# ROLLING HILLS ESTATES GREEN TOWNSHIP MORGAN COUNTY

ROLLING HILLS TRACTS SHALL BE EXCLUSIVELY RESIDENTIAL WITH ONE BUILDING SITE FOR ONE SINGLE FAMILY DWELLING, WITH ACCESSORY HUILDINGS, PER TRACT, AND, NO TRACT SHALL BE SUBSEQUENTLY DIVIDED INTO SMALLER PARCELS OR SUBDIVIDED INTO PLATTED LOTS SO AS TO CREATE ANOTHER BUILDING SITE. COMMERCIAL ACTIVITIES, INCLUDING "HOME OCCUPATIONS" OR PROFESSIONAL OFFICES, ARE NOT PERMITTED. BU COMMERCIAL AGRICULTURE IS PERMITTED. AUTO MECHANICS OR BODY MORK OR WELDIED FOR HIRE WHATSOEVER SHALL NOT BE PERMITTED, EXCEPT FOR PERSONAL HOSBY OR REPAIR ON MOTOR VEHICLES LICENSED TO THE TRACT CHMER (OR FAMILY MEMBER) FOR PERSONAL USE ONLY, AND NOT FOR RESALE OR HIRE.

- TYPE/SIZE CONSTRUCTION

  (A) PRIOR TO THE CONGENCEMENT OF CONSTRUCTION, THE PROPOSED BUILDER OR CONTRACTOR AND ALL CONSTRUCTION PLANS, INCLUDING THE PLACEMENT OF SUCH IMPROVEMENTS ON SITE FOR ALL IMPROVEMENTS INCLUDING, BUT HOT LIMITED TO THE RESIDENCE, ACCESSORY OR OUT BUILDING (INCLUDING ANY PERMANENT STRUCTURE AS A MINI BARN OR SULLED, AND PENCING, SHALL BE APPROVED IN WRITING BY THE DIRECTOR AS WELL AS BY THE PERMIT OR APPROVAL OF THE GOVERNMENTAL AGENCY OF JURISDICTION. IN NO EVENT SHALL ANY ACCESSORY BUILDING SE ERECTED PRIOR TO ERECTION OF RESIDENCE.

  ANY EXTERNAL ALTERATION SUBSECUENT TO COMPLETION OF CONSTRUCTION MUST BE APPROVED IN WRITING BY THE BOARD.
- (B) ALL DMELLING SHALL CONTAIN AT LEAST 1.600 SQUARE PEET.
  EXCLUSIVE OF PORCHES, DECKS, PATIOS, GARAGES, MALK-OUT BASEMENTS
  AND SUCH. ALL DWELLINGS SHALL INCLUDE AT LEAST A TWO-CAR GARAGE.
  SO CARPORTS SHALL BE PERMITTED. NO MANUFACTURED HOUSING, MOBILE
  HOME, GARAGE, BASEMENT OR TEMPORARY STRUCTURE MAY BE A RESIDENCE
  BITHER TEMPORARILY OR PERMAMENTLY. SET BACK REQUIREMENTS SHALL
- (C) ALL CONSTRUCTION OF DWELLINGS SHALL BE MEN AND IN COMPLIANCE WITH REQUIRED BUILDING CODES. ALL RESIDENTIAL DWELLINGS SHALL BE CONSTRUCTED UPON COMCRETE POOTERS. SECONDARY SUPPORT BUILDINGS SHALL COMFORM TO STATE BUILDING CODE. THE LOT SHALL BE LAMDSCAPED WITHIN 60 DAYS POLLOWING COMPLETION OF THE DWELLING. NO ALUMINUM SIDING MAY BE USED.
- (D) ALL DMELLINGS SHALL DE SERVED BY APPROVED (MORGAN COUNTY BOARD OF HEALTH) SEPTIC OR PRIVATE SENAGE SYSTEMS.
- (E) ALL DWELLINGS SHALL DE SERVED DY APPROVED (MORGAN COUNTY BOARD OF HEALTH) WELL SYSTEMS OR PUBLIC MATER AS MAY BECOME



OTHER COVENANTS
FENCES: NO "BARBED" WIRE TYPE FENCES WHATSOEVER SHALL BE
FERMITTED. ALL FENCING DESIRED BY AN OWNER SHALL BE THE OWNER'S
RESPONSIBILITY, NOTWITHSTANDING STATUTORY FRACE LAW AND FENCE LAW

RESOURCES: NO MINING, DRILLING OR EXCAVATION OF ANY OIL, GAS, LIQUID, AGGREGATE, MINERAL OR SOIL SHALL BE PERMITTED EXCEPT AS INCIDENTAL TO THE SITE PREPARATION AND CONSTRUCTION AUTHORISED BY THESE COVENANTS AND RESTRICTIONS.

