEC L3 B4
2233	N	ALABAMA	1005703	Martindales Lincoln Pk ADD 1ST SEC L24 B5
2238	N	ALABAMA	1013702	Martindales Lincoln Pk ADD 1ST SEC L10 B4
2249	N	ALABAMA	1069910	Martindales Lincoln Pk ADD 1ST SEC L20 B5
2254	N	ALABAMA	1044429	Martindales Lincoln Pk ADD 1ST SEC L14 B4
2257	N	ALABAMA	1010078	Martindales Lincoln Pk ADD 1ST SEC L18 B5
2258	N	ALABAMA	1063347	Martindales Lincoln Pk ADD 1ST SEC L15 B4
2261	N	ALABAMA	1002853	Martindales Lincoln Pk ADD 1ST SEC L17 B5 EX 50FT E END
2262	N	ALABAMA	1043806	Martindales Lincoln Pk ADD 1ST SEC L16 B4
2302	N	ALABAMA	1023424	Martindales Lincoln Pk ADD 2ND SEC L1 B9
2303	N	ALABAMA	1102922	Martindales Lincoln Pk ADD 2ND SEC L32 B8
2307	N	ALABAMA	1102921	Martindales Lincoln Pk ADD 2ND SEC L31 B8
2310	N	ALABAMA	1018799	Martindales Lincoln Pk ADD 2ND SEC L3 B9
2311	N	ALABAMA	1102920	MARTINDALES LINCOLN PK ADD 2ND SEC L30 B8
2314	N	ALABAMA	1073686	MARTINDALES LINCOLN PK ADD 2ND SEC L4 B9
2315	N	ALABAMA	1102919	MARTINDALES LINCOLN PK ADD 2ND SEC L29 B8
2318	N	ALABAMA	1042808	MARTINDALES LINCOLN PK ADD 2ND SEC L15 B9
2319	N	ALABAMA	1102918	MARTINDALES LINCOLN PK ADD 2ND SEC L28 B8
2323	N	ALABAMA	1096510	MARTINDALES LINCOLN PK ADD 2ND SEC L27 B8
2330	N	ALABAMA	1030313	MARTINDALES LINCOLN PK ADD 2ND SEC L8 B9
2339	N	ALABAMA	1050278	MARTINDALES LINCOLN PK ADD 2ND SEC L23 B8
2345	N	ALABAMA	1030742	MARTINDALES LINCOLN PK ADD 2ND SEC L22 B8
2349	N	ALABAMA	1052513	MARTINDALES LINCOLN PK ADD 2ND SEC L21 B8

REVISED Declaration of Covenants and Restrictions of the Fall Creek Place Development EXHIBIT 'A'

Address	Dif	Street Name	Parcel #	Legal Description
2350	N	ALABAMA	1060770	MARTINDALES LINCOLN PK ADD 2ND SEC L13 B9
2354	N	ALABAMA	1079209	MARTINDALES LINCOLN PK ADD 2ND SEC L14 B9
2363	N	ALABAMA	1055146	MARTINDALES LINCOLN PK ADD 2ND SEC 55FT W END L17 B8
2401	N	ALABAMA	1036079	MARTINDALES LINCOLN PK ADD 3RD SEC L30 B17
2402	N	ALABAMA	1001335	MARTINDALES LINCOLN PK ADD 3RD SEC L1 B16
2405	N	ALABAMA	1007926	MARTINDALES LINCOLN PK ADD 3RD SEC L29 B17
2406	N	ALABAMA	1004794	MARTINDALES LINCOLN PK ADD 3RD SEC L2 B16
2450	N	ALABAMA	1061461	MARTINDALES LINCOLN PK ADD 3RD SEC L13 B16
2457	N	ALABAMA	1088506	Martindales Lincoln Pk ADD 3RD SEC L16 B17 ALSO 31FT EL X 72.5FT SL NE COR L17 B17
2541	N	ALABAMA	1038627	DOUGLASS PARK ADD L118
2601	N	ALABAMA	1022682	DOUGLASS PARK ADD L120
2602	N	ALABAMA	1102279	FALL CREEK PROPER 30FT S L14
2614	N	ALABAMA	1014559	DOUGLASS PARK ADD L92
2618	N	ALABAMA	1003760	DOUGLASS PARK ADD L91
2624	N	ALABAMA	1029800	DOUGLASS PARK ADD L90
2625	N	ALABAMA	1034581	DOUGLASS PARK ADD L126
2626	N	ALABAMA	1029799	DOUGLASS PARK ADD EX 5FT N SIDE L89
2628	N	ALABAMA	1043934	DOUGLASS PARK ADD L88 & 5FT N SIDE L89
2214		CENTRAL	1029850	MARTINDALES LINCOLN PK ADD 1ST SEC L4 B6
2240		CENTRAL	1011248	MARTINDALES LINCOLN PK ADD 1ST SEC L10 B6
2251		CENTRAL	1018472	BRUCE PLACE ADD 33FT S SIDE L17
2252		CENTRAL	1059742	MARTINDALES LINCOLN PK ADD 1ST SEC L13 B6
2256		CENTRAL	1038554	MARTINDALES LINCOLN PK ADD 1ST SEC L14 B6
2259		CENTRAL	1048317	BRUCE PLACE ADD 60FT W END L18
2260		CENTRAL	1022907	MARTINDALES LINCOLN PK ADD 1ST SEC L15 B6
2264		CENTRAL	1068485	MARTINDALES LINCOLN PK ADD 1ST SEC L16 B6
2329		CENTRAL	1076756	M BRUCES SUB J A & M BRUCES ADD L3
2335		CENTRAL	1039071	M BRUCES SUB J A & M BRUCES ADD L5
2362		CENTRAL	1039408	STEVENSONS SUB L16 B7 EX 46.67FT W END
2365		CENTRAL	1056167	M BRUCES SUB J A & M BRUCES ADD L10
2414		CENTRAL	1004642	MARTINDALES LINCOLN PK ADD 3RD SEC L4 B18
2422		CENTRAL	1043742	MARTINDALES LINCOLN PK ADD 3RD SEC L6 B18
2458		CENTRAL	1067728	MARTINDALES LINCOLN PK ADD 3RD SEC L15 B18
2521		CENTRAL	1009851	WRIGHTS PARK AVE ADD 41FT N SIDE L21
2525		CENTRAL	1023523	WRIGHTS PARK AVE ADD L22 & L23

