

9251016

DECLARATION OF COVENANTS
AND RESTRICTIONS
FOR THE LEGENDS AT GEIST

This Instrument Recorded 12-22-92
Sharon K. Cherry, Recorder, Hamilton County, IN

This Declaration (hereinafter referred to as "the Declaration" or "this Declaration"), made this 22 day of December, 1992, by Land Innovators Company, an Indiana Limited Partnership (hereinafter referred to as "Declarant"),

Declarant is the owner of or makes this Declaration with the consent of the owners of the real estate in Hamilton County, Indiana, which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "Real Estate");

Declarant desires and intends to create on the Real Estate a community of neighborhoods with private and public streets, landscaped areas, open spaces, a golf course, lakes or ponds and common areas and amenities for the benefit of such residential neighborhoods, which neighborhoods shall be known collectively as "The Legends at Geist";

Declarant desires to provide for the preservation and enhancement of the values and amenities in such community and the common areas therein contained, and, to this end, Declarant desires to subject the Real Estate to certain rights, privileges, covenants, restrictions, easements, assessments, charges and liens, each and all to the extent herein provided, for the benefit of the Real Estate and each owner of all or part thereof;

Declarant deems it desirable, for the efficient preservation of the values and amenities in said community, to create an agency to which shall be delegated and assigned the powers of owning,

Declaration of Covenants and
Restrictions for The Legends at Geist

Page 2

maintaining and administering any common areas located on the Real Estate, administering and enforcing the covenants and restrictions contained in this Declaration, collecting and disbursing the assessments and charges imposed and created hereby and hereunder, and promoting the health, safety and welfare of the owners of the Real Estate, and all parts thereof;

Declarant has caused, or will cause, to be incorporated under the laws of the State of Indiana a not-for-profit corporation under the name "The Legends at Geist Property Owners Association, Inc.", or a similar name, as such agency for the purpose of exercising such functions;

Declarant hereby declares that the Real Estate and any additional real estate which is hereafter made subject to this Declaration by Supplemental Declaration (as defined herein) is and shall be held, transferred, sold, conveyed, hypothecated, encumbered, leased, rented, used, improved and occupied subject to the provisions, agreements, conditions, covenants, restrictions, easements, assessments, charges and liens hereinafter set forth, all of which are declared to be in furtherance of a plan for preservation and enhancement of the Real Estate, and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the Real Estate as a whole and of each of the Lots situated therein.

9251016

This Declaration does not and is not intended to create a condominium within the meaning of the Indiana Horizontal Property Law, Indiana Code §32-1-6-1, et seq.

ARTICLE I

Definitions

Section 1. The following words and terms, when used herein or in any supplement or amendment hereto, unless the context clearly requires otherwise, shall have the following meanings:

- (A) "Act" shall mean and refer to the Indiana Not-For-Profit Corporation Act of 1971, as amended;
- (B) "Authority Transfer Date" shall mean and refer to the "Class B Control Date" determined pursuant to Article III, Section 2(b) of this Declaration;
- (C) "Articles" or "Articles of Incorporation" shall mean and refer to the Articles of Incorporation of the Corporation, as the same may be amended from time to time;
- (D) "Base Assessment" shall mean and refer to assessments levied against all Lots in the Real Estate to fund Common Expenses.
- (E) "Board" or "Board of Directors" shall be the elected body having its normal meaning under Indiana corporate law.
- (F) "By-Laws" shall mean and refer to the Code of By-Laws of the Corporation, as the same may be amended from time to time;
- (G) "Committee" shall mean and refer to the "The Legends at Geist Architectural Control Committee", the same being the committee or entity established pursuant to Article VIII, Section 1 of this Declaration for the purposes herein stated.
- (H) "Common Area" shall be an inclusive term referring to all General Common Area and all Exclusive Common Area, as defined herein.
- (I) "Common Expenses" shall mean and refer to expenses of administration of the Corporation, and expenses for the upkeep, maintenance, repair and replacement of the Common

9251016

Declaration of Covenants and
Restrictions for The Legends at Geist

Page 4

Areas, and all sums lawfully assessed against the Owners by the Corporation, and all sums, costs and expenses declared by this Declaration to be Common Expenses.

(J) "Corporation" shall mean and refer to The Legends at Geist Property Owners Association, Inc., an Indiana not-for-profit corporation which Declarant has caused, or will cause, to be incorporated under said name or a similar name, its successors and assigns.

(K) "Declarant" shall mean and refer to Land Innovators Company, an Indiana limited partnership, or its successors, successors-in-title or assigns who take title to any portion of the property described in Exhibits "A" or "B" for the purpose of development and sale and are designated as the Declarant hereunder in a recorded instrument executed by the immediately preceding Declarant. For purposes of this Declaration, an "affiliate" of the Declarant shall be any entity which has executed a power of attorney authorizing Declarant to exercise control over any portion of the Properties owned by such entity for the purpose of exercising any of the rights granted to the Declarant under this Declaration or the By-Laws.

(L) "Development Plan" shall mean and refer to the preliminary plan and any subsequent amendments thereto reflecting Declarant's proposed development of the Real Estate, a copy of which is attached as Exhibit "C" and hereby incorporated herein by reference.

(M) "Dwelling Unit" shall mean and refer to any building, structure or portion thereof situated on the Real Estate designed and intended for use and occupancy as a residence by one (1) family.

(N) "Exclusive Common Area" shall mean and refer to certain portions of the Common Area which are for the exclusive use and benefit of one or more, but less than all, Neighborhoods, as more particularly described in Article II of this Declaration.

(O) "General Common Area" shall mean all real and personal property which the Association now or hereafter owns or otherwise holds for the common use and enjoyment of all Owners.

(P) "Lot" shall mean a portion of the Real Estate, whether developed or undeveloped, intended for development, use, and occupancy as an attached or detached for a single family, and

9251016

Declaration of Covenants and
Restrictions for The Legends at Geist

Page 74

Board of Directors and (to the extent of its jurisdiction) the Committee, as each may be amended or supplemented from time-to-time. The acceptance of a deed of conveyance or the act of occupancy of any Lot or Dwelling Unit shall constitute an agreement that the provisions of this Declaration, the Articles, the By-Laws and rules, regulations and guidelines, as each may be amended or supplemented from time-to-time, are accepted and ratified by such Owner, tenant or occupant, and all such provisions shall be covenants running with the land and shall bind any Person having at any time any interest or estate in a Lot or Dwelling Unit or the Real Estate, all as though such provisions were recited and stipulated at length in each and every deed, conveyance, mortgage or lease thereof. All Persons who may own, occupy, use, enjoy or control a Lot or Dwelling Unit or any part of the Real Estate in any manner shall be subject to this and guidelines applicable thereto as each may be amended or supplemented from time to time.

ARTICLE XVIII

Negligence

Each Owner shall be liable for the expense of any maintenance, repair or replacement rendered necessary by his negligence or by that of any member of his family or his or their guests, employees, agents, invitees or lessees, to the extent that such expense is not covered by the proceeds of insurance carried by the Corporation. An Owner shall pay the amount of any increase in insurance premiums occasioned by his violation of any of the Restrictions or any

9251016

Declaration of Covenants and
Restrictions for The Legends at Gaist

Page 75

violation thereof by any member of his family or his or their
guests, employees, agents, invitees or tenants.

ARTICLE XIX

Benefit and Enforcement

This Declaration and the Restrictions shall run with and bind
the Real Estate for a term commencing on the date this Declaration
is recorded in the office of the Recorder of Hamilton County,
Indiana and expiring December 31, 2015, after which time they shall
be automatically extended for successive periods often (10) years
each, unless by vote of a majority of the then Owners of the Lots
it is agreed to change this Declaration or the Restrictions in
whole or in part, or to terminate the same. The failure or delay
at any time of Declarant, the Corporation, the Owners, the
Committee, or any other Person entitled to enforce this Declaration
and the Restrictions, to enforce any of the same shall in no event
be deemed a waiver of the same, or of the right to enforce the same
at any time or from time-to-time thereafter, or an estoppel against
the enforcement thereof.

ARTICLE XX

Miscellaneous

Section 1. Costs and Attorneys' Fees. In any proceeding
arising because of failure of an Owner to make any payments
required by this Declaration, the Articles or the By-Laws, or to
comply with any provision of this Declaration, the Articles, the
By-Laws, or the rules, regulations and guidelines adopted pursuant

9251016

**Declaration of Covenants and
Restrictions for The Legends at Geist**

Page 76

thereto, as each may be amended from time-to-time, the Corporation shall be entitled to recover its costs and reasonable attorneys' fees incurred in connection with such default or failure.

Section 2. Waiver. No Owner may exempt himself from liability for his contribution toward the Common Expenses by waiver of the use or enjoyment of any of the Common Areas or by abandonment of his Lot or Dwelling Unit.

Section 3. Severability Clause. The invalidity of any covenant, restriction, condition, limitation or other provision of this Declaration, the Articles or the By-Laws shall not impair or affect in any manner the validity, enforceability or effect of the rest of this Declaration, the Articles or the By-Laws and each shall be enforceable to the greatest extent permitted bylaw.

Section 4. Pronouns. Any reference to the masculine, feminine or neuter gender herein shall, unless the context clearly requires the contrary, be deemed to refer to and include all

9251016

Declaration of Covenants and
Restrictions for The Legends at Geist

Page 77

genders. Words in the singular shall include and refer to the plural, and vice versa, as appropriate.

Section 5. Interpretation. The captions and titles of the various articles, sections, subsections, paragraphs and subparagraphs of this Declaration are inserted herein for ease and convenience of reference only and shall not be used as an aid in interpreting or construing this Declaration or any provision hereof.

IN WITNESS WHEREOF, Land Innovators Company, Declarant herein, has executed this Declaration on the day and year first hereinabove set forth.

DECLARANT

Land Innovators Company

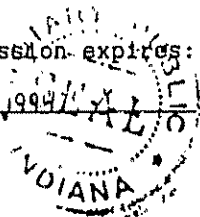
By: R.N.T.
R.N. Thompson, General Partner

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared R.N. Thompson, General Partner of Land Innovators Company, an Indiana Limited Partnership, and acknowledged the execution of this instrument as his voluntary act and deed as such General Partner on behalf of such Limited Partnership for the uses and purposes hereinabove set forth.

WITNESS my hand and Notarial Seal this 22ND day of DECEMBER, 1992.

My commission expires:
APRIL 8, 1997



Judy K. Kiemejer
Signature
JUDY K. KIEMEYER
Printed
A Resident of MARION County

9251016

Declaration of Covenants and
Restrictions for The Legends at Geist

Page 78

116 Properties, Ltd.

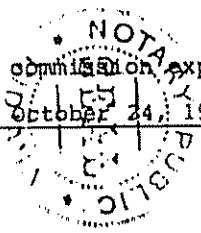
By: Hayes O'Brien
Hayes O'Brien, General Partner

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Before me, a Notary Public in and for said County and State, personally appeared Hayes O'Brien, General Partner of 116 Properties, Ltd., an Indiana Limited Partnership, and acknowledged the execution of this instrument as his voluntary act and deed as such General Partner on behalf of such Limited Partnership for the uses and purposes hereinabove set forth.

WITNESS my hand and Notarial Seal this 22nd day of
December, 1992.

