

Requested By: plc9720574 04/22/2002

Instrument  
9709720574

39.00

(16)+1

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR STONEY CREEK VILLAGE

THIS DECLARATION, dated May 12, 1997, is by C.P. MORGAN COMMUNITIES, L.P., an Indiana limited partnership ("Developer").

Recitals:

A. Developer is the purchaser and owner of all of the lands contained in the area shown on Exhibit "A", attached hereto and made a part hereof, which lands will be subdivided for development of Stoney Creek Village, a single family housing development in Hamilton County, Indiana (the "Development"), and will be more particularly described on the plats of the various sections thereof recorded and to be recorded in the Office of the Recorder of Hamilton County, Indiana (the "Plats").

B. Developer is about to sell and convey the residential lots situated within the platted areas of the Development and before doing so desires to subject and impose upon all real estate within the platted areas of the Development mutual and beneficial restrictions, covenants, conditions and charges contained herein and as set forth in the Plats (the "Declaration" or "Restrictions") under a general plan or scheme of improvement for the benefit and complement of the lots and lands in the Development and future owners thereof.

Terms:

NOW, THEREFORE, Developer hereby declares that all of the platted lots and lands located within the Development are held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, subject to the Restrictions, all of which are declared and agreed to be in furtherance of a plan for the improvement and sale of said lots and lands in the Development, and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the Development as a whole and of each of said lots situated therein. All of the Restrictions shall run with the land and shall be binding upon Developer and upon the parties having or acquiring any right, title or interest, legal or equitable, in and to the real property or any part or parts thereof subject to the Restrictions, and shall inure to the benefit of Developer's successors in title to any real estate in the Development. Developer specifically reserves unto itself the right and privilege to exclude any real estate from the Development, or to include additional real estate in the Development including real estate adjacent to the Development.

9709720574  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
MARY L CLARK  
On 05-28-1997 At 10:54 am.  
DEC COV RES 39.00

Requested By: plc17881 04/22/2002

200100017881  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
MARY L CLARK  
04-05-2001 03:16 pm.  
MISC 15.00

15.00  
3



### Surveyor's Report - Stoney Creek Village Sections 1 and 2

This report outlines a retracement survey of the lots in Stoney Creek Village Section 1, a subdivision in Hamilton County, Indiana (Instrument No. 9709720575 filed as Slide 781 in Plat Cabinet 1 in the Office of the Recorder of said County) and Stoney Creek Village Section 2, a subdivision in Hamilton County, Indiana (Instrument No. 9709752835 filed as Slide 55 in Plat Cabinet 2 in the Office of the Recorder of said County). This survey was performed in order to meet the subdivision monumentation requirements of the City of Noblesville.

Reference is hereby made to said record plats in lieu of a separate plat of survey for this retracement.

This retracement was based expressly on the record plats of Stoney Creek Village Sections 1 and 2. It was prepared without benefit of current evidence of source of title for the subject lots and is therefore subject to any statement of facts revealed by examination of such documents.

In accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code ("Rule 12"), the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established this survey as a result of uncertainties in reference monumentation; in record descriptions and plats; in lines of occupation; and as introduced by random errors in measurement ("Theoretical Uncertainty"). There may be unwritten rights associated with these uncertainties. The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines.

Unless otherwise noted herein, there was no evidence of occupation along the perimeter lines of the subject tract. All survey monuments set or found this survey were flush with existing grade unless otherwise noted.

The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Class B Survey (0.25 feet) as defined in IAC 865.

No uncertainties were found with respect to the bearings and distances on the record plats.

SHEET 1 of 3

Requested By: pic17881 04/22/2002

The reference monuments utilized as the basis for this retracement were the various aluminum centerline monuments in Stoney Creek Village Sections 1 and 2 set by The Schneider Corporation with the construction of the subdivision. The uncertainty associated with these monuments is estimated to be 0.2 feet.

Concrete monuments were set at the following locations:

- Northeast corner Lot 38
- Northwest corner of Common Area at northwest corner of subdivision
- Southwest corner Lot 132
- Southeast corner Lot 1

5/8 inch rebars with yellow caps stamped "Firm #0001" were set (or found based on a previous lot survey by The Schneider Corporation) at all lot corners and at all points of curvature and points of tangency on all lot lines except as identified and explained as follows:

- Southeasterly and northwesterly corners Lot 38 (unidentified 5/8 inch rebar found at corner)
- Southwest corner Lot 39 (fell on manhole)
- Southwest corner Lot 44 (wood fence on corner)
- Southwest corner Lot 51 (cut "X" set in concrete swale)
- Southwest corner Lot 58 (chain link fence post at corner)
- Northwest, northeast and southeast corners Lot 62 (Rebars with Lee Miller, L.S. caps found at corners)
- Southwest corner Lot 62 (cut "X" set in concrete swale)
- Four corners of Lot 76 (rebars with caps stamped "RLS #0257" found at corners)
- Southeast corner Lot 87 (cut "X" set in concrete swale)
- Southeast corner Lot 98 (cut "X" set in concrete swale)
- Northerly and westerly corners Lot 102 (unidentified 1 inch iron pins found at corners)
- Northwest corner Lot 110 (unidentified 1/2 inch iron pin found at corner)
- Southeast corner and points of curvature at northeast corner of Lot 110 (rebars with Lee Miller, L.S. caps found at corners)

SHEET 2 of 3

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**Certificate of Survey**

To the best of my knowledge and belief the within plat represents a survey made under my supervision in accordance with Title 865, Article 1, Chapter 12 of the Indiana Administrative Code. The field work for this survey was performed in January 12-19, 2000.

*Gary R. Kent*  
\_\_\_\_\_  
Gary R. Kent  
Registered Land Surveyor #S0389  
March 29, 2001



STATE OF INDIANA     )  
  )  
COUNTY OF HAMILTON    )

Before me, the undersigned Notary Public, in and for the County and State, personally appeared Gary R. Kent and acknowledged the execution of the above and foregoing as his voluntary act and deed for the uses and purposes therein expressed.

Notary Public                     *Kristin J. Stackey*  
  \_\_\_\_\_  
Printed name                     Kristin J. Stackey  
My Commission expires         2/26/09  
County of Residence             Hancock



*Prepared by Gary R. Kent*  
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3/29/01 4:59 PM

**SHEET 3 of 3**