REVISED Declaration of Covenants and Restrictions of the Fall Creek Place Development EXHIBIT 'A'

Address	Dir	Street Name	Parcel #	Legal Description
2545		CENTRAL	1060740	WRIGHTS PARK AVE ADD 47FT W END L25
2222	N	DELAWARE	1030806	MARTINDALES LINCOLN PK ADD 1ST SEC L6 B3
2225	N	DELAWARE	1070040	MARTINDALES LINCOLN PK ADD 1ST SEC L26 B4
2233	N	DELAWARE	1069943	MARTINDALES LINCOLN PK ADD 1ST SEC L24 B4
2237	N	DELAWARE	1043952	MARTINDALES LINCOLN PK ADD 1ST SEC L23 B4
2262	N	DELAWARE	1042053	MARTINDALES LINCOLN PK ADD 1ST SEC L16 B3
2263	N	DELAWARE	1057435	MARTINDALES LINCOLN PK ADD 1ST SEC L17 B4
2309	N	DELAWARE	1057606	MARTINDALES LINCOLN PK ADD 2ND SEC L30 B9
2310	N	DELAWARE	1058525	MARTINDALES LINCOLN PK ADD 2ND SEC L3 B10
2313	N	DELAWARE	1020917	MARTINDALES LINCOLN PK ADD 2ND SEC L29 B9
2317	N	DELAWARE	1020916	MARTINDALES LINCOLN PK ADD 2ND SEC L28 B9 EX PT FOR ST
2321	N	DELAWARE	1020915	MARTINDALES LINCOLN PK ADD 2ND SEC L27 B9 EX PT FOR ST
2349	N	DELAWARE	1039072	MARTINDALES LINCOLN PK ADD 2ND SEC L20 B9 EX PT FOR ST
2353	N	DELAWARE	1012936	ALL CREEK PLACE HPR PHASE 3 COMMON AREA WITHIN PERIMETER OF PLA
2354	N	DELAWARE	1006480	FALL CREEK PLACE HPR UNIT 5 PHASE 4
2355	N	DELAWARE	1103266	FALL CREEK PLACE HPR UNIT 4 PHASE 3
2356	N	DELAWARE	1103271	FALL CREEK PLACE HPR UNIT 4 PHASE 4
2357	N	DELAWARE	1103265	FALL CREEK PLACE HPR UNIT 3 PHASE 3
2358	N	DELAWARE	1103270	FALL CREEK PLACE HPR UNIT 3 PHASE 4
2359	N	DELAWARE	1103264	FALL CREEK PLACE HPR UNIT 2 PHASE 3
2360	N	DELAWARE	1103269	FALL CREEK PLACE HPR UNIT 2 PHASE 4
2361	N	DELAWARE	1015821	FALL CREEK PLACE HPR UNIT 1 PHASE 3
2362	N	DELAWARE	1103268	FALL CREEK PLACE HPR UNIT 1 PHASE 4
2404	N	DELAWARE	1103254	FALL CREEK PLACE HPR UNIT 2 PHASE 1
2405	N	DELAWARE	1103260	FALL CREEK PLACE HPR UNIT 3 PHASE 2
2406	N	DELAWARE	1103255	FALL CREEK PLACE HPR UNIT 3 PHASE 1
2407	N	DELAWARE	1103261	FALL CREEK PLACE HPR UNIT 4 PHASE 2
2408	N	DELAWARE	1103256	FALL CREEK PLACE HPR UNIT 4 PHASE 1
2409	N	DELAWARE	1103262	FALL CREEK PLACE HPR UNIT 5 PHASE 2
2410	N	DELAWARE	1103257	FALL CREEK PLACE HPR UNIT 5 PHASE 1
2434	N	DELAWARE	1037757	MARTINDALES LINCOLN PK ADD 3RD SEC L9 B15
2437	N	DELAWARE	1018778	MARTINDALES LINCOLN PK ADD 3RD SEC L21 B16 EX PT FOR ST
2441	N	DELAWARE	1048207	MARTINDALES LINCOLN PK ADD 3RD SEC L20 B16 EX PT FOR ST
2445	N	DELAWARE	1012205	MARTINDALES LINCOLN PK ADD 3RD SEC L19 B16 EX PT FOR ST
2453	N	DELAWARE	1069559	MARTINDALES LINCOLN PK ADD 3RD SEC L17 B16 EX PT FOR ST