APPEARANCE: ALL TRACTS SHALL BE MAINTAINED AND GRASS AND WHEDS SEASONABLY CUT TO MAINTAIN A NEAT AND ORDERLY APPEARANCE AND ALL IMPROVEMENTS MAINTAINED SO AS TO AVOID THEIR BECOMING UNSIGHTLY. OR UNSHELTERED STORAGE OF MATERIALS, EQUIPMENT, JUMK, INOPERATIVE OR UNUSED MOTOR VEHICLE SHALL BE PERMITTED. NO JUNK DEBRIS, AS DEPINED BY THE COMMITTER, SRALL BE PERMITTED TO ACCUMILATE. NO FUEL TAMKS SHALL BE VISIBLE FROM PROST OF ARY SCADUARY.

AMIMALE: MO AMIMALS WHATSOEVER, EXCEPT HOUSEHOLD PETS AND 4-H PROJECTS (EXCEPT PIGS) AND NOT MORE THAN FOUR (4) HORSES SHALL BE PERMITTED, EXCEPT AS PERMITTED BY THE DIRECTOR. THE BREEDING OF ANY AMIMAL FOR COMMERCIAL PURPOSES, INCLUDING DOG KENNELS, IS NOT PERMITTED. ALL ANIMALS WILL BE CONSIDERED BY THE BOARD ON A CASE BY CASE BASIS.

ACTIVITIES: NO HOXIOUS, OFFERSIVE OR ILLEGAL ACTIVITY OR ACTIVITY CONSTITUTING A MUISANCE SHALL BE PERMITTED.

GARDENS: NOTHING HEREIM SHALL BE CONSTRUED TO PROHIBIT PERSONAL GARDENS, ARBORS OR FRUIT TREES.

DOCKS & PIERS: BECAUSE NO MOTORIZED, GAS OR DIESEL POWERED WATER CRAFT WILL BE PERMITTED, DOCKS, PIERS OVER TEN FRET WILL NOT BE PERMITTED. TROLLING MOTORS FOR FISHING IS PERMITTED.

ECREOMERS ASSOCIATION: DUES WILL BE DETERMINED BY THE OWNERS AFTER 70% OF THE LOTS ARE SOLD AND A HOMEOWNERS ASSOCIATION IS FORMED. DUES WILL NOT BE ASSESSED AGAINST THE DEVELOPER FOR A PERIOD OF 5 YEARS. LAKE MAINTEMANCE IS TO BE SHARED BY THOSE THAT BENEFIT FROM THE LAKES.

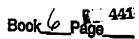
EMFORCEMENT: EMFORCEMENT OF THESE COVENANTS AND RESTRICTIONS IS RESERVED TO ASSOCIATION AND TO THE OWNERS OF REAL ESTATE WITH ROLLING HILLS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE MON-COMPORNING OR NO APPROVED STRUCTURES TO BE REMOVED BY FROCESS OF LAM. VIOLATION OF ANY COVENANT OR RESTRICTION SHALL NOT RESULT IN FORFFITTING OR REVERSION OF TITLE. FAILURE TO EMFORCE A PARTICULAR PROVISION OF OR RESTRICTION SHALL NOT BE COMSTRUED AS A WAIVER OF THE RIGHT OF EMFORCEMENT. THE INVALIDITY OF A PARTICULAR COVENANT OR RESTRICTION SHALL NOT INVALIDATE ANY REMAINING COVENANT OR RESTRICTION.

JULY 17, 1997

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JULY 17, 1997

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# ON II

AST QUARTER, ITY, INDIANA.

## SURVEYOR'S REPORT FILE NO: 088310

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the above observations it is the prefessional traper that the Uncertainties of the Ress a percel are so tollows:

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ACCESS AND UTILITY EASEMENT NUMBER THREE (3)

# ACCESS AND UTILITY EASEMENT NUMBER FOUR (4)

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# ACCESS AND UTILITY BASEMENT NUMBER FIVE (5)

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ACCESS AND UTILITY EARCHMENT WURGER SIX (0)

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## ACCRES AND UTELTY EASELIERT MUNICIPAL SEVER (?)