My commission expires:
October 24, 1995



Kelly L. Shulk
Signature
Kelly L. Shulk
Printed
A Resident of Hamilton County

This instrument prepared by Douglas B. Floyd, Attorney at Law, 198 South 9th Street, P.O. Box 2020, Noblesville, Indiana, 46060.

9251016

EXHIBIT "A"

Part of the West Half of Section 4 and part of Section 5,
Township 17 North, Range 5 East of the Second Principal Meridian,
Fall Creek Township, Hamilton County, Indiana and described as
follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 5; thence North 89 degrees 42 minutes 12 seconds East (an assumed bearing) along the South line of said Southwest Quarter, a distance of 2659.87 feet to the Southeast corner of said Southwest Quarter; thence North 00 degrees 28 minutes 18 seconds West along the East line of said Southwest Quarter, also being the West line of the Southeast Quarter of said Section 5, a distance of 946.77 feet to the Northwesterly corner of the Plat of Runnymede Estates Third Section as recorded in Plat Book 3, pages 41 and 42 in the office of the Hamilton County Recorder; thence North 80 degrees 42 minutes 07 seconds East along the Northerly line of said plat of Runnymede Estates Third Section a distance of 393.42 feet to the Northeasterly corner of said plat and also being the Northwesterly corner of a tract of land described by Deed Record 286, page 456 as recorded in the Office of the Hamilton County Recorder; thence North 69 degrees 49 minutes 48 seconds East along the Northerly line of said tract a distance of 285.18 feet the Northeasterly corner thereof and being the Southwesterly corner of a tract of land described by Instrument No. 87-31545 as recorded in the Office of Hamilton County Recorder, the following three (3) calls being along said tract; thence North 00 degrees 32 minutes 17 seconds West 176.16 feet; thence South 88 degrees 39 minutes 41 seconds East 232.15 feet; thence South 59 degrees 29 minutes 07 seconds East 149.57 feet to the Westerly line of Wildwood Drive as dedicated per Misc. Record 145, page 392 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 25 minutes 33 seconds West along said West line 50.00 feet; thence North 89 degrees 34 minutes 27 seconds East 50.00 feet to the West line of Lot 16 as shown on the Plat of Runnymede Estates Second Section as recorded in Plat Book 3, pages 70 and 71 in the Office of the Hamilton County Recorder, the following two (2) calls being along the Westerly and Northerly sides of said Lot 16; thence North 00 degrees 25 minutes 33 seconds West 125.56 feet; thence North 58 degrees 09 minutes 00 seconds East 299.32 feet to the West line of a tract of land described by Deed Record 335, page 91 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 26 minutes 50 seconds West along said West line 211.82 feet; thence South 77 degrees 35 minutes 14 seconds East to and then along the Northerly line of the Plat of Hawthorn Hills Section 1 as recorded in Plat Book 2, pages 167 and 168 (portions of this plat were vacated by Instrument No. 88-00243), also Lot 138 of Hawthorn Hills as Recorded in Plat Book 15, pages 43 to 45, Instrument No. 88-01256, Also the Replat of Lots 24 through 23, 45 through 53, 72 and parts of Lots 29, 30, 32 through 35 and Lot 73 of Hawthorn Hills, as recorded in Plat Book 11, pages 131 through 133 and all as recorded in the Office of the Hamilton County Recorder, a distance of 147.41 feet, the following fifteen (15) calls being along the Northerly and Easterly lines of said plats of Hawthorn Hills; thence North 89 degrees 47 minutes 20 seconds East 140.00 feet; thence

9251016

Page 2 - Exhibit "A"
Description of The Legends At Geist

South 00 degrees 12 minutes 40 seconds East 165.00 feet; thence North 89 degrees 47 minutes 20 seconds East 34.55 feet; thence South 02 degrees 39 minutes 23 seconds East 307.75 feet; thence South 08 degrees 39 minutes 26 seconds East 139.83 feet; thence North 89 degrees 00 minutes 23 seconds East 137.49 feet; thence South 89 degrees 35 minutes 27 seconds East 282.64 feet; thence South 14 degrees 21 minutes 17 seconds East 200.32 feet; thence North 75 degrees 38 minutes 43 seconds East 177.00 feet; thence South 18 degrees 37 minutes 26 seconds East 122.43 feet; thence South 07 degrees 13 minutes 41 seconds East 138.00 feet; thence South 78 degrees 47 minutes 38 seconds West 12.31 feet; thence South 17 degrees 08 minutes 45 seconds East 143.91 feet; thence North 89 degrees 14 minutes 13 seconds East 80.24 feet; thence North 89 degrees 18 minutes 43 seconds East 165.50 feet to the East line of the Southeast Quarter of said Section 5, also being the West line of the Southwest Quarter of said Section 4; thence North 00 degrees 12 minutes 40 seconds West along the West line of said Southwest Quarter, a distance of 744.28 feet to the Northwest corner of a tract of land described by Instrument No. 89-10493 as recorded in the Office of the Hamilton County Recorder; thence South 75 degrees 55 minutes 18 seconds East along the Northerly line of said tract a distance of 680.11 feet; thence South 89 degrees 07 minutes 53 seconds East parallel with and 1104.50 feet North of the South line of said Section 4, a distance of 1320.42 feet to the Easterly line of the subject property as described by Deed Record 335, page 91, Instrument No. 83-140, Parcel No. 1 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 14 minutes 08 seconds West along said Easterly line 2838.76 feet to the North line of the South Half of the Northwest Quarter of said Section 4, being also the South line of the North Half of said Northwest Quarter; thence North 89 degrees 1 minute 25 seconds East along said South line 486.74 feet to the Southwest corner of an unrecorded 1.763 acres tract of land, the following two (2) calls being along the West and North sides of said unrecorded tract; thence North 00 degrees 07 minutes 16 seconds West parallel with the East line of the Northwest Quarter of said Section 4, a distance of 382.50 feet; thence North 89 degrees 52 minutes 44 seconds East 200.00 feet to the East line of said Northwest Quarter; thence North 00 degrees 07 minutes 16 seconds West along said East line 1388.72 feet to the Northeast corner of said Northwest Quarter; thence South 88 degrees 44 minutes 42 seconds West along the North line of said Northwest Quarter, a distance of 2672.02 feet to the Northwest corner of said Northwest Quarter; thence South 00 degrees 16 minutes 53 seconds East along the West line of said Northwest Quarter, a distance of 1745.13 feet to the Southwest corner of the North Half of said Northwest Quarter, also being the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 5; thence South 89 degrees 34 minutes 00 seconds West along the North line of said Quarter-Quarter section 1322.93 feet to the Northwest corner of said Quarter-Quarter section; thence continue South 89 degrees 34 minutes 00 seconds West along the North line of the Southwest Quarter of said Northeast Quarter, a distance of 1322.98 feet to the Northwest

9251016

Page 3 - Exhibit "A"
Description of The Legends At Geist

corner of said Quarter-Quarter; thence South 00 degrees 03 minutes 43 seconds East along the West line of said Quarter-Quarter section 1314.05 feet to the Northwest of the Southeast Quarter of said Section 4; thence South 00 degrees 28 minutes 18 seconds East along the West line of said Southeast Quarter, a distance of 410.00 feet; thence South 86 degrees 24 minutes 33 seconds West 187.23 feet; thence South 39 degrees 26 minutes 37 seconds West 1175.11 feet; thence South 89 degrees 34 minutes 46 seconds West parallel with the North line of the East Half of the Southwest Quarter of said Section 4; a distance of 383.54 feet to the West line of the East Half of said Southwest Quarter; thence North 00 degrees 14 minutes 08 seconds West along said West line 0.68 feet to the Northeast Corner of the Southwest Quarter of said Southwest quarter; thence South 89 degrees 38 minutes 00 seconds West along the North line of said Quarter-Quarter section 1324.49 feet to the Northwest corner of said Quarter-Quarter section; thence South 00 degrees 00 minutes 00 seconds West along the West line of said Quarter-Quarter section 1319.65 feet to the point of beginning and containing 497.774 acres more or less.

ALSO part of the North Half of Section 5, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at the Northwest corner of the Northeast Quarter of said Section 5; thence North 89 degrees 01 minutes 44 seconds East (an assumed bearing) along the North line of said Northeast Quarter, a distance of 229.90 feet to the Southeast corner of the Southwest Quarter of Section 32, Township 18 North, Range 5 East of the Second Principal Meridian; thence North 88 degrees 52 minutes 27 seconds East along the North line of the Northeast Quarter of said Section 5, a distance of 320.43 feet; thence South 00 degrees 03 minutes 39 seconds East 939.35 feet; thence North 88 degrees 52 minutes 27 seconds East 510.00 feet; thence South 00 degrees 03 minutes 39 seconds East 786.72 feet; thence South 89 degrees 34 minutes 00 seconds West 1060.15 feet to the West line of the Northeast Quarter of said Section 5; thence South 00 degrees 03 minutes 43 seconds West along said West line 1314.05 feet to the Southeast corner of the Northwest Quarter of said Section 5; thence South 89 degrees 33 minutes 58 seconds West along the South line of said Northwest Quarter, a distance of 719.92 feet to the West line of the Easterly 50 acres of said Northwest Quarter; thence North 00 degrees 03 minutes 43 seconds West along said West line 3021.36 feet to the North line of said Northwest Quarter; thence North 89 degrees 02 minutes 40 seconds East along said North line 19.99 feet; thence South 00 degrees 03 minutes 43 seconds East 200.00 feet; thence North 89 degrees 02 minutes 40 seconds East parallel with the North line of said Northwest Quarter, a distance of 700.00 feet to the East line of said Northwest Quarter; thence North 00 degrees 03 minutes 43 seconds West along said East line 200.00 feet to the point of beginning and containing 77.632 acres more or less.

925101U

Page 4 - Exhibit "A"
Description of The Legends At Geist

ALSO part of the North Half of the Northeast Quarter of Section 5, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at the Northeast corner of said Northeast Quarter; thence South 00 degrees 16 minutes 53 seconds East (an assumed bearing) along the East line of said Northeast Quarter, a distance of 1745.13 feet to the South line of the North Half of said Northeast Quarter; thence South 89 degrees 34 minutes 00 seconds West along said South line 1585.76 feet; thence North 00 degrees 03 minutes 39 seconds West 786.72 feet; thence North 45 degrees 34 minutes 37 seconds East 1369.51 feet to the North line of said Northeast Quarter; thence North 88 degrees 52 minutes 27 seconds East along said North line 600.00 feet to the point of beginning and containing 52.492 acres more or less.

ALSO part of the East Half of the Southeast Quarter of the Northwest Quarter of Section 4, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 4; thence North along the East line of said Northwest Quarter, a distance of 163.85 feet; thence deflecting to the left 90 degrees a distance of 200.00 feet; thence deflecting to the right 90 degrees a distance of 650.00 feet to the point of beginning; thence deflecting to the left 90 degrees a distance of 467 feet more or less to the West line of the East Half of the Southeast Quarter of said Northwest Quarter; thence South along said West line 450 feet to a line 450.00 feet South of and parallel with the North line of this description; thence East parallel with the North line of this description 467 feet to a point 200.00 feet East of the East line of said Northwest Quarter; thence North parallel with the East line of said Northwest Quarter 450.00 feet to the point of beginning and containing 4.779 acres more or less.