REVISED Declaration of Covenants and Restrictions of the Fall Creek Place Development EXHIBIT 'A'

Address	Dir	Street Name	Parcel #	Legal Description
2454	N	DELAWARE	1047144	MARTINDALES LINCOLN PK ADD 3RD SEC L14 B15 EX 50FT W END & EX PT FOR ST
2457	N	DELAWARE	1069560	MARTINDALES LINCOLN PK ADD 3RD SEC L16 B16 EX PT FOR ST
2460	N	DELAWARE	1033814	MARTINDALES LINCOLN PK ADD 3RD SEC L15 B15 EX 50FT W END & EX PT FOR ST
145	E	FALL CREEK PKWY	1028793	DOUGLASS PARK ADD 66FT E END L44 THRU L46 & LOT E EX 1FT S SIDE OF 66FT E END OF L44
2201	N	NEW JERSEY	1048242	MARTINDALES LINCOLN PK ADD 31ST SEC L32 B6
2206	N	NEW JERSEY	1024438	MARTINDALES LINCOLN PK ADD 1ST SEC L2 B5 EX 32FT X 42FT SW COR
2207	N	NEW JERSEY	1039411	MARTINDALES LINCOLN PK ADD 1SEC L30 B6
2237	N	NEW JERSEY	1053869	MARTINDALES LINCOLN PK ADD 1ST SEC L23 B6
2242	N	NEW JERSEY	1041392	MARTINDALES LINCOLN PK ADD 1ST SEC L11 B5
2248	N	NEW JERSEY	1073249	MARTINDALES LINCOLN PK ADD 1ST SEC L12 B5
2251	N	NEW JERSEY	1067185	MARTINDALES LINCOLN PK ADD 1ST SEC L20 B6
2314	N	NEW JERSEY	1019198	MARTINDALES LINCOLN PK ADD 2ND SEC L4 B8
2318	N	NEW JERSEY	1037929	MARTINDALES LINCOLN PK ADD 2ND SEC L5 B8
2322	N	NEW JERSEY	1072273	MARTINDALES LINCOLN PK ADD 2ND SEC L6 B8
2344	N	NEW JERSEY	1013331	MARTINDALES LINCOLN PK ADD 2ND SEC L11 B8
2348	N	NEW JERSEY	1071801	MARTINDALES LINCOLN PK ADD 2ND SEC L12 B8
2352	N	NEW JERSEY	1077785	MARTINDALES LINCOLN PK ADD 2ND SEC L13 B8
2363	N	NEW JERSEY	1057410	STEVENSONS ADD L17 B7
2401	N	NEW JERSEY	1038786	MARTINDALES LINCOLN PK ADD 3RD SEC L30 & 11FT S SIDE L29 B18
2412	N	NEW JERSEY	1041085	MARTINDALES LINCOLN PK ADD 3RD SEC L3 B17
2416	N	NEW JERSEY	1062175	MARTINDALES LINCOLN PK ADD 3RD SEC L4 B17
2419	N	NEW JERSEY	1056718	MARTINDALES LINCOLN PK ADD 3RD SEC L26 B18
2423	N	NEW JERSEY	1052728	MARTINDALES LINCOLN PK ADD 3RD SEC L25 B18
2427	N	NEW JERSEY	1005633	MARTINDALES LINCOLN PK ADD 3RD SEC L24 B18
2428	N	NEW JERSEY	1002720	MARTINDALES LINCOLN PK ADD 3RD SEC L7 B17
2432	N	NEW JERSEY	1010453	MARTINDALES LINCOLN PK ADD 3RD SEC L8 B17
2435	N	NEW JERSEY	1025170	MARTINDALES LINCOLN PK ADD 3RD SEC L22 & S SIDE L21 B18
2461	N	NEW JERSEY	1023877	MARTINDALES LINCOLN PK ADD 3RD SEC L16 & 5FT N OF 50FT E END L17 & 2FT N OF 82.60FT E SIDE L17 B18
2210	N	PARK	1006240	BRUCE PLACE ADD L26
2218	N	PARK	1067335	BRUCE PLACE ADD EX 36FT S SIDE L25 7FT FRONT 4FT REAR S SIDE L24

REVISED Declaration of Covenants and Restrictions of the Fall Creek Place Development EXHIBIT 'A'

