

I hereby certify that the within plat is true and correct and represents a survey of a part of the east half of the Southeast Quarter of Section 11, Township 15 North, Range 7 East in Marion County, Indiana, more particularly described as follows:

Beginning on the west line of the said Half Quarter Section bearing North 01 degree 37 minutes 00 seconds East 865.00 feet from the Southwest corner of the said Half Quarter Section; thence North 00 degree 00 minutes 00 seconds East parallel with the South line of the said Half Quarter Section 175.44 feet to the Southwest corner of Lot #110 in "Heatherwood Estates - Sixth Section" as recorded May 1976. Instrument # 10486 in the Office of the Recorder of Marion County, Indiana (the next line course is along the western bounds of the said "Heatherwood Estates - Sixth Section"); thence North 00 degree 00 minutes 00 seconds East 185.00 feet; thence North 00 degree 00 minutes 00 seconds East 11.69 feet; thence North 01 degree 37 minutes 01 seconds East 147.44 feet; thence South 86 degree 22 minutes 51 seconds East 39.78 feet; thence North 01 degree 37 minutes 06 seconds East 1125.00 feet; thence North 00 degree 00 minutes 00 seconds East 37.40 feet; thence North 01 degree 37 minutes 00 seconds East 177.79 feet; thence South 89 degree 59 minutes 01 seconds West 11.00 feet; thence North 89 degree 00 minutes 56 seconds East 110.00 feet to the Northwest corner of Lot #110 in the said "Heatherwood Estates - Sixth Section"; thence South 89 degree 59 minutes 01 seconds East along the North line of the said Half Quarter Section 297.79 feet to the Northwest corner of the said Half Quarter Section; thence South 01 degree 37 minutes 00 seconds East along the west line of the said Half Quarter Section 175.44 feet to the place of beginning, containing 13.670 acres, more or less.

This subdivision consists of 42 lots, numbered 128 through 169 inclusive. The size of lots and streets are shown on this plat in figures showing feet and decimal parts thereof.

This survey was made by me during the month of January, 1977.

Witness my signature this 11th day of April, 1977.



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LOT NUMBER (typ)

ADDRESS (typ)