ALSO part of the Southwest Quarter of Section 5, Township 17 North, Range 5 East, Hamilton County, Indiana and being more specifically described as follows:

Beginning on the West line of said Quarter Section, North 00 degrees 18 minutes 12 seconds East 2244.00 feet from the Southwest corner thereof; thence continue North 00 degrees 18 minutes 12 seconds East, on and along said West line, 66.00 feet; thence South 89 degrees 55 minutes 24 seconds East parallel to the South line of said Quarter Section, 1320.33 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 06 minutes 46 seconds East, on and along said West line 340.94 feet to the Northwest Corner of said Half Quarter Section; thence South 89 degrees 40 minutes 59 seconds East, on and along the North line of said Half Quarter Section 1319.18 feet to the Northeast Corner

925116

Page 5 - Exhibit "A"
Description of The Legends At Geist

thereof; thence South 00 degrees 04 minutes 43 seconds East, on and along the East line of said Quarter Section, 410.73 feet to its intersection with an East-West fence line prolonged; thence South 86 degrees 35 minutes 30 seconds West, on and along said fence line and fence line prolonged, 187.23 feet to an existing corner post; thence South 39 degrees 50 minutes 52 seconds West generally along an existing fence 1174.73 feet; thence North 89 degrees 40 minutes 59 seconds West, parallel to the North line of said Half Quarter Section, 382.74 feet to the West line of said Half-Quarter Section; thence North 00 degrees 06 minutes 46 seconds East, on and along said west line 922.00 feet; thence North 89 degrees 55 minutes 24 seconds West, parallel with the South line of said Quarter Section, 1320.55 feet to the place of beginning and containing 30.56 acres more or less.

ALSO part of the Southwest Quarter of Section 5, Township 17 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the West line of Section 5, Township 17 North, Range 5 East, said point being North 00 degrees 00 minutes 00 seconds (assumed bearing) 1956.55 feet from an iron rod marking the Southwest corner of said Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds 287.45 feet on and along the West line of said Section 5; thence North 99 degrees 46 minutes 52 seconds East 1320.00 feet parallel with the South line of the Southwest Quarter of said Section 5; thence South 00 degrees 00 minutes 00 seconds 287.45 feet; thence South 89 degrees 46 minutes 52 seconds West 1320.00 feet to the place of beginning, containing 8.71 acres, more or less.

925/016

EXHIBIT "B"

All Real Estate in Hamilton County, Indiana, located in Sections
23, 26, 27, 33, 34 and 35, in Township 18 North, Range 5 East.

9257016

EXHIBIT "C"

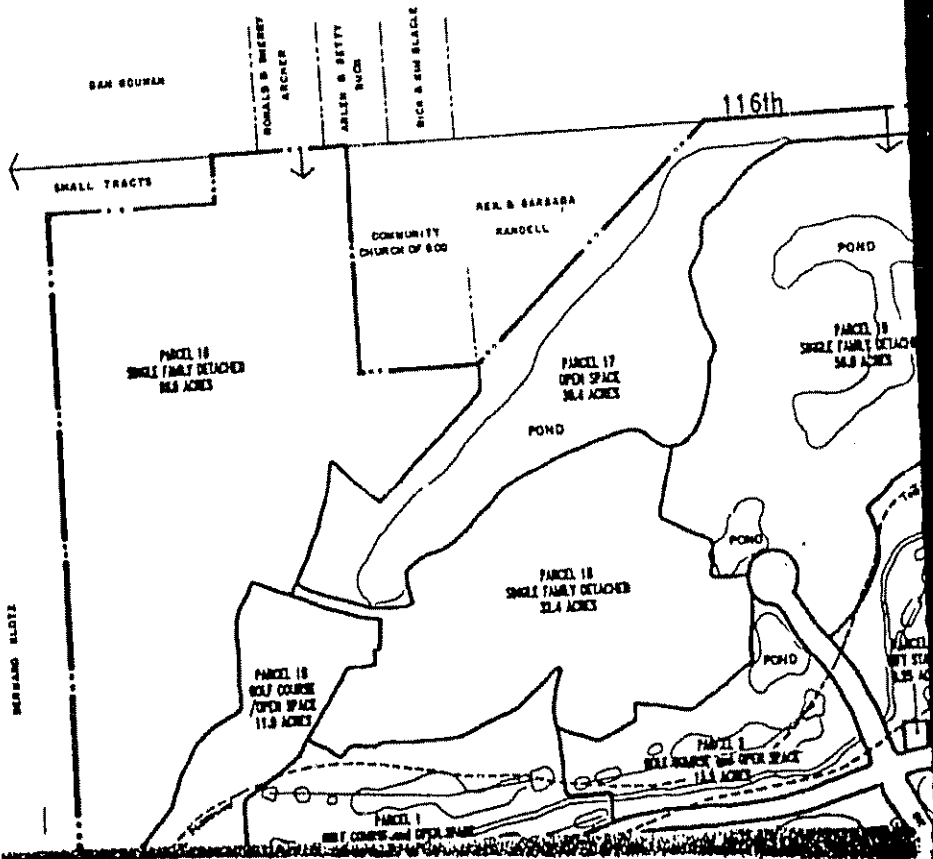
DECLARATION OF COVENANTS AND RESTRICTIONS

Scale 1" = 300'

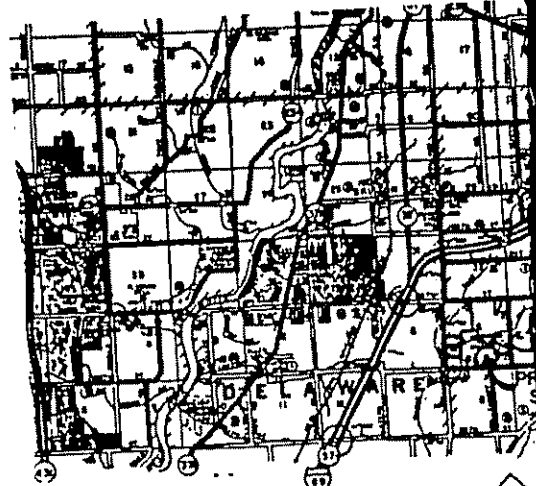
PREPARED BY:
LAND INNOVATORS, COMPANY
 154 S. FRANKLIN ROAD
 BLOOMINGTON, IN. 46216

PLANNED DEVELOPMENT PLAN
 BY NOBLESVILLE CITY PLAN COMMISSION

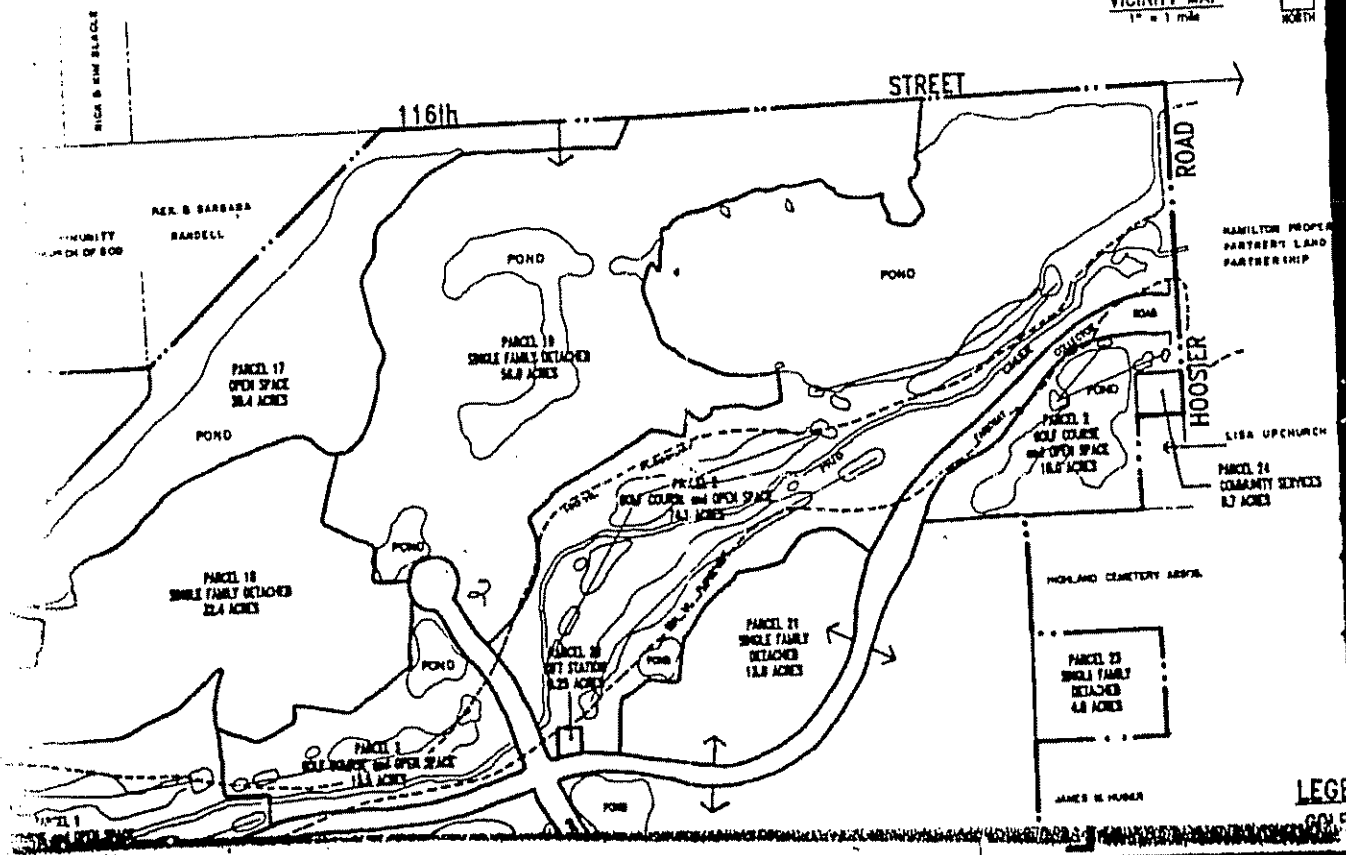
DATE:	<u>2/1/92</u>
DATE:	<u>2/1/92</u>
DATE:	<u>3-25-92</u>
DATE:	<u>3-25-92</u>