Address	Dir	Street Name	Parcel #	Legal Description
2232	N	PARK	1036924	BRUCE PLACE ADD 25FT N SIDE L23 & 13.9FT S SIDE L22
2320	N	PARK	1034554	J A & M BRUCES ADD L107
2328	N	PARK	1025976	J A & M BRUCES ADD L106
2334	N	PARK	1070422	J A & M BRUCES ADD L105
2340	N	PARK	1076707	J A & M BRUCES ADD L104
2344	N	PARK	1008885	J A & M BRUCES ADD L103
2350	N	PARK	1034802	J A & M BRUCES ADD L102
2356	N	PARK	1025883	SUTHERLANDS SUB J A & M BRUCES ADD L3
2360	N	PARK	1013416	SUTHERLANDS SUB J A & M BRUCES ADD L2
2366	N	PARK	1055802	SUTHERLANDS SUB J A & M BRUCES ADD L1
2401	N	PARK	1042590	J A & M BRUCES ADD L78
2402	N	PARK	1094001	J A & M BRUCES ADD L99
2407	N	PARK	1012587	J A & M BRUCES ADD 45FT S SIDE L79
2410	N	PARK	1004885	J A & M BRUCES ADD L98
2411	N	PARK	1012595	J A & M BRUCES ADD 10FT N SIDE L79 & 15FT S SIDE L80
2415	N	PARK	1012588	J A & M BRUCES ADD EX 15FT S SIDE L80
2416	N	PARK	1004883	J A & M BRUCES ADD L97
2422	N	PARK	1067371	J A & M BRUCES ADD L96
2423	N	PARK	1043159	J A & M BRUCES ADD L82
2431	N	PARK	1063191	JAMES & MARGARET BRUCE ADD L83
2462	N	PARK	1091555	J A & M BRUCES ADD L98
2463	N	PARK	1088602	J A & M BRUCES ADD L88
2501	N	PARK	1067721	WRIGHTS PARK AVE ADD 72FT W END L1 & 5FT S & ADJ
2521	N	PARK	1008900	WRIGHTS PARK AVE ADD L4
2540	N	PARK	1074331	WRIGHTS PARK AVE ADD L10B
2211	N	PENNSYLVANIA	1089836	MARTINDALES LINCOLN PK ADD 1ST SEC L30 B2
2215	N	PENNSYLVANIA	1043495	MARTINDALES LINCOLN PK ADD 1ST SEC L29 B2
2223	N	PENNSYLVANIA	1030968	MARTINDALES LINCOLN PK ADD 1ST SEC L27 B2
2259	N	PENNSYLVANIA	1022164	MARTINDALES LINCOLN PK ADD 1ST SEC L18 B2
2309	N	PENNSYLVANIA	1041595	MARTINDALES LINCOLN PK ADD 2ND SEC L30 B11
2313	N	PENNSYLVANIA	1004690	MARTINDALES LINCOLN PK ADD 2ND SEC L29 B11
2348	N	PENNSYLVANIA	1022790	MARTINDALES LINCOLN PK ADD 2ND SEC L12 B12
2352	N	PENNSYLVANIA	1019854	MARTINDALES LINCOLN PK ADD 2ND SEC L13 B12
2359	N	PENNSYLVANIA	1060729	MARTINDALES LINCOLN PK ADD 2ND SEC L18 B11
2403	N	PENNSYLVANIA	1028807	MARTINDALES LINCOLN PK ADD 3RD SEC L30 B14
2507	N	PENNSYLVANIA	1098449	DOUGLASS PARK ADD L9

REVISED Declaration of Covenants and Restrictions of the Fall Creek Place Development EXHIBIT 'A'

Address	Dir	Street Name	Parcel #	Legal Description
2511	N	PENNSYLVANIA	1030417	DOUGLASS PARK ADD L10
2531	N	PENNSYLVANIA	1013671	DOUGLASS PARK ADD N 1/2 L15
2533	N	PENNSYLVANIA	1028522	DOUGLASS PARK ADD L16
509		SUTHERLAND	1060373	WRIGHTS PARK AVE ADD 35FT E OF 47FT W END L25
515		SUTHERLAND	1066913	WRIGHTS PARK AVE ADD 35FT W OF 30FT E END L25
516		SUTHERLAND	1065780	HADLEYS SUB 33FT E END L3 & L4
519		SUTHERLAND	1063569	WRIGHTS PARK AVE ADD 30FT E END L25
2213	N	TALBOTT	1020289	MARTINDALES LINCOLN PK ADD 1ST SEC L29 B3
2217	N	TALBOTT	1041938	MARTINDALES LINCOLN PK ADD 1ST SEC L28 B3
2238	N	TALBOTT	1077781	MARTINDALES LINCOLN PK ADD 1ST SEC L10 B2
2245	N	TALBOTT	1042321	MARTINDALES LINCOLN PK ADD 1ST SEC L21 B3
2254	N	TALBOTT	1007791	MARTINDALES LINCOLN PK ADD 1ST SEC L14 B2
2262	N	TALBOTT	1051494	MARTINDALES LINCOLN PK ADD L16 B2
2309	N	TALBOTT	1037905	MARTINDALES LINCOLN PK ADD 2ND SEC L30 B10
2313	N	TALBOTT	1050905	MARTINDALES LINCOLN PK ADD 2ND SEC L29 B10
2317	N	TALBOTT	1066897	MARTINDALES LINCOLN PK ADD 2ND SEC L28 B10
2321	N	TALBOTT	1038205	MARTINDALES LINCOLN PK ADD 2ND SEC L27 B10
2322	N	TALBOTT	1038016	MARTINDALES LINCOLN PK ADD 2ND SEC L6 B11
2330	N	TALBOTT	1041118	MARTINDALES LINCOLN PK ADD 2ND SEC L8 B11
2334	N	TALBOTT	1068596	MARTINDALES LINCOLN PK ADD 2ND SEC L9 B11
2338	N	TALBOTT	1058528	MARTINDALES LINCOLN PK ADD 2ND SEC L10 B11
2341	N	TALBOTT	1020913	MARTINDALES LINCOLN PK ADD 2ND SEC L22 B10
2350	N	TALBOTT	1008355	MARTINDALES LINCOLN PK ADD 2ND SEC L13 B11
2364	N	TALBOTT	1033324	MARTINDALES LINCOLN PK ADD 2ND SEC L16 B11
2411	N	TALBOTT	1053525	MARTINDALES LINCOLN PK ADD 3RD SEC L28 B15
2455	N	TALBOTT	1009688	MARTINDALES LINCOLN PK ADD 3RD SEC L17 B15
2459	N	TALBOTT	1065052	MARTINDALES LINCOLN PK ADD 3RD SEC L16 B15