THERE ARE IMPROVEMENTS ON PARCEL NO. 44 CHLY.



ROLLING HILLS ESTATES, SECTION II

DEVELOPER: STEPHEN V. PARIS

PARCELS 22 THROUGH 48 OVENANTS AND RESTRICTIONS AS RECORDED IN SURVEY E OFFICE OF THE RECORDER NANTS AND RESTRICTIONS HE LAND AS SHOWN HEREON,

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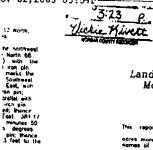
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## HOLLOWAY ASSOCIATES Land Surveying and Engineering Mooresville, Indiana 46158

SURVEYOR'S REPORT

This report is for the retracement survey and division of 87.568

acres more or less described in Deed Record 395 Page 396 in the names of Steven V. Paris and Constance B. Paris.

THEORETICAL UNCERTIARTY OF MEASUREMENT "Tu": The "Tu" of the contrast of this parcet(s) are either the requirements for a Canas ("Tu" of the Canas

in accordance with Title 865. Article 1.1. Chapter 12 of the incidenc Administrative Cade, the following demarkations and opinions are submitted regarding the "INCERTAINT" in the position of the date and corners established on this survey as a rebuilt of unpertainties and/or ambiguities from:

(a) Reference monuments of record (b) Title documents of money (c) Evidence of active lines al accupation

in regard to monuments, point (a) obove, in many cases the original section corners were high perpetuated or hore been cleared with time and themfers shitbing topographical restures and monuments at modern eying provide two only evidence of the corner's most PROBALE physical early or ACCOPTED POSIBON. In the proportion of the providence that the points of the corner was the proposition of the section.

Section corners found as established by topographical features, measurement and modern origin at propertianol measurement will be loaded as "LOCAL DORNER" on the plot at servey and ors establed to endiaco-orient endinger reporting the true beaction of said corners. Note that the uncartainty which surrounds a "uncollocate" or the property peaced to any power corner as inherently peaced to any power corner department of the southern or the position of the southern owner. "UNCORTABITY" of "LOCAL CORNERS" is not residily determinable or unknown and therefore will not be politicated in this report.

in regard to "ACTIVE LEMES OF OCCUPATION", point (b) obever active frees to larm, which are melted by visible , obvious, well defined and melintelened, man-mode or piscod objects, such as uncertainty chief frames, hedges and neterining wells. The uncertainty chief for the control of the con

Following are those items germane to the uncertainties of the inner corners of the percel(s):

- Section corners and line were established as shown on the plat.
- The north, west and east lines of this parcel are also half Section fines of the Southwest Quarter. The seeds kines of the parcel were established from monunquests found and accepted from a previous earney by "Griffin", for discussion of dry Juncord Southeast army by "Griffin", for discussion survey Record Southeast asset the survey on file succeeded in Survey Record Southeast asset the Recorder's office Mor-County, indiana

SUMMARY: From the chose observations it is the professional opinion of the surveyor that the "Uncertainties" of the lines and currents of the parcet are as follows:

- (a) Due to reference monuments: 0.5 feet except for "Local Corners" which are subject to reservations so also in the caption to this report.
- (b) Due to title documents of record: laughgibbs
- (c) Due to evidence of active lines of accupation: Mone

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SOURCE(S) OF THE LAND MD 395 , PAGE 398 PARCELS AS SHOWN
. 1997.
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SIGNED CO P SUGA

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 survey as completed us ler my direct supervision on May 1, 1987

The same

CLAY ENTERED FOR TAXATION Subject to final accr. ,nos for tra

Contour Bines

Ross O. Holloway Indiana Registered Surveyor No. 30530 Dated: May 1, 1997

AUG 15 1997

Burde Adams Auditor Morgan County

Rec'd for Record



## AMENDED DECLARATION OF COVENANTS AND RESTRICTIONS OF ROLLING HILLS ESTATES SECTION ONE AMENDED AND SECTION TWO

The Developer and Parcel Owners of Rolling Hills Estates, Section One Amended and Section Two, hereby establish and/or amend the covenants, conditions and restrictions which shall be binding upon and run with the Real Estate, and inure to the benefit of and be binding upon the owners and occupants thereof,