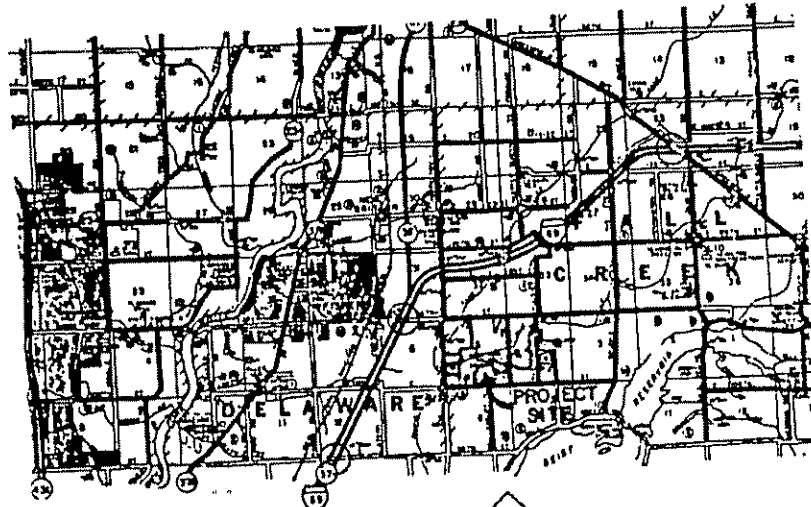
"C" EASEMENTS AND RESTRICTIONS



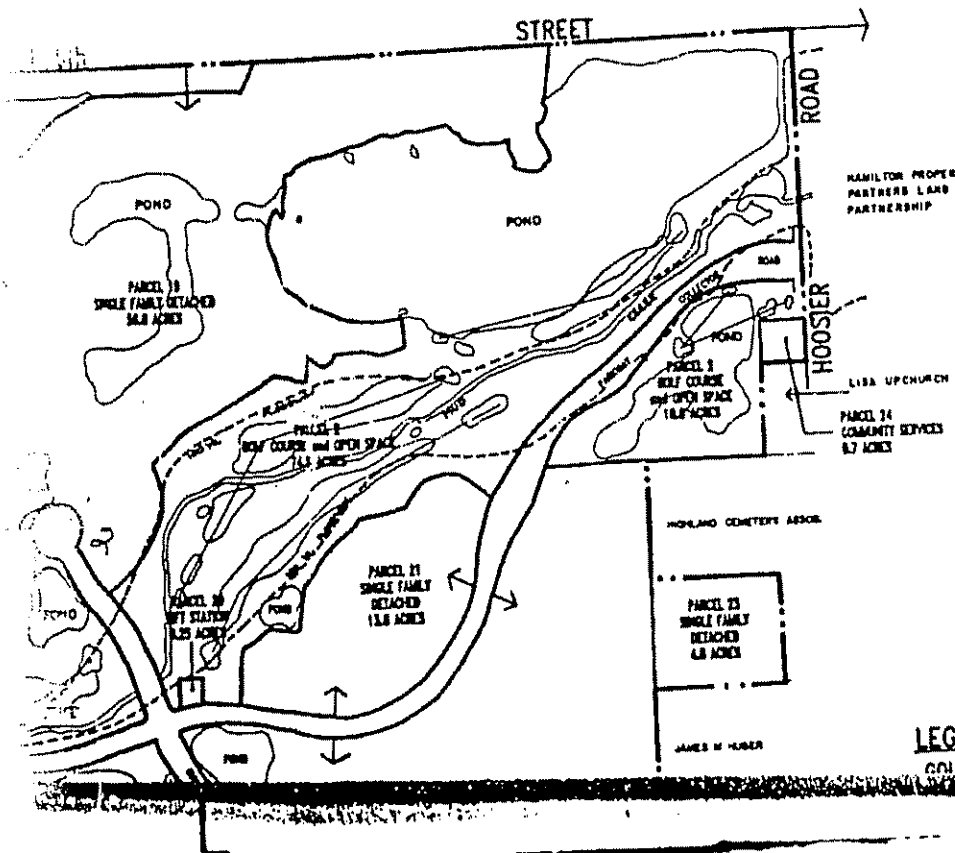
VICINITY MAP
1" = 1 mile



ATIONS



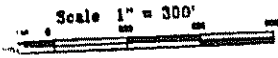
VICINITY MAP
1" = 1 mile



NOTES

1. Parcel acreages are approximate and may vary slightly from the final design of the parcel.
2. Please refer to the Hamilton Proper Development Plan for the necessary project development guidelines.
3. The maximum number of residential units allowed to be within Hamilton Proper Road is 1148.
4. Parcels are labeled for the intended land use. Maximum allowed density for the Single Family Detached parcels is 7.0 du/acre and for the Apartment parcels is 16.0 du/acre. Development standards for a more detailed parcel by parcel distribution.
5. This plan is intended to illustrate an overall project in sufficient to accommodate project zoning. Plan modifications during detailed parcel design as long as the overall concept.
6. Please refer to the Development Standards for road Parkway, Major and Minor collector roads are as shown. All local street-front.

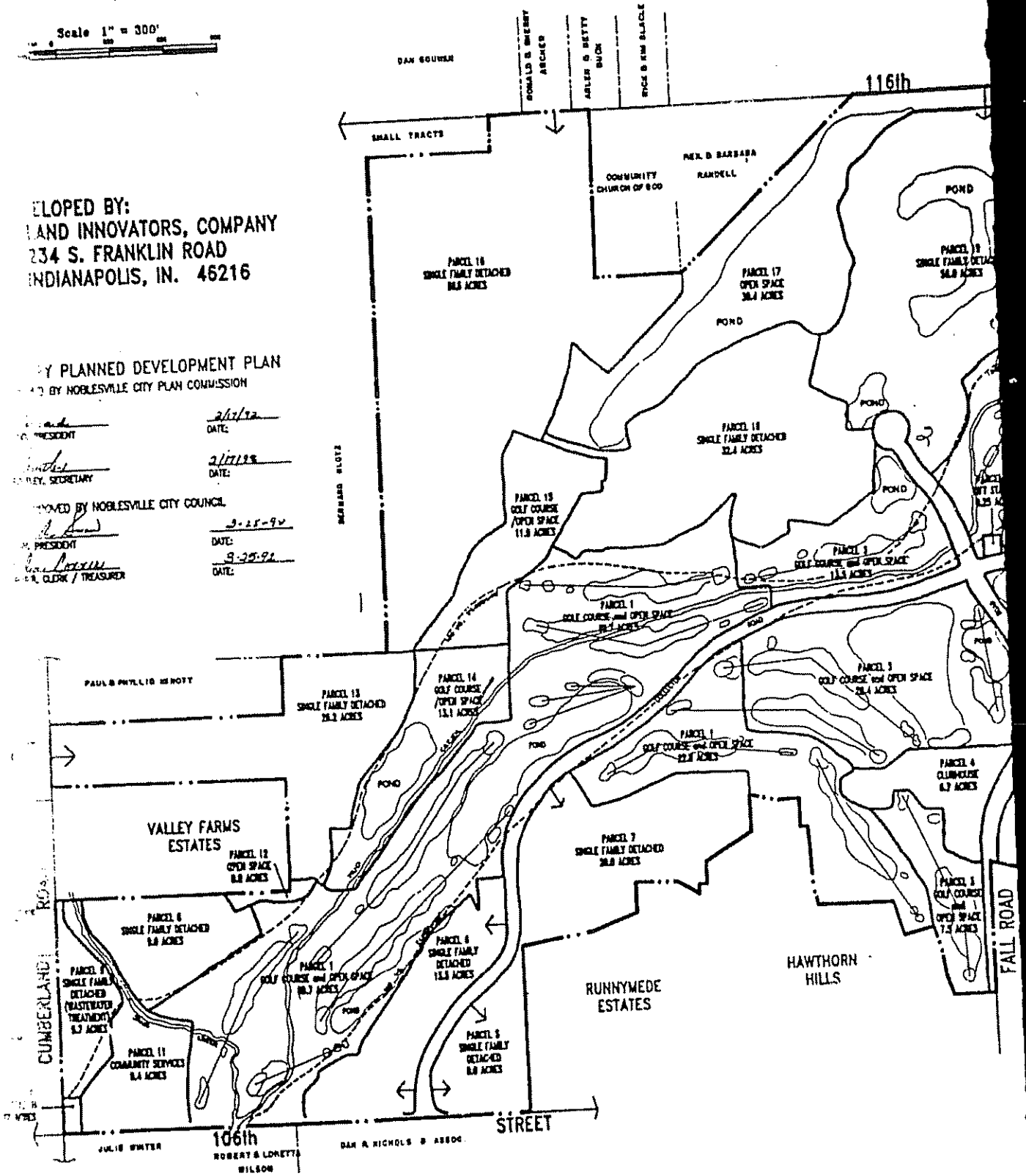
LEGEND
GOLF COURSE / OPEN SPACE

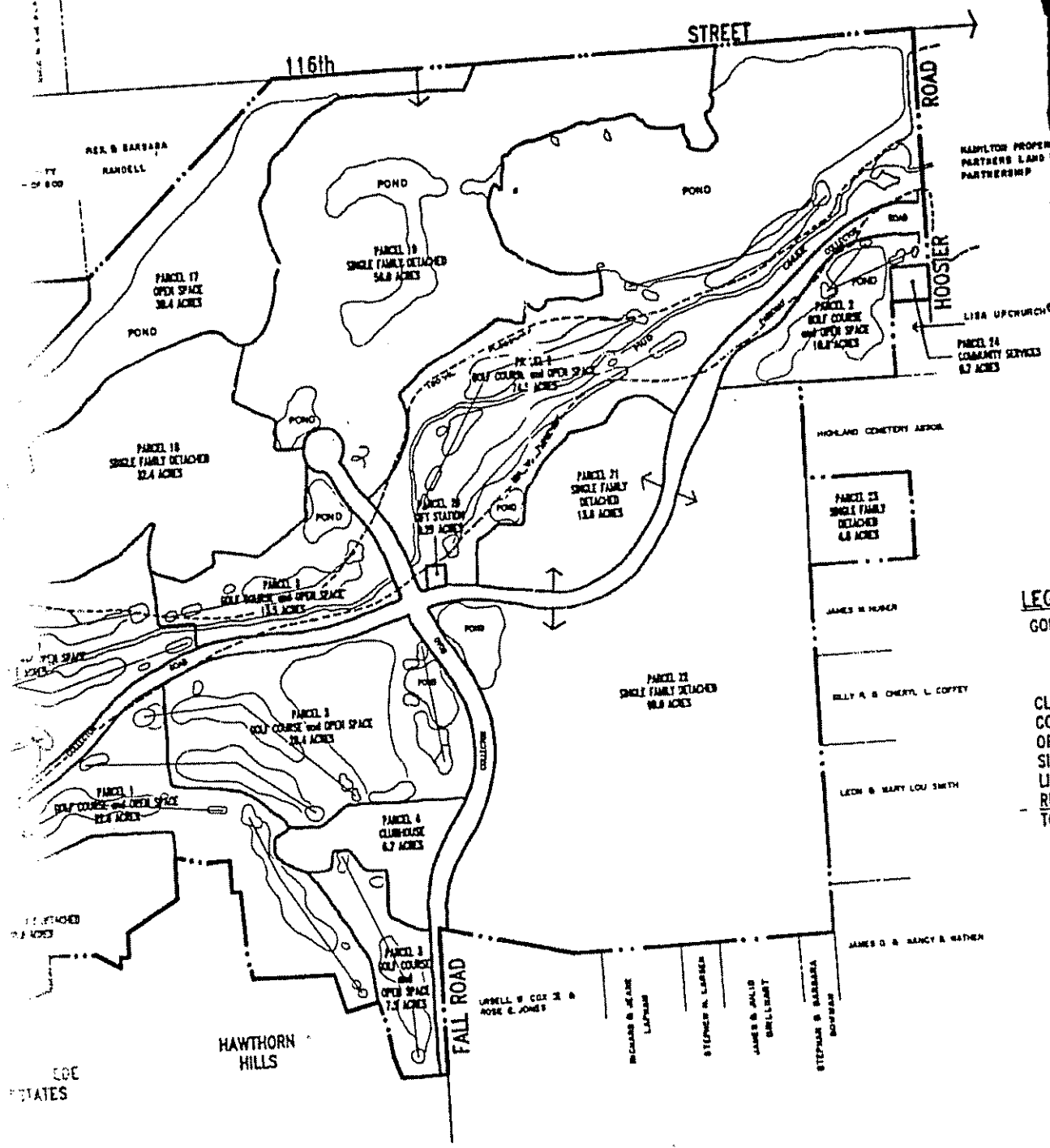
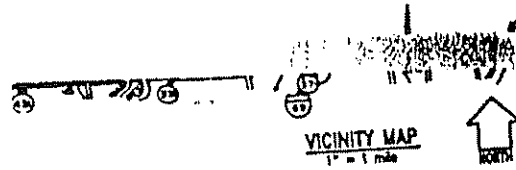