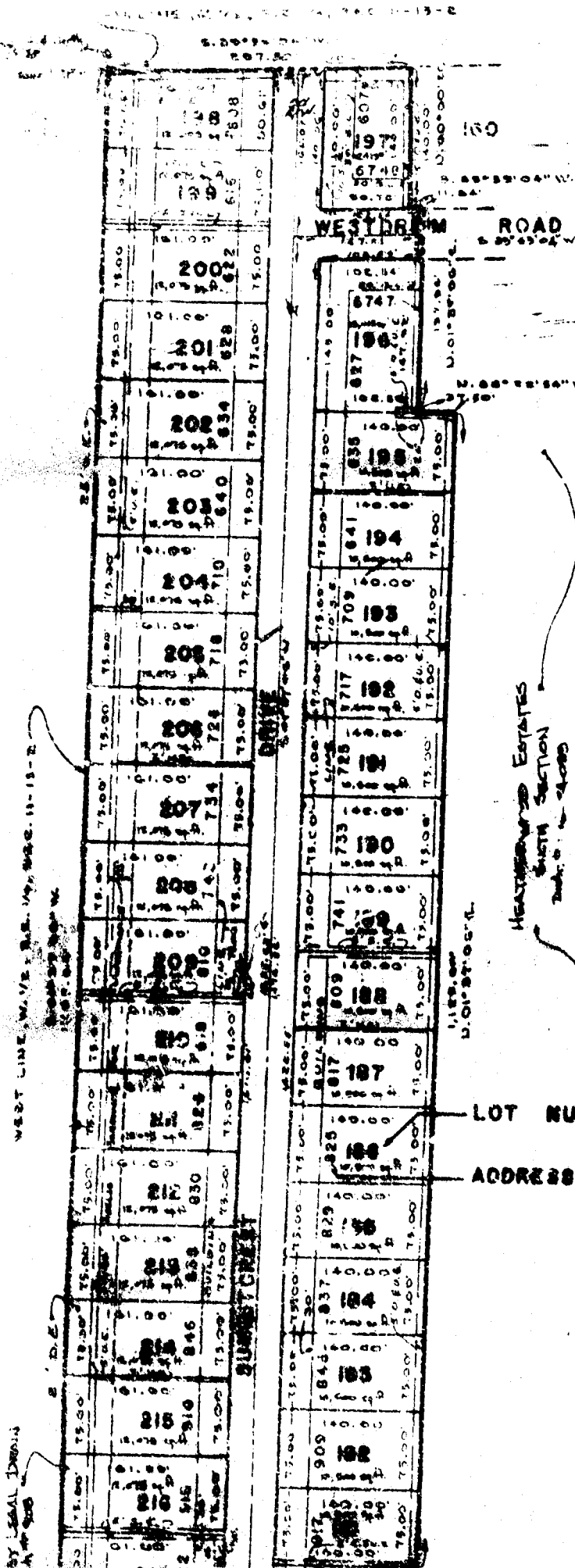
HEATHERWOOD ESTATES SEVENTH SECTION

PROPER NOTICE OF THE
 RECORDING OF THIS
 PLAT COMMITTEE
 SECRETARY PLAT COMMITTEE
VOID UNLESS RECORDED
BEFORE MAY 9 1977

... all the included tract do hereby lay off, plat, and subdivide into lots and streets such tract in
 Marion County, Indiana.

... of the street, no structure shall be erected or maintained, and no other
 ... shall be permitted, to remain on any corner lot within the plat, and the
 ... shall be maintained in accordance with the Indiana Plat Law, and the
 ... shall be maintained in accordance with the Indiana Plat Law, and the

2 25500 A1



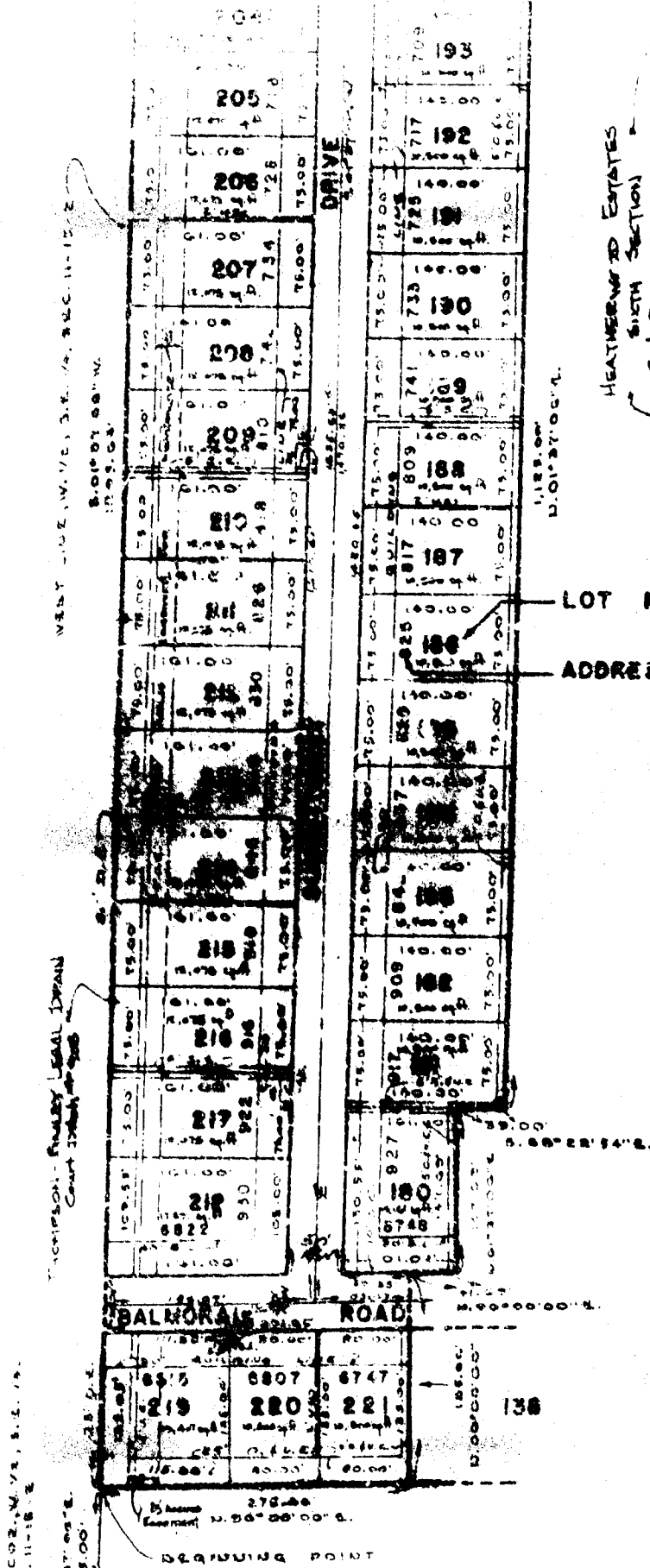
LOT NUMBER (typ)