Amending and clarifying the covenants, conditions and restrictions set out in Survey Book 6, pages 440-441 and Survey Book 6, pages 515-516. This document incorporates all previous covenants and restrictions set out therein unless specifically

b. Modification of Restriction on Accessory Buildings. The following statement, "However, if two or more adjacent Parcels are purchased by the same owner(s), said owner may elect to place one accessory building on each Parcel even though he may build only one residence on only one of the parcels." is hereby added to the previous restriction "IN NO EVENT SHALL ANY ACCESSORY BUILDING BE ERECTED PRIOR TO ERECTION OF RESIDENCE". Said statement is added to further clarify the intent of the prior restriction. However, the accessory buildings must be erected after the erection of the residence.

c. Modification of Homeowners Association: The developer is responsible for the cost of the initial pavement of the roadways set out on the plats in Survey Book 6, pages 440-441 and Survey Book 6, pages 515-516. Thereafter, the Association set out in the prior restrictions shall pay all maintenance and repair costs of the roadways and determine the corresponding dues repair costs of the roadways and determine the corresponding dues owed by each parcel owner(s).

Owners of Parcel 34

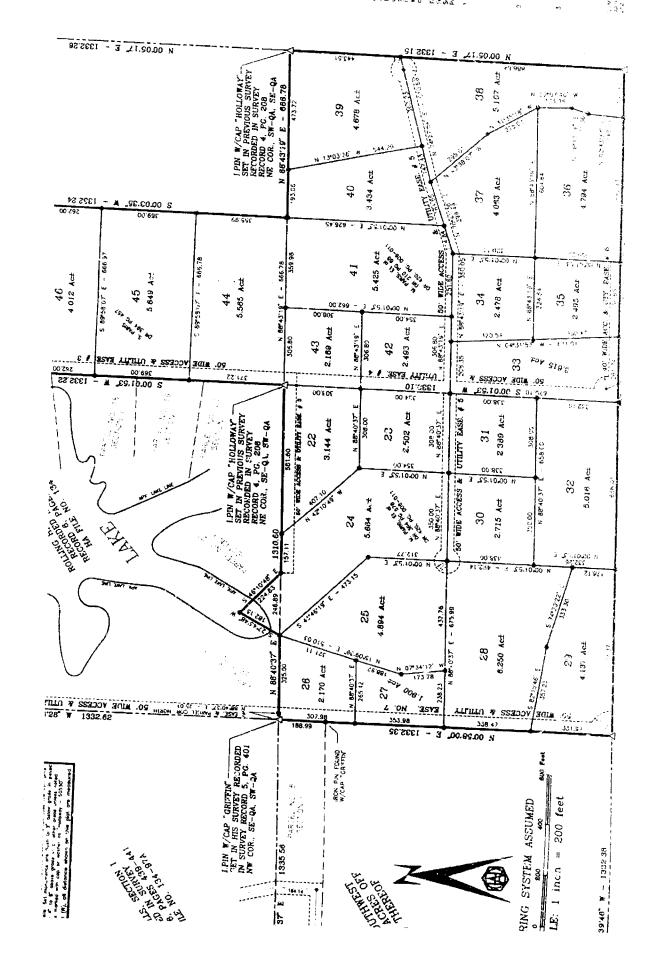
State of Indiana

Prepared by: Lorie R. Bright

County of Morgan

Subscribed and sworn before me, Aug.

DARLENE K. ROBINSON NOTARY PUBLIC INDIANA MORGAN COUNTY
My Commission Expires July 20, 2006



# VALID ONLY IF SCHEDULES A & B ARE ATTACHED TO ALTA OWNER'S POLICY

POLICY NO: 74106-137728

CASE NO.: 059600324

## SCHEDULE A

DATE OF POLICY: April 13, 2005

AMOUNT OF POLICY: \$ 20,000.00

NAME OF INSURED: Gregory K. Hillan and Jayne L. Hillan, husband and wife

1. The estate or interest in the land which is covered by this policy is:

## FEE SIMPLE

- 2. Title to the estate or interest in the land is vested in:

  Gregory K. Hillan and Jayne L. Hillan, husband and wife

## EXHIBIT A - LEGAL DESCRIPTION

### PARCEL I

A part of the Southeast Quarter of the Southwest Quarter of Section 33, Township 12 North, Range 2 East, Morgan County, Indiana, described as follows:

Commencing at an iron pin with cap marked "Holloway -- S0530," found in place, which marks the accepted Northeast corner of

above captioned Southeast Quarter of the Southwest Quarter; thence South 88 degrees 40 minutes 37 seconds West (assumed bearing), with the North line of said quarter-quarter, 1310.60 feet to an iron pin with cap marked "Griffin -- LS2930008," which marks the accepted Northwest corner of the Southeast Quarter of the Southwest Quarter; thence with the West line of said quarter-quarter, South no degrees 58 minutes no seconds West 307.98 feet to an iron pin and the POINT OF BEGINNING of the parcel herein described; thence continuing with said west line, South no degrees 58 minutes no seconds West 353.98 feet to an iron pin; thence North 88 degrees 40 minutes 37 seconds East 238.23 feet to an iron pin; thence North 07 degrees 34 minutes 12 seconds West 173.78 feet to an iron pin; thence North 15 degrees 09 minutes 39 seconds East 188.92 feet to an iron pin; thence South 88 degrees 40 minutes 37 seconds West 265.42 feet to the Point of Beginning, containing 1.900 acres, more or less. AKA PARCEL #27 ROLLING HILLS, SECTION II

### PARCEL II

TOGETHER WITH an easement for the purpose of ingress and egress, which is created herein for the benefit of the above described parcel as set forth in a Stake Survey of "ROLLING HILLS ESTATES, SECTION I" recorded July 16, 1997, in Survey Record 6, page 92, amended August 15, 1997, in Survey Record 6, page 122, and further amended October 7, 1998, in Survey Record 6, page 439, over and across the following described real estate in Morgan County, Indiana:

An access and utility easement, fifty (50) feet in width, lying in the Northeast Quarter of the Southwest Quarter of Section 33, Township 12 North, Range 2 East, Morgan County, Indiana, said easement lying along and east of the following described line:

## EXHIBIT A - CONT'D

Commencing at an iron pin in the county road which marks the Northwest corner of the above captioned quarter quarter; thence North 88 degrees 41 minutes 50 seconds East (assumed bearing) with the North line of the quarter quarter, 25.01 feet to an iron pin; thence South no degrees 06 minutes 28 seconds East, 1332.61 feet to an iron pin on the South line of the quarter-quarter and the terminus of the easement. (EASEMENT #2)

The sides of the easement shall be shortened or lengthened to intersect the South line of the Northeast Quarter of the Southwest Quarter.

### SCHEDULE B

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- 1. Taxes for the year 2004, payable 2005, and taxes for the year 2005, payable 2006, a lien not yet extended.
- 2. Possible easements for ditches and/or tile drains.
- Terms, provisions, and the rights of others in and to that part of the premises used for ingress, egress, and utilities as described as Parcel II of Schedule A.
- 4. Covenants, conditions, and restrictions for "ROLLING HILLS ESTATES, SECTION I AMENDED," recorded October 7, 1998, in Survey Record 6, pages 439-441, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenants (a) is exempt under Chapter 42, Section 3607 of the United States Code (b) relates to handicap but does not discriminate against handicapped persons. Violation thereof will not result in the forfeiture nor the reversion of title.
- Assessments for Homeowners Association as set out in the covenants, conditions, and restrictions for "ROLLING HILLS ESTATES, SECTION I - AMENDED," recorded October 7, 1998, in Survey Record 6, pages 439-441.
- 6. Matters disclosed in a Stake Survey dated April 17, 1996 recorded April 18, 1996, by Registered Land Surveyor, Robert C. Griffin, #LS293000008 in Survey Record 5, page 401. Matters as disclosed in a Stake Survey by Registered Land Surveyor, Ross O. Holloway, #S0530, dated May 1, 1997 recorded July 16, 1997, in Survey Record 6, page 92, amended August 15, 1997, in Survey Record 6, page 122, and further amended October 7, 1998, in Survey Record 6, page 439.
- 7. The acreage indicated in the legal description, and /or the address shown on Schedule A, are solely for the purposes of identifying said tract and should not be construed as insuring the quantity of land, and/or the address as set forth in the Continued on next page

POLICY NO.: 74106-137728

SCHEDULE B CONTINUED

description of the property.

- 8. Right of way (electric line) easement granted from F. E. Paris and Eva Paris, husband and wife, to Morgan County Rural Electric Membership Corporation, , recorded February 25, 1947, in Miscellaneous Record 22, pages 239-240.
- Right of way (electric line) easement granted from Eva M. Paris and Mary E. Paris to Indiana Statewide Rural Electric Cooperative, Inc. (THE HOOSIER ENERGY DIVISION), recorded September 29, 1967, in Deed Record 203, pages 136-137.