DEVELOPED BY:
 LAND INNOVATORS, COMPANY
 234 S. FRANKLIN ROAD
 INDIANAPOLIS, IN. 46216

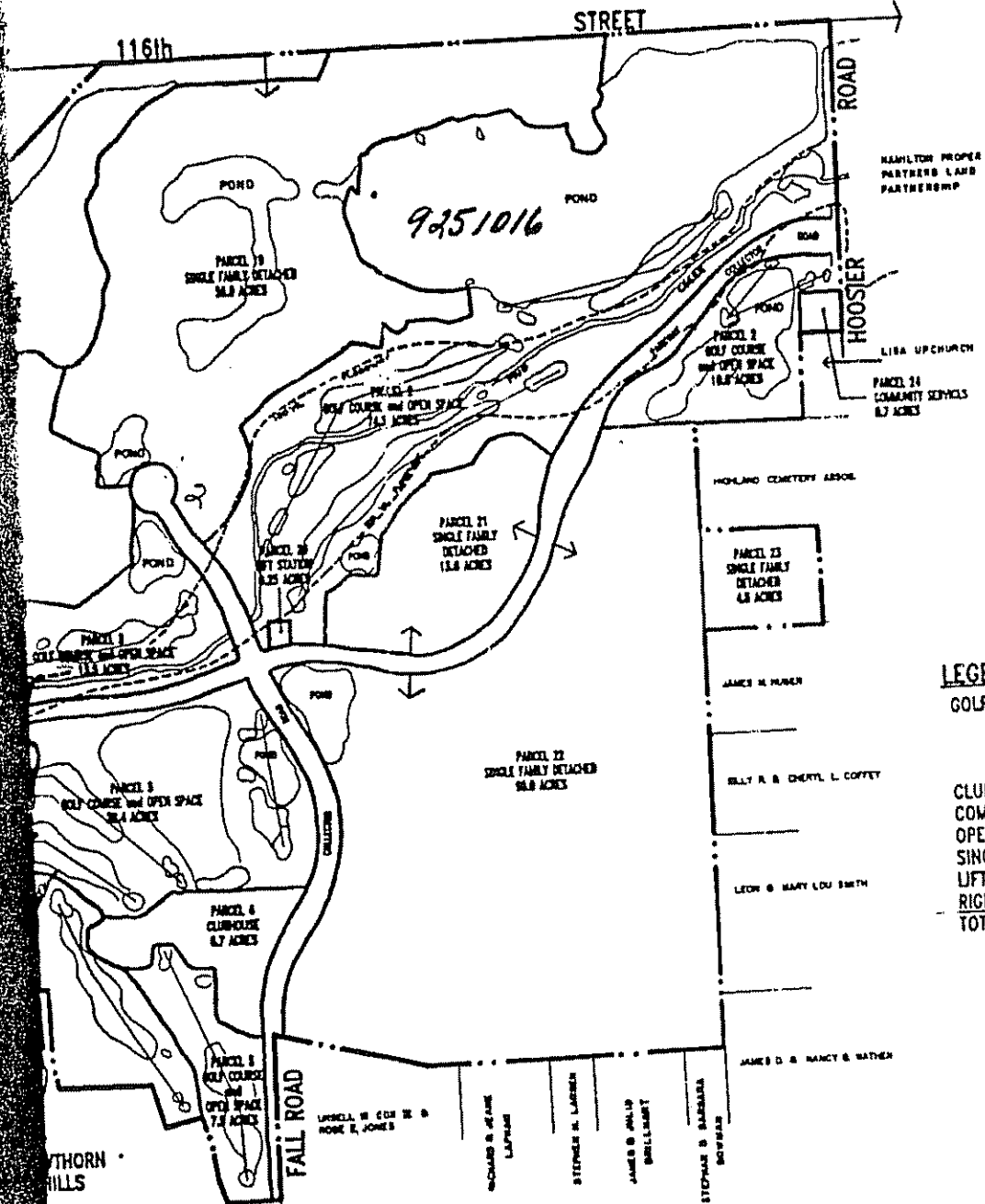
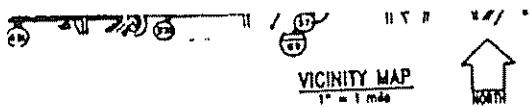
APPROVED BY NARBLESVILLE CITY COUNCIL
 PREPARED BY NARBLESVILLE CITY PLAN COMMISSION

_____ PRESIDENT	2/17/92 DATE:
_____ SECRETARY	2/17/92 DATE:
_____ APPROVED BY NARBLESVILLE CITY COUNCIL	
_____ PRESIDENT	3-25-92 DATE:
_____ CLERK / TREASURER	9-25-92 DATE:





LEGEND
 GOLF
 CLUB
 OPEN
 SING
 LIFT
 RIGH
 TOT



NOTES

1. Parcel drawings are not the final design of the parcel.
2. Please refer to the Map for the necessary project details.
3. The maximum number of units within Hamilton Proper shall be as follows:
4. Parcels are listed for 1 acre. This plan is intended to accommodate projects during detailed parcel design.
5. This plan is intended to accommodate projects during detailed parcel design.
6. Please refer to the Deed, Easement and other related documents.

LEGEND

GOLF COURSE / OPEN SPACE	92.5
PHASE 1	84.5
PHASE 2	49.7
PHASE 3	6.7
CLUBHOUSE	10.
COMMUNITY SERVICES	56.
OPEN SPACE / RECREATION	345.
SINGLE FAMILY DETACHED	0.
LIFT STATIONS	26.
RIGHT OF WAY	671.
TOTAL AREA	671.

**PRELIMINARY
THE LEG**

SITE E1



EXHIBIT "D"

THE LEGENDS AT GEIST

DESIGN GUIDELINES

Land Innovators Co. and its agent reserve the right to make any modifications to the design guidelines that it deems necessary without notice. For more information contact David M. Compton at (317) 356-2451 or write C/O Land Innovators Co., Inc., 234 S. Franklin Road, Indianapolis, IN 46219.

9251016

THE LEGENDS AT GEIST: DESIGN GUIDELINES

The Legends at Geist is a unique 671 acre Master Planned community located in Fishers, IN. This community consists of 300 acres of open space. This open space contains lakes, wetlands, an 18 hole championship Golf Course and recreational facilities which are available to the residents of The Legends at Geist for a yearly membership fee. This community contains several planned land uses including residential, open space, recreational and public facilities. The residential community is subdivided into several independent housing communities. The purpose of the Architectural Guidelines is to recognize the differences within communities and to mold all of these communities under consistent guidelines which will be enforced at The Legends at Geist.

The presence of Mud Creek, several wetland areas, mature wooded lots and existing fence rows are part of the establishment of the unique characteristics which make up The Legends at Geist. The intent of these guidelines is to establish the standards of design for the communities within The Legends at Geist. These requirements are intended to assist builders and homeowners in the construction of site improvements on residential platted lots within The Legends at Geist. These guidelines apply to all properties within The Legends at Geist and are in addition to the requirements of Governmental jurisdictions.

All improvements must be approved by the Architectural Control Committee of The Legends at Geist prior to construction. These guidelines are intended to serve for the life of the project and accordingly may be amended by the Architectural Control Committee from time to time. The Architectural Control Committee reserves the right to waive or vary any of the procedures or standards set forth in this document, at its discretion. The following is information which is required as part of the submittal for Architectural Approval of any improvement at The Legends at Geist:

SCHEDULE: The Architectural Control Committee "ACC" will render a decision within 30 days of receipt of a complete and accurate submittal. No incomplete submittals will be reviewed. Any submittal which is contrary to established guidelines will be denied automatically and no written denial is required by the ACC. The ACC will give the applicant written notice of approval or disapproval for all complete submittals. This approval must be received prior to the commencement of construction.

DESIGN REVIEW FEES: The ACC reserves the right to establish and collect fees for the review of applications. Fee, if any, will be provided through notice to the applicants.

9251016

THE LEGENDS AT GRIST
ARCHITECTURAL CONTROL APPROVAL REQUEST

Community:

Lot#:

Name:

Address:

Phone# DAY:
HOME:

WRITTEN DESCRIPTION OF REQUEST:

GRAPHIC DESCRIPTION OF REQUEST: (Plot plan must be attached for all fencing requests, two (2) copies of construction plans must be attached for all additions.)

9251014

INDEX CONT

PAGE

DESCRIPTION

8	18.) Bug Zappers
8	19.) Flag Poles
8	20.) Bird Houses
8	21.) Other
8	22.) Non Invalidation of all Guidelines
9	23.) Conflict

925016

INDEX

PAGE

DESCRIPTION

- | | |
|---|---|
| 1 | 1.) Fencing: Type
Location
Approved construction techniques
Maintenance
Bracing |
| 2 | 2.) Dog: Kennels
House |
| 2 | 3.) Mini Barns and accessory structures |
| 3 | 4.) Antennas: Radio/TV
Satellite |
| 3 | 5.) Decks |
| 3 | 6.) Porches: Screened in
Room additions |
| 3 | 7.) Gazebos |
| 4 | 8.) Pools & Fencing (In ground)
Pool Houses |
| 5 | 9.) Basketball Goals/Courts: Type
Location
Lighting |
| 5 | 10.) Invisible Fencing |
| 6 | 11.) Lawn Ornaments |
| 6 | 12.) Landscape Designs and Planting Beds |
| 6 | 13.) Signage |
| 7 | 14.) Sodding & Trees |
| 7 | 15.) Lights & Mail Boxes |
| 7 | 16.) Play Grounds |
| 8 | 17.) Eterior Painting |

9251016

1. FENCING REQUIREMENTS: The following types of fences will generally be approved by the Architectural Control Committee:

- A.) Board on Board
- B.) Cape Cod
- C.) Picket
- D.) Wrought Iron
- E.) Vinyl Clad Chain Link, up to 4'
- F.) Split Rail

The following will generally not be approved by the Architectural Control Committee:

- A.) Plain chain link fence
- B.) Vinyl clad chain link above 4'
- C.) Stockade style fence

ALL fence types must be approved by the Architectural Control Committee prior to the fence installation. The ACC reserves the right to inspect the fence anytime before, during or after construction to insure compliance with the approved fencing plan.