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WESTERN ROAD ESTABLISHED SOUTH SECTION 2nd. 6. 18. 1880



77 (INDEX)



HEATHERWOOD ESTATES
SIXTH SECTION
Twp. 24 S. R. 10 E.

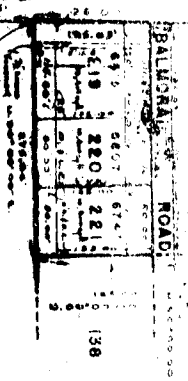
LOT NUMBER (typ)

ADDRESS (typ)

The undersigned, on behalf of Smith-Spears Builders & Developers, Inc. accordance with the within plat.

- A. The within plat shall be known and designated as "Heatherwood Estates"
- B. The streets shown and not heretofore dedicated are hereby dedicated to
- C. Front and side building lines are established as shown on this plat by

SEVENTH SECTION



The undersigned, on behalf of South-Square Builders & Developers, Inc. being the owner of record of all the land hereunto described by and subject to the conditions hereinafter set forth, hereby certifies that the following is a true and correct copy of the original plat as recorded in the office of the County Clerk of the County of Marion, Missouri.

- A. The vacant plat shall be known and designated as "Seventh Section", an addition to Marion County, Missouri.
- B. The streets shown and not herebefore dedicated are hereby dedicated to the public.
- C. Front and side building lines are established as shown on this plat between which lines and the property lines of the streets, improvements thereon, and other structures shall be placed. The minimum setback shall be five feet from the intersection of said street lines, or in the case of a street crossing another street, the setback shall be five feet from the intersection of such intersecting streets. The setback shall be measured from the center line of such intersecting streets.
- D. Front building lines are established as shown on this plat between which lines and the property lines of the streets shown shall be placed. The minimum setback shall be five feet from the intersection of said street lines, or in the case of a street crossing another street, the setback shall be five feet from the intersection of such intersecting streets.
- E. In trailers, tents, sheds, enclosures, garages, barns or other outbuildings or temporary structures shall be used for temporary or seasonal purposes, no such structure shall be erected on any lot in this addition, nor shall anything be done thereon which requires excavation or open trenches, foundations or utility poles.
- F. No use of any building shall be erected or maintained on any lot in this addition, nor shall anything be done thereon which requires excavation or open trenches, foundations or utility poles.
- G. No use of any building shall be erected or maintained on any lot in this addition, nor shall anything be done thereon which requires excavation or open trenches, foundations or utility poles.
- H. The right to surface for utility lines, restrictions and easements by injunction, together with the right to use and enjoy the same, shall be reserved to the owners of the several lots in this addition, their heirs and assigns, and shall be enforceable in law and equity. The right to surface for utility lines, restrictions and easements by injunction, together with the right to use and enjoy the same, shall be reserved to the owners of the several lots in this addition, their heirs and assigns, and shall be enforceable in law and equity.
- I. There are hereby granted to the public the right of easement for utility lines, restrictions and easements by injunction, together with the right to use and enjoy the same, shall be reserved to the owners of the several lots in this addition, their heirs and assigns, and shall be enforceable in law and equity.
- J. The right to surface for utility lines, restrictions and easements by injunction, together with the right to use and enjoy the same, shall be reserved to the owners of the several lots in this addition, their heirs and assigns, and shall be enforceable in law and equity.
- K. The right to surface for utility lines, restrictions and easements by injunction, together with the right to use and enjoy the same, shall be reserved to the owners of the several lots in this addition, their heirs and assigns, and shall be enforceable in law and equity.