REVISED EXHIBIT 'B'

FALL CREEK PLACE



DESIGN GUIDELINES

Final Draft: August 27, 2001

Revised: August 27, 2003

Fall Creek Place and its agent, Mansur Real Estate Services, Inc. reserve the right to make any modifications to the Design Guidelines that is deems necessary without notice. All information provided is considered confidential and proprietary. Copying, distributing or divulging this information in whole or in part is prohibited without the express written consent of the owner or its agent.

9. **Pedestrian Traffic.** Maintain existing pedestrian sidewalk widths, locations, and relationships to streets. The existing network functions well within the context of the historic grid layout.
10. **On-Street Parking.** Existing on-street parking functions well along the urban streetscape and should remain in place along streets for the convenience of residents and visitors.

2 APPLICATION PROCEDURES

2.1 INTRODUCTION

The application procedure of the DRC is intended to provide qualitative reviews in a timely manner. Submittal requirements for specific development phases will be prescribed by the DRC and promulgated as addenda to these guidelines.

The application process consists generally of

1. An architectural review phase,
2. A landscape review phase,
3. A construction period site review phase.

In the interest of expediting construction activity, the DRC may combine or alter the above phases of the review process at its discretion. The DRC possesses the authority to pre-approve sets of home or building plans where appropriate for a project involving a limited number of building styles, elevations, materials, etc. An appeals process has also been established by the DRC. (See 2.7)

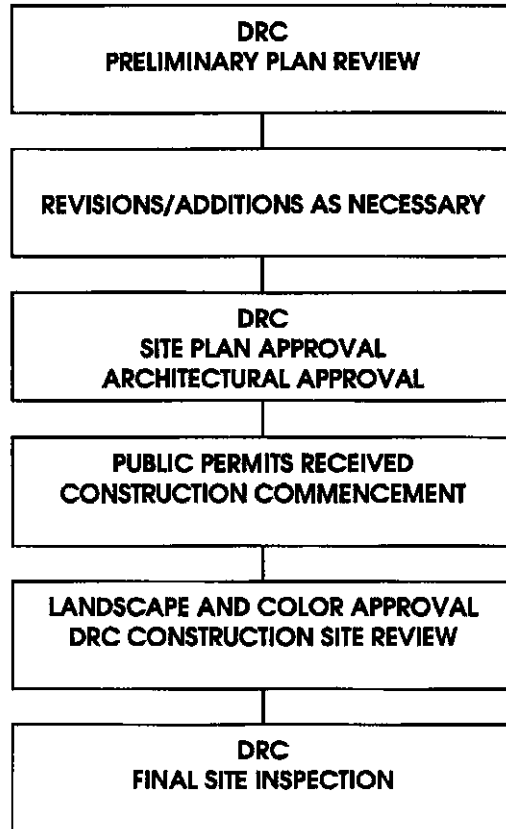
2.2 REVIEW PROCEDURES

In general, any physical improvement within Fall Creek Place that is visible from the street front of the residence will require approval of the DRC. Approval of plans by the DRC does not release the Applicant from compliance with local, state and federal permit processes. The DRC may approve the submittal outright, may provide conditional approval with a list of items to be addressed during later stages of design or construction and may request resubmittal with a list of specific items to be addressed.

2.3 SCHEDULE

Prior to preparation of a design submittal package, it is suggested that the Applicant, and/or his consultants, meet with a representative of the DRC to review and clarify these Design Guidelines, the characteristics of the particular building site, and technical issues related to review procedures. Five (5) complete sets of plans shall be submitted for review. One set shall be retained for the DRC's files and the remaining four sets shall be returned to the applicant. These four sets will be required by the applicable building permit agency. The Applicant should submit required design review information to the DRC at least

three (3) business days prior to the next scheduled DRC meeting. A schedule of these meeting dates will be made available.



The DRC will strive to take action on design review submittals within fourteen (14) business days upon submittal by each respective builder, but may take up to thirty (30) calendar days in accordance with the recorded documents of Fall Creek Place. If, in the opinion of the DRC, the submittal complies with the Design Guidelines, written approval shall be granted. If the submittal is found not to be in compliance with the Design Guidelines, the DRC shall provide the Applicant with a written description of the aspects in which the Submittal does not comply. The Applicant must then present required revisions to the DRC and follow the same review procedures. However, the DRC may issue a conditional approval in writing noting that certain aspects of the plans submitted will still require DRC review and approval.

2.4 DESIGN REVIEW FEES

The DRC reserves the right to establish and collect fees for the review of plans. Such fees, if any, will be posted through an addendum to these Design Guidelines.