FENCING LOCATIONS: All fencing must be approved prior to the installation of a given fence. The following are guidelines regarding fencing locations which generally will be approved by the Architectural Control Committee:

- A.) No fencing will be allowed in the front set back line of the house. For corner lots, this includes the side yard facing the side street of the residence.
- B.) Fencing of rear yard and side yard set back easements will be discouraged by the Architectural control Committee. Any fencing in such easements shall be the sole responsibility of the lot owner.
- C.) Maximum fencing on lots which are adjacent to the Golf Course is as follows except where a pool is involved:

- 1. Wrought Iron up to 4'
- 2. Picket Fence up to 4'
- 3. Cape Cod up to 4'
- 4. Vinyl clad Chain Link up to 4'

9251016

FENCING, APPROVED CONSTRUCTION TECHNIQUES: All fencing shall be constructed of quality materials such as vinyl clad fence, and treated lumber. All fencing shall be properly braced with all posts either concreted into ground or placed at a depth whereby the fence will be secure and will not move.

FENCING, MAINTENANCE: All fences must be maintained in a reasonable fashion. Any warped boards shall be replaced on a timely basis. Any painted fences shall be maintained whereby the fence always has a reasonable appearance. The architectural Control Committee shall provide notice of any maintenance violation. Such violations shall be corrected within 15 days of receipt of said notice. If the violation is not corrected, The ACC through the Homeowners Association retains the right to correct the violation and bill the homeowner for all applicable costs including but not limited to: Lien rights, Attorneys fees, cost of repairs, interest at the maximum rate allowable by law, and all reasonable costs of collection.

FENCING, BRACING: All fence bracing or ribbing shall be on the inside of the fence unless otherwise approved by the ACC.

2. DOG: KENNELS AND HOUSES: All kennels and dog houses must be approved by the ACC prior to construction in terms of both location and materials. Chain link (vinyl or painted) will be allowed as long as the final location and screening as required by the ACC is approved prior to the commencement of construction. Dog kennels and houses should be placed in a location whereby they are not eyesores or nuisances to surrounding homeowner's. Each kennel must be screened with either fencing or trass as approved by the ACC depending on the individual request. All dog houses must be constructed of quality materials with neutral roof colors, siding and trim painted to match the primary colors of the residence of the applicant.

2. MINIBARNS AND ACCESSORY STRUCTURES: Requests for the approval of minibarns and accessory structures (except for dog kennels) generally will be denied. Any other accessory structure must be approved by the ACC prior to construction and must be appropriately screened from view.

9251016

4. ANTENNAS; T.V., RADIO AND SATELLITE: Generally, requests for the attachment of a TV or radio antenna to the exterior of the home or the placement of satellite dishes on a given lot will be denied. TV antennas will be allowed inside the attics of residences.

5. DECKS: Generally, requests for decks will be approved subject to the following requirements:

- A. The deck shall be constructed with quality materials.
- B. Railing on the deck shall not exceed 4'.
- C. Final configuration of the deck must be approved prior to the commencement of construction.

6. PORCHES, SCREENED IN PORCHES, ROOM AND GARAGE ADDITIONS: Generally, requests for screened in porches and room additions will be approved subject to the following guidelines:

- A. The additions shall be constructed with quality materials.
- B. The roofline shall follow the natural roofline of the home, or be approved by the ACC.
- C. The roof, siding, and trim shall match the colors of the primary residence.
- D. All detailed construction plans must be approved prior to the commencement of construction.

7. GAZEBOS: Generally, requests for the installation of Gazebos will be approved subject to the following guidelines:

- A. Structure shall be built with quality materials.
- B. Final placement of the structure must be approved by the ACC.
- C. Height of structure shall not exceed 15'.

9257016

B. POOLS: Only requests for in Ground type pools will be approved by the ACC. A detailed development plan must be provided to the Developer prior to the commencement of construction. No alteration to the existing grade may be done without the approval of the ACC. Any proposed grade changes must be shown on proposed plans.

POOL FENCING: Generally, the following types of fencing will be acceptable around a pool area. Where a Golf Course lot is involved, the listed special requirements are applicable:

- A. Board on Board
- B. Caps Cod
- C. Picket
- D. Wrought Iron

ONLY Wrought Iron fencing will be allowed where a Golf Course view is involved.

POOL HOUSES: Generally, requests for pool houses with changing areas and storage sheds/mini barns will be rejected. Pool equipment storage areas generally will be approved as long as the structure is solely used for the storage of chemicals, pumps, heaters and other pool related maintenance supplies. This structure shall not exceed 12' to the top of the roofline and shall be located directly behind the primary residence. All structures are subject to the following guidelines:

- A. The structure shall be constructed with quality materials.
- B. The roof colors shall match the color of the primary residence.
- C. No metal structures will be approved.
- D. All detailed construction plans must be approved prior to the commencement of construction. Size shall not exceed 10' X 10' without ACC approval.

9251016

9. BASKETBALL GOALS/COURTS: Generally, requests for the installation of Basketball Courts will be approved subject to the following guidelines:

BASKETBALL COURTS:

- A. The final location of the courts shall be approved by the ACC.
- B. Generally, Courts will not be approved in excess of 25' X 25'
- C. The court may consist of concrete or asphalt materials.
- D. Generally, no lighting will be permitted.

BASKETBALL GOALS:

- A. Type; The backboard shall be made from one of the following types of materials:
 - 1. Clear plexiglass
 - 2. Acrylic
 - 3. Graphite
- B. No wooden back boards will be approved.
- C. LOCATION: No basketball rim/board shall be attached to the primary residence. Final location of the goal/board shall be approved by the ACC prior to installation. Generally, basketball goals will be approved if they are located adjacent to driveways. All basketball goal logo's shall be approve as part of the initial submittal. Logo's shall not cover greater than 80% of the back board area as determined by ACC.

10. INVISIBLE FENCING: Generally, requests for invisible fencing will be approved subject to ACC approval of proposed fence location prior to installation. All controller boxes, etc. shall be hidden from view.

925/016

11. LAWN ORNAMENTS: All lawn ornaments and other items added to the lot beyond the primary residence are subject to the approval of the ACC.

Generally, ornamental bird baths will be approved as long as they do not exceed three (3) feet in height. Generally, concrete lawn ornaments which exceed 24 inches in height, such as deer, etc. will not be approved by the ACC.

12. LANDSCAPE DESIGNS & PLANTING BEDS: All landscape designs and planing beds are subject to review by the ACC. The ACC reserves the right to deny any request based upon a lack of conformity to the established aesthetics of the neighborhood. At least 50% of the front yard shall consist of grass.

13. SIGNAGE All signage is subject to local and state regulations. The Declarant and its' builders reserve certain sign rights as outlined in the Covenants & Restrictions and the Declaration. All signage, except as follows, is subject to the approval of the ACC. The Declarant and its' builders are hereby exempted from this requirement.

No signage shall be located in such a place whereby it restricts or obstructs traffic visibility. No identification signage will be allowed within the right - of -way of a dedicated public street, nor in any area not specifically approved by the ACC.

Generally, requests for flashing or blinking signs will be denied.

TEMPORARY SIGNAGE: All signage is subject to ACC approval, one "For Sale" sign shall be allowed in the front yard of a primary residence after the initial sale of the residence by a builder. Up until this point a builder and realtor sign will be allowed subject to ACC approval of placement, size and colors utilized.

PROHIBITED SIGNAGE: The following signage generally will not be approved by the ACC:

- A. Sign advertising goods, services or home occupations.
- B. Pennants, banners and portable signage.

2251016

- C. Any signage directed at the Golf Course without ACC and Golf Course approval.
- D. During development no entranceway signage shall be allowed except by the declarant and its designated builders. This specifically addresses yard or garage sales and for sale by owners.

14. SODDING & TREES: Generally, all front and side yards to back edge of house must be sodded, unless specifically approved by the ACC. Generally, hydro seeding of yards will be approved during certain times of the year as established by the ACC. On all corner lots, both areas adjacent to roadway shall be treated as front yards and shall be subject to sodding requirements and fencing limitations.

TREES: Minimum tree and planting bed requirements shall be established by the ACC on a housing pod by housing pod basis.

15. LIGHTS & MAILBOXES: The Declarant shall dictate a standard mailbox and yard or coach light for each housing pod. The cost of each shall be the responsibility of the purchaser or builder of the home. The title owner shall be responsible to keep each in good repair and shall not alter either w/o ACC approval. The title owner at all times shall keep the dusk to dawn lighting in good repair with working light bulbs.

All additional lighting is subject to ACC approval prior to installation.

16. PLAYGROUNDS: All requests for playground structures must be approved by the ACC prior to installation. Generally, requests for playgrounds will be approved subject to the following guidelines:

- A. Approved location
- B. Constructed with quality materials. Generally, requests for the installation of non commercial metal playgrounds will be denied.
- C. Height not to exceed 15' unless specifically approved by the ACC.

9251016

17. EXTERIOR PAINTING: No change to any exterior color (base or trim) shall be made without the consent of the ACC. The ACC reserves the right to restrict the colors which are utilized in repainting any exterior.

18. BUG ZAPPERS: Generally, requests for electric Bug Zappers will be approved subject to the owner requesting the device representing that it will be turned off not later than 10 p.m.

19. FLAG POLES: Generally, requests for flag poles will be approved subject to the pole being made of quality materials firmly secured into the ground and not exceeding twenty feet in height.

19. BIRD HOUSES: Generally, requests for bird houses will be approved subject to the following criteria:

1. All pole mounted bird houses shall be located in the rear yard of a residence secured firmly into the ground in an approved location.
2. Quality materials shall be utilized in the construction of the bird house.
3. All colors shall be approved by the ACC.

21. OTHER: Any alteration or improvement made to a lot within the community is subject to ACC approval prior to its commencement. All questions should be directed in writing to the ACC committee at the previously stated address.

22. NON INVALIDITY OF ACC GUIDELINES: No Declaration of a court of competent jurisdiction of the invalidity of any regulation or part of a regulation contained in these guidelines shall invalidate any other portion of these guidelines.

9251016

22. CONFLICT: Any conflict or ambiguity arising from the application of the requirements of these guidelines and the requirements of the Declaration of Covenants conditions and Restrictions shall be resolved in favor of the application of the Declaration of Covenants conditions and Restrictions.

9251016

This Instrument Recorded 12-22-92
Sharon K. Cherry, Recorder, Hamilton County, IN

RECORDED

92 DEC 22 P 4: 25

FILED

9211106

AN ORDINANCE TO AMEND THE ZONING CODE OF NOBLESVILLE 1988, A
PART OF THE MASTER PLAN OF THE CITY OF NOBLESVILLE,
HAMILTON COUNTY, INDIANA

3-7-92 3-30 1992
Sharon K. Chery, Recorder, Hamilton County, Indiana

An ordinance amending the Zoning Code of Noblesville-1988, of the City of Noblesville, Hamilton County, Indiana, as amended, under authority of Acts of the Indiana General Assembly 1981, as amended:

BE IT ORDAINED by the Common Council of the City of Noblesville, Hamilton County, Indiana, that the Zoning Ordinance, as amended, of said City is hereby amended as follows:

SECTION 1. That the zone maps which accompany and are a part of said Zoning Code of Noblesville-1988, as amended, are hereby amended as shown on the maps (Exhibit "A" attached hereto) accompanying and incorporated by this reference into this Ordinance and identified on such maps as "The Legends at Geist" "Preliminary Development Plan" and dated the 7th day of March, 1992.