APPROVED THIS 20th day of May 1977
COUNTY OF MARION, MISSOURI
BY: [Signature]
CLERK

CROSS REFERENCE

770029349

CROSS REFERENCE

WAIVER OF PORTION OF PLAT COVENANTS

THIS WAIVER is hereby declared this 6th day of May, 1977, by Smith-Spears Builders & Developers, Inc., an Indiana Corporation,

WITNESSETH THAT:

WHEREAS, Walter W. Smith is President of Smith-Spears Builders & Developers, Inc., and Charles R. Spears is Secretary of said corporation.

WHEREAS, said corporation on the 6th day of May, 1977, recorded with the Office of the Recorder of Marion County, Indiana, a plat plan for Heatherwood Estates, Seventh Section, which was so recorded as Instrument No. 77-029,352.

WHEREAS, Covenant "L" provides, among other things, the following language, to wit:

"All buildings shall be fifty percent (50%) stone or brick veneer."

WHEREAS, Smith-Spears Builders & Developers, Inc., is the owner of all lots in Heatherwood Estates, Seventh Section, namely: Lots Numbered 160 through 221 inclusive, and may, with the approval of the Department of Metropolitan Development, formerly known as the Metropolitan Planning Commission, waive said portion of said Covenant "L" such provisions are contained in Covenant "J" of said plat plan.

NOW, THEREFORE, in consideration of the mutual promises and inducements herein described, Smith-Spears Builders & Developers, Inc., does hereby specifically waive and does hereby agree to not enforce that portion of Covenant "L" of said plat plan which reads as follows:

"All buildings shall be fifty percent (50%) stone or brick veneer."

so that frame residential structures may be built in said Heatherwood Estates, Seventh Section.

This Waiver of Portion of Plat Covenants was executed in Indianapolis, Indiana, this 6th day of May, 1977.

SMITH-SPEARS BUILDERS & DEVELOPERS, INC.

By: Walter W. Smith
Walter W. Smith, President



Charles R. Spears
Charles R. Spears, Secretary

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Walter W. Smith and Charles R. Spears, the President and Secretary respectively of Smith-Spears Builders & Developers, Inc., who acknowledged execution of the foregoing Waiver of Portion of Plat Covenants for and on behalf of Smith-Spears Builders & Developers, Inc., and who, having been duly sworn, stated that the representations therein contained are true.

MAY 23 12 00 PM 1977
REC'D
MARION COUNTY

WITNESS MY HAND and Notarial Seal this 17th day of May, 1977.

[Signature]
Notary Public

My Commission Expires:
17 June 1978

APPROVAL

The foregoing Waiver of Portion of Plat Covenants is hereby approved by the Department of Metropolitan Development this 18th day of May, 1977.

DEPARTMENT OF METROPOLITAN DEVELOPMENT

By: [Signature]

This Instrument Prepared By:

J. C. Burris
BURRIS & GROSS
Attorneys at Law
17 Circle Tower
Indianapolis, Indiana 46204

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