2.5 SUBMITTAL REQUIREMENTS

Submission shall include the following information; however, the DRC will determine on a lot by lot basis if the actual submittal requirements should vary. Submissions should be made on 11" x 17" white paper. All drawings should be scalable, with scale clearly identified. **It should be noted that applicants will not be able to pull a building permit from the City of Indianapolis without a set of stamped plans from the Design Review Committee for any residential construction in Fall Creek Place.**

1. Site Development Plan indicating:

- Name of owner and owner's consultant(s), date of submittal, and lot designation
- Scale and north arrow
- Property boundaries and easements
- Location of existing structures or other improvements, if applicable
- Location, size, and type of all existing plant material, if applicable, including any existing vegetation which would be removed or altered.
- Location of trunks and outer edge of canopy on all trees in excess of four inch (4") caliper, if applicable
- Proposed building location(s) with related setbacks
- Driveway, walks, and parking layout with related setbacks
- Fence locations, heights, description and materials
- Exterior lighting types descriptions and locations, including yard lights
- Proposed utilities locations, if applicable

2. **Architectural Plans** including:

- Elevation Drawings, including all four (4) sides of building plus a front and side elevation of the garage. Elevations must specify all exterior materials used, including siding, roofing, foundation wall, decorative siding type, porch details, and trim type with dimensions where appropriate. Elevation plans should also call out window type, door type, roof pitch, depths of eaves, and floor to floor heights.
- Floor Plans, which shall include the square footage of finished living space for each floor, basements, and porches of the home on respective sheet.

3. **Landscape Plan.** Applicant shall submit the landscaping plan within two months of acquiring lot. Landscaping package should be completed within six months of acquiring lot. In the event of inclement season, landscaping should be completed no later than May 10 of the following year. The landscape plan should include:

- Location, size, and botanical name of all trees, shrubs, and ground covers to be added.
- Location of all annual and perennial flower bed areas.
- Delineation of seed/sod areas.
- Street trees and yard light required by developer.

4. **Color/Sample Board.** A sample board should be provided with indication of all exterior finish materials and colors. Color boards should include samples for all siding, decorative siding, brick type, foundation wall, trim details, porch details, and roof shingles.

2.6 **CONSTRUCTION PERIOD AND PROJECT REVIEW**

Any changes made during construction which deviate from the approved plans stamped by DRC should receive consent by DRC prior to completing. An ongoing periodic review of the construction of the Project will be undertaken by DRC staff representative(s) for the purpose of monitoring progress of the Project, and to ensure conformity with design plans previously approved by the DRC. Any deviations, which are significant, in the sole opinion of the DRC, will be brought to the Applicant's attention by written notification along with the measures that the DRC requires to mitigate or resolve the deviation.

2.7 APPEAL PROCEDURES

If the Applicant wishes to appeal any decision of the DRC, applicant may do so by first submitting a written appeal to the DRC. The DRC will provide the Applicant with reasonable notice and time of the meeting at which the Applicant's appeal will be reviewed. The Applicant will have the opportunity to attend this meeting and be heard prior to the DRC rendering a decision. Within seven (7) days after such meeting on the applicant's appeal, the DRC shall give notice in writing of its final decision to both the Applicant and the Fall Creek Place Homeowner's Association.

The Applicant may further appeal the decision of the DRC within seven (7) days following the date of notice of the DRC appeal decision as follows: The Applicant's appeal is made to the Fall Creek Place Homeowners Association Board of Directors. Reasonable notice will be given to the Applicant of the meeting at which the appeal will be reviewed. The Applicant will have an opportunity to be heard prior to the Board rendering a decision, provided applicant attends the scheduled meeting. The Board will review the Applicant's appeal at their next regularly scheduled meeting following the filing of the appeal. Failure of the Board to act within forty-five (45) calendar days from the date of filing will constitute approval. The Board will document in writing reasons for not granting an approval if that is the outcome of their review.

2.8 AMENDMENT PROCESS

These Design Guidelines may be updated and amended from time to time, through a unanimous agreement by the DRC. Upon such agreement, the DRC shall be responsible for creating a written addendum to the Design Guidelines, identifying changes made. All written addenda shall be numbered (i.e. Addendum 1, Addendum 2, etc.) and have a date identifying when such addenda was added. The DRC must present all addenda to the Fall Creek Place Homeowner's Association, and receive approval by the Fall Creek Place Homeowner's Association Board of Directors.

All addenda shall be added to the Design Guidelines and become incorporated into the Design Guidelines. The DRC will have the responsibility to record all addenda through the Marion County Recorder's Office, and all addenda shall not become enforceable until such recording is completed.

3 SITE LAYOUT AND LANDSCAPE GUIDELINES

3.1 SITE DESIGN AND SPACING

The DRC seeks to ensure that each residence works within the existing home sites in the best possible manner. Architecture, setbacks, and building orientation should complement the existing streetscape rhythm. The site plan concept developed for each home site should reflect functional needs but also be sensitive to the neighborhood's characteristics. The orientation and massing of houses will be viewed from many different angles along the streets within Fall Creek Place. The DRC shall consider each site independently but shall give extensive consideration to each individual plan's impact upon adjacent home sites and streetscape, massing, setbacks and the building heights.