SECTION 2. That Ordinance No. 26-10-88, which created the Hamilton Proper Planned Development is hereby amended as follows:

(A) That the real estate described herein and identified as Exhibit "B" attached hereto shall no longer be known as a part of the Hamilton Proper Planned Development, and shall hereafter be known separately as The Legends at Geist Planned Development.

(B) That the land uses for parcels in The Legends at Geist are located as designated on the Preliminary Planned Development Plan for The Legends at Geist.

(C) That the development densities and land use characteristics for parcels in The Legends at Geist shall be described in detail in the Development Guidelines, attached hereto as Exhibit "C".

REC'D # 9211106

SECTION 3. That this ordinance shall be in full force and effect from and after its passage.

Upon motion duly made and seconded, this Ordinance was fully passed by the members of the Common Council this 9th day of March, 1992.

COMMON COUNCIL OF THE CITY OF NOBLESVILLE

RECEIVED
FOR RECORD
92 MAR 30 P 3:32
CLERK OF THE CITY
RECORDED
HAMILTON CO. IN

<u>Terry L. Busby</u>	Terry L. Busby	_____
<u>James Swan</u>	James Swan	_____
<u>Douglass W. McDonald</u>	Douglass W. McDonald	_____
<u>Rick B. Moore</u>	Rick B. Moore	_____
<u>Dale Snelling</u>	Dale Snelling	_____
<u>Laurie Hurst</u>	Laurie Hurst	_____
<u>C. Murphy White</u>	C. Murphy White	_____

Approved and signed by me Mary Sue Rowland, Mayor,
Noblesville, Indiana, this 9 day of March, 1992.

Mary Sue Rowland
Mayor

ATTEST:

Marilyn Conner
Marilyn Conner, Clerk- Treasurer

This instrument prepared by Douglas B. Floyd, Attorney at Law,
Campbell Kyle Proffitt, P.O. Box 2020, 198 S. 9th Street,
Noblesville, Indiana 46060

9211106

EXHIBIT "B"

Part of the West Half of Section 4 and part of Section 5, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at the Southwest corner of the Southwest Quarter of said Section 5; thence North 89 degrees 42 minutes 12 seconds East (an assumed bearing) along the South line of said Southwest Quarter, a distance of 2659.87 feet to the Southeast corner of said Southwest Quarter; thence North 00 degrees 28 minutes 18 seconds West along the East line of said Southwest Quarter, also being the West line of the Southeast Quarter of said Section 5, a distance of 946.77 feet to the Northwestern corner of the Plat of Runnymede Estates Third Section as recorded in Plat Book 3, pages 41 and 42 in the office of the Hamilton County Recorder; thence North 80 degrees 42 minutes 07 seconds East along the Northerly line of said plat of Runnymede Estates Third Section a distance of 393.42 feet to the Northeasterly corner of said plat and also being the Northwestern corner of a tract of land described by Deed Record 286, page 456 as recorded in the Office of the Hamilton County Recorder; thence North 69 degrees 49 minutes 48 seconds East along the Northerly line of said tract a distance of 285.18 feet to the Northeasterly corner thereof and being the Southwesterly corner of a tract of land described by Instrument No. 87-31545 as recorded in the Office of Hamilton County Recorder, the following three (3) calls being along said tract; thence North 00 degrees 32 minutes 17 seconds West 176.16 feet; thence South 88 degrees 39 minutes 41 seconds East 232.15 feet; thence South 59 degrees 29 minutes 07 seconds East 149.57 feet to the Westerly line of Wildwood Drive as dedicated per Misc. Record 145, page 392 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 25 minutes 33 seconds West along said West line 50.00 feet; thence North 89 degrees 34 minutes 27 seconds East 50.00 feet to the West line of Lot 16 as shown on the Plat of Runnymede Estates Second Section as recorded in Plat Book 3, pages 70 and 71 in the Office of the Hamilton County Recorder, the following two (2) calls being along the Westerly and Northerly sides of said Lot 16; thence North 00 degrees 25 minutes 33 seconds West 125.56 feet; thence North 58 degrees 09 minutes 00 seconds East 299.32 feet to the West line of a tract of land described by Deed Record 335, page 91 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 26 minutes 50 seconds West along said West line 211.82 feet; thence South 77 degrees 35 minutes 14 seconds East to and then along the Northerly line of the Plat of Hawthorn Hills Section 1 as recorded in Plat Book 2, pages 167 and 168 (portions of this plat were vacated by Instrument No. 88-00243), also Lot 138 of Hawthorn Hills as Recorded in Plat Book 15, pages 43 to 45, Instrument No. 88-01256, Also the Replat of Lots 24 through 23, 45 through 53, 72 and parts of Lots 29, 30, 32

92 11106

through 35 and Lot 73 of Hawthorn Hills, as recorded in Plat Book 11, pages 131 through 133 and all as recorded in the Office of the Hamilton County Recorder, a distance of 147.41 feet, the following fifteen (15) calls being along the Northerly and Easterly lines of said plats of Hawthorn Hills; thence North 89 degrees 47 minutes 20 seconds East 140.00 feet; thence South 00 degrees 12 minutes 40 seconds East 165.00 feet; thence North 89 degrees 47 minutes 20 seconds East 34.55 feet; thence South 02 degrees 39 minutes 23 seconds East 307.75 feet; thence South 08 degrees 39 minutes 26 seconds East 139.83 feet; thence North 89 degrees 00 minutes 23 seconds East 137.49 feet; thence South 89 degrees 35 minutes 27 seconds East 282.64 feet; thence South 14 degrees 21 minutes 17 seconds East 200.32 feet; thence North 75 degrees 38 minutes 43 seconds East 177.00 feet; thence South 18 degrees 37 minutes 26 seconds East 122.43 feet; thence South 07 degrees 13 minutes 41 seconds East 138.00 feet; thence South 78 degrees 47 minutes 38 seconds West 12.31 feet; thence South 17 degrees 08 minutes 45 seconds East 143.91 feet; thence North 89 degrees 14 minutes 13 seconds East 80.24 feet; thence North 89 degrees 18 minutes 43 seconds East 165.50 feet to the East line of the Southeast Quarter of said Section 5, also being the West line of the Southwest Quarter of said Section 4; thence North 00 degrees 12 minutes 40 seconds West along the West line of said Southwest Quarter, a distance of 744.28 feet to the Northwest corner of a tract of land described by Instrument No. 89-10493 as recorded in the Office of the Hamilton County Recorder; thence South 75 degrees 55 minutes 18 seconds East along the Northerly line of said tract a distance of 680.11 feet; thence South 89 degrees 07 minutes 53 seconds East parallel with and 1104.50 feet North of the South line of said Section 4, a distance of 1320.42 feet to the Easterly line of the subject property as described by Deed Record 335, page 91, Instrument No. 83-140, Parcel No. 1 as recorded in the Office of the Hamilton County Recorder; thence North 00 degrees 14 minutes 08 seconds West along said Easterly line 2838.76 feet to the North line of the South Half of the Northwest Quarter of said Section 4, being also the South line of the North Half of said Northwest Quarter; thence North 89 degrees 15 minutes 25 seconds East along said South line 486.74 feet to the Southwest corner of an unrecorded 1.763 acres tract of land, the following two (2) calls being along the West and North sides of said unrecorded tract; thence North 00 degrees 07 minutes 16 seconds West parallel with the East line of the Northwest Quarter of said Section 4, a distance of 382.50 feet; thence North 89 degrees 52 minutes 44 seconds East 200.00 feet to the East line of said Northwest Quarter; thence North 00 degrees 16 seconds West along said East line 1388.72 feet to the Southwest corner of said Northwest Quarter; thence South 89 degrees 16 minutes 42 seconds West along the North line of said Northwest Quarter, a distance of 2672.02 feet to the Northwest corner of said Northwest Quarter; thence South 00 degrees 16 minutes 53 seconds East along the West line of said Northwest Quarter, a distance of 1745.13 feet to the Southwest corner of the North Half of said Northwest Quarter, also being the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 5; thence South 89 degrees 34 minutes 00 seconds West along the North line of said Quarter-Quarter section 1322.93 feet to the Northwest corner of said Quarter-Quarter section; thence continue South 89 degrees 34 minutes 00 seconds West along the North line

9211106

of the Southwest Quarter of said Northeast Quarter, a distance of 1322.98 feet to the Northwest corner of said Quarter-Quarter; thence South 00 degrees 03 minutes 43 seconds East along the West line of said Quarter-Quarter section 1314.05 feet to the Northwest of the Southeast Quarter of said Section 4; thence South 00 degrees 28 minutes 18 seconds East along the West line of said Southeast Quarter, a distance of 410.00 feet; thence South 86 degrees 24 minutes 33 seconds West 187.23 feet; thence South 39 degrees 26 minutes 37 seconds West 1175.11 feet; thence South 89 degrees 34 minutes 46 seconds West parallel with the North line of the East Half of the Southwest Quarter of said Section 4; a distance of 383.54 feet to the West line of the East Half of said Southwest Quarter; thence North 00 degrees 14 minutes 08 seconds West along said West line 0.68 feet to the Northeast Corner of the Southwest Quarter of said Southwest quarter; thence South 89 degrees 38 minutes 00 seconds West along the North line of said Quarter-Quarter section 1324.49 feet to the Northwest corner of said Quarter-Quarter section; thence South 00 degrees 00 minutes 00 seconds West along the West line of said Quarter-Quarter section 1319.65 feet to the point of beginning and containing 497.774 acres more or less.

ALSO part of the North Half of Section 5, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at the Northwest corner of the Northeast Quarter of said Section 5; thence North 89 degrees 01 minutes 44 seconds East (an assumed bearing) along the North line of said Northeast Quarter, a distance of 229.90 feet to the Southeast corner of the Southwest Quarter of Section 32, Township 18 North, Range 5 East of the Second Principal Meridian; thence North 88 degrees 52 minutes 27 seconds East along the North line of the Northeast Quarter of said Section 5, a distance of 320.43 feet; thence South 00 degrees 03 minutes 39 seconds East 939.35 feet; thence North 88 degrees 52 minutes 27 seconds East 510.00 feet; thence South 00 degrees 03 minutes 39 seconds East 786.72 feet; thence South 89 degrees 34 minutes 00 seconds West 1060.15 feet to the West line of the Northeast Quarter of said Section 5; thence South 00 degrees 03 minutes 43 seconds West along said West line 1314.05 feet to the Southeast corner of the Northwest Quarter of said Section 5; thence South 89 degrees 33 minutes 58 seconds West along the South line of said Northwest Quarter, a distance of 719.92 feet to the West line of the Easterly 50 acres of said Northwest Quarter; thence North 00 degrees 03 minutes 43 seconds West along said West line 3021.36 feet to the North line of said Northwest Quarter; thence North 89 degrees 02 minutes 40 seconds East along said North line 19.99 feet; thence South 00 degrees 03 minutes 43 seconds East 200.00 feet; thence North 89 degrees 02 minutes 40 seconds East parallel with the North line of said Northwest Quarter, a distance of 700.00 feet to the East line of said Northwest Quarter; thence North 00 degrees 03 minutes 43 seconds West along said East line 200.00 feet to the point of beginning and containing 77.632 acres more or less.

ALSO part of the North Half of the Northeast Quarter of Section 5, Township 17 North, Range 5 East of the Second Principal

92 11106

Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Beginning at the Northeast corner of said Northeast Quarter; thence South 00 degrees 16 minutes 53 seconds East (an assumed bearing) along the East line of said Northeast Quarter, a distance of 1745.13 feet to the South line of the North Half of said Northeast Quarter; thence South 89 degrees 34 minutes 00 seconds West along said South line 1585.76 feet; thence North 00 degrees 03 minutes 39 seconds West 786.72 feet; thence North 45 degrees 34 minutes 37 seconds East 1369.51 feet to the North line of said Northeast Quarter; thence North 88 degrees 52 minutes 27 seconds East along said North line 600.00 feet to the point of beginning and containing 52.492 acres more or less.

ALSO part of the East Half of the Southeast Quarter of the Northwest Quarter of Section 4, Township 17 North, Range 5 East of the Second Principal Meridian, Fall Creek Township, Hamilton County, Indiana and described as follows:

Commencing at the Southeast corner of the Northwest Quarter of said Section 4; thence North along the East line of said Northwest Quarter, a distance of 163.85 feet; thence deflecting to the left 90 degrees a distance of 200.00 feet; thence deflecting to the right 90 degrees a distance of 650.00 feet to the point of beginning; thence deflecting to the left 90 degrees a distance of 467 feet more or less to the West line of the East Half of the Southeast Quarter of said Northwest Quarter; thence South along said West line 450 feet to a line 450.00 feet South of and parallel with the North line of this description; thence East parallel with the North line of this description 467 feet to a point 200.00 feet East of the East line of said Northwest Quarter; thence North parallel with the East line of said Northwest Quarter 450.00 feet to the point of beginning and containing 4.779 acres more or less.

ALSO part of the Southwest Quarter of Section 5, Township 17 North, Range 5 East, Hamilton County, Indiana and being more specifically described as follows:

Beginning on the West line of said Quarter Section, North 00 degrees 18 minutes 12 seconds East 2244.00 feet from the Southwest corner thereof; thence continue North 00 degrees 18 minutes 12 seconds East, on and along said West line, 66.00 feet; thence South 89 degrees 55 minutes 24 seconds East parallel to the South line of said Quarter Section, 1320.33 feet to the West line of the East Half of said Quarter Section; thence North 00 degrees 06 minutes 46 seconds East, on and along said West line 340.94 feet to the Northwest Corner of said Half Quarter Section; thence South 89 degrees 40 minutes 59 seconds East, on and along the North line of said Half Quarter Section 1319.18 feet to the Northeast Corner thereof; thence South 00 degrees 04 minutes 43 seconds East, on and along the East line of said Quarter Section, 410.73 feet to its intersection with an East-West fence line prolonged; thence South 86 degrees 35 minutes 30 seconds West, on and along said fence line and fence line prolonged, 187.23 feet to an existing corner post; thence South 39 degrees 50 minutes 52 seconds West generally along an existing fence 1174.73 feet;

9211106

thence North 89 degrees 40 minutes 59 seconds West, parallel to the North line of said Half Quarter Section, 382.74 feet to the West line of said Half-Quarter Section; thence North 00 degrees 06 minutes 46 seconds East, on and along said west line 922.00 feet; thence North 89 degrees 55 minutes 24 seconds West, parallel with the South line of said Quarter Section, 1320.55 feet to the place of beginning and containing 30.56 acres more or less.

ALSO part of the Southwest Quarter of Section 5, Township 17 North, Range 5 East in Fall Creek Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at a point on the West line of Section 5, Township 17 North, Range 5 East, said point being North 00 degrees 00 minutes 00 seconds (assumed bearing) 1956.55 feet from an iron rod marking the Southwest corner of said Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds 287.45 feet on and along the West line of said Section 5; thence North 89 degrees 46 minutes 52 seconds East 1320.00 feet parallel with the South line of the Southwest Quarter of said Section 5; thence South 00 degrees 00 minutes 00 seconds 287.45 feet; thence South 89 degrees 46 minutes 52 seconds West 1320.00 feet to the place of beginning, containing 8.71 acres, more or less.

9211106

EXHIBIT "C"
Development Guidelines

Hamilton Proper West
Amendment to Planned Unit Development
Hamilton County, Indiana
January 10, 1992

Developer: Land Innovators Co.

9211106

I. STATEMENT OF PURPOSE AND INTENT

The Legends at Geist is a planned community. While its primary focus is residential, both the recreational and environmental components play an integral part in creating a unique living environment.

The Legends at Geist development standards are intended to carry out the goals of this planned community. They are written to ensure a unified, quality development. Through creativity in design, sensitivity to the characteristics of the site and compatibility of land uses, a commitment is made to the future of the community.

The following principles will be used in guiding development towards a planned community which can respond to changing market conditions.

- * Encouraging FLEXIBILITY in site design with respect to building spacing, heights and density of buildings, open space, street widths and parking.
- * Allowing a variety of CREATIVE SOLUTIONS to project design that may not be possible through the strict application of the local zoning and subdivision regulations.
- * Encouraging a mixed-use, MASTER PLANNED community providing for residential, recreational, and community services.
- * Encouraging INNOVATIONS in land use that result in the availability of attractive development opportunities.
- * Maximizing the UNIQUE physical features of The Legends at Geist.
- * Creating development patterns and project design that further the GOALS and POLICIES of the local governmental agencies.
- * Providing appropriate TRANSITIONS between land uses while encouraging an overall community focus.
- * Proving FLEXIBILITY for both land use type and density to be TRANSFERRED between parcels.

9211106

II. AUTHORITY/DEFINITIONS

AUTHORITY

These standards shall apply to all property contained within The Legends at Geist Planned Development. The regulations and requirements shall become the governing standards for review, approval, and modification of all development activities occurring on The Legends of Geist site. Provisions of this guide shall prevail and govern the development of The Legends at Geist, superseding existing zoning and subdivision ordinances. The subdivision and zoning ordinances and regulations of the appropriate governmental entity shall apply where the provisions of this guide do not address a specific subject, or where the plan commission or council provides changes.

DEFINITIONS

The following definition shall apply:

Community Services - Is intended to serve only the immediately surrounding residential neighborhood needs. No use shall be a heavy traffic generator. No residential land uses can occur in this parcel because it is within the flood fringe area. However, it is appropriate for genuine community services and those uses intended to provide convenience support for the neighborhoods.

Examples of primary permitted uses:

- * Community services - firehouse, school, church, police roll call center
- * Education - day care, school
- * Recreational - community park, clubhouse

III. LAND USE STANDARDS

There are four primary land use categories within The Legends at Geist conceptual Planned Unit Development:

	<u>QUANTITIES</u>	<u>PERCENTAGES</u>
Residential	345.6 Acres	51%
Community Services/Lift Station	10.9 Acres	2%
Golf Course/Open Space*	289.3 Acres	43%
Collector Road R.O.W.	26.1 Acres	4%
TOTAL	671.9 Acres	100%

* Includes surface area of open water bodies

Development standards and permissible land uses for parcels denoted as Golf Course, Open Space or Community Services shall be regulated by the R1 district requirements of the Noblesville Zoning Ordinance - 1988, as amended

9211106

A. DEVELOPMENT DENSITY

Transfer of densities is permitted between parcels for flexibility purposes. When all residential parcel densities are added together, this total shall not be greater than 1,146 dwelling units. The density permitted on any parcel is a gross overall density. The maximum density per parcel and the total of 1,146 dwelling units for The Legends at Geist development shall not be exceeded without a formal amendment to the Planned Development. Modifications of 10% to parcel boundaries shall be permitted when final design is determined.

Development density maximums shall be determined on a parcel by parcel basis as specified in the following pages. Individual residential land use parcels shall be categorized into four different development density classifications, Large Lot Residential, Medium Lot Residential/One, Medium Lot Residential/Two and Small Lot Residential, which shall have the following maximum gross development densities, expressed in terms of the number of Dwelling Units (DU) per gross acre (AC):

- Large Lot Residential (LLR) - 1.5 DU/AC
- Medium Lot Residential/One (MLR/1) - 2.5 DU/AC
- Medium Lot Residential/Two (MLR/2) - 3.0 DU/AC
- Small Lot Residential - (SLR) 5.0 DU/AC

- Overall Project - 1.71 DU/AC

B. RESIDENTIAL DEVELOPMENTAL STANDARDS

The following Table shall establish certain developmental standards for the construction of improvements for the residential parcels within The Legends at Geist Planned Development. Standards not listed in Table I shall be as established by the Noblesville Zoning Ordinance. Minimum lot sizes and lot widths will not be regulated, but will be determined by the parcel development density and setback requirements.

TABLE I

DEVELOPMENTAL STANDARD	SLR	MLR/2	MLR/1	LLR
Front Yard Setback	20'	25'	25'	25'
Side Yard Setback	5'*	7'*	8'	10'
- Aggregate	10'	16'	20'	25'
- 10% Deviation	NA	1'	1'	1'
Rear Yard Setback	20'	20'	20'	25'
- Accessory Building	?	?	?	?
- 10% Deviation	2'	2'	2'	2.5'
Minimum Lot Frontage	20'	20'	20'	20'
Minimum Floor Area (Excluding garages, porches)	?	?	?	?
Off-street Parking Spaces	2	2	2	2

9211106

* Zero lot line (ZLL) development may be allowed in these density classifications. If ZLL development is proposed, the minimum side yard setback is 0'.

All improvements on lots within individual parcels must adhere to the Development Standards specified in Table I, except as follows:

- up to 10% of the lots within any individual parcel may be allowed to deviate from either or both of the Side Yard and Rear Yard Setback requirements listed in Table I by the amount allowed in the Table (approximately 10%).
- Deviations from the setback requirements shall only apply to the dwelling units. Once a lot is recorded as having a setback deviation, it shall be recorded as one of the lots that constitute 10% of the lots in the parcel that are allowed such deviation. When the 10% figure is reached, no additional setback deviations shall be allowed for additional lots.

C. ZERO LOT LINE DEVELOPMENT

Zero lot line (ZLL) development shall be allowed within the SLR and MLR/2 density classifications. If ZLL development is desired by the developer, then all lots within a designated parcel must be laid out with the appropriate dwelling unit separations. If ZLL development is proposed, then dwelling units within ZLL areas shall not be allowed to have windows on exterior walls that lie within the required side yard setback from a property line.

Where a ZLL development directly abuts a lower density residential area (i.e., is not separated by a roadway, golf course or water body, etc.), transitional landscaping and screening techniques shall be employed to buffer the visual impact of the higher density area. A minimum perimeter setback of 20' shall also be required in such instances, regardless of whether the ZLL perimeter is a side or rear yard.

921106

Exhibit "C" - Development Guidelines
The Legends at Geist

PARCEL: 24

USE: Community Services
AREA: 0.7 Acres

Maximum Number of Lots: 1146

This Instrument recorded 3-30 1982
Sharon K. Cherry, Recorder, Hamilton County, Indiana

921106