Generally, front yard setbacks shall be between ten feet (10') and twenty-five feet (25') from the existing right-of-way. Side yard setbacks should have an aggregate minimum of ten feet (10'), with no side yard setback less than four feet (4'). Rear yard setbacks for garages shall be fifteen feet (15'), however, builders may seek a variance to allow for a smaller setback to provide greater rear yard space, providing rear setback is at least five feet (5') from alley.

Refer to the Builder's Guide for New Construction (Exhibit A) pages 5-7 for details and illustrations regarding appropriate setbacks, spacing, and building orientation.

3.2 BUILDING HEIGHTS AND PROPORTIONS

The basic outline and proportions of all new construction must be sensitive to the outlines of homes in the community. Roof shapes should create shapes or patterns consistent with the neighborhood context. Similarly, the basic proportions of window and door orientation should be compatible with the general architectural style of the building. Foundation heights must also be consistent with the overall context of the neighborhood, which generally means entrances shall be raised in a consistent manner.

Refer to the Builder's Guide for New Construction (Exhibit A) pages 8-11 for details and illustrations regarding appropriate building height, outline, fenestration, and foundation heights.

3.3 PARKING

On-street parking is allowed on the local neighborhood streets where designated and approved by governing review agencies having jurisdiction.

No curb cuts are permitted along the street front. All garages must be accessed from the rear alley. On corner lots, a garage may be accessible from the side street, providing such configuration meets local codes.

A garage is strongly recommended for all single family detached homes in Fall Creek Place. With the exception of corner lots, all garages would be detached garages accessible from the alley. The DRC shall consider exceptions on a case by case basis where a parking pad may be substituted in lieu of a garage to meet the criteria for affordable housing. Parking pads are also acceptable for all attached townhome units built in Fall Creek Place. The DRC shall have the rights to limit and restrict the location of all homes that will not have garages.

When a parking pad is substituted for a garage, the parking pad must be constructed with a turned down slab that would be able to accommodate a future garage should the owner opt to construct one in the future. Parking pads must also include parking bumpers and a minimum 36" high landscaped buffer surrounding three sides of the parking pad.

Garages must be constructed using a consistent design acceptable to the DRC. Garage construction will have more flexible standards than the primary dwelling unit, however, the design and appearance should be consistent with the home. Refer to Section 4.10 for specific detail about the physical design considerations for garages.

Garage and parking pad setbacks shall also be consistent with the overall setback lines in the neighborhood. Generally, this shall be a setback of fifteen feet (15') from the edge of the paved alley.

Temporary or permanent parking of any kind of motorized vehicle in the front, side and rear yards or on front porches is prohibited. Parking is restricted to pre-approved garages, parking pads; garage aprons, and on-street designated parking spaces.

3.4 DRIVEWAYS

Driveways for residential units should be concrete, although asphalt, exposed aggregate or other hard surface materials may be utilized with DRC approval prior to installation. In no event will gravel driveways be allowed. With the

exception of corner lots and the potential attached garages accessible from the side street, all driveways shall extend from the alley only.

3.5 WALKS

All houses shall install front walks from the front porch to the public walk at street. Walks shall be concrete, brick, or other hard surface approved by the DRC, and should run parallel to the north/south property line of the home unless DRC approves otherwise. All walks shall be a minimum width of three feet (3'). Walks in the rear yard are acceptable, but not required.

3.6 FENCING AND WALLS

All fencing and walls are subject to DRC approval prior to installation.

Special consideration should be given to the design, placement, impact and views of a wall or fence from neighboring home sites. Fencing should be considered as a design element to enclose and define courtyards and other private spaces, provide security, and relate building forms to the landscape.

Any fencing used in the front yard must be between thirty-six inches (36") to forty-two inches (42") in height. Front yard fencing must be open spaced pickets and may not be a privacy fence. For homes on a corner lot, the side yard facing the street shall be considered a primary façade, and as such, any fencing must adhere to the standards set for front yard fencing.

Privacy fencing may be used in the rear yard, but must be no greater than six feet (6') in height. If a privacy fence is utilized, it should stop at approximately the mid-point between the front and rear of the home.

It is recommended that any solid walls be constructed of the same materials found in the architecture of the residence.

No chain link or welded wire fencing will be permitted within the neighborhood community. No fence may be erected within landscape easements, utility, or other easements, abutting or adjacent to parks.

If an open spaced picket fence is to be installed along a landscape easement, it must be erected on the inside of the landscape easement as defined by the edge of the landscape or right-of-way easement that is farthest from the adjoining street and nearest the residence.

Refer to the Builder's Guide for New Construction (Exhibit A), page 12 for supplemental graphic details on fencing.

3.7 LANDSCAPING

A landscaping plan for each newly built home must be approved by the DRC. The predominant design theme for Fall Creek Place is that of traditional streetscape with strategically located trees along streets, alleys, and yards throughout the neighborhood community. A palette of hardy indigenous, hardwoods and naturalized plant material is preferred. Deciduous trees, rather than conifers, is the more dominant tree type. All unpaved areas should be landscaped with trees, shrubs, and ground cover plantings. Large areas of gravel, bark mulch, or bare soil are prohibited.

1. **Sodding and Seeding.** All front yards and side yards should be established through sodding. Future repairs and improvements can be made by seeding, providing no bare soil remains for a prolonged period of time. Rear yards are also preferred to be sodded, however, seeding is also acceptable as the minimum requirement. All front, rear, and side yards should be properly graded with a minimum of one inch (1") of topsoil and use of starter fertilizer when sodding and/or seeding.
2. **Front Yard Landscaping.** All front yards shall have the following minimum landscaping requirements:
 - 1 deciduous shade tree, minimum two and one half inch (2-1/2") caliper measured one foot (1) above grade ("Street Tree"). Street Tree shall be planted between three and five feet (3' to 5') from the front property line as defined by the edge of the public sidewalk, in an acceptable location to the DRC that aligns with street trees planted within the public right-of-way.
 - 1 flowering tree, minimum one inch (1") caliper measured one foot (1) above grade ("Front Yard Tree").
 - 8 foundation shrubs, minimum eighteen inch (18") (spread foundation plantings).

Ornamental, fruit, evergreen, and other deciduous trees may be planted elsewhere on the property, but shall not be planted between the sidewalk and the curb and do not constitute satisfaction of the minimum requirements of this section.

3. **Side Yard Landscaping.** Homes on a corner lot are required to also have a minimum of eight (8) foundation shrubs along the side yard,

which also serves as a primary façade. However, no deciduous shade trees or flowering trees are required along the side yard.

4. **Irrigation.** Where irrigation is installed, the use of innovative, water efficient irrigation systems is strongly encouraged and recommended. All irrigation systems are to be below ground, fully automated systems in compliance with all applicable building code requirements. All backflow control devices are to be located or screened so that they are not visible from the streets.

3.8 LIGHTING

All homes shall be required to have at least one (1) porch light mounted near the front door, and one (1) pole-mounted yard light. Yard lights shall be located no further than three feet (3') from the front yard property line and should be positioned adjacent to the walk connecting the front porch to the public sidewalk. Yard lights should also be equipped with a standard dusk to dawn light. Porch lights and yard lights should be black. All bulbs should be white or clear. No colored bulbs or lenses are permitted. Specifications for lighting are provided in Exhibit D.

A light is also required to be mounted to the garage facing the rear alley. The alley light should also be equipped with a standard dusk to dawn light.

3.9 MAILBOX AND ADDRESS MARKERS

All homes must have a standard black, wall-mounted mailbox. Mailbox should be mounted next to the entry door. Exhibit E provides a graphic illustration of the preferred mailbox.

Homes will be required to identify their street address on the front of their homes and on the garage facing the alley. Address identification on the front of the home can be provided with etching on a glass transom above the front door OR with a standard address marker plaque. However, the address identification must be visible from the street. Therefore, if the front door of the home is not facing the street, the address plaque must be added on the front façade so it is visible.

Exhibit F provides a graphic illustration of preferred address identification for the front of the home. Individual nail-on numbers are not an acceptable address plaque for the front of the home. However, individual numbers nailed to the garage are acceptable for identification on the garage.

3.10 SIGNAGE

All signage is subject to applicable local and state regulations and any permanent signs must be approved by the DRC prior to submission to such agencies. Notwithstanding any other requirements of this section, the Master Developer may install signs of a certain type and in certain locations as may be approved by the appropriate governmental agencies for identification, directional, or informational purposes.

Builders, Owners, and Applicants are permitted only one (1) temporary building sign to be erected per homesite. Special signage may be allowed on a temporary basis for special events, per the approval of the Design Review Committee.

All signage to be used for new housing construction must be consistent with approved builder sign shown in Exhibit C ("Lot Sign"). Lot Signs shall be flexible to allow Applicant to include information relating to contractors, realtors, or other parties as deemed appropriate. A portion of the Lot Sign shall be flexible to accommodate interchangeable decals. In addition, a flag extension on the bottom of the sign indicating "Sold," "For Sale," "Model" or other suitable wording is also permissible.

Contractors are responsible for maintenance of all signage within their site(s). Repairs should be made in a timely manner.

Owners shall be responsible for maintenance and ultimate removal of any temporary signs, including political signs and realtor signs.

No sign shall be located in such a way as to create a traffic or other hazard, obstruct any other sign, or restrict visibility for vehicular or pedestrian circulation or views of the surrounding buildings and environment.

Identification signage is not allowed within the right-of-way of a dedicated public street, nor any other areas not approved by the DRC.

Signs advertising goods or services, home occupation signs, special event signs, and portable signs will not be permitted unless approval is granted from the DRC.

3.11 MOUNTED EQUIPMENT

Items such as skylights, solar panels, vents, access ladders, condensers, electric and gas meters, etc., should be strategically located so they are not visible from the street if possible. All skylights should be flat, no bubble or curved glass will be allowed. Where mechanical or service equipment, satellite dishes, or other equipment is located on the roof, it shall be grouped into concentrated areas with attempts made to minimize view from the street. Efforts should be made to screen mechanical equipment when possible.

Metal flashing, flues and any other exposed roof top mechanical equipment should be non-reflective. All metal flues and other exposed rooftop equipment should be painted black and should be kept to the rear of the home to the fullest extent possible.

Electrical conduits which service the yard light should not be located in such a manner where they are visible on the front elevation. Furthermore, the conduit itself should be painted to match what it is up against, most likely the bandboard. All electrical outlets, dryer vents, and water spigots should be hidden so they are not visible from the street and should not be encased in plastic or other materials which differ from the siding.